

**TOWN OF BEDFORD
TOWN COUNCIL MEETING MINUTES
October 10, 2019
BEDFORD MEETING ROOM
10 MEETINGHOUSE ROAD**

1. ROLL CALL: A meeting of the Bedford Town Council was held on Wednesday, October 10, 2019 at the Bedford Meeting Room, 10 Meetinghouse Rd. Present were Bill Duschatko (Chair) and Councilors Denise Ricciardi, Phil Greazzo, Dave Gilbert, Chris Bandazian, and Catherine Rombeau. Also present was Town Manager Rick Sawyer. Councilor Stevens had an excused absence.

Chairman Duschatko opened the meeting at 7:00 PM.

2. PLEDGE OF ALLEGIANCE – Led by Councilor Bandazian.

3. PUBLIC COMMENTS –

Bill Greiner, 12 Aspen Lane, appreciated the Council moving their meeting to Thursday night because of the Jewish holiday on Wednesday. He read the following statement:

The Town right now is very much divided, confused, angry, etc. over where we currently sit with the zoning that was adopted for workforce housing last March, because of the proliferation of new apartment projects that have just come forward and the ones that are being rumored to come forward. Some of the projects that are being proposed are market rate, others are workforce. It's very easy for a property owner to switch to workforce and if that's the case they will certainly be approved if they are well put together. For the record, I told the Planning Board last winter that the citizen petition to change workforce housing zoning to allow them in the performance zone would open up Pandora's box and we would see 1,000 new apartments come forward. Seven months later, we are pretty close to that. Also for the record, I do not own any parcels of property in the Performance zone, which have been or will be brought forward for workforce housing. You can take note of this now and quote me on that later if you choose. I'm speaking to you this evening, because you are the governing body of Bedford. You are the ones that people look to for guidance and leadership and I would suggest the Town Council step up now and address workforce housing in our community. What do I mean by this? 1) You need to educate the community as to what the NH law about workforce housing requires of each and every community. 2) You need to educate the community about what can and cannot be done when workforce housing projects come before the Planning Board of which you appoint members and two of you in fact are members. 3) You need to educate the community about the ramifications to a town if a planning board simply denies approving a project which is permitted and does not require any variance. 4) You need to educate the community that the Planning Board is a group of appointed individuals that must adhere to planning and zoning regulations and respect property owners' rights. The Planning Board members cannot simply be allowed to be targets and punching bags, because of what our community does not know or because of the reckless actions of a few people. 5) You need to work with the Planning Board to come up with better zoning regulations pertaining to workforce housing. Going back to point #1, that means coming up with zoning regulations that are consistent with the State law, but do not open up this community to the thousands of apartments, which is on track to happen as a result of the

March citizen's petition. The current workforce housing ordinance as written would not stand up in a court of law. You can certainly confirm that with your counsel and any number of land use attorneys. What is on the books now is a disaster and was crafted by two individuals on a vendetta that had no idea what they were getting Bedford into. I know the people in Town did their best to try to educate them as to the perils they would be creating, but they simply didn't care to listen and so here we are. So what advice would I give to the Town Council for items 1-5? I would encourage you to hire a land use attorney who is neutral meaning they have not appeared in front of the Planning Board any time in the last 12 months. Have that attorney hold a joint Town Council/Planning Board workshop on workforce housing so that it is clear as to what the law is and what can and cannot be done and what must be permitted. Additionally, you could invite someone to the workshop from the NH Housing Authority or any other organization that can address the need for affordable housing and how that impacts economic development. I would suggest the meeting take place at Bedford High School auditorium to allow for maximum exposure to the public and of course the workshop or workshops are televised on BCTV. Perhaps zoning recommendations could come out of that process. I personally have my own ideas as to how to modify the current zoning regulations governing workforce housing, but it would be better for many different perspectives to be discussed in a workshop environment. Of course, the Council doesn't need to respond to me and can certainly take a pass on what I am suggesting. That's a choice. After all, workforce housing is a hot topic. I would respectfully suggest, however, the best approach is not to worry about politics. It would in fact be to take on a tough issue for discussion and to lead. I believe engaging the community on the issue in the manner I've laid out will serve everyone well. Doing nothing may very well get the current zoning challenged and thrown out by a judge, which means a workforce housing project could pop up anywhere in our town.

Paul O'Donnell, 19 North Amherst Road, was a concerned citizen. He watched what went on over the last year on the sidelines; concerned, but not ready to put his time and effort it and that's now changed. He asked the Council to work with their appointees on the Planning Board and other groups and even other towns to look at a way to best deal with what is about to become a fairly explosive growth for the community that may not be the way their constituents would like. On top of that, the performance zone itself was seen as an opportunity for the Town to really look at expanding its tax base creating a real town center; something the Town could rally around and we're at a spot where they are about to lose that. He asked the Council to step in and lead. He sees a lot of people that have given a lot of time to the community and he's asking them to do so again.

4. NEW BUSINESS

a. Celebration of Red Ribbon Week

Police Chief Bryfonski stated that Red Ribbon Week occurs every October and this year it occurs October 23rd to the 31st. It began after the kidnapping, torture and death of DEA special agent Enrique Camarena in Guadalajara, Mexico. It resulted in a community action group that led to the formation of Red Ribbon Week to not only bring attention to the kidnapping and torture and death of special agent Camarena, but to draw attention to substance abuse. New Hampshire has been at the tipping point with respect to the national epidemic on opioid abuse. He talked about overdoses in Bedford including two overdose deaths recently. The Bedford Police Department supports Red

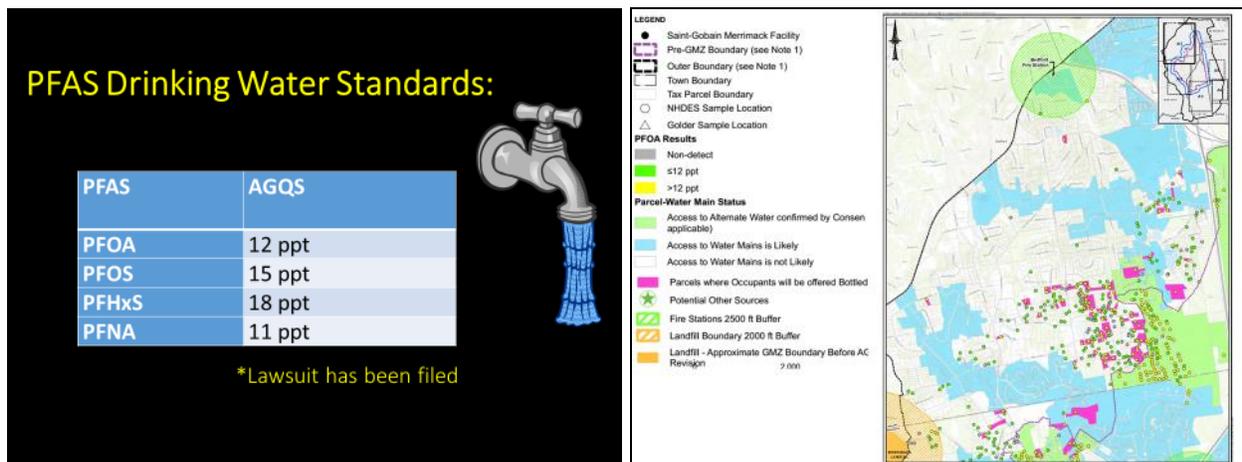
Ribbon Week. He showed a PSA video with the president of BeBold. This is the second year that the Town facilities will be painted in red drawing attention to substance abuse. He gave a shout out to Joy Monfried who was the speaker on the PSA and all of the members of BeBold; volunteers who put a lot of hard work and effort into the community to try and stem the tide of substance abuse and making sure they are raising the next generation of healthy young people.

b. PFAS Contamination Update

Mr. Sawyer stated that he would like to try and update the public on what’s going on. The most important thing is from a number of residents asking if they would have a chance to be informed about what was going on, why they were just given bottled, and why they are about to have their well tested. The State has called for a public information meeting in Merrimack on November 5th at 6:00 PM at the James Masticola Elementary School on Baboosic Lake Road. Councilor Rombeau wanted to know what was going to be addressed at that meeting. Mr. Sawyer stated that they were taking public testimony on a permit that is needed at the Saint Gobain plant for their air monitoring testing. Councilor Bandazian stated that it’s for the equipment to clean the air emissions. Mr. Sawyer stated that they need a public hearing to review that. They are also going to give the typical education on what’s going on and an update as to why and how all of these new additional people are getting bottled water.

Mr. Sawyer stated that the State set new standards for the four PFAS chemicals (see slide). A lawsuit had been filed by 3m and others to challenge these in court and the State is in the process of defending that. There has been no testimony yet.

A new map and a new work plan came out from Saint Gobain and the State is still in the process of reviewing aspects of the work plan, but on September 30th when the new standards became effective, Saint Gobain on their own decided to issue bottled water to residents in Bedford, Merrimack, Litchfield, Manchester and Londonderry. The magenta properties on the first map are the 72 additional properties receiving bottled water.



The second map shows the issue is expanding and anybody with a yellow dot exceeds the 12/ppt of PFOA. All of these tests are from the last three years or three years ago in most cases when the initial testing was being done. A green dot means they are below the 12/ppt. What's different this time is that it's scattered. It's growing, but they haven't blanketed everybody with bottled water; they've only given it to those who have tested at 12/ppt or higher. There are properties where on either side and across the road are getting bottled water, but they are in the middle and not getting bottled water. It's a completely different approach than what the State allowed Saint Gobain to take the last time. He's sure it will be discussed at the November 5th meeting.



Mr. Sawyer stated that the next piece to the investigation that is now starting is that water tests will be done on 250 properties in Bedford alone. It's only in the area closest to the people who previously had the biggest issues and had the water line extended. They are doing it in phases and the first 250 properties in Bedford don't include everybody who is going to be on bottled water. The State is okay with that and felt that these 250 have the highest concentrations. If anyone is interested in those specific properties getting well tests, there is a list of all of those properties and letters to those properties should be going out in the next three weeks. After the initial round of 250 properties are completed, the State will work with Saint Gobain to have testing done on additional properties further away. If anyone has any questions they can call his office at any time, call the State, DES, or attend the meeting on November 5th at 6:00pm.

Councilor Bandazian attended the first meeting of the PFAS Commission. He stated that there was a new standard that went into effect on October 1st. The State DES asked Saint Gobain to come up with a work plan. They have issues with it. There is a lot more testing to be done than what's been proposed. The info they have from the State was that this was only the first phase intended to be done in the last three months of this year and then beginning of next year they will start to do some more testing. It does not appear to be an issue of not having enough labs. No one in the room felt that the amount of testing that is done produced a reliable picture of what they are facing. It is the air emission control equipment that is having a public hearing. That equipment will be installed sometime in 2020. He thought there was still a little bit of PFAS substances that are being emitted. They were told back before there were any reductions, 900

pounds a year. It's down to one pound a year, but there are still some emissions from residue there. The Commission divided themselves up into subcommittees tracking the goals of the statute and those are being populated and will be doing follow up meetings with the entire Commission the first Friday of the month for the next two months. He's always available to take input from people.

Councilor Rombeau wanted to know if there was any insight as to why they are only doing the 250 properties. Councilor Bandazian stated that they picked the places for bottled water that had the highest test results. He doesn't know why they are doing the testing in phases. Personally, he feels the quality of the testing that's going on now was still too variable. Hopefully that improves with time and becomes more standard lab to lab, but they've got a long way to go.

Kamee Leshner, 44 Olde English Road, wanted to know if the properties that were being flagged were previously tested by the State or were they private tests that were recorded somewhere and they are now going back and looking at it and those people being notified. She was wondering if there were people out there that had their water tested in the past two or three years, think they are okay, but because they weren't tested through some kind of State mechanism they are actually not okay, but they aren't being notified. Mr. Sawyer believes that some of the furthest away properties that show up on the map had to have been done privately and they reported the results to the State. When the testing was going on, the State would only pay for tests in the Saint Gobain study area and those properties were well outside of that. Some on Olde English were paid for by the State. Ms. Leshner stated that all of the positive ones and all of the properties that are tested are on the downhill side of the street and supposedly it's the uphill properties that are more likely to have the higher results. Councilor Bandazian stated that it's hard to derive any conclusions like that. It's way more complicated. Mr. Sawyer added that he would not draw that conclusion at all. It does not seem to be dependent on elevation or location at all. It's almost completely random as to who has the highest test results. Ms. Leshner wanted to know the cost of having the testing done privately. Councilor Bandazian stated \$300-500. Ms. Leshner wanted to know the timeline for the next round of testing. Councilor Bandazian stated that according to the work plan it should be done in the next three months.

c. Other New Business –

Councilor Ricciardi stated that today is Children's Environmental Health Day. The proclamation was re-signed this morning. She wanted to remind everyone that it is to raise awareness about the importance of clean air and water, safe food and consumer products, and healthy environments for our children's health and development.

5. OLD BUSINESS

a. **Other Old Business – None.**

6. APPROVAL OF MINUTES

a. Public Session – September 25, 2019

MOTION by Councilor Bandazian that the Bedford Town Council approve the minutes of the September 25, 2019 public session. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 5-0-1 (Rombeau abstained as she was not present for the meeting).

7. TOWN MANAGER REPORT

- 1) October 14th – Columbus Day – Library will be closed to the public for staff training; all other facilities will be open. The Transfer Station will be closed as is typical on Mondays.
- 2) Town Office Building will be closed Thursday, October 17, 2019 from 1–4:30 PM so that the staff can attend an employee appreciation luncheon and mandatory safety training. You will not be able to register motor vehicles, pay bills, meet with staff, or obtain vital records during this time.
- 3) October 25th – Last day to change your party affiliation prior to the February Primary Election. The Supervisors of the Checklist will hold extra hours 7-8PM.
- 4) National Red Ribbon Week October 23-31, 2019, “Send A Message. Stay Drug Free” is the theme this year. Please join us in recognizing this week by decorating your home, mailbox or fence. Several town buildings and grounds will be illuminated in red during the week. Red bulbs can be obtained at Ace Hardware and obtain red ribbons at Primary Bank or Cohen Closing and Title.
- 5) National Drug Take Back Day – Saturday, October 26th between 10 AM and 2 PM. Residents can dispose of their prescription drugs at the Bedford Police Station, 55 Constitution Drive 24 hours a day, 365 days a year, but we bring special attention to issue on the National Drug Take Back Day.
- 6) October 16th – Police Swearing In Ceremony, Safety Complex, 9 AM.
- 7) October 17th – NH Governor’s Advisory Commission on Intermodal Transportation (GACIT) will be holding a hearing on the draft 2021-2030 10-Year Plan, 7PM, BCTV.
- 8) October 20th – Adult & Senior Movie Matinee, “Queen of the Desert”, 2 PM, Library.
- 9) October 31st – Trick or Treating 6:00-8:00 PM.
- 10) November 5th – Public hearing and information night – PFAS contamination issue – Masticola Elementary School, 26 Baboosic Lake Road, Merrimack @ 6:00 PM.

8. COUNCILOR COMMENTS AND COMMITTEE UPDATES

Councilor Gilbert mentioned that Parks & Recreation Commission meeting where they discussed potentially creating a policy for naming rights at parks, fields and recreational facilities. They will be going over it again at their next meeting and bringing it to the Council when they are ready.

Councilor Rombeau thanked the Fire Department for the open house. It was a great event again and she had the opportunity to ride on the antique fire truck from 1929 for

the first time. Chief Wiggin drove it. It was a nice event and she appreciates the whole Fire Department team staying and being so present with the families.

Councilor Bandazian mentioned that he had the pleasure of running on the new sidewalks along Route 101 for the last couple of months. He noticed that they have a very attractive center of Town that people can't appreciate any other way other than being on foot. Also, it's the only time he feels safe on Bedford roads. He thought it was a shame that bicycles are not legally allowed to go on the sidewalks. Six feet wide is not ideal, but it's not uncommon for pedestrians and bicycles to share a six foot wide bike path. It is State property, so he's not sure that the Council would be able to pass an ordinance allowing a variance once maintenance is turned over to the Town. He would be interested in a one-year trial that sunsetted with appropriate rules for speed and audible warnings yielding to pedestrians. He thought it would be a great thing to open that up to more people.

Chairman Duschatko stated that he received a letter from the Currier Museum of Art regarding a program that begins on Saturday, October 26th with a free community day. The exhibition is called 'We are for Freedoms' put on by an artist collaborative for freedoms. It comprised of an art exhibit of public art on billboards and bus shelters in Manchester and a series of town hall discussions at the museum. It's all keyed into setting up the atmosphere for the upcoming primary in February, but t's a non-partisan event

9. NON-PUBLIC – RSA 91-A:3 II(d) (if necessary)

MOTION by Councilor Bandazian to go into Non-Public Session under RSA 91-A:3 II (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. Seconded by Councilor Gilbert.

Roll Call Vote: Ricciardi-aye, Greazzo-aye, Gilbert-aye, Duschatko-aye, Bandazian-aye, Rombeau-aye.

Public Session ended at 7:43 PM.

Respectfully submitted,

Dawn Boufford