

**TOWN OF BEDFORD
TOWN COUNCIL MEETING
June 29, 2016
BEDFORD MEETING ROOM
10 MEETINGHOUSE ROAD**

1. ROLL CALL: A meeting of the Bedford Town Council was held on Wednesday, June 29, 2016 at the Bedford Meeting Room, 10 Meetinghouse Road. Present were Kelleigh Murphy (Chairwoman), Councilors Jim Aguiar, John Schneller, Bill Duschatko, Chris Bandazian, Melissa Stevens, and David Gilbert. Also present was Town Manager Rick Sawyer.

Chairwoman Murphy opened the meeting at 7:00 PM.

2. PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Councilor Stevens.

3. PUBLIC COMMENTS – None.

4. NEW BUSINESS

a. Civil Forfeiture Warrant

Lori Radke, Town Clerk, asked that the Council issue a warrant so that they can collect civil forfeiture fines for those dogs that have not yet been licensed as of July 6th. They sent about 650 reminders for dogs that had not been licensed and they are down to 342 dogs that still need to be licensed. They have until July 6th to register their dogs. After that, they will be charged a \$25 civil forfeiture fine.

MOTION by Councilor Bandazian that the Bedford Town Council, pursuant of RSA 466:14, authorize the Town Clerk and Animal Control Officer, on behalf of the Town Council, to send civil forfeiture letters and collect civil forfeiture fines to all dog owners of Bedford who have not licensed their dog as of July 6, 2016. Seconded by Councilor Stevens. Vote taken – Motion Passed – 7-0.

Ms. Radke thanked Councilor Schneller and Councilor Gilbert for their help at the Strawberry Festival.

b. Schedule a Public Hearing to amend Article 262-7 for Stop Signs on Nashua Road at County Road and Liberty Hill at County Road

Mr. Sawyer explained that they had been conducting a test at those two locations as part of the Highway Safety Committee study of those two intersections based on concerns raised by residents, staff and the schools. The Highway Safety Committee recommends that the 4-way stops stay at least as an interim solution.

MOTION by Councilor Aguiar that the Bedford Town Council schedule a public hearing for Wednesday, July 20, 2016 at 7:00 pm to discuss amending Chapter 262, Bedford Town Ordinance, at Section 262-7, Stop Signs, to reflect stop signs on Nashua Road at the intersection of County Road and Liberty Hill Road at the intersection of County Road. Seconded by Councilor Bandazian. Vote taken – Motion Passed – 7-0.

c. Award of Public Safety Communications Phase IV Contract

Mr. Sawyer explained that at the February 11, 2015 Council meeting, the Council voted to accept a grant in the amount of \$224,049 for Phase IV of a regional safety radio system upgrade project. They are now ready to move forward with the project and to award the contract.

Councilor Aguiar wanted to know who had ownership of the equipment. Chief Bryfonski stated that Bedford would receive approximately \$31k worth of equipment and it becomes the responsibility of the Town of Bedford to upkeep it. Each particular town would be required to maintain the piece of equipment that is associated with their system.

MOTION by Councilor Aguiar that the Bedford Town Council award the Phase IV of the Regional Communications Project to 2-Way Communications, of Newington, NH, in the amount of \$224,003 and authorize the Town Manager to execute the contract and complete the project. Seconded by Councilor Bandazian. Vote taken – Motion Passed – 7-0.

d. Appointment to Southern NH Planning Commission

Chairwoman Murphy stated that she was going to abstain because she has worked with Ms. McGinley and at Devine Millimet in the past.

Mr. Sawyer explained that on May 9th, the Planning Board, in accordance with RSA 36:46 III, unanimously recommended Karen McGinley to be reappointed to the Southern NH Planning Commission for another 4-year term. She's currently serving as the Chairman of the Commission.

MOTION by Councilor Aguiar that the Bedford Town Council reappoint Karen McGinley as a full member to the Southern NH Planning Commission for a term that expires on June 30, 2020. Seconded by Councilor Stevens. Vote taken – Motion Passed – 6-0-1 (Murphy abstained).

Mr. Sawyer thanked Ms. McGinley for doing a great job representing Bedford on the SNHPC.

e. Sewer Bill Waivers

Mr. Sawyer explained that they've identified 26 properties that had not been billed for sewer services that they had been receiving for a number of years. On June 7th, the Water & Sewer Advisory Committee recommended waiving the back billing of those properties. They also formed a subcommittee to study what the policy for that should be going forward. Those properties were notified that they would be receiving bills from that point forward. The starting point is November 2015 and will go forward. They may come back with more properties as their research continues.

Jim Stanford, Public Works Director, added that the Water & Sewer Advisory subcommittee has already met and they should be moving forward with a recommendation on a full policy to the full Water & Sewer Advisory Committee hopefully in July and would like to be in front of the Council sooner rather than later. The policy would be within the financial policies of the Town. They wouldn't be recommending an ordinance update at this point. In the future they could amend the policy under a public hearing.

Councilor Bandazian asked about the back billing. Mr. Sawyer explained that the billing would go back to November of 2015. Councilor Bandazian wanted to know how much work it was to back bill the other accounts. Mr. Sawyer explained that they could identify the ones that have meter counts and for the others they would have to an estimated bill. Councilor Bandazian thought they should be treated equally to other people who are current. Mr. Sawyer explained that the RSA allows them to back bill for a period of three years, but they are only back billing to November of 2015.

Mr. Stanford mentioned that there was one customer who admitted that they knew they weren't being billed, so they are recommending full billing back to September 2014.

MOTION by Councilor Bandazian that the Bedford Town Council waive sewer back billing for the properties on the list attached to the staff memo dated March 7, 2016 with the exception of 3 Cooper Lane. Seconded by Councilor Schneller.

Councilor Aguiar wanted to make sure that they are clear on that motion that that includes the current billing back to November 2015. The motion would read:

MOTION by Councilor Bandazian that the Bedford Town Council waive sewer back billing for the properties on the list attached to the staff memo dated March 7, 2016 and includes the current billing back to November 2015 with the exception of 3 Cooper Lane. Seconded by Councilor Schneller.

Councilors Bandazian and Schneller accepted the amendment to the motion.

Vote taken – Motion Passed – 7-0.

f. Road Program Update

Mr. Stanford acknowledged the work of Jeff Foote, Emile Lacerte, Peter Barbuto, and Jeremy Spooner relative to their infrastructure projects.

Mr. Stanford showed a map with all of the road projects. The map also indicated those road projects that are substantially complete, ongoing and postponed. He explained the work that was being done on each of the projects and explanations of why some of the work was being delayed.

Councilor Stevens mentioned the water issues and wanted to know if they would have to get into those roads for any potential fixes. Mr. Sawyer explained that it wouldn't impact any of the current roads under construction.

Councilor Bandazian mentioned utility companies needing to move their poles and wanted to know if the Town had any leverage in getting them to cooperate. Mr. Stanford explained that the regulation requires them to move their poles, but there is nothing in the regulation about timeframe. It's something that Jeff Foote has spent a lot of time on.

Councilor Aguiar wanted to know if there was a way to find out where a particular road was in the Roads Program schedule. Mr. Stanford stated that all they have is the listed posted of the roads that they included in the road bond. It's very difficult to start planning out two and three years. He explained the process they go through in determining the roads including their condition after the winter and coordinating with other road projects.

Councilor Gilbert wanted to know about the roads in red (postponed) and assumed that they would be at the top of the list next year. Mr. Stanford explained that those are in their plans. In some instances they've already done the survey for them. It's just timing of getting the design.

MOTION by Councilor Aguiar that the Bedford Town Council endorse the proposed road work as outlined in the attached June 29, 2016 Roads Program Update and authorize the work to proceed as presented. Seconded by Councilor Duschatko. Vote taken – Motion Passed – 7-0.

g. Change of August 2016 Council meeting date

Chairwoman Murphy explained that she had a scheduling conflict with the August 17th date and would appreciate the change if amendable to the Council.

MOTION by Councilor Aguiar that the Bedford Town Council move the August 17, 2016 Town Council meeting to Wednesday, August 24, 2016. Seconded by Councilor Bandazian. Vote taken – Motion Passed – 7-0.

h. Other New Business

- Pilgrim Drive

Mr. Sawyer explained that based on the actions of the Highway Safety Committee yesterday, he thought it would make sense to continue the project in the same time period as the stop sign discussion.

Chairwoman Murphy explained that this would just be to schedule the public hearing. She was at the Highway Safety meeting. VHB submitted a study where they did testing on the road and there were two curves where the speed limit of 30 mph was deemed excessive and unsafe. Some of the residents has petitioned for some resolution. The recommendation from VHB and from the Highway Safety Committee was that the speed limit be moved from 30 mph to 25 mph. She pointed out that the Highway Safety Committee recommends reducing speed limits only when it's absolutely necessary, so when they vote to recommend it, it's only in cases where there is supporting data and where they feel strongly that it should happen.

MOTION by Councilor Bandazian that the Bedford Town Council schedule a public hearing for Wednesday, July 20, 2016 at 7:00 PM to discuss amending Chapter 262 Bedford Town Ordinance at Section 262-6 Speed Limits to reflect the reduction speed limit along the entire length of Pilgrim Drive from 30 mph to 25 mph. Seconded by Councilor Aguiar. Vote taken – Motion Passed – 7-0.

5. OLD BUSINESS

a. PFOA Water Contamination Update

Mr. Sawyer stated that based on the recommendation by the EPA of a long-term health advisory of 70/ppt of PFOA, PFOS or a combination of the two, the State DES set an emergency standard of 70/ppt for the State of NH for a period of 180 days. They have scheduled a public forum for comments in Litchfield on August 3rd. There will also be hearings in Concord and on August 10th there will be a public hearing held at Pease.

Mr. Sawyer stated that the DES has been doing soil testing on high risk properties in Litchfield and they have no concerns with the soils. There was no soil tested in Bedford. He stated that the DES has asked all public water suppliers to test their water for the presence of PFOA and PFOS. Mr. Sawyer stated that there was a public forum being held now in Merrimack to address the landfill contamination.

He mentioned that the State was now doing blood tests for any residents in any of the Towns that had a well that tested over 70/ppt. Those residents can contact the hotline number or DES to become part of that.

Mr. Sawyer talked about the public water supply area from the water supply in Merrimack that was contaminated and showed a slide of the area. He pointed out that since there was a major change in the way water was being supplied from Merrimack into their system in early May, the levels have been reduced and showed the chart with the contamination level data. The major change was they took their two most contaminated wells offline.

Councilor Duschatko wanted to know why there was such a severe drop in the testing on wells four and five from the past month. Mr. Sawyer stated that he hasn't had anyone explain that to him and couldn't answer it directly.

Councilor Aguiar wanted to know the purpose of the blood testing. Mr. Sawyer thought it was to establish background levels. Councilor Aguiar wanted to know the purpose of having that information. Mr. Sawyer stated that there is medical process to go through to remove that from your blood. Councilor Bandazian stated that one thing that goes along with PFOA ingestion is elevated liver enzymes and would that result in any liver damage. Councilor Aguiar wanted to know if the recent PFC levels for Cabot Preserve of 14, 11, and 9 were considered acceptable levels. Mr. Sawyer explained that with the standard level being set at 70, clearly they are seeing anything in the single digits as a background level. He believes the DES is going to come out and say that a background level of 9 of PFOA and 9 of PFOS combined for 18 is what they are going to consider the background level. Chairwoman Murphy thought the acceptable background level was 3. Mr. Sawyer explained that in the first public meetings they were saying 3, but that was before the federal standard came out.

Mr. Sawyer talked about the St. Gobain site and the study area and showed a slide of that area. He stated that everybody on the map that had a result back is on bottled water. The long-term plan that has been announced is that they had hoped that no one would be on bottled water through the winter. Coming out of today's meeting, they don't believe they will be able to solve the problem in Bedford that quickly, so they are looking to do some sort of interim step, which is point of use, which would be filters at your tap. They are working quickly to identify how they would bring municipal water to that portion of Bedford and the technical group is meeting on July 15th to discuss that and how they might work to get point of use, at their tap filters, installed before the winter.

Mr. Sawyer talked about the Merrimack landfill study area and stated that all of the test results that have come back and the majority are in the single digits with the highest being 22. He thought DES would see them all as background levels.

Chairwoman Murphy wanted to know if the higher level groundwater would flow and drive up the levels in the surrounding areas. Mr. Sawyer stated that the prevailing groundwater is to the south and southeast towards Souhegan or Merrimack rivers so they don't perceive that there would be any additional impacts to the north in Bedford. Mr. Sawyer mentioned that all of the tests are tests that went to the secondary lab that the State just brought online about a month ago. They have announced in a few locations that there is a concern that the results coming out of that lab are significantly

lower than the other lab. They have done some blind testing where they have sent the same sample to both labs and it has come back higher at the initial lab. The information that has been passed on to him is that the results vary between 14 and 60% difference. Chairwoman Murphy wanted to know if they've brought in a 3rd lab. Mr. Sawyer stated that they've brought in experts that are looking at the quality control and the testing procedures of both labs. The initial lab in Washington state is using the very best state-of-the-art science to do it. The other lab in Connecticut was using more of its traditional method, but both are acceptable. They are still waiting for results from the Bedford landfill and should have them very soon.

Mr. Sawyer stated that the governor is involved and has been throughout and has called a meeting with local officials and that's been tentatively scheduled for July 8th.

b. Council Retreat Items

Complete a comprehensive pay and benefit review and analysis for all positions within the Town of Bedford – Mr. Sawyer stated that they have hired a consultant after soliciting proposals from a number of firms. Arthur Gallagher & Company was the selected vendor to complete the study. They are actively involved in doing the Police and Fire department and those results are due back by the end of July, so they can use that data for the ongoing union negotiations with contracts that expire at the end of the year. The rest of the positions will be completed sometime in the fall.

The analysis of the Town Manager review process and updating the review forms as necessary – Councilor Aguiar stated that they were on replacing the current interview form and are strongly considering implementing some method of Department Head feedback into that process. Chairwoman Murphy stated that they are shooting for the September meeting to be able to present a revised form that is a little bit more streamlined and also a form to submit to Department Heads for feedback.

Study any parking issues around schools and make recommendations regarding same for consideration by the appropriate departments and the Town Manager – Councilor Schneller stated that they've made considerable progress. He and Councilor Duschatko reached out to Jim Stanford, Public Works Director, and he gave them quite a bit of information and they think there is a solution for the parking situation. He explained that the Town parking was being burdened by overflow from the schools.

c. Other Old Business

6. APPROVAL OF MINUTES

a. Public Session – May 25, 2016

MOTION by Councilor Bandazian that the Bedford Town Council approve the minutes of the Public Session of May 25, 2016. Seconded by Councilor Duschatko. Vote taken – Motion Passed –7-0.

b. Non-Public Session – May 25, 2016

MOTION by Councilor Bandazian that the Bedford Town Council approve the minutes of the Non-Public Session of May 25, 2016. Seconded by Councilor Duschatko. Vote taken – Motion Passed –7-0.

7. TOWN MANAGER REPORT

- 1) The Bedford Pool will open tomorrow Saturday June 25th from noon-5 PM and will be open the rest of the summer. The opening was delayed one week due to a failure in one of the new pieces of equipment installed as part of our anticipated pump replacement project.
- 2) Online payment of tax bills did go online for June 15th as anticipated and after some software issues that only impacted internal processes everything is working well and the citizens are taking advantage of the convenience. Tax bills have need to be paid by July 7th.
- 3) Congratulations to the Bedford High School for winning State Championships in baseball! A big thank-you goes out to Harry Kozlowski, WBNH Station Manager for covering and broadcasting the championship run as well as several other sports so professionally.
- 4) Open enrollment for town employees is underway and a series of informational meetings were held and a first ever information packed newsletter tailored to union and non-union members was created and distributed.
- 5) The Library HVAC/Geothermal project is progressing as scheduled and the upstairs remains closed until July 1st.
- 6) The Town Hall Roof replacement is complete and the scaffolding will be removed shortly.
- 7) Website - The final design changes on the aesthetics and function of the new town website have been approved and we expect to be live soon.
- 8) Time, Attendance & Scheduling – A team made up of representatives of many departments and lead by the Finance Director have been meeting to develop the RFP for a system to efficiently track and schedule hours worked for all of our employees to better ensure that all labor and contract requirements are being met. The installation of this system will likely take 12 months to complete and will be a significant change for many employees.
- 9) June 28th – The 26th Annual Family Cultural Series continues at 6 PM at the Pool/Recreation Complex Performance Stage. The remaining Tuesday concerts are on 7/5, & 7/12.
- 10) June 30th – Concerts in the Park start with the Manchester Community Music School at 6 PM at the Bedford Village Common. Concerts continue on Thursday nights through August 11th.
- 11) July 4th – Bedford Town Offices, Library, Transfer Station, & BCTV Closed for Independence Day.

8. COUNCILOR COMMENTS

Councilor Schneller stated that the Friends of Bedford Town Cemeteries will be making a presentation at the July 20th meeting regarding the disrepair of the headstones.

Councilor Bandazian stated that there has been a tremendous amount of infrastructure work done and accomplished. He extended appreciation to Jim Stanford and Rick Sawyer. Mr. Stanford is serving on the executive committee for municipal group regarding stormwater and Mr. Sawyer is dealing with PFOA's and extending public drinking water. Councilor Bandazian mentioned that Bill Jennings videotaped the presentation from the consulting engineer, Mike Casella, at the Library explaining how the geothermal system works. That show is up and running on Channel 16.

Councilor Stevens congratulated the graduating class of Bedford High. Go Red Sox!

Councilor Aguiar wanted people to make sure they take time to create memories with their friends and loved ones.

Chairwoman Murphy wished everyone a happy and safe 4th of July weekend. She stated that Mr. Sawyer had done an incredible job as Town Manager so far. Mr. Sawyer stated that it is the team behind him that is doing the majority of the work every day, but appreciated it.

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

MOTION by Councilor Murphy to go into non-public session pursuant to 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; and

RSA 91-A:3 II (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against or by this board or any subdivision thereof, or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled. Seconded by Councilor Aguiar.

Roll Call vote: Schneller-aye, Duschatko-aye, Bandazian-aye, Murphy-aye, Aguiar-aye, Stevens-aye, Gilbert-aye.

The public meeting adjourned at 8:25 PM.

Respectfully submitted,

Dawn Boufford