

**TOWN OF BEDFORD
TOWN COUNCIL MEETING MINUTES
April 3, 2019
BEDFORD MEETING ROOM
10 MEETINGHOUSE ROAD**

1. ROLL CALL: A meeting of the Bedford Town Council was held on Wednesday, April 3, 2019 at the Bedford Meeting Room, 10 Meetinghouse Rd. Present were Bill Duschatko (Chairman), Melissa Stevens (Vice Chair) and Councilors Phil Greazzo, Dave Gilbert, Chris Bandazian, Catherine Rombeau, and Denise Ricciardi. Also present was Town Manager Rick Sawyer.

Chairman Duschatko opened the meeting at 7:10 PM.

2. PLEDGE OF ALLEGIANCE – Led by Councilor Gilbert.

3. PUBLIC COMMENTS – None.

Chairman Duschatko explained that this was the 1st week in April and normally the Council meets on the 2nd Wednesday. There’s a meeting scheduled on the 3rd Wednesday, but they are probably going to cancel that meeting for lack of business.

4. NEW BUSINESS

a. Recognition of Retired Board and Commission members

Chairman Duschatko read the list of the retired board members.

Receiving Certificates of Appreciation

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|-----------------|--------------------------------|------------------------------|
| Monique Rice | – Planning Board | – 1 year |
| William Coder | – Energy Commission | – 1 year |
| Donald Byrne | – WBNH | – 2 years |
| Rene Pincince | – Planning Board | – 2 years |
| Rebecca Durrell | – Historic District Commission | – 2 years |
| | – WBCTV Board of Overseers | – 2 years |
| Dick Barr | – WBNH Board | – 3 years |
| Melinde Byrne | – Cemetery Trustees | – 3 years |
| Phil Bruno | – WBNH Radio Board | – 3 years |
| Shana Potvin | – Energy Commission | – 5 years – 2 years as chair |

Receiving plaques w/ gavels

| | | |
|--------------------|------------------------------------|-------------------------------|
| Bill Greiner | – BCTV Board of Overseers | – 7 years, 1 year as chair |
| Michelle Salvatore | – Conservation Commission | – 9 years, 2 years as chair |
| Paul Arnold | – Water & Sewer Advisory Committee | – 15 years, 10 years as chair |

Michelle Salvatore and Paul Arnold came forward to receive their recognition plaques.

b. Validation of the Protest Petition for 2019 Zoning Amendment #6

Mr. Sawyer explained that in accordance with RSA 675:5, the Council is required to act on the validity of a protest petition when the vote outcome is between 50% and 66.67%. Zoning amendment #6 received 60.72% at the polls in support of the amendment. The staff reviewed the submitted protest petition and determined that it does not represent the required 20% of the property impacted by the amendment as required by the statute. The signers of the petition represent 18.4%. The recommendation is that the Council find the petition invalid and if they do, amendment #6 would pass. The staff did a detailed analysis of all of the assessing records for all of the properties in the commercial district and verified those acreages with the site plans and subdivisions on file. They also had SNHPC run a GIS report of the same district based on the zoning map and came up with a slightly different number, but the lowest number was used here to give the petitioner the best effort. Either way, 18.4% is what came up. The lead petitioner was made aware of it.

MOTION by Councilor Gilbert that the Bedford Town Council determine that the Protest Petition pertaining to 2019 zoning amendment #6 is invalid because the petition does not include enough signatures to represent 20% of the qualifying land area in the Commercial District, as required by RSA 675:5. Seconded by Councilor Ricciardi. Vote taken – Motion Passed – 7-0.

c. Authorization of a Letter to FCC

Bill Jennings, BCTV Station Manager, explained that the FCC proposed change revolves around in-kind services. He explained that the Town negotiates an agreement with Comcast. The in-kind services is taking away some of the fees that they've negotiated out of the Town's pockets. The most recent agreement, which went into effect December 2, 2018, allows the Town to collect fees of up to 15% based on qualified funds in the franchise cable act in the bills that consumers receive. There are qualifying available funds they get based on their subscriptions. This all started in September of 2018. They want to put a value on the infrastructure they have right now. Not only in the BCTV building as it relates to how many channels they have, but where they have dropped certain lines out to their remote locations; any municipality or school building where they have a cable drop or where Comcast has run a cable line. Comcast can put a value on that particular service. What is upsetting is that nobody can get a hold of exactly how that will be interpreted, because the municipality will have no negotiating power. It is an arbitrarily assigned member that the cable providers can assign to anything that they feel is of value to them. The National organization looks at the potential impact of 30-50% of an impact on the revenues. Comcast could look at the three channels the Town has and could find a value of \$10k for channel 16, 22, 23 and an \$15k for the HD channel, so that's \$45k that Comcast might assign that value to that no longer comes to the Town. This is a perfect example of how the FCC circumvents law by using a very biased party, which is republican driven, to circumvent a law.

The proposed rules changes don't impact the subscribers positively in any way. Their franchise fee, a percentage of what they subscribe to based on a formula worked out by the franchise act, as well as the Town and Comcast, is not reduced.

The FCC rules change would radically change immediately and have a bottom line impact on the Town's budget if it were to come to its worst case scenario.

Senator Shaheen and Senator Hassan and Congressman Chris Pappas are very supportive and have sent letters. The FCC has received thousands of letters in opposition to the proposed rules change. Congresswoman Kuster will also be coming on board and will be sending a letter to the FCC Chairman as well. He is asking the Town Council chair to sign a letter to the FCC letting the FCC Chair know that they are opposed to it as well.

Councilor Ricciardi commented that it's great to have the support from NH, but it works even better if they cross reference with other states. Mr. Jennings stated that the letter that Maggie Hassan signed was a consortium of 13 separate senators from various states that jumped on board. In his mind, Bedford has positioned themselves better than any municipality, not only in NH, but in the country.

Councilor Bandazian stated that no cable companies have promised a rate cut when they have this new revenue and Mr. Jennings replied no.

Councilor Stevens wanted to know if this was a bigger issue for NH, because there isn't a lot of competition. Mr. Jennings stated that every state was actively involved. The Town has always welcomed the competition. Right now there is very little competition. Councilor Stevens stated that she was curious if the Town sees it as a bigger issue, because they don't have the competition, so they are under the gun with trying to figure out if Comcast would work fairly with the Town should the rule change pass. Mr. Jennings stated that the competition is lacking; it's not there. Coleen Richardson, Assistant Station Manager explained that the ruling is for all cable companies, not just Comcast. Nationwide, even if a state has two different cable companies, it's going to affect them the same way, so it really doesn't matter whether there is only one Cable Company in NH, which is mostly Comcast. In the other states, those cable companies will have the same opportunity to do the same thing based on the ruling, so the competition part doesn't play into it, because it's going to go across the board; all of the cable companies are going to be affected the same way and have those same opportunities.

Councilor Bandazian suggested that the NH Senators and Congressman be cc'd on the letter.

MOTION by Councilor Stevens that the Bedford Town Council authorize the Town Council Chairman to issue a letter to the FCC in opposition to the proposed changes to the Franchise Cable Act. Seconded by Councilor Bandazian. Vote taken – Motion Passed –7-0.

d. Appointments to Boards/Committees/Commissions

Chairman Duschatko asked for a motion to accept the slate of candidates that were discussed.

MOTION by Councilor Bandazian to accept the slate as discussed. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.

Dawn will notify those that were appointed and advertise any remaining vacant positions.

e. Other New Business – None

5. OLD BUSINESS

a. Adoption of Code of Conduct, Media Policy, and Rules of Procedure

Chairman Duschatko thought they needed to rework some of the language in the Rules of Procedure to clarify things. He suggested that between Councilor Bandazian and himself and anyone else that would like to be involved that they gets something done for the next meeting.

MOTION by Councilor Bandazian that the Bedford Town Council reaffirm the Code of Conduct. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.

MOTION by Councilor Bandazian that the Bedford Town Council reaffirm the Media Policy. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.

b. Other Old Business – None.

6. APPROVAL OF MINUTES

a. Budgetary Town Meeting – March 13, 2019

MOTION by Councilor Bandazian that the Bedford Town Council approve the minutes of the March 13, 2019 Budgetary Town Meeting. Seconded by Councilor Stevens. Vote taken – Motion Passed – 7-0.

b. Organizational Meeting/Public Session – March 18, 2019

MOTION by Councilor Bandazian that the Bedford Town Council approve the minutes of the March 18, 2019 Organizational Meeting and Public Session. Seconded by Councilor Stevens. Vote taken – Motion Passed – 7-0.

7. TOWN MANAGER REPORT

- 1) Election Numbers: 3,640 were cast in the March Town Election.
- 2) Dog Licenses must be obtained by April 30th.
- 3) Sportsman Field – We have removed the 3 light poles along woods line that were in the worst condition and a decision will be made on the remaining poles this summer. The poles were rotten and even included old bird nests with expired eggs. They will make a decision on the other light poles. See if the leagues...
- 4) 2019 Roads Program – The Department of Public Works has started work on Gage Road and the Donald Street project will start in approximately two weeks. Back River Road, Tirrell Road, and Smith Road will be paved early in the season but no date has been set.
- 5) There have been concern with the 293 bridge work over the Merrimack River and the merging that takes place. Public Works Director Jeff Foote is going to contact the State DOT to see if there is anything that can be done.
- 6) Route 101 construction will be starting on the 8th.
- 7) Young Hacks Academy – April Vacation Camp (Grades 5-7), Bedford Town Hall, 8:30-4:30, www.BedfordRecOnline.com
- 8) Registration for Camp Witzel summer camp and other summer camp programs are now open and information is available through the Recreation page of the Town Website <http://www.bedfordreconline.com/info/activities/default.aspx>
- 9) Historical Society is having their clothing drive and will run the entire month of April.
- 10) April 7th – 2:30pm – 4pm – Mike Rogers Trio – Library
- 11) April 13th – 10:30am – Dads & Donuts – Library
- 12) April 24th – 6:00pm – Shadow puppets – Library
- 13) April 27th – Drug takeback day - Bedford Safety Complex
- 14) April 29th – BeBOLD Bedford Speakers Series, “Buyer Beware! You Buy, You Pay” before hosting a prom or graduation party, know the facts, 7 PM, Bedford Library.
- 15) April 11th – Thursday Theater Movie Matinee 2 PM “Stan & Ollie” at the Library.
- 16) April 11th – Thursday Theater Movie Night 6:30 PM “On The Basis of Sex” at the Library.
- 17) April 14th Lions Club 41st Annual Pancake Breakfast, 7:30-11:30 AM, Town Hall.
- 18) April 14th – Sunday Matinee Series, 2 PM, Bedford Library, “The Blind Side”
- 19) April – 21st – The Library will be closed for Easter.
- 20) Applications are being accepted for our seasonal positions at the pool, camp, and Library, and full time positons of Police Officer, Firefighter, Communications Specialist, Equipment Operator, Truck Driver, Program Manager, and part time positions of Administrative Technician.

8. COUNCILOR COMMENTS AND COMMITTEE UPDATES

Councilor Rombeau thanked the Library for all of the programs that they provide. She is also enjoying the Police Academy.

Councilor Bandazian stated that Merrimack was going to be reducing Bedford Road in

Merrimack, which is accessed via Wallace Road and Jenkins Road. It is reduced to one lane for bridge construction. He mentioned the citizen motion that was made at the Budgetary Town Meeting to use unassigned fund balance funds to pay for turf at Sportsman Field. The procedures that former Councilor Murphy mentioned are not mere formalities; there are some statutory procedures. When there is a purpose for which appropriations are made and deliberated on at Town Meeting, State law requires that those purposes be published in a warrant no later than 14 days before the Election. In this instance, by word of mouth, they tripled the normal attendance at the Budgetary Town Meeting, because of the motion that was going to be made. When items are not on the warrant, a new purpose cannot be introduced at Town Meeting. You can add money for an existing purpose, you can subtract money for an existing purpose, but you can't add a purpose. Reconstructing a field is a new purpose. There is no doubt in his mind that the inevitable court challenge to the motion if it passed would have been successful, but the Town Council would have been in a terrible position of having to either expend legal funds to something they wouldn't be defending in good faith or to support the will of the voters or to do something that was contrary to the will of the voters at Budgetary Town Meeting. Fortunately, they are not in that position, but they came very close. He also emphasized that the Town has an unassigned fund balance policy, which would not allow the use of surplus funds for any projects that would require future maintenance outlays as a recreation field would. It was a good notion, but it just can't be done that way. Mr. Sawyer stated that they had an understanding that that motion might be made and the Finance Director spoke with DRA to make sure that if that motion were made that they were comfortable with that and because it was a line for field maintenance, they said they would be comfortable with it. He understands that it could have been challenged and could have gone to court.

Councilor Stevens mentioned that the Library had a great Instagram account. She also suggested that in addition to Dads and donuts, they should have Moms and Mamosa's. Councilor Bandazian mentioned that it's Moms and Munchkins. She reminded drivers to be mindful of how fast they are driving and to pay attention to the roads. She congratulated Spike who was retiring from Bedford Police. She mentioned the Councilor retreat that was taking place this weekend where they go over goals for the next year. She stated that if folks have items that they think are really important for the Council to be discussing, they should reach out to the Councilors. Their email addresses are on the Town website.

Councilor Ricciardi mentioned the retreat as well and would love to have input from the residents even for community ideas and things they would like to see going forward.

Councilor Greazzo congratulated Chief Wiggin on his retirement.

Councilor Gilbert mentioned that as the snow melts there is a lot of trash on the roads so he encouraged residents to go out with a trash bag and pick up the trash.

Chairman Duschatko also mentioned cleaning up the streets. He announced that the Town has qualified for the GFOA Certificate of Achievement for Excellence in Financial

Reporting for 2017. This is the highest form of recognition in government accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management. He congratulated everybody in the government that works on this on a daily basis and preparing these reports. There will be a more formal announcement and presentation at a later date.

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

10. ADJOURNMENT

MOTION by Councilor Rombeau to adjourn. Seconded by Councilor Stevens. Vote taken – Motion Passed – 7-0.

The public meeting ended at 8:04 PM.

Respectfully submitted,

Dawn Boufford