

**TOWN OF BEDFORD  
TOWN COUNCIL MEETING MINUTES  
November 6, 2019  
BEDFORD MEETING ROOM  
10 MEETINGHOUSE ROAD**

**1. ROLL CALL:** A meeting of the Bedford Town Council was held on Wednesday, November 6, 2019 at the Bedford Meeting Room, 10 Meetinghouse Rd. Present were Bill Duschatko (Chair), Melissa Stevens (Vice Chair), and Councilors Denise Ricciardi, Phil Greazzo, Dave Gilbert, Chris Bandazian, and Catherine Rombeau. Town Manager Rick Sawyer was not present.

Chairman Duschatko opened the meeting at 7:01 PM.

**2. PLEDGE OF ALLEGIANCE** – Led by Councilor Stevens.

**3. PUBLIC COMMENTS** –

Alex Vogt, 65 Hawthorne Drive, stated that he's a retired NHDOT engineer and was a project manager in highway design. He had projects in Bedford including the airport access road and the Route 3 bridge over the turnpike. He's an advocate for pedestrian bicycle issues. He likes to bike, walk and jog around Town. He wanted to discuss the NHDOT public hearing that was scheduled for Thursday night, project 136-92C, which is the Route 101 bridge over Pulpit Brook. As part of that project, he plans to go to the public hearing and request that they include a multiuse path along Route 101. Bedford's Pedestrian/Bike Plan that was approved back in 2014 includes a multiuse path along Route 101. The current 101 project from Wallace Road to Route 114 includes sidewalks and bicycle accommodation. That section doesn't have a multiuse path per se. He mentioned a National Transportation Safety Board recommendation to encourage the use of separated bike lanes from traffic. The current project is going to construct about 2.2 miles along Route 101, which leaves about 3 miles to the Amherst town line and the project on Pulpit Brook would add another 1/3 mile to the plan. This is the time to move forward and request that NHDOT provide this, because they are going to be putting a bridge that's a 48 foot span there and won't be back for a long time to widen that bridge again. He mentioned that the Amherst Pedestrian and Bicycle Advisory Committee has been active and they have a TE project that is going to construct a trail along the old railroad bed, which stands a half mile of the Bedford town line, so this could be part of a bigger network eventually. There are also a number of Federal highway publications that recommend that with the amount of traffic on Route 101 and the speeds, that there should be separated paths for bicycles and pedestrians. He's asked that they consider being in favor of asking the NHDOT to construct the path. It would be part of their project and it wouldn't cost the Town anything, except for a maintenance agreement that the Town would have to maintain the path after they build it.

Councilor Stevens wanted to know if he's talked to the Planning Director about it. Mr. Vogt stated that he has spoken to her about it and she was generally in favor of supporting the bicycle/ pedestrian plan that the Town has.

Councilor Bandazian mentioned that the State was developing its first state-wide bicycle and pedestrian plan that members of the public can contribute to or visit at their website at [NHPedbikeplan.com](http://NHPedbikeplan.com).

Councilor Rombeau wanted to know if this section of road was contemplated in the Bedford Pedestrian/bicycle Plan or was a newer thought in light of the NHDOT project. Mr. Vogt didn't think that this project was even in the plans at the time.

He hoped that the Council could support it if NHDOT contacts them to see if they are interested in having the path included in the project.

#### **4. PUBLIC HEARINGS**

- a. Consideration of Ordinance 2019-02 amending Chapter 251, Taxation, to waive the fee for a municipal permit to register a motor vehicle for any veteran who was awarded the Purple Heart or who survived the attack on Pearl Harbor.**

**MOTION by Councilor Bandazian to open the public hearing. Seconded by Councilor Rombeau. Vote taken – Motion Passed – 7-0.**

Tammy Penny, Finance Director, stated that this was first introduced at the October 23<sup>rd</sup> meeting. She clarified that while the law may not explicitly state that the motor vehicle fees would be waived only for specific plate types, she had confirmed with the Chief of the NH DMV Registration Bureau that the intent of the legislation was that the fees would only be waived for those specific plate types. Those plates are State controlled and the practice would be that the fees would only be waived for Prisoner of War, Purple Heart or Pearl Harbor and for one veteran per year. She clarified that veterans who are 100% disabled have the option to get their motor vehicle fees waived even if they choose not to get DVET plates. This would be allowed for regular veteran plates and for vanity plates, but they would have to pay the \$40 annual vanity fee.

**MOTION by Councilor Bandazian to close the public hearing. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.**

**MOTION by Councilor Bandazian that the Bedford Town Council approve Ordinance 2019-02 amending Chapter 251, Taxation, Article V, Fee Exemption for Former Prisoners of War, Section 251-6, to include any person who was awarded the Purple Heart, or survived Pearl Harbor, and waiving the transportation fee for Disabled Veteran and Prisoner of War, Purple Heart, or Pearl Harbor plates. Seconded by Councilor Rombeau. Vote taken – Motion Passed – 7-0.**

- b. **Consideration of Ordinance 2019-03 amending Chapter 130, Fire Prevention, for updates to code references, definitions, requirements, and fees.**

**MOTION by Councilor Bandazian to open the public hearing. Seconded by Councilor Rombeau. Vote taken – Motion Passed – 7-0.**

**MOTION by Councilor Rombeau to close the public hearing. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.**

**MOTION by Councilor Rombeau that the Bedford Town Council approve Ordinance 2019-03 amending Chapter 130, Fire Prevention, for updates to code references, definitions, requirements, and fees. Seconded by Councilor Bandazian. Vote taken – Motion Passed – 7-0.**

- c. **Consideration of Ordinance 2019-04 amending Chapter 64, Alarm Systems, to remove all references to fire and medical alarms.**

**MOTION by Councilor Bandazian to open the public hearing. Seconded by Councilor Stevens. Vote taken – Motion Passed – 7-0.**

**MOTION by Councilor Gilbert to close the public hearing. Seconded by Councilor Bandazian. Vote taken – Motion Passed – 7-0.**

**MOTION by Councilor Ricciardi that the Bedford Town Council approve Ordinance 2019-04 amending Chapter 64, Alarm Systems, to remove all references to fire and medical alarms. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.**

- d. **Consideration of Ordinance 2019-05 amending Chapter 80, Bathing Places, for updates to code references, definitions, and requirements.**

**MOTION by Councilor Rombeau to open the public hearing. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.**

**MOTION by Councilor Gilbert to close the public hearing. Seconded by Councilor Bandazian. Vote taken – Motion Passed – 7-0.**

**MOTION by Councilor Gilbert that the Bedford Town Council approve Ordinance 2019-05, amending Chapter 80, Bathing Places, for updates to code references, definitions, and requirements. Seconded by Councilor Rombeau. Vote taken – Motion Passed – 7-0.**

- e. **Consideration of Ordinance 2019-06 amending Chapter 92, Building Construction, for updates to code references, definitions, requirements, and fees.**

**MOTION by Councilor Rombeau to open the public hearing. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.**

**MOTION by Councilor Gilbert to close the public hearing. Seconded by Councilor Stevens. Vote taken – Motion Passed – 7-0.**

**MOTION by Councilor Ricciardi that the Bedford Town Council approve Ordinance 2019-06, amending Chapter 92, Building Construction, for updates to code references, definitions, requirements, and fees. Seconded by Councilor Stevens. Vote taken – Motion Passed – 7-0.**

- f. Consideration of Ordinance 2019-07 amending Chapter 140, Food and Beverage Establishments, for updates to definitions, and requirements.**

**MOTION by Councilor Rombeau to open the public hearing. Seconded by Councilor Stevens. Vote taken – Motion Passed – 7-0.**

Wayne Richardson stated that as of yesterday, he was notified by the Bureau of Food Protection that they have adopted a new set of food service rules, so even if they approve the amendments today, he will have to come back to them in about two months for a modified set of food service rules. He thought they should probably go ahead with the changes, but because of the memorandum of understanding that they have with the State, he was going to have to modify the food service rules anyhow. They can postpone this or they can continue and he would have to come back.

Councilor Stevens wanted to know if there were any printing costs that are incurred and Mr. Richardson stated that it's all done electronically. Councilor Stevens wanted to know if there would be anything new coming up in Town where they might be needing to look to the ordinance and Mr. Richardson replied no. They have to amend the ordinance, because there are references in the ordinance that work to those rules, but they have to adopt those rules as well. They are bound by their agreement with the State to modify those rules. The food service rules are a different creature. He takes the State rules and he substitutes the Department of Health and Human Services and insert 'Town of Bedford'. They are required to follow those rules verbatim. There are not costs.

**MOTION by Councilor Bandazian to close the public hearing. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.**

**MOTION by Councilor Gilbert that the Bedford Town Council approve Ordinance 2019-07, Food and Beverage Establishments, for updates to definitions and requirements. Seconded by Councilor Bandazian. Vote taken – Motion Passed – 7-0.**

## **5. NEW BUSINESS**

**a. Schedule a public hearing – Consideration of Ordinance 2019-08 adding Chapter 236, Stormwater Management and Illicit Discharge Detection and Elimination (IDDE), to protect water quality through construction and stormwater management standards and the prohibition of illicit discharges**

Jeanne Walker, Town Engineer, explained that the MS4 permit issued by the EPA that gives them authorization for them to discharge stormwater from that system into the waters. Contained within the new permit, which became effective July 1, 2018, there are very specific requirements which spell out within the permit that they shall have an ordinance that does X. They must have legal authority to prohibit, investigate, and eliminate those discharges and have enforcement procedures. It includes any sanitary sewer overflows and there is no grace period. It is unlawful for those things to occur. They have those prohibitions in their current sewer standards, but they don't quite go far enough based on the requirements of the new permit. They've added stronger language on construction sites, stormwater runoff control. As they were trying to comply with this and complete the first year annual report, they discovered they needed to have stronger documentation and procedure, so they've created an ordinance, which puts all of these regulations in one place. Right now there are some in the sewer ordinance, some in the streets ordinance, and some rules in the land development control regulations and in their road construction standards. They tried to encapsulate all of it within one ordinance. In order to be able to further implement the programs that they have to, they've created stormwater and IDDE regulations, so that they've laid out exactly what the expectation is and what needs to be done if they are undertaking a land disturbance construction project. They tried to document where it doesn't apply and spell it out so there are no surprises. They want to make sure they are in compliance with it and that everyone else understands that these are the rules and regulations they they've been given under their permit and they now have to enforce them. They've been working with the Merrimack River Valley Stormwater Coalition, which is all of the MS4 communities in both the Southern NH Regional Planning Commission area and the Nashua Regional Planning Commission area. They have been instrumental in guiding all of the communities towards compliance with the MS4 permit. They helped to create many of the documents. The ordinance itself came from work that they had done as well as work that the Seacoast Coalition had done, because all of the MS4 communities are in the same boat. The regulations were developed based on a document created for post construction stormwater management created by the Rockingham Planning Commission as well as the UNH Stormwater Center. They've modified those to be applicable to Bedford.

**MOTION by Councilor Bandazian that the Bedford Town Council schedule a public hearing for Wednesday, December 11, 2019 at 7:00 PM to discuss Ordinance 2019-08 adopting Chapter 236 Stormwater Management and Illicit Discharge Detection and Elimination , and the adoption of the Stormwater and Land Disturbance Management Regulations. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.**

**b. Other New Business – None.**

**6. OLD BUSINESS**

**a. Other Old Business**

Councilor Bandazian stated that the PFAS Commission had their second meeting last Friday as well as a public hearing in Merrimack last evening. He thought the most important thing for the citizens to know was that the Saint Gobain phone number for information about the ongoing sampling plan or alternative water is 800-742-8498. There was a work plan that was proposed by Saint Gobain at the end of September. They had proposed to test 360 properties in Merrimack and Bedford. Some at random, but most focused around sites where previous testing had been done and had shown levels above the new limits. He provided comments as well as the NH DES. There was an addendum last Friday that added 224 additional properties and an addendum yesterday that added another 360 properties, so there are about 940 additional properties to be tested. The way those properties are going to be selected is by abutting an existing test that is above the new ambient groundwater quality limit. Abutting is defined as up to 60 feet from the lot line. If that produces more test results above the limit, that process will begin again and it will propagate outwards. People who have done their own testing and had it come back above those test limits, the information is that they would be put on bottled water. They should call the 800 number. Saint Gobain has told the State that they would respond to calls in two working days. That promise has not been met at least in the first week. Feel free to email him. If somebody contacts Saint Gobain on a Monday and they don't hear back by end of business on Wednesday, let him know, because the State needs that level of detail. They need to know when someone called and when that time period ended. If there is a problem, Saint Gobain will hear from the State. If somebody has done their own test and in general if somebody has questions about the sampling plan and alternate water, they can get in touch with that 800 number, 800-742-8498. They will try and put it in a prominent place. It's on the web on the DES site and on the Town website. It's going to take some time to have all of that testing done. He's hoping that the State adds the capability to do them in-house, but that's not funded at the present time. Chairman Duschatko wanted to know what he recommends for a person that may want to have it tested, but doesn't fall within the guidelines. Councilor Bandazian stated that there is a list on the NH Department of Environmental Services website of accredited labs that will do it, but it's not cheap; it's \$300-\$500. He mentioned that there was a public hearing on air emissions and so Saint Gobain has provided a remediation plan for the smoke stack emissions and has proposed a thermal device to convert the PFAS to smaller fluorinated carbon molecules. Public comments were to the effect that the 90% reduction was not enough. Public comments can be provided in writing to the State up to December 6<sup>th</sup>.

**7. APPROVAL OF MINUTES**

**c. Public Session – October 23, 2019**

**MOTION by Councilor Bandazian that the Bedford Town Council approve the minutes of the October 23, 2019 public session. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.**

**d. Non-Public Session – October 23, 2019**

**MOTION by Councilor Bandazian that the Bedford Town Council approve the minutes of the October 23, 2019 non-public session. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.**

**MOTION by Councilor Bandazian to seal the minutes of the October 23, 2019 non-public session on the grounds that having them unsealed would render a potential action ineffective. Seconded by Councilor Gilbert.**

**Roll call vote: Ricciardi-aye, Greazzo-aye, Gilbert-aye, Duschatko-aye, Stevens-aye, Bandazian-aye, Rombeau-aye.**

**8. TOWN MANAGER REPORT**

Chairman Duschatko read the Town Manager's Report.

- 1) NHDOT will be holding a public hearing on the replacement of the Route 101 bridge over Pulpit Brook and the addition of a westbound left turn lane for vehicles accessing Twin Brook Lane on Thursday, November 7<sup>th</sup> at 6:30 PM, at BCTV 10 Meetinghouse Road.
- 2) The period for citizen petition zoning amendments runs between November 11<sup>th</sup> and December 11<sup>th</sup>. Anyone interested submitting a petition is encouraged contact the Planning Department for assistance.
- 3) The Bedford Winter Parking Ban begins on November 1<sup>st</sup>, which requires no parking on public roads between midnight and 8 AM.
- 4) On National Drug Take Back Day, Bedford diverted 300 pounds of unused medications from falling into the wrong hands and our environment.
- 5) 2019 Roads Program – Sebbins Pond Drive and Bedford Center Road have received final wearing course pavement. The team is working on finishing side gravels and driveway aprons over the next week. The DPW team will make a full update on the 2019 and 2020 Roads Program at the December 11, 2019 Council meeting. Please continue to watch the Roads Program website for timely updates at [www.bedfordroads.com](http://www.bedfordroads.com).
- 6) November 11<sup>th</sup> – Veterans Day, Town Office, Library, Transfer Station closed.
- 7) November 14<sup>th</sup> – Thursday Theater, “The Art of Racing in the Rain” 2 PM and “The Peanut Butter Falcon” 6:30 PM, Bedford Library.
- 8) November 18<sup>th</sup> – December 20<sup>th</sup> Santa's Mailbox will be available in the lobby of the Town Office Building, 24 North Amherst Road for Express Mail to the North Pole. Santa's helpers have asked that you be sure to print your name and address clearly on your letter.

- 9) November 23<sup>rd</sup> – Bedford Boomers Lionel Model Railroad Exhibit at the Library 10:00 AM to 3:00 PM, again on the 24<sup>th</sup> from 1:00 to 5:00 PM in celebration of National Model Railroad Month.
- 10) November 23<sup>rd</sup> - Bedford PTG Ski, Skate Sale, 9 AM-2 PM, Bedford High School.
- 11) November 23<sup>rd</sup> – Friends of the Library Annual Pie Sale 10:00 AM to Noon. Proceeds go to support the Library’s Technology Fund.
- 12) November 27<sup>th</sup> – Children’s Movie in the Castle, “Toy Story 4”, 1 PM, Library.
- 13) November 28-29 – Thanksgiving Holiday, Town Office, Library, Transfer Station closed. The Library closes at 5 PM on the 27<sup>th</sup>.
- 14) December 8<sup>th</sup> – Sunday Concert & Cookies, “Richard Araldi - Family friendly event with interactive storytelling” 2:30-4 PM, Bedford Library.

## **9. COUNCILOR COMMENTS AND COMMITTEE UPDATES**

Councilor Bandazian stated that the Local Energy Solutions Conference was coming up in a week. The Planning Board heard the 3<sup>rd</sup> multi-family proposal for South River Road presented on concept. It remains to be determined whether there are any actual applications that follow.

Councilor Stevens wished everyone a happy Thanksgiving and to drive safe.

Councilor Ricciardi wanted to recognize all of our veteran’s and service that had been given and that they remember that and recognize that on Monday.

Councilor Greazzo and Councilor Gilbert thanked all of the veterans.

Chairman Duschatko wished everyone a happy Thanksgiving.

## **10. NON-PUBLIC – RSA 91-A:3 II (if necessary)**

## **11. ADJOURNMENT**

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

Public Session ended at 7:48 PM.

Respectfully submitted,

Dawn Boufford