

CHARTER  
of the  
TOWN OF BEDFORD  
NEW HAMPSHIRE

RSA 49-B

October 5, 1987

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# TOWN CHARTER

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**ARTICLE 1-1  
INCORPORATION: TOWN FORM OF GOVERNMENT: POWER**

**1-1-1 Incorporation**

The inhabitants of the Town of Bedford shall continue to be a body politic and corporate under the name of the “Town of Bedford” and as such to enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. All existing property of the Town shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it under this Charter.

**1-1-2 Town Form of Government**

The administration of the fiscal, prudential, municipal, and other affairs of the Town, with the governance thereof, shall be vested in a Town Council, shall be directed by a Town Manager, and shall consist of the various departments of the Town as established by this Charter, and from time to time by the Town Council. Except as expressly authorized by this Charter, no councilor shall participate in the conduct of the administrative affairs of the Town.

**1-1-3 Construction**

The powers of the municipality under this Charter are to be construed liberally in favor of the Town, and the specific mention of particular powers is not intended to limit in any way the general powers of the municipality as stated in Section 1-1-1. Any word in this Charter which may be construed to be either masculine or feminine gender shall be considered gender free.

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#### **1-1-4 Intergovernmental Relations**

Subject only to express limitations in the provisions of the New Hampshire statutes, the Town may exercise any of its powers or perform any of its functions under this Charter and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the State of New Hampshire, or any political subdivision or agency thereof, or the United States of America or any agency thereof.

### **ARTICLE 1-2**

#### **ELECTIONS: ELECTION OFFICIALS: CONDUCT OF ELECTIONS**

##### **1-2-1 Composition of Board of Election Officers**

The Supervisors of the Checklist, the Moderator, and the Town Clerk shall constitute the Board of Election Officers. The Moderator shall be chairman. The Town Clerk shall serve as the clerk of the board.

##### **1-2-2 Moderator**

There shall be a Moderator of the Town who shall have all the powers and duties granted to him by this Charter and state law. He shall be elected on an at large basis to a term of two (2) years at the town election. Without limitation to the foregoing, for election purposes, the Moderator shall have the power to appoint all election officials except those which must be elected or otherwise appointed. The Moderator shall determine whether all ballots from all polling places are to be counted in one (1) or more locations. Vacancies in the office of Moderator shall be filled by appointment only made by the Supervisors of the Checklist.

##### **1-2-3 Supervisors of the Checklist**

###### **(a) Number of Supervisors and Length of Term**

There shall be three (3) Supervisors of the Checklist who shall hold office for six (6) years (and until their successors are elected and

qualified) on a staggered basis so that one (1) supervisor is elected at each off year town election.

**(b) Vacancies**

Vacancies in the Supervisors of the Checklist shall be filled pursuant to RSA 669:64. The person so appointed shall hold office until the vacancy for the unexpired term is filled at the next town election.

**(c) Chairman**

The Supervisors shall elect a chairman for a term of two (2) years.

**1-2-4 Duties and Sessions of the Supervisors of the Checklist**

The Supervisors of the Checklist shall have such powers and duties as are specified under New Hampshire law.

**1-2-5 Conduct of Elections**

**(a) Date of Elections**

The election officers, whose duty it is to conduct regular elections, shall use a Non-Partisan Official Ballot System as detailed in the election laws of the State of New Hampshire, on the second Tuesday in March to choose Councilors and such other officials as specified by this Charter, each of whom shall be elected by the voters of the entire town.

**(b) Time of Elections**

At all town elections, the polls shall be open not less than eleven (11) hours and may be open not earlier than six o'clock in the forenoon of the day of the election, nor later than eight o'clock in the forenoon of the day of the election, nor closed earlier than seven (7) in the evening. The Council shall determine the hours at least thirty (30) days prior to the election.

**(c ) Voter Qualification**

The election laws of the State of New Hampshire shall govern voter qualifications.

**(d) Location of Polling**

The Town Council shall specify the polling places of the Town.

**1-2-6 Preparation of Ballots**

The Town Clerk shall prepare separate ballots to be used at all local referenda and at elections at which town officers are chosen. The ballots shall contain in appropriate sections the names of all candidates, listed in alphabetical order, without party designation. Below the list of names of the candidates of each office there shall be as many blank spaces as there are offices to be filled at the election. No titles, military, professional, or otherwise, shall accompany the name of any candidate on the ballot.

**1-2-7 Preservation of Ballots**

All the ballots cast at each election shall be preserved, maintained, and sealed as required by the election laws of the State of New Hampshire.

**1-2-8 Contested Elections Shall Be Resolved In Accordance With State Law**

Tied elections for any elected office shall be determined by lot in a manner as decided by the Town Clerk in the presence of the tied candidates.

**1-2-9 Display of Local Campaign Materials at Polling Place**

Persons or candidates for elected office or as representing or working for a candidate for office or promoting a petition, resolution, referendum, or measure on the ballot may not solicit votes, display, exhibit, or distribute any campaign materials in violation of local ordinances or state statutes. The Moderator shall exercise his powers under state law relative to the conduct of elections, distribution of campaign materials, and electioneering within the polling place.

**ARTICLE 1-3**

**TOWN COUNCIL**

**1-3-1 Membership: Term of Office**

**(a) Town Councilor: Number: Terms**

Except as otherwise provided in this Charter, all of the powers of the Town shall be vested in a Town Council (hereinafter referred to as the "Council" of seven (7) Councilors. The

Councilors shall be elected from the town at large for a three (3) year term of office. Terms will be staggered, three (3) elected at next town election, following year two (2) Councilors, the third year two (2) Councilors each for three (3) year terms.

**(b) Length of Office**

All members shall take office on the first Monday following the second Tuesday in March following their election and shall hold office until their successors are duly elected and qualified.

**1-3-2 Organizational Meeting**

The Councilors so chosen shall meet in their capacity as the Council on the first Monday following the second Tuesday in March next following their election for the purpose of taking their respective oaths of office, adopting rules, and for the transaction of business required by law or ordinance to be transacted in such meeting. The Town Clerk shall act as the Clerk of the Council and the Moderator shall preside without vote at the first organizational meeting of the Council following enactment of this Charter. The first organizational meeting of the Council shall be held on the first business day following the passage of this amended section.

**1-3-3 Selection of Chairman and Vice Chairman**

The Council shall, by the affirmative vote of at least four (4) of its members, at its first regular meeting in March following each election, choose one (1) of its members chairman for a term of one (1) year. The Council shall choose one (1) of its members vice chairman for a term of one (1) year, who shall act in the absence or disability of the chairman. In the event of a vacancy occurring in the office of chairman, the vice chairman shall serve out the unexpired term. The chairman shall be the official head of the Town for all ceremonial purposes, he shall preside at all meetings of the Council and may speak and vote at such meetings.

#### **1-3-4 Qualifications of Councilors**

Only voters who at all times during the term of office are and remain residents of the Town shall be eligible to hold the office of Councilor. To be eligible for election to the office of Councilor a candidate must be of voting age and must have been a resident of the Town for at least thirty (30) days immediately before the election. The Council is the sole judge of qualification for office. The Council shall declare a vacancy in the event that a member is convicted of committing a federal or state crime punishable by imprisonment for more than one (1) year.

A majority of the Council may after investigation and hearing declare a vacancy if a member has missed three (3) regularly scheduled meetings in sequence without leave of the Council; has missed one-third (1/3) of all meetings within a calendar year without leave of the Council; has interfered with administration, falsified records, misapplied town funds or property; or is guilty of public conduct the result of which would bring loss of respect for the Council or the Town of Bedford.

No Councilor shall, during his term, be eligible to hold any other town position of remuneration nor shall he transact any business with the Town except pursuant to Article 1-7 of this Chapter.

#### **1-3-5 Vacancies**

Vacancies occurring in the office of Councilor at any time shall be filled by appointment, until the next regular election, by the Council at its next regular meeting, by an affirmative vote of five (5) Councilors.

#### **1-3-6 Salaries and Compensation**

Councilors shall receive as compensation the sum of one thousand five hundred dollars (\$1,500) per year. The chairman shall receive

an additional five hundred dollars (\$500) per year. Councilors shall receive reimbursement for reasonable mileage and expenses incurred in the performance of Town business outside the town limits of Bedford according to the rules of the Council.

**1-3-7 Exercise of Powers: Meetings: Rules of Procedure**

**(a) Exercise of Powers**

Except as otherwise prohibited by law or this Chapter, the powers of the Council may be exercised in a manner determined by it.

**(b) Quorum**

A quorum of the Council for the transaction of any business shall be five (5) of the members currently in office. However a small number may adjourn the meeting to another time and date.

**(c) Meetings**

All meetings of the Council shall be public as required by the State "Right to Know Law" (RSA Chapter 91-A).

(1) Regular Meetings

Regular meetings shall be held on such day or days of each month at such time as the Council shall by ordinance or resolution direct.

(2) Special Meetings

Special meetings may be called by the chairman. Special meetings also may be called at the written request of the Town Manager or at least five (5) Councilors, and upon such request the chairman of the Council shall call such special meeting. Written notice of said meeting shall be delivered to each Councilor at least twenty-four (24) hours prior to the call of the meeting. The method of delivery of notice for special meetings shall be by established Council rule.

**(e) Rules of Procedure**

The Council shall establish rules for its proceedings not inconsistent with this Charter. Every matter coming before the Council for action shall be put to a vote and all members shall vote “aye”, “nay” or abstain and give a reason for abstaining. The results of such voting shall be duly recorded. All votes shall be recorded by roll call except votes on procedural matters.

**1-3-8 Ordinances**

**(a) Introduction By Town Councilors**

An ordinance may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, the Town Clerk shall distribute a copy to each Councilor and to the Town Manager, shall file a reasonable number of copies in the office of the Town Clerk, and shall post a copy in such other public places as the Council may designate.

**(b) Requirements**

- (1) Every proposed ordinance of the Council shall be introduced in writing and in the form required for final adoption.
- (2) No ordinance shall contain more than one (1) subject, which shall be clearly expressed in its title.
- (3) Each ordinance shall be identified by a number and a short title.
- (4) The enacting clause shall be “The Town of Bedford ordains.....”
- (5) Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance, sections, or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by

strikeout type, and shall indicate new matter by underscoring or by italics.

**(c) Publishing**

- (1) After passage of the ordinance's first reading, it shall be published at least once together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage.
- (2) The first such publication shall precede the date of said hearing by at least five (5) working days.
- (3) Publication for purposes of this Section shall mean the publication of a notice in any paper distributed in the Town of Bedford, stating the number and title of the ordinance and either the text of the ordinance in full or if the full text is not published, then a brief explanation of the purpose of the ordinance and information as to where and when any interested person may obtain a copy of the complete ordinance.

**(d) Enactment**

Every ordinance, including zoning ordinances adopted by referendum, shall take effect upon passage and publication as ordinances required by law, or at a later date as specified in the ordinance. No ordinances shall be introduced and adopted during the same meeting.

**(e) Recording**

All ordinances, including any amendments thereto, shall be recorded in full, uniformly, and permanently, by the Town Clerk, and each ordinance so recorded shall be authenticated by affixing the signatures of the Council chairman and the Town Clerk and the Town Seal, and kept on file in the office of the Town Clerk.

**(f) Maintenance By Town Clerk**

The Town Clerk shall be responsible for the systematic indexing, printing, publication, and maintenance of the ordinances of the Town. Copies of all ordinances shall be available to the public, and the Town Clerk may charge a fee to defray the printing costs.

**1-3-9 Emergency Ordinances**

**(a) Legal Subject Matter**

Notwithstanding other provisions of this Charter to meet a public emergency affecting life, health, property, or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by a public utility for its services, or authorize the borrowing of money, except as provided in Section 1-3-10 of this Charter.

**(b) Introduction**

An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

**(c ) Adoption**

An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced but an affirmative vote of five (5) Councilors shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances.

**(d ) Enactment**

An emergency ordinance shall become effective upon adoption. Every emergency ordinance, except one made pursuant to Section 1-3-10 of this Charter, shall automatically stand

repealed as of the sixty-first (61) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this Section if the emergency still exists.

**(e) Repeal of Emergency Ordinances**

An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

**1-3-10 Emergency Appropriations**

To meet a public emergency affecting life, health, property, the public peace, or to satisfy a court judgment, casualty loss, or other valid mandated expense, the Council may make emergency appropriations as part of an emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may, by such emergency ordinance, authorize in accordance with all provisions of state law the issuance of emergency notes, which may be renewed from time to time.

**1-3-11 Codification of Ordinances**

The Town Council, not later than eighteen (18) months after taking office under this Charter and at least every tenth (10) year thereafter, shall have prepared a revision or codification of the ordinances of the Town which are appropriate for continuation as local laws of the Town.

**1-3-12 Existing Ordinances**

All by-laws, ordinances, rules, restrictions, and regulations of the Town of Bedford which are in effect as of the date of adoption of the Charter, and not inconsistent with this Charter, shall remain in effect after the adoption of this Charter until they expire by their terms or are repealed, modified, or amended by the Council.

### **1-3-13 Powers and Duties**

Except as herein otherwise provided, the Town Council shall have all the powers conferred upon and discharge all the duties imposed upon town councils, town meetings, boards of mayor and aldermen, and selectmen of towns by law, except the adoption of a town budget, which prerogative is vested in the budgetary town meeting. All officers and members of all boards, commissions, and committees, and vacancies thereto shall be appointed by the Council from among town residents except unless otherwise provided by this Charter.

### **1-3-14 Delegations of Powers**

The Council may delegate to one (1) or more town agencies the powers vested in the Council by this Charter and state and federal law to grant and issue licenses and permits, and may regulate the granting and issuing of licenses and permits by any such town agency, and may in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

### **1-3-15 Inquiries and Investigations**

The Council by majority vote may require of any appointed town official, department head or employee, official appointed or confirmed by the Council, or member of an appointed town board or commission to appear before it, and give such information as it may require to this office, its function, and performance. The Council shall give at least forty-eight (48) hours written notice of the general scope of the inquiry which is to be made to any person it shall require to appear before it under this Section. The Council may make investigation into the affairs of the Town and into the conduct of any town agency or department and for this purpose may administer oaths and require the production of evidence.

**1-3-16 Board Procedures**

Except as expressly prohibited by state law, the Council shall adopt rules of attendance and forfeiture of office for all town appointed boards and commissions.

**ARTICLE I-4**

**ADMINISTRATION OF GOVERNMENT**

**1-4-1 Town Manager**

The chief administrative officer of the Town shall be the Town Manager (hereinafter called the "Manager"). The Council shall appoint a person especially qualified by experience and training, who receives an affirmative vote of five (5) Councilors, to be Manager. The Manager shall serve at the pleasure of the Council which shall fix the Manager's salary and terms of employment.

**1-4-2 Qualifications of Town Manager**

The Manager shall be chosen solely on the basis of educational, executive, and administrative qualifications and need not be a resident of the Town or the State at the time of appointment. The Council may reimburse the Manager for reasonable costs in connection with his establishing residence in the Town, which must be within six (6) months of appointment.

**1-4-3 Reprimand or Removal of Town Manager From Office**

The Manager may be reprimanded or removed, for cause by the affirmative vote of at least five (5) members of the Council as herein provided. At least thirty (30) days before the proposed reprimand or removal of the Manager, the Council shall adopt a resolution stating its intention to reprimand or remove him, the reasons therefore, and an effective date. A copy of the resolution shall be served forthwith on the Manager, who may, within ten (10) days,

demand a public hearing, in which event the Manager shall not be reprimanded or removed until such public hearing has been held.

Upon or after passage of a resolution of intent to remove, the Council may suspend the Manager from duty, but his pay shall continue until removal. In case of such suspension, the Council shall, by an affirmative vote, appoint an Acting Manager to serve at the pleasure of the Council for not more than one hundred and twenty (120) days. The action of the Council in removing the Manager shall be final.

#### **1-4-4 Acting Town Manager**

If the Manager is determined by an affirmative vote of five (5) Councilors to be temporarily incapacitated or unable to act for any cause or the Council may determine that the office has become temporarily vacant, the Council shall, within thirty (30) days from such determination, appoint an Acting Manager in the same manner as in Section 1-4-3 who shall serve for not more than one hundred and twenty (120) days or such lesser time until the disability shall be relieved.

The Acting Manager shall have all the powers and perform all the duties of the Manager except to the extent that said powers and duties may be specifically restricted by Council resolution. Said Acting Manager shall be paid such salary for his services hereunder as may be prescribed by the Town Council. The Acting Manager may be reappointed for an additional term of one hundred and twenty (120) days. By an affirmative vote of five (5) Councilors, the Council may determine from credible medical or other evidence that the Town Manager is incapacitated and unable to perform any or all duties of his office and the office may be declared vacant.

**1-4-5 Powers and Duties of Town Manager**

The Manager shall be the chief administrative officer of the Town and supervise and be responsible for the administrative and financial affairs of the Town and shall carry out the policies enacted by the Council. He shall be charged with the preservation of the health, safety, and welfare of persons and property and shall see to the enforcement of the ordinances of the Town, this Charter, and the laws of the State of New Hampshire. He shall supervise and direct the administration of all of the town departments and personnel therein. He shall be responsible for:

- (a) Maintaining accounting control over the finances of the Town;
- (b) Making financial reports and performing such other related duties as may be required by the Administrative Code;
- (c) Assuring the audit and approval of all authorized claims against the Town before paying the same;
- (d) Keeping the Council informed of the condition of the needs of the Town and making such reports and recommendations as he may deem advisable or may be required of him;
- (e) Rental and use of all town facilities under his control;
- (f) Maintenance and repair of all town property under his control;
- (g) Doing a full and complete inventory of all property of the Town, both real and personal; and
- (h) Convening the chairmen of the administrative committees at least annually to discuss matters of mutual concern.

He shall perform other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the Council, not inconsistent with this Charter. He shall have and perform such other powers not inconsistent with the provisions of this Charter as now are or hereafter may be conferred by municipal ordinance or conferred upon mayors of cities and selectmen of towns by general

laws. He shall have the right to take part in the discussion of all matters coming before the Council, but not the right to vote.

**1-4-6 Appointment of Department Heads: Appeal**

The Manager shall have the power to appoint and remove, subject to the provisions of this Charter, all town department heads. Such appointments shall be on merit and fitness alone and with an affirmative vote of five (5) Councilors. The Manager, for just cause, may suspend or dismiss department heads or take other appropriate disciplinary action. Said suspension, dismissal, or other disciplinary action shall be effected only upon the Manager's presentation to the department head of a written specification of the reasons therefore at least ten (10) days before said action is taken.

The said department head involved may, within five (5) days, demand a hearing before the Council, in which event the department head shall not be removed until such hearing has been held. The Manager may, however, suspend said department head from duty during said period, with or without pay. Such hearing shall be either private or public, as allowed under RSA Chapter 91-A, at the aggrieved party's request. The Council, by an affirmative vote of five (5) Councilors, may override the Manager's decision.

**1-4-7 Non-Interference With Town Administration**

Except as expressly provided elsewhere in this Charter, neither the Council nor any of its members shall direct or request the appointment of any person to office or employment, or direct the removal, suspension, discipline, adjustment in pay, benefits, or working conditions of any employee by the Manager of any of the town department heads.

No Councilor shall give orders to or interfere with the performance of the duties of any of the administrative officers or employees,

either publicly or privately. Nothing contained in this Section shall prohibit the Council from meeting with the Manager to discuss the operation or conduct of any department head or employee and to recommend an investigation and report by the Manager of any complaint. Any violation of the provisions of this Section by a Councilor shall constitute grounds for forfeiture of office under the provisions of Section 1-3-4.

#### **1-4-8 Departments**

##### **(a) Establishment**

The following departments are hereby established, the head of which shall be appointed by the Town Manager pursuant to Section 1-4-6: Police, Fire, Public Works, and Tax Collector. (amended 3/10/98)

##### **(b) Administrative Code: Definition of Functions and Duties of Departments**

The administrative service of the Town shall, by ordinance, be divided into such other departments or other agencies as are necessary for the proper and efficient management of the affairs of the Town. Said ordinance shall define the function and duties of each town department or agency and shall be known as the "Administrative Code."

##### **(c) Creation, Consolidation, or Abolishment of Departments or Agencies**

The Town Council may, by amendment to the Administrative Code Ordinance, create, consolidate, or abolish departments or agencies and define or alter their functions and duties. The head of each department or agency established by the Administrative Code shall have and exercise supervision and control of his department or agency and the employees therein, subject to the authority of the Manager, and shall have the

power to prescribe rules and regulations not inconsistent with general law, this Charter, the Administrative Code, and the rules and regulations of the Personnel Plan; provided that the Manager shall establish a progressive disciplinary code for all departments and agencies which shall be included under the personnel code under Section 1-6-2. A copy of all departmental rules and regulations promulgated under this Section shall be on file in the office of the Town Clerk and appropriate departments.

**1-4-9 Town Attorney**

The Town Council shall engage as needed such attorneys as are deemed in the best interest of the town to provide legal advise to the Council, Manager, town departments, boards, and other agencies, and represent the Town in any legal proceeding, criminal prosecutions, and traffic violations. Such attorneys shall on Council direction perform any other duties prescribed by this Charter or by ordinance.

**1-4-10 Fiscal Affairs: Treasurer, Investment Advisor, Audit**

**(a) Treasurer**

The Town Council shall appoint a Treasurer, which position may be full or part time as the Council may determine, who shall have the powers and duties prescribed in this Chapter and state law; provided however that in making investments of town funds he shall follow the written investment policy as adopted or modified by the Town Council.

**(b) Investment Advisor**

The Town Council may after inviting requests for proposals and appropriate verification of qualifications, experience, and integrity, retain the services of an investment advisor to advise the Council on adoption of a written investment policy and to make periodic recommendations to the

Council on its modification. Said policy shall contain investment goals, strategies, and permissible investments under state law, criteria for depository institutions, and such other matters as are deemed appropriate and necessary to maintain the security of, liquidity of, and return on invested town funds.

**(c) Collection, Accounting, Deposit, and Reporting of Revenues and Expenditures.**

The Town Manager shall be responsible for the collection, accounting, deposit, and periodic reporting of all town revenues and expenditures in a secure and business-like manner in accordance with generally accepted accounting practices.

**(d) Audit**

The Town Council, after inviting requests for proposals and appropriate verification of qualifications, experience, and integrity, shall select a certified public accountant or firm of same who shall perform an annual audit of all town financial transactions after the close of each fiscal year.

**(1) Content of Audit**

Said audit shall include all revenues, expenditures, and accounts maintained by any officer, elected or appointed, agency, board, commission or recipient of town funds; may include a compliance audit to insure conformity with any state or federal laws and regulations and town work program and policies; and shall include a management letter setting forth recommendations for changes and improvements in finance management systems as is deemed necessary.

**(2) Retaining Auditors**

For purposes of cost and efficiency, an auditor may be retained for a period of years, but request for proposals shall be sought at least once every five (5) years.

(3) Audits Greater Than Annual Frequency

Nothing contained herein shall prohibit the Town Council from ordering an entire audit, partial audits, or interim audits more frequently than once per year, as it may deem prudent.

(4) Summaries of Annual Audits

Summaries of annual audits, in accordance with state law, shall be printed in the annual Town Report and complete copies shall be available for public inspection and copying in the town office during normal business hours. If a summary of an annual audit is not available for printing in the Town Report, said summary shall be available at the town meeting or as soon thereafter as possible.

**ARTICLE 1-5**

**FINANCE**

**1-5-1 Fiscal Year**

The fiscal and budget year of the Town shall begin on the first (1) day of January and end on the thirty-first (31) day of December unless other dates shall be fixed by action of the Town Council.

**1-5-2 Budget Procedure**

At such time as may be requested by the Manager or specified by the Administrative Code, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his control to the Manager. The Manager shall, based on these estimates and other data, prepare a

recommended budget which he shall, together with these department estimates, submit to the Council on such date as the Council shall establish. The Council shall review the budget for the following fiscal year and make such modifications and amendments as it desires.

### **1-5-3 Budget Hearings**

#### **(a) Number of Hearings**

The Town Council shall hold in convenient places as many public hearings on the budget as it deems necessary, but at least two (2) public hearings on the budget shall be scheduled at least fourteen (14) days before its final adoption by the Budgetary Town Meeting at such time and place, convenient to the public, as the Council shall direct.

#### **(b) Notice of Budget Hearings**

- (1) Notice of such public hearing and budgetary town meeting, together with a copy of the budget as submitted, shall be posted in two (2) public places.
- (2) A copy of the budget shall be available to the public at the office of the Town Clerk during regular business hours.
- (3) In addition, notice of such public hearing and budgetary town meeting shall be published in a newspaper of general circulation in the Town at least one (1) week prior to said meeting by the Town Clerk.

### **1-5-4 Final Date for Budget Adoption**

The budget shall be brought before the Town Meeting on the second (2) Tuesday in March, unless another date shall be fixed by the Council.

#### **1-5-5 Quarterly Budget Reports: Reductions**

At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the Manager or his designee shall submit to the Council data showing the relations between the estimated and actual income and expenses to date, together with outstanding indebtedness and estimated future expenses; and if it shall appear that the income is less than anticipated, the Manager, with Council approval, may reduce the appropriation for any item or items in the budget, except amounts required for debt, interest charges, and other fixed costs, to such a degree as may be necessary to keep expenditures within the cash income. At any time, the Manager may provide for monthly or quarterly allotments of appropriations to departments, funds, or agencies under such rules, as he shall prescribe.

#### **1-5-6 Transfers**

After the budget has been adopted, no money shall be drawn from the treasury of the Town nor shall any obligation for the expenditure of money be incurred except pursuant to a budget appropriation. The head of any department, with the approval of the Manager, may transfer any unspent balance or any portion thereof from one (1) fund or agency within his department to another fund or agency within his department. The Manager, with the approval of the Council, may transfer any unspent balance or any portion thereof from one (1) department to another.

#### **1-5-7 Capital Improvement Plan**

(a) Town Manager, after consultation with the Planning Board, shall prepare and submit to the Council a capital improvement plan at least one (1) month prior to the final date for submission of the budget. The capital improve-

ment program shall include:

- (1) A clear summary of its contents;
  - (2) A list of all capital improvements including major replacements which are proposed to be undertaken during the next six (6) fiscal years, including but not limited to equipment, sewer and water mains or facilities, roads, sidewalks, bicycle paths or lanes, public open spaces and recreation facilities, new police and/or fire stations, and other new public facilities, and major items of equipment, with appropriate supporting information as to the necessity for such improvements;
  - (3) Cost estimates, methods of financing, and recommended time schedule for each such improvement; and
  - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
- (b) The Capital Improvement Plan shall be based on a period of not less than six (6) years and shall include reference to or be influenced by, where appropriate, the Town Master/ Comprehensive Plan.
- (c) The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.
- (d) The Town Council and Town of Bedford Planning Board shall meet annually in preparation for and review of the Capital Improvement Plan in a manner determined from time to time by the Town Council.
- (e) A summary of the updated Capital Improvement Plan with estimated costs shall be included in the Town Report and

such portion of the current year costs the Council deems appropriate may be included in the town budget.

**1-5-8 Lapse of Appropriations**

Every appropriation, except an appropriation for a capital expenditure or dedicated funds, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

**1-5-9 Depository**

The Council shall approve to the Treasurer the depository or depositories for town funds and shall provide for the timely deposit of all town monies. The Council may require such security for town deposits as it deems necessary, except that personal surety bonds shall not be deemed proper security.

**1-5-10 Bonding of Officials**

Any town officer elected or appointed by authority of this Charter shall be bonded in an amount as required by state law or dictated by prudent fiscal practice for the faithful performance of the duties of his office. The Manager and all officers receiving or disbursing town funds shall be so bonded. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the town. Such bonds shall be filed with the Town Clerk.

**1-5-11 Borrowing Procedure**

(a) Subject to the applicable provisions of state law and the rules and regulations provided by ordinance in the Administrative Code, the Council, by resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the Town and the issuance of bonds of the Town or other evidence of

indebtedness therefore and may pledge the full faith, credit and resources of the Town for payment of the obligation created hereby; provided that no bonds shall be issued by the Council in excess of two hundred fifty thousand dollars (\$250,000) per issue except by an affirmative vote of five (5) Councilors; not exceeding one million dollars (\$1,000,000) except by an affirmative vote of five (5) Councilors; and majority vote at a regular town election or special ballot called by the Council.

Notification and posting of such bond issues in excess of one million dollars (\$1,000,000) shall be in the same manner as if it were a bond issue of a town pursuant to RSA Chapter 33, as amended with voting by ballot at a regular or special election. In addition to any other public hearings required by this Charter or state law, the Council shall hold a public hearing on such bond issues in excess of two hundred fifty thousand (\$250,000) preceding its vote on the issue.

(b) Borrowing for a term exceeding one (1) year shall be authorized by the Council only after a duly advertised public hearing.

(b) For the purpose of borrowing funds under state law, the Town Council shall have all the powers and duties of the “governing body”; the Town of Bedford shall be vested with the powers and duties of a “city”; and for purposes of borrowing the chairman of the Council shall be vested with the powers and duties of a “mayor” as are used in state law.

## **1-5-12 Purchasing Procedure**

### **(a) Purchasing and Contract Procedure**

The Administrative Code shall establish purchasing and contract procedure, including the assignment of all responsibility for purchasing to the Manager or his designee and the combination purchasing of similar articles by different departments. The Council shall establish dollar limits for purchases and contracts which must be by competitive bid and shall establish the bidding procedures.

### **(b) Purchasing Through State of New Hampshire or State of New Hampshire Bid Price**

No competitive bids shall be required when purchasing through the State of New Hampshire or at State of New Hampshire bid prices.

### **(c) Waiving of Bid Requirements**

Requirements for bids may be waived in specific instances by an affirmative vote of five (5) Councilors.

### **(d) Establishing Maximum Dollar Amounts For Purchases And Contracts Without Council Approval**

The Council shall establish dollar amounts for purchases and contracts, over which no purchases shall be made or contracts entered into without the affirmative vote of a majority of the Council.

### **(e) Authority of Manager to Make Purchases and Enter Contracts**

If the Council has voted to make a purchase or enter into a contract, the Manager shall carry out the vote of the Council and enter into such transaction on behalf of the Town.

### **1-5-13 Special Assessments**

#### **(a) Conditions Allowing Special Assessment**

When it appears, either by resident petition or Council deliberation, that a capital public improvement project should be defrayed in part or whole by special assessment, the Council shall have the authority subject to state law to undertake such project.

#### **(b) Public Hearing on Special Assessments**

The Council shall hold a public hearing on the project prior to enacting any special assessment resolution.

- (1) Such resolution shall state the estimated cost of the project(s), the proportion to be borne by special assessment, and the proportion to be borne by town revenues, and shall not exceed twenty thousand dollars (\$20,000) of town revenues per year without prior approval of the Town Council.
- (2) The resolution shall designate the areas of the Town or the premises on which the special assessment shall be levied and the conditions of payment of the levy.

#### **(c) Executing Special Assessment Projects**

All of the procedures utilized in executing any project involving special assessment shall conform to the requirement of Section 1-5-12 of this Article and such special conditions as may be required by affirmative action of the Council.

### **1-5-14 Trust Funds**

#### **(a) Trustees of the Trust Funds**

There shall be three (3) Trustees of the Trust Funds who shall hold office for three (3) years and until their successors are elected and qualified on a staggered

basis so that one (1) Trustee is elected at each town election. They shall have all the powers and duties granted to Trustees of Trust Funds by this Charter and state law.

**(b) Investments**

Trust funds, except where otherwise provided by the instrument creating such trust, shall be kept separate and apart from all other funds and shall be invested by the trustees in legal investments.

**(c) Vacancy**

In the event of a vacancy in office, the Council shall fill such vacancy by appointment, such appointment to be effective until a successor to fill the unexpired term is elected at the next town election and is then qualified to serve.

**ARTICLE 1-6  
PERSONNEL POLICIES**

**1-6-1 Appointments**

Appointments and promotions to all positions in the service of the Town, other than those covered by an employee representative contract, shall be made solely on the basis of merit and only after consideration of the applicant's ability in accordance with procedures set forth in the Personnel Plan.

**1-6-2 Personnel Plan**

**(a) Contents**

There shall be a set of rules and regulations providing for the establishment of a system of personnel administration known as the "Personnel Plan". The Plan shall include provisions with regard to classification,

compensation, selection, training, promotion, grievances, discipline, vacations, retirement, and any other matters necessary to the maintenance of efficient service and proper working conditions.

**(b) Enactment**

The Personnel Plan shall continue in force, subject to amendments submitted from time to time by the Manager, which shall become effective one (1) month after the submission, unless vetoed by the Council within that period.

**(c) Elected Officials, Board and Committee Members, and Appointed Officers**

The Personnel Plan shall not apply to any elected officials, board and commission members, and other officers appointed by the Council.

**(d) Job Descriptions**

Each employee shall be provided with a written job description prepared by the Manager and subject to Council review.

**1-6-3 Compensation**

**(a) Elected and Appointed Officials and Department Heads**

The compensation of all elected and appointed officials and department heads shall be established and modified by express resolution of the Council.

**(b) Changes in Compensation of Council Members**

The rate of compensation of Council members may only be changed by a charter amendment approved by the voters and shall not take effect until the first (1) day of the next fiscal year. No vote on this matter may be taken within ninety (90) days of the town election.

**(c) Town Employees**

The compensation of all town employees not fixed by other provisions of this Charter or collective bargaining shall be fixed in the Personnel Plan by a schedule of pay which shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of position provided for in said plan.

**(d) Town Meeting Authority to Change Salaries**

In adopting the town budget, the town meeting shall not increase or decrease any individual compensation item but shall act solely with respect to total salaries in the various departments of the Town.

**1-6-4 Certification of Payroll**

No compensation shall be paid without certification by the Manager, or such others as he may direct, that the recipients are employed by the Town, and that their rates of compensation comply with approved pay rates.

**ARTICLE 1-7**

**CONDUCT OF OFFICIALS**

**1-7-1 Conditions For Holding Office**

- (a) Any person while in town office convicted of a Class A felony in New Hampshire or its equivalent under the law of any other state or federal law shall forfeit such office.
- (b) No employee of the Town shall be eligible to serve as a Councilor.
- (c) Any person elected to a town office or trusteeship while presently holding another such town office, board membership, commission membership, or trusteeship

shall immediately forfeit the office he held prior to such election.

- (d) Except as otherwise provided by this Charter, no department head nor regular employee of the Town shall be appointed to a town office, board membership, commission membership, or trusteeship.
- (e) The Zoning Board of Adjustment shall not have any members who also serve on the Planning Board, Conservation Commission, or Historic District Commission.

**1-7-2 Conflicts of Interest**

- (a) Any elected or appointed officer or employee of the Town who has a financial interest, direct or indirect, in any planned or existing contract, job, work, or service to be performed for the Town or voluntary sale to the Town of any land, materials, supplies, equipment, or other property shall make full disclosure of such interest to the Council and Manager prior to the Town's deliberating on any such matter or transaction.
- (b) The person so financially interested in such matters or transactions shall not vote or advise on or otherwise participate in the Town's and Council's consideration of such matter or transaction.

**1-7-3 Disqualification From Decision-Making Process**

**(a) Reasons for Disqualification**

No elected or appointed officer or employee of the Town shall take part in a decision concerning the business of the Town in which he or a member of his family, directly or indirectly, has a financial or other gainful interest which may affect his vote in favor of or against that business,

aside from his salary as such officer or employee, greater than any other citizen or taxpayer.

**(b) Definition of Family**

For the purposes of this section, the word “family” shall mean an individual’s spouse, his or her spouse’s lineal ascendants and lineal descendants, and his and her spouse’s siblings and their offspring.

**1-7-4 Private Use of Town Property and Personnel**

No elected or appointed officer or employee shall devote any town property or labor to private use except as may be provided by authority of the Council.

**1-7-5 Acceptance of Gifts and Gratuities**

No elected or appointed officer or employee of the Town shall solicit or accept any gift or gratuity which could, in any manner, be construed to affect or influence the performance of his official duties.

**1-7-6 Disposition of Fees**

No elected or appointed officer or employee of the Town shall collect any fees, salaries, or other payments in connection with his official duties for his own use, except as provided for by ordinance or state law.

**1-7-7 Misuse of Information**

No elected or appointed officer or employee of the Town shall utilize or dispense information gained through said office or employment for his or another’s personal profit.

## **ARTICLE 1-8**

### **CITIZEN CONCERNS: INITIATIVE PETITION: REFERENDUM: RECALL**

#### **1-8-1 Citizen Concerns**

- (a) Individual citizen concerns shall be directed to the Manager to be relayed to the appropriate department(s) or individual(s) for consideration. Acknowledgement of the concern(s) may be made to the citizen directly or in writing.
- (b) Any citizen wishing to appear before a regularly scheduled Council meeting may present a brief statement of concern to the Council in accord with the rules of the Council.
- (c) A citizen requiring more than five (5) minutes to present a concern may request, in writing, to be put on the agenda of a regular Council meeting by filing with the Manager an outline of the topic to be presented. The citizen shall be notified of the date, time, and place of the meeting in which he will be heard if the request is deemed a matter in which the Council is empowered to act. Otherwise, the Manager shall respond to the citizen with reasons why the request was not granted.

#### **1-8-2 Initiative Petitions**

- (a) The Council shall hold a public hearing and act, by taking a vote, on the merits of every initiative petition which concerns a matter in which the Town is empowered to act. The petition shall be addressed to the Council, shall contain a request for passage or repeal of a particular measure set forth in the petition,

and shall be signed by not less than fifty (50) registered voters.

- (1) The initiative petition shall include the personal signature and legible name and address of each petitioner and shall be filed with the Town Clerk as one (1) instrument of endorsement. The Town Clerk shall verify the number of registered voters signing the petition and shall attach thereto a certificate showing the result of such examination. Within seven (7) days, the Town Clerk shall transmit the petition and certificate to the Town Council and shall send a copy of the certificate to the first (1) signer of the petition.
  - (2) The petition shall be considered valid following certification unless written objection regarding the number of signatures certified is made by a voter no more than seven (7) days after the certificate has been issued. The validity of any such objection shall be determined by the Council.
- (b) The Council shall hold a public hearing within thirty (30) days of the date of certification of any measure proposed in any petition signed by fifty (50) registered voters, unless a question of its legality is raised by a member of the Council.
- (1) If a question of legality is raised by any Councilor, the measure shall be referred to a town attorney for review. If the measure proposed may be lawfully passed by the Council, the public hearing shall be scheduled within thirty (30) days of the date of the attorney's opinion. If the measure may not be lawfully passed by the Council, it shall be returned

to the petitioners with an explanation.

- (2) The Town Clerk shall mail notice of the hearing to ten (10) petitioners whose names appear first (1) on each petition at least seven (7) days prior to the hearing. Notice by publication of a summary of contents of the petition at least seven (7) days prior to all such hearings shall also be made, and shall be at public expense.
  - (3) Hearings on two (2) or more petitions filed under this Section and addressing different substantive issues may be held at the same place and time. No hearing shall be held upon more than one (1) petition containing the same subject matter in any given twelve (12) month period.
- (c) Following the public hearing, the Council may:
- (1) Pass said measure without alteration or with amendment, or
  - (2) Deny said measure with stated reasons.

### **1-8-3 Referendum Petitions**

- (a) Referendum petitions must be filed with the Town Clerk within thirty (30) days after action by the Council on any measure or any part thereof sought to be reconsidered. Referendum petitions must be signed by at least five percent (5%) of the registered voters of the Town. The procedures of Section 1-8-2a shall apply to referendum petitions.
- (b) When a referendum petition is filed with the Town Clerk, the measure or part thereof sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

(1) There is a final determination of insufficiency of the petition, or

(2) The filers of the petition withdraw it.

(c) When a referendum petition has been finally determined sufficient, the Council shall submit the referred measure or part thereof protested to the voters of the Town at a special election to be held on a date fixed by the Council. Such special election shall be held no less than thirty (30) nor more than ninety (90) days after the date of the certificate heretofore mentioned; provided that if any election is to occur within one hundred and twenty (120) days after the date of said certificate, the Council may, at its discretion, omit the calling of a special election and submit the referred measure or part thereof to the voters at such approaching election. The ballot used when voting upon a proposed measure under this Section shall state the nature of the referred measure or part thereof protested in terms sufficient to show its substance.

**1-8-4 Submission of Proposed Measure to Voters**

The Council of its own motion may submit any measure or proposition for repeal or amendment of a measure to the voters at any regular or special town election.

**1-8-5 Measures With Conflicting Provisions**

If two (2) or more proposed measures passed at the same election contain conflicting provisions, only the one (1) receiving the greater number of affirmative votes shall take effect.

### **1-8-6 Recall of Officeholders**

Any individual elected official who has completed at least six (6) months of his term of office or has more than six (6) months of his term remaining may be recalled therefrom by the voters as follows:

- (a) Two hundred fifty (250) or more voters may file a request for a recall petition with the Town Clerk. This request shall include the name of the officer and the grounds for which the recall is sought, together with the signature and a legible name and address of each voter.
- (b) The Town Clerk shall verify the names of the voters and promptly issue blank petitions for recall. Each petition shall be addressed to the Council, be dated, include the grounds for recall as stated in the request, the name of the voter to whom it is issued, the signature of the Town Clerk, and the Town Seal. The recall petitions bearing the signatures and legible names and addresses of at least seven hundred and fifty (750) voters shall be returned to the Town Clerk within twenty (20) days. The Town Clerk shall promptly certify the number of voters who signed the petitions.
- (c) If the petitions are certified to be sufficient by the Town Clerk, he shall submit them to the Council together with his certification. The Council shall forthwith give written notice of the petition and certification to the officer whose recall is sought. If this officer does not resign within five (5) days after delivery of this notice, the Council shall order a recall election to be held no less

than thirty (30) days nor more than sixty (60) days after the date the Town Clerk certified the petitions.

If however, any other town election is scheduled within ninety (90) days of the date of the certification, the Council shall hold the recall election on the same date as the other town election. The filing of candidates and the conduct of the election shall be in accordance with the provisions of this Charter and the election laws of the State of New Hampshire.

- (d) The proposition on the ballot shall be “For the recall of” or “Against the recall of (name of officer).”
- (e) If the incumbent is not recalled, he shall continue in office for the remainder of his term and may not again during that term be subject to recall. If he is recalled, he shall be deemed removed from office on the day after the recall election and the vacancy filled as provided by this Charter.
- (f) A separate recall petition, requiring two hundred fifty (250) signatures to initiate and seven hundred fifty (750) signatures to be certified, shall be required for each elected official who is the subject of a recall; and, each said official’s recall shall be voted on as a separate question at the recall election.

**1-8-7 Budget Process**

Notwithstanding any other provisions of this Charter, this Article shall not apply to Article 1-5 of this Charter or any actions taken pursuant thereto.

**ARTICLE 1-9**

**TOWN REPORT: TOWN MEETING**

**1-9-1 Town Report**

Each year the Town Manager shall prepare a town report which shall include:

**(a) Financial Statements**

The statement of the past year's financial activities and a comparative statement of the previous and present budget.

**(b) Review of Council Actions**

A review of all major Council actions, including a summary of ordinances enacted.

**(c) Town Vital Statistics**

There shall be a section which presents actions taken by Town boards or departments and the Town Council. The effective date of the report shall be the end of the fiscal year and the report shall be made available to the voters of the town not later than seven (7) days prior to the date of the annual meeting.

**1-9-2 Annual Budgetary Town Meeting**

Each year on the second (2) Tuesday of March, unless another date shall be fixed by the Council, the Council shall summon the voters of the town to hear reports of the previous year's activities and of proposals for the current year and to vote on the town budget for the coming year.

## **ARTICLE 1-10**

### **GENERAL PROVISIONS**

#### **1-10-1 Certificate of Election and Appointment**

Except as otherwise provided by law, before performing any act under this election or appointment, each person elected shall take and subscribe to an oath to qualify him to enter upon the duties of office. A record of the taking of such oath shall be made by the Town Clerk. Any oath required by this Section may be administered by any officer authorized by law to administer oaths.

#### **1-10-2 Term Commencement: Notice of Election or Appointment**

- (a) Written notice of the election or appointment to any town office or board shall be mailed to the individual involved by the Town Manager, within three (3) clear days after the appointment is made or the results of any vote are certified by the Board of Election Officers to the Council.
- (b) Unless otherwise set forth in this Charter, all elected officials in the Town shall take or continue in office on the first (1) Monday following the second (2) Tuesday in March following their election and shall hold office until their successors are elected and qualified.

#### **1-10-3 Vacancies**

In addition to the provisions of this Charter, a vacancy shall be deemed to exist in any department, office, or board whenever an officer, member, or employee dies, resigns, is removed for just cause, is permanently physically or mentally incapacitated to the degree that he is unable to perform his duties, is judicially declared to be mentally incompetent or, for board members where residence in the Town is required, he moves from the Town.

Unless otherwise provided in this Charter, vacancies

occurring under this Section shall be declared to exist by the Council for board members, the Manager for department heads, and by the department heads for department personnel.

**1-10-4 Public Records and Meetings**

All records of the Town and all meetings of the Council, boards, committees, commissions, authorities, or other municipal bodies shall be open to the public, and their minutes and other records shall be available to the public in accordance with the provisions of The Right To Know Law as amended.

**1-10-5 Agreements With Other Municipalities**

The Council is authorized, as provided by New Hampshire law, to enter into agreements and regional compacts with neighboring cities and towns, state agencies, or private non-profit corporations for the purpose of resolving their common problems for the mutual advantage and benefit of the Town and its neighboring cities and towns.

**1-10-6 Specific Provisions To Prevail**

To the extent that any specific provision contained in this Charter conflicts with any provision expressed in general terms the specific provision shall prevail.

**1-10-7 Severability**

The sections of this Charter and the parts hereof are separable. If any portion or section of this Charter or the application thereof to any person or circumstance shall be held invalid by a court of competent jurisdiction, the remainder of the Charter shall not be affected thereby. If a clause, portion, or section of this Charter is so held invalid, then the applicable provisions of state law, if any shall govern.

**1-10-8 Authentication of Charter: Copies to be Kept on File**

**(a) Authentication of Charter**

Upon adoption, the official Charter, duly authenticated by affixing the signatures of all members of the Charter Commission and the Board of Selectmen, the Town Clerk and affixing the Town Seal, shall be filed with the Town Clerk and remain in the Town Clerk's office as the official Charter of the Town of Bedford. At its first (1) meeting, the Town Council shall affirm the validity of the Town Charter.

**(b) Amendments**

All amendments to this Charter shall be authenticated by the Town Council and be filed with and remain a part of the official Charter.

**(c) Maintenance**

The Town Clerk shall be responsible for the proper maintenance of the Charter, under the direction of the legal officer. Copies of the Charter shall be available to the public, and the Town Clerk may charge a fee to defray printing costs.

**1-10-9 Charter Amendments**

Amendments to this Charter may be initiated either by the Council or by initiative petition, public hearing, and voter election pursuant to New Hampshire RSA 49-B:5.

**1-10-10 Violations and Penalties**

All willful violations of provisions of this Charter, unless otherwise provided, are hereby declared to be misdemeanors, and all such violations and all violations of town ordinances for which no other punishment is provided shall be punishable by a fine in accord with state statutes.

**1-10-11 Rules and Regulations**

A copy of all rules and regulations adopted by any town agency, board, commission or individual shall be filed in the office of the Town Clerk and made available for review by any person who requests such information.

**1-10-12 Reorganization Plans**

Except for those agencies established by this Charter or as otherwise prohibited by state law, the Council may reorganize, consolidate, or abolish any existing town agency in whole or in part or establish new town agencies and prescribe the functions of any town agencies provided that such action shall not eliminate the statutory duties of town officials.

**1-10-13 Proposed Reorganization Plans by the Manager**

The Manager may prepare and submit to the Council for its approval proposed reorganization plans which may, subject to applicable law and this Charter, reorganize, consolidate or abolish any town agency in whole or in part or establish new town agencies, as he deems necessary or expedient. Such reorganization plans shall be accompanied by explanatory messages when submitted.

**1-10-14 Indemnification of Town Officers, Board Members and Employees**

The Town shall undertake to indemnify and save harmless all its officers, officials, volunteers, boards, commissions, and employees from personal loss and expense. Expenses may include reasonable legal fees and costs, if any arising out of any claim, demand, suit, or judgment by reason of negligent acts or omissions if the indemnified person was acting in the scope of his office or employment and in good faith in accord with the provisions of state law.

**1-10-15 Prohibition**

- (a) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to, any town position or appointed town administrative office because of age, race, sex, political or religious opinions, or affiliations.
- (b) No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment.
- (c) No person who seeks appointment or promotion with respect to any town position or appointed town administrative office shall directly or indirectly give, render, or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.
- (d) No person who runs for town office shall orally, by letter, or otherwise, solicit or assist in soliciting any assessment, subscription, or contribution for any political party or political purpose whatsoever from any person holding any compensated appointed town position.

**1-10-16 Procedures**

**(a) Meetings**

All properly constituted authorities, boards, commissions, committees, or other municipal bodies (hereafter called committees) of the Town, whether elected or appointed or otherwise constituted, shall meet regularly at such times and public places within the Town as they may prescribe. Except in emergencies, special meetings of these committees shall be held on the call of the respective

chairman or by one-third (1/3) of the members thereof by written notice delivered to the residence or place of business of each member at least forty-eight (48) hours in advance of the time set. A copy of said notice shall also be posted on the town bulletin board(s). Except in cases of emergency otherwise authorized by the general laws, all meetings of these committees shall be open and public; however, these committees may meet in a closed or executive session as permitted by the Right to Know Law, as amended.

**(b) Committee Organization**

Each committee shall determine its own rules and order of business unless otherwise provided by the Charter or by Law. The agenda and minutes shall be kept as required by the Right to Know Law, as amended. A chairman and secretary shall be elected annually in accord with the committee's rules of procedure.

**(c) Quorum**

A majority of the members of a committee shall constitute a quorum, but a smaller number may adjourn from time to time until a quorum is achieved. No other action taken by a number of members smaller than the quorum shall be valid or binding.

**(d) Council**

The provisions of Section 1-10-16 shall not apply to the Council to the extent that they are consistent with other Provisions of this Charter.

**1-10-17 Land Use Ordinances**

All land use regulations and ordinances, including the adoption of the zoning ordinances and amendments by referendum, must be adopted pursuant to state law.

## **1-10-18 Municipal Budget Law Repealed**

By adoption of this Charter the voters and the Town of Bedford expressly repeal and rescind the previous adoption of the provisions of the Municipal Budget Act.

## **ARTICLE 1-11**

### **ADMINISTRATIVE AND JUDICIAL BOARDS**

#### **1-11-1 Administrative Committees**

##### **(a) Planning Board**

###### **(1) Membership**

There shall be a planning board consisting of nine (9) members as provided by state statute. Six (6) of these members shall be appointed by the Council for terms of three (3) years, such terms to be staggered.

###### **(2) Ex Officio Members**

The Town Manager and the Town of Bedford Public Works Director shall serve as ex officio members and one (1) representative from the Town Council shall be appointed annually at the Council's first (1) meeting. These representatives shall have all the rights of membership including the right to hold office.

###### **(3) Vacancies in Office**

The Council shall fill any vacancy for the period of the unexpired term.

###### **(4) Powers**

The Planning Board shall have all the powers granted to planning boards by state law.

###### **(5) Terms**

Three (3) alternate members shall be appointed, each serving three (3) year terms, staggered.

**(b) Conservation Commission**

(1) Membership. There shall be a Conservation Commission consisting of seven (7) members. The five (5) appointed by the Town Council shall be appointed for terms of three (3) years, such terms to be staggered.

(2) Planning Board and Town Council Representatives

The Planning Board and Town Council shall each appoint one (1) of their members as a representative to the Conservation Commission annually at their first (1) meeting. These representatives shall have all the rights of membership including the right to hold office.

(3) Vacancies in Office

The Council shall fill any vacancy for the period of the unexpired term.

(4) Powers

The Conservation Commission shall have all the powers granted to conservation commissions by state law.

(5) Terms

Three (3) alternate members shall be appointed, each serving three (3) year terms, staggered.

**( c ) Recreation Commission**

(1) Membership

There shall be a recreation commission consisting of five members. The five (5) appointed by the Town Council shall have terms of three (3) years, such terms to be staggered.

(2) Responsibilities

The Recreation Commission shall make recommendations to the Town Council as to the acquisition, holding, and disposition of real and personal property pursuant to appropriations authorized by the budgetary

town meeting and may enter into any contract only with Council approval. It shall recommend to the Town Council all rules and regulations regarding the operation of recreation facilities. It shall recommend employment of full or part-time employees to the Town Manager.

(3) Vacancies in Office

The Council shall fill any vacancy for the period of the unexpired term.

(4) Powers

The Recreation Commission shall have all the powers granted to recreation committees by state law.

(5) Terms

Two (2) alternate members shall be appointed, each serving three (3) year terms, staggered.

**(d) Historic District Commission**

(1) Membership

There shall be an Historic District Commission consisting of five (5) members, one (1) of whom shall be a Councilor appointed by the Council. The remaining four (4) appointed by the Town Council shall have terms of three (3) years, such terms to be staggered.

(2) Vacancies in Office

The Council shall fill any vacancy for the period of the unexpired term.

(3) Powers

The Historic District Commission shall have all the powers granted to historic district commissions by state law.

(2) Terms

Three (3) alternate members shall be appointed, each serving three (3) year terms, staggered.

**(e) Cemetery Committee**

The Town Council shall appoint three (3) persons who shall have terms of three (3) years, such terms to be staggered, to meet with the Trustees of the Trust Funds as overseers of the town cemeteries. Contracting shall be only with Council approval.

**(f) Other Administrative Committees**

Other administrative committees may be established as necessary by the Town Council, including a Budget Advisory Committee.

**(g) Annual Review of Town Committees**

At least annually, in February and more often if town affairs warrant, the Town Council shall meet with the chairmen of all standing town committees to review significant actions taken by the committees, projects currently under discussion, and anticipated activity for the coming year.

**1-11-2 Judicial Board**

**Zoning Board of Adjustment**

There shall be a Zoning Board of Adjustment appointed by the Council, consisting of five (5) members each serving a three (3) year term, and three (3) alternates each serving a three (3) year term. Such terms shall be staggered. The Council shall fill any vacancy for the period of the unexpired term. The Zoning Board of Adjustment shall have all the powers granted to such boards under state law.

**1-11-3 Terms of Office**

The terms of office of all members of appointed boards shall begin on the first (1) Monday following the second (2) Tuesday in March and end on the first (1) Monday following the second (2) Tuesday in March in the year that their term expires. If any appointee received an appointment subsequent to the second (2) Tuesday in March of the year in which the term of office originally commenced, the term to which the person was appointed will end on the first (1) Monday following the second (2) Tuesday in March in the year that it was scheduled to end.

**1-11-4 Vacancies in Elected Office**

Unless otherwise specified in this Charter, in the event of a vacancy in an elected office, board or commission of the Town, the Council shall fill that vacancy by appointment, such appointment to continue until the next town election.

**ARTICLE 1-12**

**TRANSITIONAL PROVISIONS**

**1-12-1 Continuation of Government**

All members of town agencies, except for those abolished by this Charter, shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred. The Council shall take whatever measures are necessary to effectuate an orderly transition and shall take whatever actions are necessary to enable such transitions in office to comply with the provisions of this Charter.

**1-12-2 Continuation and Compensation of Personnel**

(a) Until expressly changed after the effective date of this Charter, the compensation of all officers, department

heads, and employees of the Town shall be the same as that in effect on December 31, 1988.

- (b) Any person holding an office or position in the administrative service of the Town, or any person serving in the employment of the Town shall retain such office or position and shall continue to perform his duties until provisions shall have been made in accordance with the Charter for the performance of the said duties by another person or agency; provided, however, that no person in the permanent full-time service or employment of the Town shall forfeit his pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as is practical.

**1-12-3 Transfer of Records and Property**

All records, property, and equipment of any town agency, the powers and duties of which are assigned in whole or part to another town agency, shall be transferred forthwith to the town agency to which such powers and duties are assigned.

**1-12-4 Effect on Obligations, Taxes and Other Legal Acts**

All official bonds, recognizance, obligations, contracts, and other instruments entered into or executed by or to the Town before its adoption of the Charter; all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the Town, shall be enforced and collected; all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the Charter; and no legal act done by or in favor of the Town shall be rendered invalid by the adoption of the Charter.

**1-12-5 Effective Date and Interim Budget**

This Charter shall take effect immediately upon adoption of this Amendment except as otherwise herein provided. Prior to that date, the Selectmen shall prepare for the transition to the new form of government.

**1-12-6 Abolition of Certain Boards**

The following Town agencies shall be abolished effective on the dates listed herein:

- (a) The Board of Selectmen, the first (1) business day following the adoption of this amended section;
- (b) The Budget Committee, December 31, 1988;
- (c) Police Commission, January 1, 1988; and
- (d) Sewer Commission, the first (1) business day following the adoption of this amended section.

**1-12-7 Council, Town Clerk-Tax Collector, and Moderator**

**(a) Election of Councilors**

This Section applies only to the election of Councilors at the election which was held on March 8, 1988. At this election, three (3) Councilors shall be elected to hold office for terms of three (3) years from the date of March 8, 1988. Those Selectmen whose terms have not expired as of this date shall continue in office as Councilors for the same terms as they were elected Selectmen. The Selectmen whose term of office would expire on March 8, 1988, shall be extended to expire on the first (1) business day following adoption of this amended Section and all Councilors elected pursuant to this section shall take office on said date.

**(b) Town Clerk-Tax Collector**

The person holding the office of Town Clerk-Tax Collector on December 31, 1988, shall complete this elected term on March 8,1990, at such time the office shall be elected in accordance with the provisions of this Charter.

**(c) Town Moderator**

The person elected Town Moderator in March, 1986, shall hold office until the first (1) Monday following the second (2) Tuesday in March 1989. The first (1) election of the Town Moderator under this Charter shall be held at the town election on the second (2)Tuesday in March of 1989. The person elected shall take office on the first (1) Monday following the second (2) Tuesday in March of 1989, for a term of one (1) year. Therefore, this office shall be elected by ballot at the annual meeting for a two (2) year term.

**1-12-8 Expiration of Terms of Office of Continued Boards**

Boards which are to continue in operation shall have the various terms of office expire as follows:

**(a) Planning Board, Conservation Commission, Recreation Commission, Historic District Commission, Zoning Board of Adjustment, and alternates thereto if any.**

- (1) Terms which would normally expire in 1988, and will expire August 2,1988. Members shall serve until their successors are appointed and qualified.
- (2) Terms which would normally expire in 1989, will expire on the second (2) Tuesday in March of 1989, with their successors being appointed no

later than the first (1) Monday following the second (2) Tuesday of March, 1989.

- (3) Terms which would normally expire in 1990, will expire on the second (2) Tuesday in March of 1990, with their successors being appointed no later than the first (1) Monday following the second (2) Tuesday of March, 1990.

**(b) Trustees of the Trust Funds**

- (1) The Trustee whose term is to expire in March of 1988, shall hold office until the first (1) Monday following the second (2) Tuesday in March of 1989, for a two (2) year term. Thereafter this office shall be elected by ballot at the annual town meeting for a three (3) year term.
- (2) The Trustee whose term is to expire in March of 1989, shall hold office until the first (1) Monday following the second (2) Tuesday of March, 1989, with the successor being elected for a three (3) year term.
- (3) The Trustee whose term is to expire in March of 1990, shall hold office until the first (1) Monday following the second (2) Tuesday in March 1990, with the successor being elected for a three (3) year term.

**(c) Supervisors of the Checklist**

- (1) The Supervisors of the Checklist whose term of office would normally expire in March 1988 shall continue in office until the first (1) Monday following the second (2) Tuesday of March, 1989. The successor shall be elected at the town election in March of 1989, for a five (5) year term.

Thereafter, this office shall be elected by ballot at the annual meeting for a six (6) year term.

- (2) The Supervisor of the Checklist whose term of office would normally expire in March 1990, shall continue in office until the first (1) Monday following the second (2) Tuesday in March, 1990. The successor shall be elected at the town election in March of 1990.
- (3) The Supervisor of the Checklist, whose term of office would normally expire in March 1992, shall continue in office until the first (1) Monday following the second (2) Tuesday in March, 1992. The successor shall be elected at the town election in March of 1992.

**(d) Other Boards and Commissions**

All terms will expire December 31, 1988.

**1-12-9 First Election**

All election officers holding office prior to and at the time of the first (1) election held under this Charter shall conduct such election and shall have all the powers granted to them under state law for such purposes and shall have all the powers that are granted to their successors under this Charter which are necessary to conduct properly such first (1) election.

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