

**TOWN OF BEDFORD
CHARTER COMMISSION ORGANIZATIONAL MEETING MINUTES
April 19, 2023
10 Meetinghouse Road**

1. ROLL CALL: A meeting of the Bedford Charter Commission was held on Wednesday, April 19, 2023, 10 Meetinghouse Road. Participating were Susan Labrie, Linda Camarota, Terry Wolf, Paul Brock, Lori Radke, Kelleigh Gleason, Jeff Kerr. Also present was Town Manager Rick Sawyer and Town Attorney Michael Courtney.

Matthew McLaughlin was participating by Zoom.

2. PLEDGE OF ALLEGIANCE – Led by Sally Kellar, Town Clerk

3. TAKING OATH OF OFFICE BY CHARTER COMMISSION MEMBERS

Ms. Keller swore in the Charter Commission members.

4. ELECTION OF CHAIRPERSON, VICE CHAIRWOMANPERSON, and SECRETARY

MOTION by Mr. Bock to elect Terry Wolf as Chair of the Charter Commission. Seconded by Ms. Gleason. Vote taken – Motion Passed – 8-0.

MOTION by Mr. Brock to elect Kelleigh Gleason as Vice Chair of the Charter Commission. Seconded by Ms. Labrie. Vote taken – Motion Passed – 8-0.

MOTION by Mr. Kerr to elect Paul Brock as Secretary of the Charter Commission. Seconded by Ms. Gleason. Vote taken – Motion Passed – 8-0.

Chairwoman Wolf wanted to know if Mr. McLaughlin was allowed to vote as he was participating via Zoom. Mr. Sawyer stated that he was able to, and all votes moving forward need to be by roll call.

Mr. Brock wanted to know if they needed detailed minutes or would the recording of the meeting suffice. Mr. Sawyer stated that there needed to be detailed minutes, but the administration was offering to do that if they would like that. In the draft rules and procedures, the Secretary would take over as Chair if both the Chair and Vice Chair couldn't be at a meeting. He could take notes and do the minutes if he wanted to do it that way. Mr. Brock thought that others could do it far better than he could.

5. NEW BUSINESS

a. Discussion/Adoption of Rules and Regulations

Chairwoman Wolf wanted to know if that meant the proposed bylaws that were shared with them. Ms. Kellar stated that they were more than welcome to use the bylaws that were shared ahead of the meeting or they could create their own.

MOTION by Vice Chair Gleason that they adopt the bylaws as proposed and appended to the agenda this evening. Seconded by Mr. Brock.

Mr. McLaughlin stated that under Section II: Organization – Membership, it says, ‘The Commission shall continue in existence until the day following the March 2024 municipal election for the purpose of winding up its affairs.’ In the rules it mentioned if you miss a deadline you can continue for one year after the March 2024 election. He wanted to know if they wanted to add something so if they do miss a deadline that they could extend it beyond a year if they need to per that RSA. Chairwoman Wolf wanted to him to clarify where specifically he saw the extension. Mr. McLaughlin stated that it was in the Bedford Charter Commission timeline 2023-2024 on page 6. There is a section if you miss a deadline. It states, ‘If the Charter Commission is unable to obtain approval by state officers in time to submit its final report by January 15, 2024, or otherwise does not complete its preliminary or final report in accordance with the schedule, it shall continue in existence for another year, and only one more year. (RSA 49-b:4-c).’ Chairwoman Wolf wanted to know if he wanted to make a motion to amend.

MOTION by Mr. McLaughlin that they amend Section II: Organization – Membership, to add a line that says, ‘If the Charter Commission is unable to obtain approval by state officers in time to submit its final report by January 15, 2024, or otherwise does not complete its preliminary or final report in accordance with the schedule, it shall continue in existence for another year, and only one more year, per RSA 49-b:4-c.’ Seconded by Mr. Brock.

Vice Chair Gleason wanted to say ‘consistent with RSA 49-b:4’. Chairwoman Wolf thought they could only deal with one amendment at a time and wanted to know if it was consistent with that. Vice Chair Gleason stated that it’s consistent with RSA 49-b:4, so they were just citing to the statute.

Ms. Camarota stated that they don’t want to delay it, even the year, but that is in the statute, the bylaws, but to extend it even further, she wanted to know if that would be negatively seen as they didn’t meet their deadlines. They have until October to have a final report. The State should have plenty of time to pass that; to do whatever they need to do. Then they should be able to process it and put it before the voters in March.

Mr. Brock thought what Mr. McLaughlin was suggesting was that if for some reason potentially beyond their control they weren’t able to meet the deadline, then they don’t go out of business on March 2024. They extend their responsibilities for a year.

Vice Chair Gleason thought it just makes their rules and regulations comport with the State statutes so that everything makes sense if you view it together.

Mr. McLaughlin stated that he agreed with Mr. Brock. He certainly hopes they don’t go beyond March of 2024. If they miss a deadline, because of someone else’s fault, it would be nice if their rules said that they could kick it down the road if they had to.

Attorney Michael Courtney, Upton & Hatfield, stated that he represents Salem, NH too, and they just had a Charter adopted. They had to send in their final report to the State and the AG’s office got it back within 30 days. It was pretty quick and that was a 65 page

brand new charter. He would expect this to be done pretty quickly; he would be shocked if there was a hang-up there. He also didn't think they needed to amend their bylaws to be consistent with State law. Their bylaws could be changed at any time by them. State law controls. He brought to the Commission's attention that under RSA 49-b:4-e, the procedure for revising the Charter, under Section V., it says, 'A Commission to revise a charter shall not be continued under RSA 49-b:4-c.' He wasn't confident that they could extend it another year as they could if it was a regular charter, because of that language in Section V. Practically speaking, the issue in front of them was singular. They were only looking at this issue. It should be pretty quick. Have the public hearings. He didn't believe the statute envisioned that this would take more than a year. He thought RSA 40-14, which was the statute that allows the official ballot to get on was more of a streamlined approach when you're just looking at adopting official ballot. It's not as lengthy as creating a new charter like the Town of Salem, NH. If they want to add something to the bylaws, ultimately the State statute applies. He didn't think they needed to add it.

Chairwoman Wolf wanted to know if the Charter Commission Timeline for this particular case, that the extension for missing a deadline just didn't apply. Atty. Courtney stated that he regretted not seeing that until he looked at it today. Mr. McLaughlin stated that if that's the case and everyone was in agreement, he could withdraw the motion.

Mr. McLaughlin withdrew his motion. Mr. Brock withdrew his second.

Vote taken for adopting the bylaws.

Roll Call vote: McLaughlin-aye, Labrie-aye, Camarota-aye, Brock-aye, Radke-aye, Gleason-aye, Kerr-aye, Wolf-aye. Motion Passes.

b. Questions & Answers with the Town Attorney

Chairwoman Wolf stated that she noticed that they were required to have two hearings. She wanted to know if those hearings meant meetings and was that how they get testimony and outside information. Atty. Courtney stated that under the law, 'meeting' was where the board doesn't receive public input. The public wasn't allowed to come and speak. It's just the Charter Commission members speaking amongst themselves. When you have public hearings, it requires newspaper notice and anyone has a right to come and present what they think about official ballot pro or con. It can last as long as the public keeps it going. They can give people a certain amount of time, two or five minutes each, but it is more open. There will be robust debate. He thought the statute even says have a robust debate about it or something to that effect. What they were doing tonight was not one of those hearings. They will have two hearings, and they'll have to publish it in the newspaper and make sure there is notice. Chairwoman Wolf stated that when they have a hearing, she wanted to know who provided background information on the legal aspects of whether they should move to official ballot or not. Atty. Courtney stated that any resident of Bedford can come in and tell them what they think and everyone has their own opinion. It could be legal, factual. The Commission members can speak at the hearing. If they have any questions for him he was more than happy to answer them. He was happy to answer questions to the Commission in non-public if there was a question they wanted to ask in non-public. It's a very singular topic. It should be pretty streamlined. Chairwoman Wolf didn't think there should be any reason for a non-public session. There isn't any

qualification for it. Atty. Courtney mentioned the attorney/client privilege. He didn't know how it would come in this context, but if someone brings up something confidential or there was a dispute and the Commission wants a legal opinion. Maybe they don't want the public to get the legal opinion at the same time; they want to hear it first. That would be a reason to have a non-public. Given the simple issue in front of the Commission, it was probably unlikely, but he thought it was important to know they have the option.

Vice Chair Gleason wanted to know if they've got specific questions about verbiage from a legal perspective if that would be something they could go into non-public to discuss with him. Atty. Courtney responded yes. They could go into non-public to discuss with him or review his opinion. If they want to email him questions he can respond by email. He looked at the Charter and where they would put the verbiage if they were to adopt official ballot voting for the town meeting portion and that might be something they want to discuss in non-public.

Chairwoman Wolf stated that she's familiar with non-public from the School side, so she's trying to understand what the mechanism was. She wanted to know why the public couldn't know whatever that discussion might be. Atty. Courtney stated that it was attorney/client privilege. It's actually a non-meeting under the Right-to-Know law. Vice Chair Gleason added that it was a consultation with counsel. Chairwoman Wolf didn't see why they would have to consult with counsel on what should be a public topic. Vice Chair Gleason stated that sometimes when you're working out the verbiage, particularly if you're going to make changes to the Charter, you want to make sure that the language that the Commission is discussing comports with the law and is the optimum language that would be recommended by Town counsel. They would go into a consultation with counsel to discuss the parameters of that and the verbiage before they presented it to the public, so they don't get a phone call from the Town attorney saying he really wouldn't say it this way, he would have it read this way instead. Atty. Courtney stated that a lot of times they have meetings at 7:00 PM and he comes at 6:30 PM to give the board or commission his legal interpretation and so they could talk about it, so when they are ready for 7:00 PM they have a legal opinion that they are comfortable with and they've asked all of their questions to the lawyer. That makes the meeting at 7:00 PM go by a little smoother.

Ms. Radke wanted to know if the Commission was allowed to have subject matter experts, people in the field, come and speak with them, if they could invite people. Atty. Courtney responded sure; it's a public hearing. Ms. Radke clarified not for the public hearing, just for their meetings. When they conduct their meetings, she wanted to know if they were allowed to invite people to come and speak to the Commission. Vice Chair Gleason wanted to know if she was envisioning representatives from other towns that passed similar provisions and Ms. Radke responded yes. Atty. Courtney thought they may want to do it as part of the public hearing portion of it. Ms. Radke wanted to clarify that it could go both ways. They could come in and speak to them at a meeting and then invite them back during a public hearing to answer questions. Atty. Courtney thought it was a great idea to see what other towns and cities have done. They may want to invite Bart Mayer, because he has a lot of thoughts on the topic of official ballot voting and town meetings.

Ms. Camarota wanted to know how they might prepare for their first public meeting in terms of their knowledge base, other than knowing what the Charter says. Atty. Courtney stated that the NH Municipal Association; Google NHMA. They have articles on official

ballot. He didn't know if they had one on pros and cons, but they talk about the whole process. The members can reach out to other towns, town officials, town administrators, town managers, and moderators; broaden their knowledge. They wouldn't want to have a quorum of themselves meeting with those people in non-public. They would want to do it individually. The internet was a great resource, but if they could ask other municipal officials in NH what their experience was with official ballot, pros and cons.

Mr. Brock wanted to know of Atty. Courtney would prefer any requests for official opinions or legal interpretation came from one person, i.e. the Chair, as opposed to him being bombarded by nine different people. Atty. Courtney stated that most boards have one person that directs the legal questions. He bills hourly, so they don't want everyone asking the same question over and over. He thought it was a good idea to make it one person. It could be the Chair or it could be someone else, but it's a good idea.

Mr. McLaughlin wanted to clarify that they, individually, could reach out to town administrators in other towns on their own to educate themselves on their experience and process. Atty. Courtney stated that was correct.

c. Other New Business

Chairwoman Wolf mentioned picking a date for their next meeting. Mr. Brock wanted to know if they wanted to do just next meeting or did they want to establish a schedule. Chairwoman Wolf wanted to know if they were ready to establish a schedule. Ms. Radke wanted to know what they were looking at for a schedule, once a month, twice a month. She wanted to know what the expectation was and how many meetings they were supposed to have. She knows they need to hold two public hearings, but wanted to know if they could meet as many times as or as little times as they want. Atty. Courtney stated that was correct. They just had to satisfy the statute hearings. Salem was the most recent example and they met a lot, but they had a lot to do. Ms. Radke wanted to know if there was a town most recently that did a charter revision.

Mr. Sawyer thought the most recent one that looked at a similar question was the Town of Londonderry in 2011 and the Town of Newmarket has also looked at it. His office can help with that kind of research. Ms. Radke thought that it would be nice to reach out about how many meetings they had. Vice Chair Gleason wanted to know if Londonderry and Newmarket actually passed it. Mr. Sawyer stated that in the case of Londonderry, they did pass and moved to SB2 or official ballot type. He didn't remember what Newmarket did. Londonderry's minority report was available on their website. If they looked at all the information they could prepare their preliminary report for October 15th and their final report by January 15, but there could also be a minority report, if members of the Commission don't agree. Londonderry has one. Vice Chair Gleason wanted to know if their minority report and majority report were on their website. Mr. Sawyer thought so, but his office could help them with that if the Chair would like them to do that.

Mr. Brock's suggestion/preference would be that they initially schedule more meetings and then once they get rolling, they may decide it wasn't necessary. He suggested that they meet twice a month, then they might discover a month and a half from now that they are done. He would rather have too many than not enough. Ms. Radke thought the first couple of months would be more fact finding.

Vice Chair Gleason wanted to know if they had constraints on when they could schedule meetings in this room. Mr. Sawyer stated that there were constraints in that room. Every other Wednesday night are off Council meeting nights and the room is typically available. If they want to set an agenda tonight they could do that and he could confirm with them. He assumed the Chair would be reaching out to them about their availability, so he didn't think to have that full schedule here. They are welcome to try it and if they have to move them to a different room they can; it's just that this was the easiest room for televising it.

Chairwoman Wolf was thinking of scheduling the next meeting, maybe getting some preliminary research from the Town Manager, and then setting their calendar based on an assessment of how long they thought that would take based on getting some information. It is a very narrow question, very focused. She was thinking they would have their first hearing in June, and then maybe they could have a second public hearing in September. In her experience, not a lot of people want to come to public hearings in the summer. If they want to fill meetings in between for any research they could do that. If they did it in the correct timing in September, it would still give them time to have an additional meeting before October 15th.

Mr. McLaughlin wanted to know they would only have one meeting before they have the 1st public meeting. Chairman Wolf responded yes. Mr. McLaughlin wanted to know if one meeting was enough amongst themselves. Chairwoman Wolf stated that a public meeting asked for input from the public, which could give them direction on which way they might want to go and it also allows them to invite guests from other towns. It's a very open format. Mr. McLaughlin thought if they only meet once, would they have enough to present to the public. If the public wanted to come and hear them, they were going to want to know which direction they were going for them to give the feedback. He thought maybe they should have two meetings in May and then the 1st public meeting in June, so they are a little bit more focused on what they were presenting to the public. Mr. Brock agreed.

Mr. Brock wanted to make sure they are all on the same page. They've used the term meeting and hearing and now they are using public meeting. He wanted to know if he was correct that a public meeting was a hearing. All of their meetings are public. Atty. Courtney stated that all of their meetings were public. The hearing is when they let the public speak. Mr. Brock stated that the public could comment. Atty. Courtney thought it was important to look at the statute and what's required of the two hearings, because they are different. There has to be a hearing before the preliminary report and then a hearing after. It says, 'There should be one such hearing shall be for the purpose of receiving information, views, comments and other pertinent material relative to its functions.' That's the first hearing and thought it made sense to have it in June, because they were still in their fact finding phase. For the second one, 'At least one should be for the purpose of explaining in general terms its proposed preliminary report and receiving comments on its proposal.' They have the first one in June and they hear the info from the public and then the next coming months they draft a preliminary report and they have a second hearing in September. That's when the public can comment on the preliminary report and get advice. Then they would move the preliminary report to the AG's office. This is a singular issue. He thought that was the schedule in which they may want to do the public hearings. Ms. Radke wanted to know if the preliminary report was written prior to the report that they hand in to the AG's office. Atty. Courtney stated that it says 'proposed preliminary report.' They have something on paper. Ms. Radke wanted to know if after

the hearing, they hear everybody, and they can change the report before they hand it in. Atty. Courtney stated that the AG's office looks at it. It's a singular issue. It would be fine if it's just a straight up official ballot. There's a final report and they would have to have an attorney letter accompanying the report that says it's compliant with State law.

Chairwoman Wolf wanted to know if the Commission wanted to have two meetings before the public hearing and there was consensus. Mr. Sawyer stated that there were no Council meetings on Wednesday the 3rd or the 17th. Vice Chair Gleason stated that if they met on Wednesday, the 3rd, she would be late, but she's available on the 17th. Mr. Sawyer stated that May 31st was also available. Chairwoman Wolf wanted to know if the Commission was available on the 17th and 31st. There was a consensus from the Commission except from Ms. Radke. Ms. Radke stated that she's having surgery on the 12th, so depending on how she feels on the 17th, she'll have to see and she has a trip planned on the 31st. Mr. Brock wanted to know if they moved the 31st a couple of days earlier if that would work for Ms. Radke. Ms. Radke stated that she could Zoom in and on the 17th she could Zoom in if she couldn't make it in. She's leaving on the 27th of May for her trip and returning on the June 3rd. Chairwoman Wolf thought they should go with the 3rd and the 17th. Vice Chair Gleason stated as long as she didn't mind her coming a little late. Chairwoman Wolf confirmed the next dates as May 3rd and May 17th. On the 3rd, they would figure out their calendars and decide what they want to do. They will try to figure out those dates, but was hesitant about July or August.

Ms. Radke wanted to know if on the 3rd it would be a good idea to bring someone in from Londonderry to give them some kind of idea what they went through. Ask somebody if they would be willing to come and walk them through it. Vice Chair Gleason and Mr. Brock thought it was a great idea. Mr. McLaughlin thought the 3rd would be a good time to review all of the material that the Town employees get for them. He didn't know if they were jumping the gun a little bit by bringing in someone from another town on day one. They might just want to review all of the research. Mr. Kerr thought they could achieve both in one meeting. Vice Chair Gleason thought for this to be effective and stay on track, the expectation had to be that people were reviewing background materials in between meetings. Chairwoman Wolf thought maybe they invite somebody on the 17th instead, because they will have a guest come in and won't have any time to talk about anything. That would also give that person a bit more notice. Mr. McLaughlin thought that would be a good idea to invite a guest at the second meeting, not the first.

Mr. Brock wanted to know if as they individually do research if they would be free to circulate what they find amongst themselves as long as there was no commentary. Atty. Courtney thought that could become difficult if he's talking about an email chain where everyone is on it. Ms. Radke thought maybe a place where they could deposit the information. Mr. Brock thought the effect was the same. Chairwoman Wolf stated that she deals with packets for meetings. Maybe everything could be sent to Mr. Sawyer and they could do a meeting packet and have it distributed. Mr. Brock stated that he was looking to leverage their individual effort. Chairwoman Wolf stated that she was really big on the public having the same access that every member has. For a Google Drive, unless they set it up so the public can also access it, they could just create a meeting packet and have the information available in advance. Mr. Brock wanted to know if that implied that through the Town Offices they would be able to post that meeting packet. Chairwoman Wolf hoped so, because people were going to find this a riveting topic.

Mr. Sawyer stated that the easy answer was yes and they've already established a Commission website with their names on it and they would post the agendas like they did for this meeting. They always link packet materials to those agendas for all of the other boards and commissions. Vice Chair Gleason stated for point of order, if they find information that they deem relevant or useful, she was assuming that Chairwoman Wolf was the clearing point. They email it to her and then she decides whether it is appropriate to include it in the packet in the agenda. Chairwoman Wolf stated that her gut says why wouldn't she. Vice Chair Gleason thought it made sense to have it emailed to one central person before incorporating it into an agenda. Chairwoman Wolf stated that she wouldn't plan on filtering unless people started sending hundreds of pages. Vice Chair Gleason stated that as a follow-up to that, it was currently the 19th of April and they have a meeting scheduled in two weeks. She wanted to know by what date she would like materials so she could put together the agenda for the next meeting. Chairwoman Wolf wanted to know from Mr. Sawyer when they typically sent out their packet before a meeting. If they have a Council meeting on a Wednesday, she wanted to know when their information goes out. Mr. Sawyer stated that they try to post it the Thursday before, but it's completely up to the Commission. Chairwoman Wolf was thinking Friday. Send it to her by Wednesday or Thursday, so they can get it together. Vice Chair Gleason thought if they say send everything ideally by Wednesday, April 26th, then that gives her two days to put it together and have a packet. Mr. Brock stated and for future meetings a week ahead.

Chairwoman Wolf stated that they would have some research and then also maybe for the next meeting they will also think about people that they would like to invite for the 17th and for their hearing they can invite anybody because it's a public hearing. Tentatively they are thinking of a hearing in June and then they'll put the rest of the calendar together.

6. ADJOURNMENT

MOTION by Vice Chair Gleason to adjourn at 7:43 PM. Seconded by Mr. Brock. Vote taken – Motion Passed – 8-0.

Respectfully submitted,

Dawn Boufford