

**TOWN OF BEDFORD
SPECIAL TOWN COUNCIL MEETING MINUTES
July 6, 2022
10 Meetinghouse Road**

1. ROLL CALL: A meeting of the Bedford Town Council was held on Wednesday, June 22, 2022, 10 Meetinghouse Road. Participating were Bill Carter (Chair), Lori Radke (Vice Chair) and Councilors Phil Greazzo, Sue Thomas, Dave Gilbert, and Kathleen Bemiss. Also present was Town Manager Rick Sawyer.

Chairman Carter opened the meeting at 6:00 PM.

Chairman Carter led the Pledge of Allegiance.

2. NEW BUSINESS

a. Approve appointment of a Deputy Town Clerk

Sally Kellar, Town Clerk, stated that Deputy Town Clerk Gloria MacVane stepped down last year. Ms. Kellar stated that she put the word out to hire a new Deputy Town Clerk and Paula Talmanson put in her application. She served as Deputy Town Clerk when Lori Radke was Town Clerk. She was not new to the position and was familiar with how the Town Clerk's office works and some of the programs that they use on a daily basis. The Deputy Town Clerk is appointed every three years when the Town Clerk is elected.

MOTION by Councilor Radke that the Bedford Town Council approve the appointment of Paula Talmanson as Deputy Town Clerk for a term ending in 2023. Seconded by Councilor Thomas. Vote taken – Motion Passed – 6-0.

b. Discussion of process to appoint a Town Councilor

Chairman Carter read the two parts of the Town Charter that needed to be addressed. C10-3 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.' And C3-5 Vacancies, 'Vacancies occurring in the office of Councilor at any time shall be filled by appointment, until the next regular election, by the Council within 30 days, by an affirmative vote of five Councilors'. Chairman Carter stated that what's in the Charter was for them to discuss as far as process.

Councilor Radke thought there were four options: Option 1: Open it up to the Town, have people apply, they interview, and then appoint; Option 2: Open it up to the Town, have people apply, they interview with the expectation they do not run in 2023; Option 3: Don't open it up to the Town, each Town Councilor brings forward names, they discuss, they appoint; Option 4: Each Town Councilor brings forward names, they discuss with the

expectation that they do not run in 2023. Those were the four options she saw. She would prefer that they open it up to the Town from July 8th through July 18th. It's a week and a day that they can apply. Then they interview them before the July 20th meeting around 5:00 PM depending on how many people apply, and then they discuss the candidates in non-public, so they could appoint them by July 20th.

Councilor Greazzo stated that by the Charter, 30 days, so July 14th would be the deadline to appoint somebody. Chairman Carter stated that it would be 30 days from their last meeting. Councilor Greazzo stated 30 days that the seat became vacant. Chairman Carter didn't think the seat became vacant until they announced it at the Town Council meeting. That's why he read what was in the Charter. Right now they were just doing the part of the process that wasn't written anywhere. They were trying to stay within those 30 days, but it doesn't really say when the 30 days started.

Councilor Gilbert stated that his preference would be to talk to prior Councilors, because he thought they needed someone with experience, who knows how to do the budget process, knows what this entails, and opening it up to the public that has no experience didn't make any sense to him. He would prefer that they open it up to prior Councilors first, and then maybe prior board or commission members if they don't get someone from a prior Council. Councilor Thomas wanted to know if that included School Board members and Councilor Gilbert respond could be. People who know how to do the budget process. He didn't have a problem with that. Councilor Thomas thought they should. The budgets were different, but they would figure it out pretty quickly. Councilor Gilbert thought it was important to do that, because it's a long process and people who know how to do it were worth their weight in gold. Councilor Radke wanted to know if this would be option 3 where they would come together and bring in names or would these people come in and they interview them. Councilor Gilbert stated that he would like to see them solicit the prior Councilors and see what their feelings were. If they need to bring some in that want to do this then they could do that. He also thought it was important that they don't have a preference to run again, but you can't force them not to. Councilor Thomas stated that she agreed with that. Without picking a choice, she thought they take two off the table. She thought they say the understanding was that they would not run again. Chairman Carter stated that they couldn't enforce that. Councilor Greazzo stated that if someone pledges it, it's on their honor and if they didn't honor that, he thought that at election time it wouldn't go over too well. Chairman Carter stated that former Town Councilors or School Board members were members of the community and wanted to know if they would have to put their name in, instead of them soliciting them. They would just do the advertising. Councilor Thomas didn't see why they couldn't call someone up and say they have an opening are you interested. She thought it had been done before. Councilor Gilbert stated that it's an appointment, it's not an election.

Councilor Bemiss stated that she didn't know how she felt about cherry picking someone. Councilor Thomas stated that the need someone who could hit the ground running. Councilor Bemiss stated that it gives her a little agita. Councilor Radke wanted to know if her preference would be to open it up and have people apply. Councilor Bemiss stated that they may get somebody who has never wanted to be on Town Council and may have phenomenal skills that they've never even thought of. Councilor Thomas wanted to know if they were going to ask them to not run again. If they were that good they would want them to run in March. Councilor Gilbert stated that they were filling a temporary gap.

Councilor Bemiss stated that they were going to fill a temporary gap with somebody who ran and didn't win. Both Councilor Thomas and Councilor Gilbert responded no and Councilor Bemiss responded who's been a former Councilor, but maybe didn't win, so were they looking at what the Town would want. Chairman Carter stated that they would have to have served at least three years. Councilor Bemiss responded but then maybe didn't win. She didn't know what the right answer was. Chairman Carter stated that's why there were there. It's a process and how do they do the process.

Councilor Radke stated that's why she advocates for a week long, even if they find someone that would be great, just fill out this application and put your name in and then they deliberate. They can interview them that way everybody gets to see a different side to that person. Then they deliberate in non-public. They can still do the same thing, just have them put their name in. It's the same process, it's just a little bit more open, so that they weren't cherry picking. She liked the short timeline and it stays within their 30 days. If people were really interested they would be listening to this meeting. They were probably listening and they already know about it. They should advertise on BCTV, Facebook, etc. Chairman Carter stated that this would all be electronic.

Councilor Greazzo wanted to know if anyone had inquired and Mr. Sawyer stated that no one had contacted him. Councilor Greazzo wanted to know if he discussed this matter with the Town Attorney as far as the timeline and Mr. Sawyer responded no. Councilor Greazzo wanted to know if anybody had. Councilor Radke didn't think there was going to be an issue. Councilor Greazzo stated that there wasn't an issue unless somebody brought a legal challenge, but the 30 day language was interpretive, so he was curious if anybody had that discussion with legal counsel. Mr. Sawyer stated that the 2nd paragraph of C10-3 that was not read says, 'unless otherwise provided in this Charter, vacancies occur under this section shall be declared to exist by the Council for board members.' He interpreted that as what the Chairman did at the last meeting by announcing it and saying that they would need a special meeting to fill a vacancy, so not the day of death, but the day the Council declared the vacancy at the last meeting; July 20th is within the 30 days.

Councilor Greazzo wanted to know if they each reach out to people they think would fill the position and bring back a list and then they see whose lists overlap. Chairman Carter stated that they hadn't decided that process yet. Councilor Radke stated that that would be one option.

Councilor Thomas thought Lori's suggestion would be simultaneously they would put it out on BCTV, social media and Town website, and they could also individually call people they think would be good, and ask them to fill out whatever, so it would be both. So they can cherry pick, but someone might show up that. Councilor Radke stated that at some point they have to pick. During the interview process they were asking good questions that may help them sway their decision one way or another.

MOTION by Councilor Radke that the process by which to appoint a Councilor would be to open it up to Town residents from the period of July 8th through July 18th. Fill out an application then they interview them on July 20th prior to the 7:00 PM meeting and then appoint that evening. Seconded by Councilor Greazzo. Vote taken – Motion Passed – 6-0.

Chairman Carter stated that they will post this starting the 8th. Councilor Thomas wanted to know what the application was. Ms. Boufford stated that what was done previously was they sent in a letter of intent. Chairman Carter stated that they would advertise this, a letter of intent to be into the Town Office to Dawn or Rick, no later than 5:00 PM on the 18th of July. From there, those that have applied will be set up to do interviews. They discussed a starting time and it was stated that it depended on how many they get. Mr. Sawyer stated that it may be as early as 5:00 PM. They would have to do interviews, a non-public meeting, and then have their regular meeting and that's a heavy agenda. Councilor Thomas wanted to know if they would select the person before the meeting. Mr. Sawyer responded just deliberate. Councilor Thomas wanted to know when the non-public would be and Councilor Radke stated before. Whenever they were done interviewing up until 6:30, they deliberate 6:30 – 7:00 PM. Chairman Carter stated that they would need an affirmative vote of five Councilors.

3. NON-PUBLIC – RSA 91-A:3 II (d)

MOTION by Councilor Radke to go into non-public session per RSA 91-A:3 II (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. Seconded by Councilor Gilbert.

Roll Call Vote: Greazzo-aye, Thomas-aye, Carter-aye, Radke-aye, Gilbert-aye, Bemiss-aye – Motion passes.

MOTION made by Councilor Gilbert to leave non-public session at 6:50 PM. Seconded by Councilor Thomas.

Roll Call Vote: Greazzo-aye, Thomas-aye, Carter-aye, Radke-aye, Gilbert-aye, Bemiss-aye, Motion passes.

MOTION by Councilor Thomas to seal the minutes, because it is determined that divulgence of this information likely would render a proposed action ineffective. Seconded by Councilor Gilbert.

Roll Call Vote: Greazzo-aye, Thomas-aye, Carter-aye, Radke-aye, Gilbert-aye, Bemiss-aye, Motion passes.

MOTION by Councilor Thomas to adjourn public session at 6:50 PM. Seconded by Councilor Greazzo. Vote taken – Motion Passed – 6-0.

Respectfully submitted,

Dawn Boufford