

**TOWN OF BEDFORD
CHARTER COMMISSION MEETING MINUTES
July 26, 2023
10 Meetinghouse Road**

ROLL CALL: A meeting of the Bedford Charter Commission was held on Wednesday, July 26, 2023, 10 Meetinghouse Road. Participating were Terry Wolf (Chair) and members: Lori Radke, Matt McLaughlin, Paul Brock, Jeff Kerr, Linda Camarota, and Susan Labrie. Kelleigh Gleason and Bryan Lord were absent.

2. PLEDGE OF ALLEGIANCE – Led by Mr. Kerr.

Chairwoman Wolf read what was at the top of the agenda:

This commission was formed as the result of an article on the March 2023 ballot.

Article 2: A formation of Charter Commission proposed by citizen's petition

Shall a Charter Commission be established for the sole purpose of establishing official ballot voting under the current form of government? **Yes – 2304** No – 891 72% approval

All materials and presentations to the Commission are available on the Town of Bedford website at Bedfordnh.org – Boards & Commissions – Charter Commission.

Chairwoman Wolf stated that they've had five meetings and it was a more in-depth process than she expected. It's a lot more complicated; it was a lot more nuance than just a switch. At the last meeting she made an assumption that everybody was on the same page as far as public comments; she thought they had a standard of 3-5 minutes and not a back and forth. There were several different expectations of how people communicate back and forth on that. Moving forward, without rehashing what was said or not said the last time, she would like to have public comment at every meeting. It will be on the agenda saying they have up to 5 minutes, which is standard language. She thought civility was important; it was a hope and expectation, but she respects that people have the right to say what they feel compelled to say. She hoped for a debate without it being personal.

Chairwoman Wolf stated that they divided into two subcommittees. One to look at the potential Charter revisions, which they have to provide if they make that recommendation. According to their Charter, they are supposed to make the recommendation and let the voters decide. It was very specific legal language given to them on May 31st by the Town attorney. She wanted to preface that, because she got feedback that they should just say 'yes', make a recommendation, be done, adjourn and go home, which wasn't their option.

3. NEW BUSINESS

- a. Proposed changes to the Town Charter** – Commission members will discuss a draft of the charter prepared by the subcommittee

Mr. McLaughlin and Ms. Radke were on the subcommittee. Ms. Radke stated that Vice Chair Gleason and Mr. Lord were also on the subcommittee and they've met twice. They focused on Article 5 – Finance. Mr. McLaughlin read the proposed changes.

C5-2-a. – Made it more gender neutral – changed ‘he’ to ‘Town Manager’.

C5-2-b. Official Ballot

The official ballot as provided by this Charter is an element of the total legislative process wherein certain matters are placed on the official ballot by the council, or by other means described in this charter, for final action or ratification by the official ballot. Legislation that is placed on the ballot by the council is subject to public hearing and amendment by the council before being placed on the ballot, and is placed on the official ballot for final action. Legislation placed on the ballot by other means is subject to public hearing and amendment in accordance with provisions of the Charter or general laws. Matters may be placed on the official ballot by the following means:

1. By vote of the council.
2. By other means as defined in this charter.
3. By initiative petition as defined in this charter, and
4. In accordance with provisions of applicable New Hampshire statutes.

Ms. Radke stated that this paragraph came from Newmarket.

Mr. Brock mentioned ‘Legislation that is placed on the ballot by the council is subject to public hearing and amendment by the council’; he wanted to know where the action of the deliberative session applied. Ms. Radke stated it was just saying it was subject to public hearing; she assumed it was called deliberative session. Mr. Brock was reacting to ‘and amendment by the council’. It’s actually amendment at the deliberative session by the public. Mr. McLaughlin stated that it was just about the official ballot.

Ms. Radke stated that if this were to pass, the bottom-line budget would be voted on by the voters. After the deliberative session, if something was changed to the bottom-line budget, the Council would go back and change the budget, keeping the same number, but they have the ability to move things around. For example, if someone gets up at the deliberative session and says they want to cut \$100K out of the bottom line and the motion passes, the Council then has to go back and say they just lost \$100K, they now have to look at their budget and adjust it accordingly. She was told that wasn’t correct. Chairwoman Wolf stated that the bottom-line budget voted on at the deliberative session is a bottom-line budget. The Council operated by the same rules as the School District, bottom-line is bottom-line; you can still move things around. They go to official ballot voting, without any changes, and then if it passes as proposed, if there was a cut, the political body can go forward and say to the voters ‘this is where they’re probably going to recommend cuts’. They can have that conversation between the deliberative session and the vote. People will ask what the impact is of the cut or what the impact is of the addition. There isn’t specific action; it’s once it passes. Ms. Radke confirmed that the Council had that ability once it passes to move things around. Chairwoman Wolf thought Ms. Radke felt it had to be done that night and it’s not, it’s a bottom-line budget. Ms. Radke stated that no matter what they do, they can have that conversation before they vote. She remembered that after a deliberative session for the School District and all things were done, the School Board would go to the Library and wanted to know what they would do in the Library. Chairwoman Wolf stated that that was a public hearing. They would have the public hearing around January 11th, get the input, and then go actually vote. Anyone on the School Board at that point could have made a motion to change the budget. Ms. Radke was wondering if that’s what the sentence that Mr. Brock referred to meant. Chairwoman Wolf stated that she found that section a bit confusing; they used a

lot of language that she never heard. She never heard of ‘Legislation’ as part of a local ballot. She’s heard the word ‘article’, but Legislation is something that she’s never heard used in this context. Mr. Brock wanted to know if he takes lines 17 - 19 to mean that this all precedes the deliberative session. Ms. Radke stated that that appears to be true. Mr. Brock stated that if that’s the case, his concerns just went away.

Mr. Kerr mentioned that line 21 says, ‘**the** Charter’, and when Mr. McLaughlin read it out loud he said ‘**this** Charter’; he thought it was correct to refer it to as ‘**this** Charter’ as opposed to ‘**the** Charter’. Mr. McLaughlin would make that change. Mr. Kerr wanted to know if they should change ‘Legislation’ to what was more appropriate. Chairwoman Wolf didn’t think they needed to get into that level of detail right now. She wanted to get the big picture discussion first. Mr. McLaughlin thought that it might be a question for the lawyer. Mr. Kerr wanted to know if they dove into it too deeply, too quickly; should they be taking a higher level view first and then going back and getting into more detail, in the interest of time. Chairwoman Wolf was looking for guidance from Mr. McLaughlin and Ms. Radke, because they spent the time on it. Mr. McLaughlin thought it would be good for a lot of input then they could go back and revise the draft.

C5-2-c. Construction.

5. 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 anyway the general powers of the municipality as stated in §1.1.

Mr. McLaughlin stated that Vice Chair Gleason said that was in there, so if there was ever a lawsuit against the Town to say everything done in here was going to be viewed in favor of the Town. Ms. Radke clarified that if there was a lawsuit, it was the Town, not against any particular employee or individual. Mr. McLaughlin thought it seemed like it was in there just for the purpose of protection of the Town. It doesn’t really say how the Town was going to create the budget, the warrants, or the ballot.

C5-2-d. Precedence of Requirements

Any conflict of requirements shall be resolved in accordance with the following order of precedence.

1. The New Hampshire constitution.
2. New Hampshire statutes are required to apply to municipalities that have adopted the Official Ballot Town Council form of government.
3. This Charter.
4. Provisions of New Hampshire general laws that are optional for towns adopting the Official Ballot Town Council form of government and legislature that have been adopted by enactment of this Charter, to the extent that such provisions have been adopted by this Charter.
5. Provisions of New Hampshire general laws that are optional for towns adopting the Official Ballot Town Council form of government and legislature that have been adopted in accordance with provisions of this Charter.
6. Other ordinances adopted in accordance with provisions of this Charter.

Mr. Brock wanted to know if they had a sense of what that meant; he didn’t get it. Ms. Radke stated that as a municipality there were things they had to follow. The NH constitution was number one. If they have official ballot, they have to follow the rules that

apply to official ballot. This Charter dictates how they run the Town. She thought #4 and #5 were redundant. They may want to run it by the attorney.

Mr. Kerr mentioned keeping up with the Legislation changing things on the official ballot; one town decided to do something different. He wanted to know how that played into this priority if the statutes are #2 and the Charter is #3. Ms. Radke thought the statutes were trump. Mr. Kerr assumed the statutes give them the ability to insulate themselves from constantly changing statutes. Mr. McLaughlin thought if someone was trying to put something on the ballot, this was the batting order of how it had to be or what takes precedence. Ms. Radke gave the example of when the Charter was developed in 1988. One of the things they wanted to do was make the Town Clerk appointed; they had it in the original Charter. When it was reviewed by the Attorney General and Secretary of State, they said they couldn't do that, because the RSA dictates that the Town Clerk is always elected. Mr. Kerr stated that he understood that, but #2 says State statutes and the State statutes are continuously changing. One town insulated themselves from that constantly changing statute and were able to have a more consistent repeatable process. He wondered if this language was created before that was thought of or were they going to take away that tool in their toolbox if they have that order in without thinking about that. It was Londonderry. Ms. Camarota stated that instead of 40:13, Londonderry did 49-d. Mr. Kerr wanted to clarify that it was just a selection of a different law. Ms. Camarota thought so, because 40:13 was part of the RSA's. She wanted to know during the subcommittee's discussions whether this went on the basis of 40:13 or 49-d. Ms. Radke stated that she didn't see it mentioned in Newmarket's Charter. Ms. Camarota wanted to know if there was a reason the subcommittee chose to look at Newmarket versus Londonderry. Ms. Radke stated that they thought the language was a bit clearer than what Londonderry had. Mr. Kerr thought they should take a note to look at that to make sure they have the flexibility that Londonderry has, because he thought it was important for them; to make sure they weren't painting themselves into a corner. Ms. Radke stated that they would make a note of that and have the attorney look at that section.

C5-3. Budget hearings.

1. 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 one~~ public hearings on the budget shall be scheduled, ~~on or before the third Tuesday in January, on dates consistent with those specified in the Municipal Budget Act at least 14 days~~ before its final adoption by ~~Official Ballot Vote the Official Ballot Session of the Budgetary Town Meeting, held on the second Tuesday in March~~ at such ~~time and~~ place, convenient to the public, as the Council shall direct.

Mr. Brock thought the grammar needed to be cleaned up.

Mr. Kerr stated that he noticed one meeting and then in other places it still references two meetings. Mr. McLaughlin thought the day of the vote was considered a meeting. Chairwoman Wolf confirmed that it was. Ms. Radke stated that session one was the deliberative meeting and session two was actual voting day.

2. Notice of budget hearings.

1. (1) Notice of such public hearing, ~~the Deliberative session of the Budgetary Town Meeting and the Official Ballot Session of the Budgetary Town Meeting-Vote~~, together with a copy of the budget as submitted, shall be posted in two public places.

2. (2) A copy of the budget shall be available to the public at the office of the Town Clerk during regular business hours and shall be available online through the Town's website.
3. (3) In addition, notice of such public hearing, the Deliberative session of the Budgetary Town Meeting and the Official Ballot Session of the Budgetary Town Meeting-Vote shall be published in a newspaper of general circulation in the Town at least one week prior to said meeting by the Town Clerk in accordance with state statute

Ms. Radke stated that they struggled with 'Official Ballot Vote' or 'Official Ballot Session'; that 2nd Tuesday in March. Chairwoman Wolf stated that for the School, Deliberative session was Session One and Election Day was Session Two. That's the formal language they use, but it's Election Day. Ms. Camarota thought they should use the same language as the School District. Ms. Radke thought it might be a good option, calling it Session One and Session Two, and keeping it consistent. Mr. Brock wanted to know if technically deliberative session was recessed, not adjourned. Chairwoman Wolf stated that it used to be. Ms. Radke wanted to know if it was supposed to be that way. They are starting their deliberative session, recessing, and continuing it 30 days later on Election Day. Mr. Brock's impression was that it was recessed and Ms. Radke agreed. Chairwoman Wolf stated that Londonderry's Charter calls it the 'Official Ballot Session'.

Mr. Kerr liked the removal of specific things like circulation and newspaper and just saying whatever they're supposed to do.

C5-4. Final date for budget adoption. [Amended 3-10-2015]

Pursuant to The warrant for the annual meeting shall prescribe the place, day and hour of the Deliberative and Official Ballot sessions of the Budgetary Town meeting, and notice shall be given in accordance with State Law.

The Deliberative session of the annual meeting shall be held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays and consist of explanation, discussion, and debate of each warrant article. A vote to restrict reconsideration shall be deemed to prohibit any further action on the restricted article until the second session. Warrant articles may be amended at the first session, subject to the following limitations:

Warrant articles whose wording is prescribed by law shall not be amended.

Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

All votes of the Town Council and Advisory Budget Committee shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article.

The clerk of the Town shall prepare an official ballot, which may be separate from the official ballot used to elect officers, for bonds or notes articles and all budget articles to be voted on by official ballot.

The second session of the annual meeting, which shall be for the election of officers, and to vote on bonds or notes articles, and all warrant articles from the first session on official ballot shall be held on the second Tuesday in March. Bonds or notes shall require a 3/5 (or 60%) majority for passage. In addition to acting upon Special Warrant Articles, voters shall choose between the proposed Operating Budget as may be amended during the Deliberative session, and the Default Budget, which shall be calculated pursuant to RSA 40:13 IX (b). In the event that the proposed Operating Budget and Default Budget receive an equal number of votes, the Default Budget shall be considered approved.

Voters at the second session shall follow the procedures set forth in State Law including all requirements pertaining to absentee voting, polling place, and polling hours.

Votes taken on the official ballot shall be subject to recount as set forth in State Law.

Votes taken on bonds or notes at the second session shall not be reconsidered, except by warrant article at a subsequent annual or special meeting.

The warrant for any special meeting shall prescribe the date, place, and hour for both a first session and second session, if required. The first and second session shall conform to state Statutes and applicable provisions of this Charter.

ALTERNATE LANGUAGE FROM NEWMARKET FOR DISCUSSION:

Notwithstanding RSA 39:3-d and RSA 40:4-e, the Town of Bedford of Newmarket shall utilize the official ballot for voting on all budgetary issues before the voters.

A. The warrant for any annual meeting shall prescribe the place, day and hour for each of 2 separate sessions of the meeting, and notice shall be given in accordance with RSA 39:5.

B. The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot shall be held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays, at a time prescribed by the Town Council. The second Tuesday in March shall be deemed the annual meeting date for purposes of all applicable statutes pertaining to hearings, notice, petitioned articles, and warrants, including, but not limited to, RSA 31:95-d, 32:5, 32:16, 33:8-a, 39:3, 39:5.

C. The first session of the meeting, governed by the provisions of RSA 40:4, 40:4a, 40:4b, 40:4f and 40:6-10, shall consist of explanation, discussion, and debate of each warrant article. Warrant articles may be amended, subject to the following limitations:

1. Warrant articles whose wording is prescribed by law shall not be amended.
2. Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

D. All budgetary warrant articles shall be placed on the official ballot for a final vote.

E. The second session of the annual meeting, to elect officers of the Town by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot, shall be held on the second Tuesday in March.

F. The Town Clerk shall prepare an official ballot, which may be separate from the official ballot used to elect officers, for all warrant articles. Wording shall be substantively the same as the main motion, as it was made or amended at the first session, with only such minor textual changes as may be required to cast the motion in the form of a question to voters. The Town Council may state whether said article is or is not recommended.

G. "Operating budget" as used in this section means "budget" as defined in RSA 32:3,III, exclusive of "special warrant articles", as defined in RSA 32:3,VI. The "Operating budget" may include appropriations and anticipated revenues to funds previously established by the legislative body as defined in RSA 32:3,VI(c). The Operating Budget shall also include the Capital Improvement Project Budget [heretoforeward CIP], but for the creation of new fund categories in the CIP, which shall be separate warrant articles.

Ms. Radke stated that they talked about including the CIP in the operating budget; that's what Newmarket does. Vice Chair Gleason wanted a new CIP to be a new warrant article and people could vote on it. Mr. McLaughlin explained that Article 9 of the Town Meeting had one vote for all of the CIP money; about \$3M. They are proposing that it be rolled into the Town budget. The Town budget is about \$32M; it's a reasonable number to be put in. If there was a new CIP such as starting a fund for a new fire truck, it would need a separate vote in the year

it was approved. After that, those CIP monies could be rolled into the general budget. You can't just add a new CIP to the existing CIP's. The first time it's created, it needs its own vote.

Mr. Kerr wanted to know if that took care of too many items on the ballot and Ms. Radke responded yes. Mr. Kerr confirmed that everything was lumped in together. Chairwoman Wolf stated that she had a concern; it was too much the other way. They're talking one line item. Mr. Kerr thought it was like the School where it's an up or down vote. Mr. McLaughlin stated that one advantage of it was if the budget was defeated and you go to a default, then the CIP money would default back to the previous year's funding. Chairwoman Wolf responded not if they're one-time expenditures. Ms. Radke stated that if there was \$100K in a CIP item to buy a truck and the next year they wanted to add another \$20K and there was a default, that \$20K wouldn't go back into that \$100K. That \$100K is already in there; they wouldn't lose that, but they wouldn't add another \$20K. Chairwoman Wolf wasn't sure she was understanding it. There's \$100K every year to save money for a fire truck, hypothetically. She didn't think that \$100K would be part of a default budget. That's always the debate; what is in a default, what is annual; she's trying to look at some granularity. The idea that you go to Town Meeting and have several items to vote on and then they switch to ballot, you only have one item to vote on. Mr. Brock stated that it swings the pendulum way to the other side. Ms. Camarota wanted to know if they put the whole thing at risk because it's one item. Mr. Brock thought they put the whole budget at risk. Chairwoman Wolf stated that there's always debate on whether you should put an item in the budget or if it should be separate. The School District had moved to more special warrant articles. Mr. Brock wanted to know if that ability would apply here as well. Ms. Radke stated if they wanted to do a trust fund, that's a special warrant article; separate outside of the budget. As far as the CIP, that's money used to operate the Town. That's why they thought it fell under the Operating Budget. Mr. Brock stated that he shares some of Chairwoman Wolf's concerns about the fact that they've swung it all the way in one direction where now all the Capital Improvement Projects were in the budget, and other than at the deliberative session, it's hard for the voters to make a choice. Mr. Kerr thought he made a valid point. The deliberative session was a good place to go to direct your concerns. Once that's done and everything's wrapped up, it goes on the ballot as one line item. It could make sense. Mr. Brock clarified that Mr. Kerr was saying that voters would have the option to make those kinds of changes at the deliberative session if that's where they want to express their opinion and Mr. Kerr agreed.

Ms. Radke stated the reason why they were there was because the petitioner wanted everybody to vote on the budget instead of having a Town Meeting, which was very inconvenient. They were meeting what that petitioner wanted, which was to vote on the budget. Chairwoman Wolf stated that there was a petitioner who led the charge, but many people approved it. They can't make assumptions about the 2,300 people who wanted it. Operating budget and CIP were different things. Ms. Radke didn't look at it that way. Mr. McLaughlin thought one of the reasons they did this was to try and prevent a long ballot. It may be something they want to change if the Commission all decides. He had the sample ballot from Hooksett; they had 13 questions for individual CIP funds. They could do all the CIP as one separate warrant article as some towns had done. On the ballot they would have their operating budget, and then they would have the CIP budget and it would have all of these items listed on it. There would be two votes, one for the operating budget and one for the CIP budget; much like they do at Town Meeting. Mr. Brock wanted to know if there was a valid middle ground that CIP items under a given dollar threshold become part of the budget and CIP items over a given dollar threshold become separate articles, separately voted.

Chairwoman Wolf stated that that's what Durham said they did. Mr. Brock wanted to know from Ms. Radke, as a Council member, how it made her feel. Ms. Radke asked that he repeat what he said, because he lost her. Mr. Brock repeated that rather than lumping all of the CIP into the budget, would a reasonable compromise be that CIP items that were under a given dollar threshold, just say \$100K, become part of the operating budget, and CIP items over that same threshold were voted separately as separate warrant articles. Ms. Radke stated that if they look at last year's CIP, they range from \$5K to \$90K; the biggest one they have was for the Facilities Design Build, which was \$1.5M. She wanted to know if he was saying if they had \$1M threshold, then that particular CIP item would have to have its own separate warrant article. Mr. Brock stated that it was a reasonable compromise between the two extremes; having 17 articles dealing with CIP items or throwing everything into the budget. It might be a reasonable middle ground. Mr. McLaughlin stated that the downside with that was it was more likely that the expensive CIP would be voted down. If the Town wants to save and collect money for those items, they're making that item much less likely to pass. Chairwoman Wolf wanted to know why he thought that. Mr. McLaughlin stated that people might say their okay setting aside \$20K, but \$1M. It's more likely to generate a 'no'. He didn't know that it was a negative; he's just throwing it out there for discussion. Mr. Brock stated that historically, the School District did that. Major items, rather than putting them in the budget and potentially 'endangering' the passage of the budget, had been put as separate warrant articles. The logic has been let's see if the Town thinks this is a good thing to do. If they do, it passes and if they don't, move on. Ms. Radke stated it's not too often they see something that big. A couple of years ago they had \$2M for land purchases. If they went that route, that would have been a separate warrant article. Mr. Brock didn't know what the proper threshold would be, but he was looking for a middle ground. Chairwoman Wolf liked the idea. She thought they should think about clarifying in the language exactly what CIP means. She didn't consider reserve funds CIP and wanted to know if that was a normal definition. Ms. Radke stated Capital Reserve Fund Projects. That's what they call it now; Capital Reserve Fund Projects and Equipment. Chairwoman Wolf stated that she knows what they are, but there's maintenance, purchasing of actual equipment or projects, and reserves, so they can purchase down the road. Those were kind of three different buckets. Also, that is partly how a default is calculated. If they spend \$50K every year to redo the gym floors, people would say, no, each gym is a one-time purchase, so that wouldn't have been part of the default. Some people would say maintenance of gym floors was an ongoing expense. That's why she's trying to figure out exactly what a capital purchase is versus a reserve. Ms. Radke stated that a purchase would be a fire engine, field improvements. The Sportsman Field turf replacement was a good one. They put away \$80K last year and in about 10 years they will replace it, because they kept putting in \$80K every year. A 10-wheeled dump truck was another one; they put money in every year and then they buy a dump truck. There's a front loader in there. It's mostly equipment stuff in there. Mr. Kerr stated that the things she's describing, he couldn't see a lot of people in Town saying yes to the front loader, no to the dump truck, so he understands where they're coming from. They're lumping all of those utilitarian things together. He also thought hot topics or expensive things should possibly be separate. He wasn't sure whether it's dollar threshold or something else. Chairwoman Wolf thought a couple of the ones they looked at broke it down by topic. They all know they need dump trucks and snowplows, but \$125K for rec field improvements and then another \$80K for Sportsman, that's over \$200K that's put in reserves. Some people might say they've had a tough year and they don't want to do that this year. Maybe there's some sort of category buckets they could consider.

Mr. McLaughlin thought maybe each department, as they create their own budget, could create their own CIP requests and then the requests could be by department. Instead of taking 13 votes it might be down to five. Mr. Kerr liked where he was going with that in terms of trying to reduce the things on the ballot, because once you start putting in zoning things they've got a huge ballot, which is what they don't want to do. He liked where they were going and thought they just needed to figure out the nuance. Ms. Radke wanted to know what Durham dd.

Rick Sawyer, Town Manager, stated that unfortunately they were confusing a lot of different things together. The Durham Charter was specifically in regards to bonding. A lot of what they talked about with the School District and separate warrant articles was because they were bonding them, not because they were being funded separately by the operating budget. Any bonding item would still have to be a separate warrant article. The Council and the School Board both have the option of creating warrant articles for anything they want whether it's Official Ballot or Town Meeting. They could call something unique out and have a special vote on that separate from the rest of the operating budget. A lot of what they're doing already exists; they don't have to deal with it. If they do what they're saying with Newmarket and how they combine their capital reserves, CIP was probably not the right term; capital reserves was the right term. CIP is their Capital Improvements Plan and it covers all kinds of things. Some things would be bonded, some would be funded from the operating budget, and some would be funded from impact fees; it talks about all kinds of things. That's language they're going to have to make sure they define. In Londonderry, they define default budget differently from the State budget, which was what Ms. Camarota was referencing before. If they're going to include capital reserves in the operating budget, they would have to define in the default budget definition how that's worked or not worked. The important thing was Londonderry did not adopt the State definition of default, so they could do those unique things that make your town unique, because it's a town charter community. He didn't know if Newmarket did that or how Newmarket deals with default. They would want to make sure that default clearly described what happens to capital projects if there is a default budget; is it part of default or not. They don't have to follow the State definition; it all depends what they put forward to the voters. It could or could not be part of the default budget; depends on what they decide. Chairwoman Wolf stated it's always a debate when looking at putting money in reserve versus a bond versus taken out. They are paying today for things they may not use in 15 years if they no longer live there. Mr. Sawyer stated and vice versa, if they bond it and move out of Town after they take out the bond, then they never paid for it.

Mr. Kerr wanted to know, hypothetically, if the Town Council lumps them together and at the deliberative session somebody says, no, I want Sportsman Field or sprinklers to be pulled out separately, if that would be possible or was that against what they were talking about in terms of the deliberative session versus voting. Could they only change the number at the deliberative session? Chairwoman Wolf didn't think they could define that it would become a separate warrant article. Mr. Sawyer stated that they couldn't create new articles that weren't already noticed; they have to be noticed for that meeting. Mr. McLaughlin wanted to know if they could manipulate the numbers within a warrant. Mr. Sawyer responded absolutely. Mr. McLaughlin stated that they could take that list and massage the numbers, up or down at the deliberative session. Mr. Brock stated that they just couldn't create a new article. Chairwoman Wolf stated they could delete one by un-funding it, but the article would still go forward.

Mr. McLaughlin thought they would have to give G. a rewrite and should find out which way the whole Commission wants it to be rewritten. He didn't think lumping everything in passed

muster. Mr. Kerr stated that if they thought about it, weighed and balanced it and thought this was the best solution, he would like to hear what the tradeoffs were and why they made this decision as opposed to any other decision. Just reading the text it's hard to understand. Mr. McLaughlin stated that some of it had to do with length of ballot; trying to consolidate the ballot. That was one of the big reasons for putting the capital reserve funds into the operating budget. Ms. Radke stated that they have so many of them and they would have to do them individually. The only way to change it, the Planning Board was very much involved in this process, and they would have to. Mr. McLaughlin stated or it could be changed at deliberative session. Ms. Radke thought it went a lot deeper. Mr. Sawyer stated that currently only the power of Town Meeting had the ability to change a capital reserve as it exists today. There is a capital reserve for ambulances and fire trucks separately. If they wanted to combine those they could only do that at Town Meeting. The Council could not do that. The Council could propose it, but the voters would have to vote on it. The same thing would be if it was on official ballot. Only the voters could make a change to a capital reserve to lump them together. If they do what they're suggesting to do, and he's not saying it's what he would recommend, but if they wanted all of the DPW capital reserves to be one capital reserve, it would be a warrant article that would list how much money was in each one and say that it's all being merged in to create the DPW capital reserve. He didn't know any community that does that, because it is putting a lot of money into one reserve that might be used differently. All for the same purpose as defined, but most towns like the granularity of having specific reserves for specific items or projects. It doesn't mean they have to do it that way. Mr. McLaughlin suggested they just keep it as a separate warrant article just like they did at Town Meeting. Instead of lumping it into the operating budget, they would have one vote on the budget and one vote on the ballot for the capital reserve accounts. They could list what each reserve account is. The Town could vote on that warrant, up or down. Ms. Radke stated that she wouldn't list all of them on the warrant; it would be too big. They would just refer to something. She still looked at it as used for operating and it belongs in the operating budget. Mr. McLaughlin stated that this is what they listed at Town Meeting. Ms. Radke agreed they had a separate warrant article. Ms. Camarota wanted to know from Mr. Sawyer if what Mr. McLaughlin just said was workable. Mr. Sawyer thought it was interesting and that it could work legally; it could be written that way. About 10 years ago they didn't have separate capital and operating budgets. It was all included in the operating budget and they only voted on one thing at Budgetary Town Meeting; it included all the capital reserve deposits. The warrant just stated that those deposits were included in the operating budget number. Ms. Radke wanted to know the purpose of the change. Mr. Sawyer responded clarity to show that capital reserve deposits were one and operating budget was separate. He generally believes that's better, but he did like the way Newmarket did it when you have official ballot type voting. He thought it made sense when you use that form of government. Ms. Radke clarified to have one number. Mr. Sawyer stated for a lot of reasons, but they had some good comments too as to why they might not do it. From management of this, he thought there were some good reasons to do it this way. They just have to be careful on how they define default. He thought they had taken some good steps to not specifically reference the State statute for default budget.

Chairwoman Wolf referred to **E.** where it says, '**The second session of the annual meeting...**' She thought if they were going to use official ballot voting or whatever term they were talking about previously, they might just want to clarify that, because it was a change in language from what they were saying before. She was a little confused on **F.** '**The Town Clerk shall prepare an official ballot, which may be separate from the official ballot used to elect officers, for all warrant articles. Wording shall be substantively the same as the main motion, as**

it was made or amended at the first session, with only such minor textual changes as may be required to cast the motion in the form of a question to voters.’ That section confusing. Mr. McLaughlin thought that’s what gives them permission to turn the wording of the first session into a question. That whole sentence was in there, because the only way the Town Clerk could change the wording of the motion was to say it in the form of a question. If they have to add a word or manipulate a few words to say it in the form of a question. Mr. Brock stated that the language of an amendment that’s made at the deliberative session might not be efficiently legal and proper as it should appear on the ballot. He thought this was giving the Town Clerk the option to basically clean-up the language that was proposed at the deliberative session. Chairwoman Wolf stated that it wasn’t something she had heard of. She thought the language was the language. They approve something with a typo in it; they’ve approved something with a typo in it. She didn’t know they could go back and clean-up language. That’s why it was so important to do it correctly. Ms. Radke stated that at a Town Meeting in her town, if somebody were to do a petitioned warrant article and there were some grammatical errors, they have the ability to change the format and the grammatical and things like that. There’s an RSA that allows them to do that. Mr. McLaughlin remembered Vice Chair Gleason saying that this was boilerplate verbiage to give the Town Clerk that authority.

H. If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law [the “Default Budget”], or the Town Council may hold a special meeting to take up the issue of a revised operating budget only; provided that RSA 31:5 shall not apply to such a special meeting. If no operating budget article is adopted, the estimated revenues shall nevertheless be deemed to have been approved.

Ms. Radke stated they added that verbiage in there about the default budget, because in that paragraph there was no reference to a default budget; people might not know what it means.

Mr. Kerr wanted to know if the definition of ‘political subdivision’ was the same as Legislative body that’s typically used like the Town Council or did it mean something else. Mr. McLaughlin thought ‘political subdivision’ was the Town.

Ms. Camarota mentioned after ‘Default Budget’ it says, ‘Town Council may hold a special meeting’. On the School ballot, there’s always an article that says if this is rejected, does the voter approve a special meeting; did that need to be done in this case also. Mr. McLaughlin didn’t think so, because the first line says, ‘If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the same appropriations as contained in the operating budget authorized for the previous year’. You don’t have to have a separate vote, because that first line says if you don’t pass the operating budget, last year’s budget is deemed to be approved. Ms. Camarota stated that maybe it’s not a special meeting, maybe it’s an additional meeting. Chairwoman Wolf thought it was an interesting question. Ms. Radke thought maybe the special meeting she mentioned was for when they had contracts. Mr. Brock stated that if it’s a contract item and it should fail, then currently the School Board has to say let’s go back and figure out how they were going to re-approach the union. He didn’t think it applied to the operating budget. Ms. Camarota thought it was the operating budget and the contractual. Ms. Radke stated that the law allows a governing body to hold a special meeting if they wanted to. Mr. McLaughlin thought the Town Council would have a choice of reverting to the previous year’s budget and going under those numbers or trying to

hold a special meeting and see if they can get it passed a second time. Mr. Brock wanted to know what the purpose of that special meeting would be. Mr. McLaughlin thought it could only be for one purpose and that's the budget. It can't be for any of the other warrant articles. Chairwoman Wolf stated that she was looking at the School ballot from this past year and it says on the ballot itself 'Should this article be defeated, the operating budget...with certain provisions or the governing body may hold one special meeting in accordance with RSA 40:13.' Ms. Camarota wanted to know if it required a vote and Chairwoman Wolf responded no, it's part of the operating budget article; it might be boilerplate. Ms. Radke stated that the law allows you to do it, but if they wanted to put it in there, it doesn't hurt.

I. The wording of the article on the operating budget shall be as follows:

"Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles, the amounts set forth on the budget posted with the warrant, for the purposes set forth therein, totaling \$_. Should this article be defeated, the operating budget shall be \$_, which is the same as last year, with certain adjustments required by previous action of the Town meeting, or by law or the Town Council may hold one special meeting, to take up the issue of a revised operating budget only."

J. Voting at the second session shall conform to the procedures for the nonpartisan ballot system as set forth in RSA 669:19—669:29, including all requirements pertaining to absentee voting, polling place and polling hours.

K. Approval of all warrant articles shall be by simple majority except for questions which require a 3/5 ~~2/3~~-vote by law, contract or written agreement.

L. Votes taken at the second session shall be subject to recount under RSA 669:30—669:33 and RSA 40:4-c.

M. Votes taken at the second session shall not be reconsidered except by warrant article at a subsequent annual or special meeting.

N. The warrant for any special meeting shall prescribe the date, place and hour for both a first and second session. The second session shall be warned for a date not fewer than 28 days or more than 60 days following the first session. The first and second sessions shall conform to the provision of this subdivision pertaining to the first and second sessions of annual meetings. Special meetings shall be subject to RSA 31:5, 39:3 provided that no more than one special meeting may be held to raise and appropriate money in any one calendar year or fiscal year, whichever applies, and further provided that any special meeting held pursuant to this section shall not be subject to RSA 31:5 and shall not be counted toward the number of special meetings which may be held in a given calendar or fiscal year.

The budget shall be brought before the Town Meeting in March, on a date fixed by the Council.

Mr. Kerr stated that this was talking about special meetings and it's talking about one or two and wanted to know if it was the follow on to the 'if the budget fails'. Mr. McLaughlin believed so. It was all kind of legalese boilerplate that says the Town Council has the option of just taking the default budget or going through the process to run a special meeting for the one purpose of the budget; it has to be between 28 and 60 days. They have to do the same notifications. Mr. Kerr stated that by definition that means one session and then the definition of the second session was another vote. Mr. McLaughlin thought there were two sessions. Mr. Kerr stated that he was trying to understand what the two sessions were. He wanted to know if it was a public meeting and then another vote. Mr. McLaughlin stated that it was the same two sessions; public meeting, deliberative, vote' they can only do it once. Mr. Brock stated that it was a second bite at

the apple. Mr. McLaughlin stated the same as the first session; public meeting, deliberative session, and second session where you vote. Chairwoman Wolf stated that the process repeats itself. It would be a deliberative and an election.

Mr. Brock stated that N. didn't reference a hearing. It references a 1st session and a 2nd session; it didn't reference a hearing. He wanted to know if there needed to be a hearing. Ms. Radke assumed they would have to have a hearing. Mr. Sawyer stated that it was up to them. If they wanted to have a hearing, add that in there. Ms. Radke thought they should add that. Mr. Sawyer stated that they would have to put the dates as to when that would occur and make it work within the calendar year. Most people don't have a hearing when it's a special meeting. Mr. McLaughlin didn't think the warrant could change. Mr. Sawyer stated that Croyden was the most recent example when they had a special meeting. The School Board came up with the new budget to be proposed and they went back and they had a special meeting. In Bedford's case it would be another ballot vote, so they would have another whole election day; the way it's currently written. Ms. Radke wanted to clarify that the public hearing wasn't necessary. Go right to deliberative session and then the official vote. Mr. McLaughlin thought the deliberative session was enough of a public hearing. Ms. Camarota agreed; they could streamline it. Mr. Kerr wanted to know what the benefit would be of having a 3rd. Ms. Camarota stated that it's only that one item; the operating budget. Mr. Kerr was okay with not adding a public hearing to that.

Chairwoman Wolf wanted to know if that covered all of the proposed changes and Mr. McLaughlin replied yes. Ms. Radke thought they had more work to do, but they have an idea what to look at. Look at Londonderry's and kind of piece that in a little bit. Ms. Camarota stated that she was going back to the Londonderry minutes and the discussion they had that evening, because it felt the safest and it gave discretion to the Town Council to do certain things. She remembered him even saying even if it didn't meet the threshold, they would bump it up anyway to a warrant article just to get the feel of the voters. Chairwoman Wolf wanted to know if Londonderry called it Official Ballot voting and Ms. Camarota responded no. Chairwoman Wolf stated that they define it differently. Ms. Camarota stated that it's that RSA 49. She thought they both fall under Official Ballot, but they didn't do the 40:13. That's where it would kind of put handcuffs on you.

Chairwoman Wolf wanted to know if they felt they had enough feedback and Ms. Radke responded yes, they've got some good stuff. Chairwoman Wolf wondered before the meeting if they would want input from the attorney. She felt like it was a little too early. Maybe look at another revision and then plan on that. Ms. Radke agreed. Ms. Camarota suggested getting Vice Chair Gleason's input too. Ms. Radke stated that once this section was done, they also said they would need to go through the entire Charter, because some of it refers to other sections. Chairwoman Wolf thought they needed to get that solid before they can change any references to something that was in a different section.

b. Outline of the Commission report – Commission members will discuss an outline of the commission report

Chairwoman Wolf stated that they did a draft of the report; it's just an outline. They could start dividing that up and having people work on fleshing out sections of that. She wanted to briefly go through what the outline was.

Bedford Charter Commission Report

DRAFT v2 – July 18

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Charter Commission Members

Terry Wolf, Chair	Sue Labrie
Kelleigh Gleason, Vice Chair	Bryan Lord
Paul Brock, Secretary	Matthew McLaughlin
Linda Camarota	Lori Radke
Jeff Kerr	

Executive Summary

One-page summary including recommendation

Introduction

- Petition warrant article
- March vote
- Commission charge
- Process

Research

Overview of key pieces of research – keep it simple

- Bedford’s Charter
- Basic types of government

Meetings – Overview

Outline of meetings with speakers and key content

Recommendation

Commission recommendation and reason

Note: From the [commission timeline](#) “After obtaining approval, the charter commission shall submit to the municipal officers its final report, which shall include the full text and explanation of the proposed new charter, such comments as the commission deems desirable, an indication of the major differences between the current form of government and the proposed charter, and a written opinion by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the constitution or the general laws.”

Proposed Charter Changes

Include charter changes here

Proposed March 2024 Warrant Article

Include the text of the warrant article which will appear in March 2024

Next Steps

What happens now

Minority Report

Include minority report here

Appendix

Include important supporting info

Chairwoman Wolf thought that was good to have an executive summary for those that don't want to read the whole thing. The introduction would include the whole purpose of the Charter Commission, cover the petition warrant article, the vote, their charge, and the process they've followed up to date. For research they could hit some of the major pieces of research that they've heard a lot of. They heard from a variety of different town governments. There was a lot of interest in the bond rating; that was a good presentation. It would include a blurb from the NH Municipal Association. That was a mind-blowing amount of information that she shared; she was excellent. She took very dry content and made it interesting. For Meetings Overview they have incredible minutes, video, etc., but give people a flavor. The note highlighted in yellow was the actual text from legal opinion. They would have to link to the proposed Charter changes. They would talk about what a warrant article would be and what the next steps would be. They would include a minority report if there was one. Ms. Radke thought they had to have a minority report. Chairwoman Wolf responded unless they were 9-0.

Mr. Kerr stated that they talked before the meeting about links and more information. He was wondering what might go in the Appendix. Chairwoman Wolf stated that she gets nervous putting direct links in a report; sometimes things get moved around and get broken. They could do links and note that if the links weren't working the information should be on the Town's website. Mr. Kerr wanted to know if that was her intent; that the Appendix was links to other information. Chairwoman Wolf responded yes. The report should be 10-12 pages; not too detailed. It wouldn't include the Charter revisions. The subcommittee could pick sections and start picking away. They couldn't fill out everything, but they could start making progress on that.

c. Other New Business – None.

4. APPROVAL OF MINUTES

Chairwoman Wolf stated that she asked that the public input that was shared via email be attached to the end of the minutes, so they were part of the official record.

a. Regular Meeting – June 21, 2023

MOTION by Mr. Brock to approve the minutes of the June 21, 2023 Meeting. Seconded by Ms. Camarota. Vote taken –Motion Passed–7-0.

Chairwoman Wolf stated that they have three meetings on the books: August 9th, August 23rd, and September 6th they have scheduled with a public hearing. After August 9th, it gets real serious, real fast.

Ms. Labrie wanted to know for the September 6th meeting if they should meet at 6:00 PM and have the public hearing at 7:00 PM or just have everything start at 7:00 PM.

Chairwoman Wolf wanted to know if the date had been publicized officially. She was a little nervous considering they have more changes, they want legal input, and whether that would actually be the official final hearing. They might need one more meeting in there; maybe two weeks later instead of this one. The Charter recommendations were a lot of work. Ms. Camarota thought maybe September 23. Chairwoman Wolf stated that they wanted to get that in a little earlier because it gave them a cushion on the other side. Ms. Labrie confirmed September 6th, no public hearing. Chairwoman Wolf stated just hypothetical. She wanted to know if the room was available on the 20th and Mr. Sawyer responded that it was as far as he knew. Chairwoman Wolf wanted to know if they should move the public hearing to the 20th or just keep it tentative. Ms. Radke stated that they had time, because they didn't have to post that until 7 days before. Chairwoman Wolf stated that it's on the website, which was great. They could just add 'tentative'; 'public hearing – tentative', and then update it. Everybody mark your calendar just in case for September 20th. Mr. Brock thought as a 6:00 PM. Ms. Camarota stated that they had it at 7:00 PM right now. Chairwoman Wolf wanted to know what they would do before the public hearing if they start beforehand, because they should have published their report and the Charter revisions beforehand, so people would have looked at them, then they come and they hold a public hearing. Mr. Brock thought they were doing 6:00 PM just for the benefit of the hearing people. Ms. Camarota thought 7:00 PM was good for the public.

5. ADJOURNMENT

MOTION by Mr. Brock to adjourn at 8:18 PM. Seconded by Mr. McLaughlin. Vote taken – Motion Passed – 7-0.

Respectfully submitted,

Dawn Boufford