

**TOWN OF BEDFORD
CHARTER COMMISSION MEETING MINUTES
August 9, 2023
10 Meetinghouse Road**

ROLL CALL: A meeting of the Bedford Charter Commission was held on Wednesday, August 9, 2023, 10 Meetinghouse Road. Participating were Terry Wolf (Chair), Kelleigh Gleason (Vice Chair) and members: Lori Radke, Matt McLaughlin, Bryan Lord, Paul Brock, Jeff Kerr, and Linda Camarota. Susan Labrie was absent.

2. PLEDGE OF ALLEGIANCE – Led by Ms. Camarota.

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.

3. NEW BUSINESS

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

Vice Chair Gleason stated that the subcommittee considered the Commission’s concerns about the drafted language. They tried to simplify it, so as they went through the sections it made sense and flowed so it was understandable to the average lay person.

C5-3. Official Ballot Voting Budget Process.

A. The Town of Bedford shall utilize the official ballot for voting on all budgetary issues before the voters.

B. The warrant for the annual meeting shall prescribe the place, day and hour for the Deliberative Session and the Official Ballot session, and notice shall be given per State statute.

1. The Town Council shall hold as many public hearings as it deems necessary, in a convenient place, but at least one public hearing on the budget shall be scheduled, at least fourteen days prior to the Deliberative Session.
2. Notice of budget hearings.
 - (i) Notice of such public hearing, the Deliberative Session and the Official Ballot Vote, and a copy of the budget as submitted, shall be posted in two public places.
 - (ii) A copy of the budget shall be available to the public at the office of the Town Clerk during regular business hours and be posted on the Town of Bedford website.
 - (iii) In addition, notice of such public hearing, the Deliberative Session and the Official Ballot Vote shall be published in accordance with State statute.

C. The Deliberative session shall be held between the first and second Wednesday following the last Monday in January and consist of an 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 Official Ballot Session. Warrant articles may be amended at the Deliberative Session 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.
3. All votes of the Town Council regarding warrants shall be recorded votes, and the numerical tally of any such vote shall be printed in the town ballot next to the affected warrant article.

Vice Chair Gleason stated that bonding road repairs or building a new fire substation, asking a question that the State Legislature says that you have to ask the voters, but isn't part of your normal budget process; that becomes a warrant article. All of those warrant articles get discussed and debated at the Deliberative Session. If they're amended at the Deliberative Session, those amendments need to be printed on the ballot. You can't amend articles that are required by State law. If things are amended they are placed on the ballot for a final vote on the main motion, but they're also adding language to be transparent with the voters. If this passed the Town Council on a 4-3 vote, tell the voters that it is recommended by the Town Council on a 4-3 vote, that's the numerical tally language, so they know whether or not it was unanimous or was really close, which might give them pause to consider something for a longer period of time before they vote on it.

Mr. Brock thought it was a good idea, but had never seen it before. He wanted to know if other SB2 towns were doing that. Mr. McLaughlin stated that one of the sample ballots from another town had it on any money issue; the Finance Committee and the Town Council and how they voted. Chairwoman Wolf stated that the Bedford School Ballot says, 'The School Board recommends a yes vote on this question.' Mr. Brock thought that was different. That's also covered in the revised Charter elsewhere. Vice Chair Gleason stated that in addition to the recommended they added the tally vote requirement as well and it appears in two places. Mr. McLaughlin stated that it's on the Hooksett sample ballot.

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

E. the Town at least one week prior to said The meeting by the Town Clerk shall prepare an official ballot 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 shall state whether said article is or is not recommended, including a tally vote on such items where a tally vote was taken on said article.

Mr. Kerr mentioned item 3 that says, 'there will be a numerical tally', and if there was a vote where there wasn't a tally and wanted to know if that was an issue. Vice Chair Gleason stated that there are voice votes. Numerical tally tends to be a roll call vote. If they are coming out of non-public and taking a vote on something that was discussed in non-public, that's a tally vote. Mr. Kerr stated that the first sentence says if it's a recorded vote. Vice Chair Gleason stated that sometimes it's not recorded. Sometimes they just record the 'nays', so you kind of know where the tally vote was, because you know the attendants and you know who the 'nays' are.

Mr. Brock wanted to know if there was a situation where the Town Council votes 5-2 to approve an article to put it on the ballot and then amended at the Deliberative Session in

such a way that it changes substantially. The Town Council says they aren't sure if they agree with that. He wanted to know how they handle that. Chairwoman Wolf stated that after the Deliberative Session is closed, they should post a meeting of the governing body to be immediately following the Deliberative Session. If there were any substantive changes, there have to be changes to the warrant article. Mr. Brock stated that his question was specifically about the tally vote. Chairwoman Wolf stated that they revote. Mr. Brock stated that there could potentially be a revised tally vote. Chairwoman Wolf stated that if \$2M was removed or added to a warrant article, obviously that governing body should have a right to revise their recommendation, because it's not the same article. That recommendation is what would appear on the final ballot.

Vice Chair Gleason wanted to know if they were to add a sentence to subsection 'E' to say, 'If an article is amended at the Deliberative Session, the Town Council shall revote on the article...' Chairwoman Wolf thought they had the option to revote. Vice Chair Gleason thought they had to revote, because if there was substantive change and they didn't send it back to the Town Council for a revote, the vote wasn't necessarily reflective of the actual language that's on the ballot. 'The Town Council shall then revote the amended language such that the tally on the ballot accurately reflects the vote including the amendment.' Chairwoman Wolf wanted to know if she was putting it under 'C'. Vice Chair Gleason stated that at the end of section 'E' she added, 'If an article is amended at the Deliberative Session, the Town Council shall then revote the amended language such that the tally on the ballot accurately reflects the vote including the amendment.' Ms. Camarota wanted to know if she should add, 'The vote of the Town Council' or 'The Town Council vote' for clarity. Vice Chair Gleason agreed, 'the vote of the Town Council.'

Ms. Radke wanted to know how many days after the Deliberative Session they hold that meeting. Chairwoman Wolf stated that it's immediately following the Deliberative Session. Mr. Brock stated that they adjourn, go into the next room, and it's a single purpose meeting. Ms. Radke was worried about timing, because they have to have it posted so many days before the official ballot voting day. Chairwoman Wolf stated that they post it in advance because the Deliberative Session is happening. She wanted to know from Vice Chair Gleason if 'substantively' was defined. Vice Chair Gleason stated that it wasn't defined, but it hadn't been defined in other town charters. She thought this was one of those things that gives you wiggle room for a legal argument, but her concern was if they start to say 'this is what a substantive amendment is', it would be easy to find the gray in there to do things you want to do, because you haven't said it's prohibited, so it's permitted.

Mr. McLaughlin mentioned line 72 it says, '...as it was made or amended at the first session...', and thought they should change that to Deliberative Session, and she already did.

Mr. Kerr mentioned the process about going into the next room and voting and wanted to know if that's all covered elsewhere in State law. Mr. Brock stated that the meeting is declared, it's posted. Chairwoman Wolf added that they have to follow 91-A. Vice Chair Gleason stated that there was nothing in there that shortcuts that process.

F. The Official Ballot Session shall be for the election of officers, voting on zoning amendments, bonds or notes, all warrant articles from the Deliberative Session, and all questions required by law. The Official Ballot Session shall be held on the second Tuesday in March. Bonds or notes shall require a 3/5 majority for passage.

Ms. Camarota wanted to know if they had the choice between 2/3 and 3/5. Vice Chair Gleason stated that 3/5 was a change in State law; it's a requirement. It was amended at the State level to make it a 3/5 vote. Ms. Camarota stated that she read RSA 49, and it mentioned 2/3 or 3/5 and if it's not delineated, then they assign one. Mr. McLaughlin stated that current Bedford policy is 3/5. Vice Chair Gleason stated that this was one of those issues she files under 'allow legal counsel for the Town to catch them in this and say they're doing it wrong.' Chairwoman Wolf stated that there was something that passed by 3/5 in March, not 2/3.

Chairwoman Wolf mentioned '...the election of officers, voting on zoning amendments, bonds or notes...' and wanted to know if 'bonds and notes' covered the budget. Vice Chair Gleason stated that doesn't cover the budget and thought they should say the budget. Mr. McLaughlin thought the budget was a warrant article. Ms. Radke stated that the budget was a warrant article and Mr. Brock stated that they don't need to specify. Vice Chair Gleason thought they could say 'all warrant articles from the deliberative session to include the operating budget.' Mr. Brock wasn't sure if the reference to 'bonds and notes' was required. Vice Chair Gleason stated that bonds were outside of the operating budget. Mr. Brock thought it should say, 'The Official Ballot Session shall be for the election of officers, voting on zoning amendments, and all warrant articles from the Deliberative Session...' By definition it includes bonds or notes. Chairwoman Wolf thought if they weren't going to put budget in there, she thought they should delete 'bonds or notes'. Ms. Radke mentioned special warrant articles too that weren't listed in there. Vice Chair Gleason changed it to read, '...election of officers, voting on zoning amendments, and all warrant articles from the Deliberative Session, and all questions required by law...'

G. In addition to acting on 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 as described below. If the proposed Operating Budget and Default Budget receive equal votes, the Default Budget shall be considered approved.

1. "Operating budget" means "budget" as defined in RSA 32:3, III, exclusive of "special warrant articles", and exclusive of all other appropriations voted separately.
2. "Default Budget" means the amount calculated by starting with the amount of the appropriations contained in the Town of Bedford operating budget authorized for the previous fiscal year, reduced and increased as the case may be by 1) debt service, 2) contracts previously incurred, 3) salary and other related employee costs (benefits, taxes) previously incurred, and 4) other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the previous operating budget. For the purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the Town Council.

Ms. Camarota mentioned employees that are under a 3-year union contract, and wanted to know if their salary increase would be included in the default budget. Vice Chair Gleason stated that yes, because that's a contract previously incurred under subsection 2. Mr. Brock stated that once that contract is approved, the implications of that contract carry forward in the budget for the extent of the contract. Vice Chair Gleason stated that they can't retroactively nullify a contract.

Mr. Brock wanted to know the implications for that last sentence to regular and recurring

funding to Capital Reserve. For example, every year they put \$100K in the budget for a new fire engine and they expect to do that for 10 straight years. Vice Chair Gleason stated that that wasn't a one-time expenditure. A one-time expenditure would be in 2023 you authorized the expenditure of \$1M for a new fire truck. You already bought the fire truck in 2023, so in 2024, if the operating budget fails and the default is adopted, that default would be immediately reduced by \$1M, because you don't need to buy a new fire truck. That was a one-time expenditure. Mr. Brock stated that he wanted to know the implications of that last sentence on regular funding to the Capital Reserve account. The sentence is, 'For the purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the Town Council.' Vice Chair Gleason stated that a regular expenditure to the Capital Reserve account was by definition not a one-time expense. Ms. Radke stated that it's a collection of funds. For example, if they put \$40K in the budget to buy a new truck, and the default were to be voted in, they wouldn't be including that \$40K in appropriations that they use to buy that truck. Mr. Brock stated if in year 1, they have a capital reserve funding of \$100K for some item, he wanted to know how that was reflected in the following year's default budget. Vice Chair Gleason stated that the Capital Reserve was a separate warrant article that was not deemed to be part of the operating budget, therefore that clause doesn't apply to it. Ms. Radke stated that she did not support that. Chairwoman Wolf thought that this was partly a question for the lawyer, and partly a question of what they propose. The Capital budget last time was about \$4M. Mr. McLaughlin stated that it was about \$3M out of \$35M. Chairwoman Wolf stated it was part of the budget. Mr. McLaughlin stated that two weeks ago they proposed putting it into the operating budget, but now felt it should be a separate warrant article. Vice Chair Gleason stated that they thought it should stand on its own as a separate warrant article with each individually newly created category of spending to be a separate warrant article as well.

3. The "Default Budget" is the amount that will be raised if the proposed Operating Budget is defeated. If the Default Budget is adopted because of the defeat of the proposed Operating Budget, the amount raised and appropriated may be expended for any purpose contained in the defeated proposed Operating Budget. The total amount available for expenditure when operating under the Default Budget will not exceed the default amount plus the amount appropriated by separate and special warrant articles except as otherwise provided by laws such as, but not limited to RSA 32:9-11.

Ms. Camarota mentioned the line, '...the amount raised and appropriated may be expended for any purpose contained in the defeated proposed Operating Budget' and wanted to know if that gave the Town Council flexibility to put that wherever they want. Vice Chair Gleason stated yes, and they always had that power. The Town Council can move things from department to department and line item to line item. Department Heads can move things around their individual operating budget. The Town Manager currently has the power to move things from department to department. It's a good power for them to have. If there is something that Town Council deems critically important in the operating budget, which failed, and they want to move things around to make sure that that happens, if the default budget is the case, they have the ability to do that. It's not antithetical to the powers they have reserved under the Charter as it stands. Chairwoman Wolf stated for example, they could fund raises for non-union employees instead of purchasing an object or something. They could make adjustments.

Mr. Brock stated that he had a concern with that. Moving funds around within the default budget he agreed with, but, ‘...The total amount available for expenditure when operating under the Default Budget will not exceed the default amount plus the amount appropriated by separate and special warrant articles...’ He didn’t believe the Town Council had the right or should have the right to move funds from a separate or special warrant article and use that to fund stuff that got removed from the operating budget. The wording says ‘plus’. It says the default budget plus any monies raised by those special warrant articles and that’s not the case. Vice Chair Gleason stated that she sees what he’s saying. She thought it was a question for the lawyers, because she didn’t know from a municipal law standpoint what the intent of a like provision is. Mr. Brock thought the intent was simply the Town Council, or School Board, could move funds around within the default budget, but they can’t add separately raised monies to it. Ms. Radke wanted Mr. Brock to read what he was referring to again. ‘...The total amount available for expenditure when operating under the Default Budget will not exceed the default amount plus the amount appropriated by separate and special warrant articles...’ For example, the proposed budget is \$20M, and the default budget gets approved at \$10M and there are two other warrant articles that each raise \$1M. The Town Council doesn’t have \$12M to play with; they’ve got \$10M and they have another pot of \$2M. Ms. Radke stated that the other warrant articles would not be in the operating budget. Mr. Brock stated the ‘total amount available will be’ is what it says. Vice Chair Gleason stated that he’s not wrong. She would rather strike the sentence in its entirety. Mr. Lord stated that it also says total amount for expenditure. It doesn’t say that you can circumvent the purposes around the authorizations. Vice Chair Gleason stated ‘The total amount available for expenditure when operating under the Default Budget...’, so total expenditures would include the special warrant articles which you have to spend money. The Default Budget amount plus the total of the special warrant articles. Not that you can increase the Default Budget to the Default Budget amount plus the total of the special warrant articles. She thought it was a great question for Town counsel. Chairwoman Wolf thought they could ask, but would like to rewrite that, because it’s mixing two funds and they shouldn’t be mixed. Vice Chair Gleason thought they strike the sentence, because she didn’t know that it was necessary, because they’ve defined Default Budget already in previous sections very clearly. They could remove it and it doesn’t change the intent of what’s being done. Ms. Radke thought it protected those special warrant articles. Chairwoman Wolf stated that they were already separate from the Default. Mr. McLaughlin stated that they didn’t need to be protected. Vice Chair Gleason stated that they weren’t encompassed in the Default Budget. Ms. Radke thought the wording may have been put in there to say even though it’s Default, they can still spend money on those special warrant articles. Vice Chair Gleason thought they should give it to Town counsel in a red-lined version, so if they take that sentence out, they’ll see that she removed it. If they feel it is critically necessary, they can add it back in. Mr. Kerr wanted to know what was referred to by RSA 32:9-11 and if it needed to be there. Vice Chair Gleason read 32:11:

*Emergency Expenditure and Over expenditure
Procedures and Forms*

When an unusual circumstance arises during the year which makes it necessary to expend money in excess of an appropriation which may result in an over expenditure of the total amount appropriated for all purposes at the meeting or when no appropriation has been made, the selectmen or village district commissioners, upon application to the commissioner of revenue administration or the school board upon application to the commissioner of education, may be given

authority to make such expenditure, provided that:

- I. Such application shall be made prior to the making of such expenditure. No such authority shall be granted until a majority of the budget committee, if any, has approved the application in writing. If there is no budget committee, the governing body shall hold a public hearing on the request, with notice as provided in RSA 91-A:2.*
- II. The commissioner of revenue administration or the commissioner of education may accept and approve an application after expenditure if caused by a sudden or unexpected emergency, in which case paragraph I shall not apply.*
- III. Neither the commissioner of revenue administration nor the commissioner of education shall approve such expenditure unless the governing body designates the source of revenue to be used. Neither commissioner shall have the authority to increase the town or district's tax rate in order to fund such expenditure.*

Vice Chair Gleason stated that this is a special circumstance that is already covered by State law. She maintained her position that they needed that sentence in there. Mr. Kerr agreed that they could strike it out and then if counsel says they need to do something. Ms. Radke stated that 32:9 was Exception, 32:10 was Transfer of Appropriations and 32:11 was Emergency Expenditures and Over expenditures; those were all under Municipal Law. Vice Chair Gleason read 32:11, but it includes 32:9-11. Mr. Lord stated that 32:9 had the ability to pay a judgement and 32:10 was the transfer of appropriations. Ms. Radke thought that was the one that gave the authority to the legislative body to transfer items within a budget.

Mr. Kerr stated that he wanted to support what Vice Chair Gleason said earlier about redlining it, giving it to counsel and tell them whether or not it needed to be put back in. Mr. Radke thought it should stay in. Mr. Lord thought it was a question for the group as to whether or not that ability, and maybe it's overruled by the provision of State law, but thought it was a question for the group as to whether or not they would disagree with the ability to be able to move those things around. He would be in support of the Council having the ability to move those things around, which means he would prefer to have the language in even if it was redundant. Ms. Radke agreed. Chairwoman Wolf felt the language could be very confusing for people. Mr. McLaughlin stated that separate warrant articles were their own pot of money. Mr. Brock thought they agreed to remove it. Chairwoman Wolf agreed. People might vote on a bond article and not vote on the budget. They are separate warrant articles. There is no authority to mix those together and thought that's what that language alluded to. She's never heard of anyone being able to do that. Mr. Kerr stated that what struck him was when Vice Chair Gleason said total amount available. It didn't mean you are mixing them, it just means the total amount available. Chairwoman Wolf stated that if you've had the conversation you understood the intent. Mr. Kerr stated that until she said that it looked like they could mix them. He thought that maybe the language needed to be more specific.

Mr. Lord stated that RSA 32:10 allows for that mixing. Vice Chair Gleason stated that taking out the language and removing that sentence didn't nullify the State law.

Mr. McLaughlin read the sentence above that, '**...the amount raised and appropriated may be expended for any purpose contained in the defeated proposed Operating Budget...**' When you read the current Town Charter, section C:5-6 talks about transfers; they can transfer unspent balance of money. They just can't transfer their entire budget from one purpose to another. If a budget was defeated and they go to the default budget,

and on the defeated budget was \$5M for new athletic fields, and that's defeated. Now the Town Council can sit down and massage the entire budget and push \$5M back into athletic fields. Ms. Radke stated that they could. She wouldn't recommend it, because then they wouldn't have any sand or salt. Mr. Brock stated that what's being approved is a bottom line number and the Council or the School Board can play with that bottom line number. Chairwoman Wolf stated whether that's a politically wise thing to do was a totally separate question. Mr. McLaughlin wasn't sure they had that authority. Chairwoman Wolf stated that they do. If they had money for a field in the budget and they also had the fire suppression as a separate warrant article and it fails by five votes. They could get rid of the field and pay for the fire suppression, because the fire suppression was a safety issue. It's up to the political body; the people they are electing. Mr. McLaughlin wanted to clarify that she's saying in her example that the fire suppression was a separate warrant article and Mr. Brock stated that it was a bond. Mr. McLaughlin stated that in his example the field was part of the operating budget. As long as he's run it by the whole Commission he was happy. Chairwoman Wolf stated that she would be very careful about putting things in that the voters rejected, but they have that authority. If there's a big difference in the default, there might be things that are very important. If electricity and salt prices skyrocket, the legislative body needs the authority to be able to move money around to be able to do basic functions. Vice Chair Gleason stated that in a practical implementation of this in a default budget scenario is that 95% of your budget is spoken for; contractual expenditures, raises, health insurance increases, and things you cannot control. It eats up about 95% of an operating budget. The wiggle room that they are talking about is the 5% that falls outside of whatever those mandatory requirements are on an annual basis. Ms. Radke stated that it affects electricity, gasoline, all of those things that you need to run a town. They don't have a contract. Mr. Brock stated that they were non-discretionary. Ms. Radke included raises for non-union; they don't protect the non-union people.

4. For the purposes of this Section, "previously incurred" means on or before the Deliberative Session at which the default budget is presented to voters.

Vice Chair Gleason stated that the reason for that was because you can take a default budget and amend it from time to time, but you don't want to allow a Council to amend your Default Budget after you get a wind of what is happening in the political arena such that you avoid the intent of the Charter.

H. 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."

Mr. McLaughlin thought they made a change, '...Should this article be defeated, the default budget shall be \$ _____...' Vice Chair Gleason agreed that was correct. Mr. Brock thought for clarity, '...the Default Operating Budget...' Vice Chair Gleason

stated that she was okay with Default Budget, because it was a term of art that they previously defined in the same section. Chairwoman Wolf wanted to know if it was okay to be this specific in the Charter with the language; was there any reason the language would change. Vice Chair Gleason didn't think the Default Budget language was going to change, because that's defined earlier in the same section. This was very similar to the call of the question when they're sitting at the Deliberative Session and the Council says, 'Shall the Town vote to raise and appropriate as an operating budget...' They pretty much read similar language into the record. She believed the language about the Town Council holding a special meeting to take up the issue of revisions was similar to language, which was read before citizenship was given the opportunity to vote to amend, to add or subtract from the budget, during that Town Meeting. It keeps the spirit of what's been going on previously in place.

Mr. Brock stated that he's never seen this town have a special meeting on the budget. **'...The Council may hold one special meeting...'** He wanted to know if they start the process over again; a hearing, a Deliberative Session, a ballot vote. Mr. McLaughlin responded yes, yes, yes and Vice Gleason responded no, no. Mr. McLaughlin stated that in the Town Meeting format, you didn't leave the town hall until there was a budget. In this format, if the budget is defeated and you go to a default, the Town Council can have one more bite at the apple to start the process again, and see if they can have a second vote. Mr. Brock stated that one special meeting almost implies that it's a Town Meeting again; a series of meetings. Vice Chair Gleason disagreed with that and they didn't agree with that when they sat down. She reads it as the Town Council can hold one single special meeting to revise their operating budget to conform to the standards set forth for the Default Budget. They have to meet that money and they can move line items around in that special meeting, but they can't go rogue and start the process over again. Mr. Brock thought the intent of that was to give the Town Council the right to basically bring a second bite at the apple back to the Town. Ms. Radke stated that they did that in Croyden. Chairwoman Wolf stated that wasn't SB2; it was Town Meeting. Mr. McLaughlin stated that this is helping to prevent a Croyden scenario in Bedford. Mr. Brock stated that he was trying to understand what that one meeting looked like. Mr. McLaughlin stated that the meeting of a voting process is a public hearing, a Deliberative Session, and a voting session. Mr. Brock stated that that's what he would expect. Mr. McLaughlin stated those three things make up one meeting. Mr. Brock wanted to know if they were in agreement with that and if so, they should specify that. Mr. McLaughlin suggested **'one special meeting consisting of a public hearing session, a Deliberative Session and a voting session'**. Vice Chair Gleason wouldn't want to give the Town Council that power. Chairwoman Wolf stated that the Bedford School ballot from this year says under operating budget with similar language here including default, '...or the governing body may hold one special meeting in accordance with RSA 40:13 X and XVI, to take up the issue of a revised operating budget only.' Mr. Brock stated that that language had been around for a long time. He wanted to know what one special meeting consisted of. Chairwoman Wolf thought they should ask counsel. She thought Rick Sawyer said that it didn't include a Deliberative Session. Mr. McLaughlin thought he said it didn't include the public. The verbiage they had last time had a window of time stated that it had to be within 28 to 60 days, and they took it out because they were debating what it actually means. He thought they needed the

lawyer to give them some info and Rick Sawyer's too. Vice Chair Gleason read RSA 40:13 X, 'If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the default budget or the governing body may hold a special meeting pursuant to paragraph XVI to take up the issue of a revised operating budget only...' and XVI, 'The warrant for any special meeting shall prescribe the date, place and hour for both a first and second session...' Vice Chair Gleason stated that it sounds like they can start the process over again. Mr. McLaughlin thought they got that from Rick Sawyer at the meeting two weeks ago and it had the window of time. Vice Chair Gleason added '...not fewer than 28 days no more than 60 days following the first session...' comes out of subsection XVI. If that's language the School Board was utilizing anyway as it comports with State statute, she wanted to know if they just leave it. Mr. Brock stated that the language written there was absolutely consistent with what Chairwoman Wolf just read that the School District uses. They never implemented it. The question was what one meeting consists of. It sounds like it's the process; the budget hearing, deliberative, and ballot. Vice Chair Gleason thought they say, '**...or by law or the Town Council can hold one special meeting to take up the issue of a revised operating budget only, pursuant to State law.**' Mr. Brock thought that worked. Vice Chair Gleason added '**or in accordance with State law.**' Mr. McLaughlin wanted to know if they wanted to cite the RSA. Vice Chair Gleason stated that she was more comfortable with saying '**in accordance with State law.**'

Mr. Lord wanted to know what term of art Vice Chair Gleason was referring to on the hearing; what specific words was she using. Vice Chair Gleason stated that it wasn't really a term of art, they were just referring back to the RSA's.

Ms. Camarota stated that in Attorney Courtney's email he highlighted 'When a Charter provides an official ballot Town Council, it shall also specify with precision the budgetary items to be included on the official ballot.' She wanted to know if what they have in 'H' was addressing that. Vice Chair Gleason responded yes and no. Not necessarily in 'H', but the operating budget is addressed, the special warrant articles are addressed, and she thought with precision, without knowing the future, those were the items budget wise that the people were voting on. She didn't know how they could be more specific without knowing what the warrant articles were going to be. Chairwoman Wolf thought it was headed towards what Ms. Camarota was talking about. Ms. Camarota stated that she still needs to learn. They know about capital reserves, warrant articles, bonds, and she wanted to know if there was anything else. Vice Chair Gleason stated that the warrant article was the catch all, because if you look at the previous sections, the warrant articles can include things that were mandated by State law, citizen petitions, things that Town Council comes up, but that are amended during the deliberative session. The warrant article was sort of anything else that could potentially come up that has to be its own warrant article. Mr. McLaughlin stated that the budget has been published in two places and on the Town website. That's where a voter could learn how they got to \$34M.

Ms. Camarota stated that she just became aware of grants. The Town received a \$1.37M ARPA grant and the Town Council chose to retain that money for facilities planning. She wanted to know if grants go on warrant articles. Vice Chair Gleason

stated that that wouldn't be a separate warrant article. Ms. Radke stated that if it's not expected in the budget, it's unanticipated revenue and has to be approved if it's over \$10K. All their revenue has to be offset by expenditures, so if they get a grant and didn't expect to get, it wouldn't be in the budget that just passed, failed or defaulted. The Council has to hold a public hearing, if it's over \$10K, to accept that grant. Vice Chair Gleason stated if they were given a \$300K community policing initiative grant; it's a matching grant, so they would have to put up \$300K of their own money in the budget over three years to fund three new police officer positions. At the end of the three years, that money goes away, so they were binding their future Council and citizenry to pay the full boat on that. As this is written, that is not a separate warrant article. If they want to create a separate warrant article for that, they would have to put in language about acceptance of grant money and where it binds the actions of a future Council. Ms. Camarota thought that clarified it a little bit. Ms. Radke mentioned the SAFER grant where they get funded three years for three firemen; it was 100% funded. In the default budget, they wouldn't be able to have those firemen come back, because it wouldn't have been funded. They would have to put it in a warrant article to protect that from happening. Mr. Lord stated or they exclude it from the definition of what a default budget is. Mr. McLaughlin stated that they were also saying that the default budget would pass in the year the grant expired, because if they went an extra year and started paying them they are now part of the default budget. It's a confluence of events to say the year the grant expired, the budget didn't pass. It's the year the grant expires, the following year when they have to pay for them and it's not in the budget; that might be a special warrant article. Vice Chair Gleason offered for consideration, **'In any circumstance when the acceptance of grant funds creates a future funding obligation, the creation of such an obligation shall be a separate warrant article on the ballot.'** Ms. Radke thought they should run that by counsel. Mr. McLaughlin stated that there was nothing in the existing Town Charter that addresses grant money and when it runs out. He wanted to know if they were creating something that didn't need to be created. Chairwoman Wolf stated that on the Londonderry sample ballot where it spells out specified warrant articles, they have their operating budget, an expendable maintenance trust fund, a roadway maintenance trust fund, DPW vehicle equipment leases, DPW capital reserve fund, and it continues on. Mr. Brock stated that each one was a separate article. Mr. McLaughlin wanted to clarify that each one of those was a separate vote. Ms. Radke stated that they took all of that operating stuff and made them separate articles. Chairwoman Wolf stated that they have 16 warrant articles. Hooksett was similar. They have article 7, which is non-union raises, so it protects it. Even if a group of people wanted to vote down the operating budget, it's going to impact the tax rate by \$0.06. Everyone always approves custodians, food service, etc., so there's a lot more specific warrant articles. She mentioned Merrimack Riverfront Trail System Phase 4 for \$385K. She didn't believe they were all called out specifically in their charters. It's probably a culture that they have. That's where she feels their big question is. She thought the subcommittee did a fantastic job and they are really close on the Charter language; except for this little nugget. Right now it's Operating Budget and then capital reserve was just kind of everything else. She would like to see a little bit more nuance. They talked about reserve funds by a bigger department like Fire, DPW, etc. Ms. Radke stated that then they would be adding more articles for people to vote on. Vice Chair Gleason stated that when they are doing a large expenditure you have to

bond that, like if you're building a building. The bond itself has to go to the public as a separate warrant article. You wouldn't need to call that out, because it's already covered. Chairwoman Wolf agreed, but what if they were putting away \$100K for a fire truck every year. When you look at what was in the last capital reserve that was \$3.8M. If that goes on the ballot. Vice Chair Gleason stated that that would be the creation of a new category, which would have to be a separate warrant article. Mr. Brock wanted to know if that's what they were addressing in 'I'.

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

"Shall the Town raise and appropriate as a capital reserve budget, the amounts set forth in the warrant article, for the purposes set forth therein, totaling \$."

Mr. Brock thought Chairwoman Wolf thought they need something more granular than 'I', because 'I' says that they are going to lump all the capital reserves into one article and they're all going to go up or down. Mr. McLaughlin stated that that's the way they do it now. Vice Chair Gleason stated that she didn't see in there where they talked about putting in language about voting new categories on capital reserves. They talked about it, but she didn't see that it made it into that section and she didn't see it anywhere else. Mr. McLaughlin stated that right now they vote on all the capital reserve funds on one warrant article at Town Meeting. Ms. Radke stated that they were doing the same exact thing except on official ballot. Chairwoman Wolf stated that it wasn't very granular and thought it was risky, because it's an up or down vote. Ms. Radke pointed out that it was up or down on now on the Wednesday after the election. No matter what day you do it, it's up or down. Mr. Brock thought Chairwoman Wolf was suggesting maybe they have categories of capital reserves. Instead of lumping them all together, they do fire stuff and road stuff. Mr. McLaughlin thought the Town Council would have input on the creation of the ballot. Vice Chair Gleason stated that what she thought they intended as a committee, and she didn't know why it ended up in the version they circulated, the first sentence in 'I' really should read something similar to **'The capital reserve budget shall be voted on as its own warrant article, except that the creation of a new category of funding should be a separate warrant article.'** Then go on to say, **'the wording of the article on the capital reserve budget shall be as follows.'** Mr. McLaughlin stated that he would put it all or nothing, which is the way it is now. Vice Chair Gleason agreed; all or nothing except new funding categories, which requires that sentence to be present. Mr. Kerr wanted an example of what the new funding would be. Vice Gleason stated that hypothetically the Town Council creates a line item where they put aside \$3.8M for the purchase of land for a fire substation that hasn't yet been approved by the Town. Mr. McLaughlin stated that it's anything not on the current list. If it's going to be a new fund, to initiate it, it has to be voted on the first time and then it's just another line item in the existing fund. The first time it needs to be approved by the voters.

Ms. Camarota stated that Merrimack had article 2, raise and appropriate operating budget of \$35M, and then article 3 was raise and appropriate the sum of \$1,947,000 to be added to capital reserve/expenditure trust. It then itemizes apportionment amongst several funds like the ambulance and fire equipment, etc. She stated that they are talking about large sums of money and difficult times for communities. She hopes that somewhere along the line it says somewhere that any expenditure that is

above \$500K, it has to be a warrant article and come to the voter; whatever that figure might be. That's what she's looking for. Mr. Brock wanted to know if her definition of expenditure was equal to setting monies aside for a reserve; was that an expenditure. Ms. Camarota stated that that's where it gets a little fuzzy for her. They are taking taxpayer money, capital reserve is taxpayer money, and they are saying they are going to tax you \$X in order to make sure they have funds for a fire station; they are going to put it in the bank. She stated that the Town Council right now determines that amount and the voter doesn't have any say and wanted to know if that was correct. Vice Chair Gleason stated that it was. Mr. Brock stated that the voter has a say at Town Meeting today. Mr. McLaughlin stated that at Deliberative Session they can. The Capital Improvement Plan, which is in the current Charter, defines a 6-year plan based on the Department Heads through the Town Manager to the Town Council to save. An example would be the Fire Chief says in 6 years my fire truck will be done; its useful life will be over. It costs \$1M, so I want to raise \$100K a year for 10 years, so the day it dies I can pay cash. Ms. Camarota stated that Bedford historically prepares and takes care of the Town. The roads are always good. She's trying to say that she would like the voters to have more say on large expenses. Vice Chair Gleason's concern was then it becomes wordsmithing game playing where they appropriate \$499,999 towards something instead of \$500K, so they don't trigger that clause. She sees the work around as being easy and the truth of the matter is this was a great example of why a) They have to be careful at the ballot box and who they elect to represent them on the Town Council and b) If there's an issue they need to gather their friends and peers and go to the Deliberative Session and amend. Ms. Camarota stated that the way they always do it, at the Deliberative Session can they look at individual items. Mr. Brock stated that you could make a motion to reduce line item 7 by 50%. Chairwoman Wolf stated that looking at the Merrimack one, it is article 3 and it lists their items out, so you would be able to stand up and say you would like to reduce the road infrastructure, which is \$595K, by half at the Deliberative Session. Mr. Brock wanted to know if that detail appeared on the ballot and Chairwoman Wolf stated that it did appear on the ballot. Mr. Brock clarified that on the ballot it wasn't just a dollar amount that references something else. Chairwoman Wolf stated that it's itemized on the ballot. She prefers to see more granularity, shall it list specifically the line items; not just the line item amount. She wanted to know if there could be a clause that says the Council has the option to create multiple warrant articles. Mr. Brock thought they could get there in 'I' by saying the wording of the articles on the capital reserve budget shall be as follows and leave the option to the Council. Chairwoman Wolf stated then the Council could do more. Mr. Brock stated that it's the wording of the article. It's not just one capital reserve budget, there were potentially multiple. Vice Chair Council suggested the following language: **'The capital reserve budget shall be voted on as its own warrant article or articles clearly enumerating each category of expenditure. The creation of a new category of funding shall be a separate warrant article for each newly created line item...'** Then go on to say, **'the wording of the article on the capital reserve budget shall be as follows.'** Ms. Camarota wanted to know if the word expenditure was correct. Vice Chair Gleason didn't know if expenditure was the right word. They don't want to say each line item. Ms. Camarota suggested 'fund'; there had to be a better word. Mr. Brock stated that expenditure didn't work, because that implies you're spending it. Vice Chair Gleason suggested 'each fund category'. **'The capital reserve budget shall be voted on as its**

own warrant article or articles clearly enumerating each fund category. The creation of a new category of funding shall be a separate warrant article for each newly created line item...' Ms. Camarota thought that was perfect. That way the Town Council could judge what might get bumped up to the Town Council or the Town Manager. Vice Chair Gleason stated that if they have a situation where people are in an uproar about one particular item in the CIP and you don't want it to tank your whole CIP; make it a separate warrant article. Mr. Brock wanted to know from Ms. Radke as a Council member if she felt that gives the Council more latitude or wiggle room. Ms. Radke stated that she likes it in the operating budget and she's going to stick with it. She didn't think it should be separate. Her reason was if they have it separate and the capital reserves fails, if they had a truck they wanted to buy and all they needed was \$50K more to buy that truck, if it fails, they can't buy that truck that year. If it was in the operating budget, and it passed, then they can use that money to buy that truck. Even if it went to a default, they could find money someplace else to buy that truck. Mr. McLaughlin stated because if it was in last year's budget, it's part of the default budget. Ms. Radke stated that all they needed was \$50K to buy a truck they so desperately needed. If it's in the operating budget, they would find the money to buy it. Vice Chair Gleason stated that if the operating budget fails, and the default budget was in place, and the CIP allocation is part of the budget, you can raid the CIP allocation to fund operating budget items against what she thought the intent of the voter was and telling them to work within a default budget; that's her concern. Ms. Radke wanted Vice Chair Gleason to say it again. Vice Chair Gleason stated if they take \$3.8M and that's their CIP expenditure for the year. If they put the CIP in the operating budget, and the operating budget fails, they can raid that \$3.8M, which they were supposed to be saving for a rainy day, to fund wish list operating budget items, because they combined the two budgets. She didn't think that was fiscally responsible and that's why she doesn't like it. Mr. Lord wanted to clarify that she's saying the latitude of the primary course is narrower than the implication of how the current structure of the default budget would work. They get more latitude through the default budget structure. Vice Chair Gleason stated if they put the CIP in the operating budget, yes, you get too much latitude through the default budget. Chairwoman Wolf wanted to know if towns had the opportunity of having an unreserved fund balance. Vice Chair Gleason stated that they don't have an unreserved fund balance. Ms. Radke stated that they do; it's \$70k, a contingency fund. In case there's an emergency, it's supposed to be for emergencies only.

Chairwoman Wolf thought they talked so much about the default budget and they only had it once in the School District. She thought they were looking at the negative way more than it's likely to happen. The Town is well-run, it's supported, and she didn't think it was going to be an issue. Her go-to would be if the fire truck was dire and they only needed \$50K, make it a separate warrant article, because people were probably going to support it. Then they take away that risk of it being rolled in with other things. Mr. McLaughlin thought that might be when they have a second bite of the apple at the second special meeting. Chairwoman Wolf stated that they could put it in the operating budget at the special meeting, because that's the only thing they can vote on, the operating budget. She thought with that kind of scenario they would be okay. Mr. Brock wanted to know how 'I' now reads. Vice Chair Gleason stated, 'The capital reserve budget shall be voted on as its own warrant article or articles

clearly enumerating each fund category. The creation of a new category of funding shall be a separate warrant article for each newly created line item. The wording of the article or articles on the capital reserve budget shall be as follows: "Shall the Town raise and appropriate as a capital reserve budget, the amounts set forth in the warrant article, for the purposes set forth therein, totaling \$____." Her question was do they put an additional line in there about grants creating future funding obligations or just leave it. Chairwoman Wolf thought they let that go; it's getting too granular. Mr. Brock liked 'I' worded that way. It leaves it in the Council's hands to either lump them all together if that's what they choose to do or make them granular if they think that's going to give them a better chance of passage.

J. Voting at the official ballot session shall follow the procedures outlined in State statute, including all requirements pertaining to absentee voting, polling place and polling hours.

K. Votes taken on the Official Ballot shall be subject to recount as outlined in State statute.

L. Votes taken on bonds or notes at the Official Ballot Session shall not be reconsidered except by warrant article at a subsequent annual or special meeting.

Mr. Kerr wanted to know why it was called bonds or notes as opposed to warrant articles. Mr. Brock stated because it's specific to bonds.

M. The warrant for any special meeting shall prescribe the date, place and hour for a Deliberative Session and Official Ballot Session if required. The Deliberative Session and Official Ballot Session shall conform to State statutes and applicable provisions of this Charter.

Mr. Brock stated that that addresses the concern he raised earlier about special meeting.

Chairwoman Wolf wanted to talk about the Town Report, article IX.

Article IX. Town Report; ~~Town Meeting~~

C9-2 ~~[reserved] Annual Budgetary Town Meeting.~~

~~Each year on a date in March fixed by the Council, the Council shall summon the voters of the Town to hear reports of the previous year's activities and of proposals for the current year and to vote on the Town budget for the coming year.~~

Chairwoman Wolf stated that it says as part of the Annual Budgetary Town Meeting, '~~...to hear reports of the previous year's activities and of proposals for the current year...~~' She addressed Ms. Radke and wanted to know if they compiled an annual report. Ms. Radke responded yes, they do. Chairwoman Wolf stated that it looks like it's deleted here. Ms. Radke stated that it's going to be part of the Charter; they aren't getting rid of that language. Mr. McLaughlin stated that C9-2 was going to be totally deleted. Mr. Lord explained that 'Town Meeting' was irrelevant, so what stays is Article IX. Town Report and C9-1 outlines Town Report. They are just getting rid of C9-2, which refers to Town Meeting. Mr. Brock stated that they weren't seeing C9-1. Chairwoman Wolf stated that there was language missing. Vice Chair Gleason stated that they only put in what they changed; the rest of the Charter stays as is. Mr. McLaughlin stated that C9-1 stays. Mr. Lord stated that they highlighted for the purposes of what they circulated here, Article I, which they've got to go back to, C1-3 the just highlighted the changes they made in C1-

3. They just gave them the sections they made changes to. If they deleted an entire section they would have highlighted that.

C5-2. Budget procedure.

At such time as may be requested by the Manager or specified by the Administrative Code, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his control to the Manager. Based The Manager shall, based on these estimates and other data, the Town Manager shall prepare a recommended budget which he shall, together with these department estimates, be submitted submit to the Council on such date as the Council shall establish. The Council shall review the budget for the following fiscal year and make such modifications and amendments as it desires.

Vice Chair Gleason stated that Mr. Lord made a great point that they could just make this flow a little better and make sense, so he simply changed the wording to, ‘...based on these estimates and other data, the Town Manager shall prepare a recommended budget which he shall, together with these department estimates, be submitted submit to the Council...’ The rest of the article is as is.

C5-1. Fiscal year

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

Vice Chair Gleason stated that this was not modified. The changes in Article III were limited to C3-13 Powers and duties.

C3-13 Powers and duties.

Except as herein otherwise provided, the Town Council shall have all the powers conferred upon and discharge all the duties imposed upon Town Councils, Town Meetings, Boards of Mayor and Aldermen, and Selectmen of towns by law, except the adoption of a Town budget, which prerogative is vested in the Official Ballot. ~~Budgetary Town Meeting~~. All officers and members of all boards, commissions, and committees, and vacancies thereto shall be appointed by the Council from among Town residents except unless otherwise provided by this Charter.

Vice Chair Gleason stated that rather than saying the adoption of ‘...the Town budget was vested in the Budgetary Town Meeting.’, they now say, ‘...the adoption of the Town budget was vested in the Official Ballot.’

C1-3 Construction.

The powers of the municipality under this Charter are to be construed liberally in favor of the Town, and the specific mention of particular powers is not intended to limit in any way the general powers of the municipality as stated in § **C1-1**. Any word in this Charter which may be construed to be either masculine or feminine gender shall be considered gender free.

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.

Vice Chair Gleason stated that Mr. Sawyer liked the conflict of requirements resolution clause that they proposed at the last meeting, but had suggested that move it up to this section, the Construction section at the beginning of the Charter where it actually made sense. If there's a conflict in what thing A. says and thing B. says, they are resolved in the following order. The big confusion which was a point of discussion was that 4 and 5 look awfully similar. The first one is, '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.' and the 2nd one is '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.' It's more of the letter of the law versus spirit of the law and which one takes precedence.

Mr. Lord stated that there's an argument that edits they make to Article I are outside of the scope of what they're charged to do. Originally, because they thought it was clarifying language, they had it in Article V. Mr. Sawyer made the note that Vice Chair Gleason just raised, so they've put it in Article I. Query whether or not Town Council says Article I is outside the charter, but thought they all agreed that from a drafting perspective, this was helpful clarifying language and they felt it was within their scope, because when they think about making a change, dealing with the conflicts and the interactions with existing law seems relevant. They agreed that it made sense to put it into Article I as opposed to Article V. There is a counter argument that said keep to your Article 5 Charter. Vice Chair Gleason stated that Town Council may say a 'no go' on that, but Salem got away with it.

Mr. Lord stated that Ms. Radke spent an entire afternoon doing the heavy rewrite; it was tremendous work. Vice Chair Gleason stated that Mr. Lord spent a ton of time formatting. Every word in this was a collaborative effort that they worked very hard on.

Mr. McLaughlin wanted to know if they were happy to finalize this and get it to a lawyer. Vice Chair Gleason stated that she had a final copy on her computer. Chairwoman Wolf asked that she gives it to her. She's going to accept the font changes, because it might make it a little cleaner. She will add a footer, because she always likes to put a date, the dated version and the pages and then get it over to the attorney. She hopes they can get an opinion by their next meeting on August 23rd and invite him.

Chairwoman Wolf stated that the charter revision subcommittee did a lot of work and thought it was the heavy mental lift. The final report subcommittee did a draft report, which they've seen. They haven't done a lot on it and thought getting through this first stage, she's ready to make a commitment to make some steps, so they'll have a much more substantive draft available for the 23rd.

Chairwoman Wolf stated that September 6th is the following meeting, but she wasn't sure they would be ready to have a public meeting. They will need to see on the 23rd. Vice Chair Gleason wanted to know if they needed Town Council to weigh in in the next week, because they want to publish the proposed changes in advance of the public hearing on the 23rd. Chairwoman Wolf stated that the public hearing is not on the 23rd. Mr. McLaughlin stated that September 6th might be the public hearing or September 13th. Chairwoman Wolf stated that it's either September 6th or September 20th. Those were the two dates. Their previous discussions were the earlier the better, but they don't want to rush themselves, so it would be the 6th or the 20th; definitely a working meeting on the 23rd.

Mr. Lord wanted to know if it would be appropriate for them to entertain a motion to accept the proposed amendments of the subcommittee as amended, as recited by Vice Chair Gleason, so they take a vote of the Commission to advance it to counsel. Chairwoman Wolf didn't know that they needed to take a vote. She wasn't sure about voting on something without knowing that it's legal. In spirit she felt like there was consensus. Ms. Radke clarified that Mr. Lord was looking to make a motion to have the amended Charter go to legal counsel for review and Mr. Lord stated that was correct.

MOTION by Mr. Lord that they send the Charter amendments to counsel. Seconded by Vice Chair Gleason.

Mr. Lord added: '**...as circulated and amended...**' Vice Chair Gleason has cited what the changes are. Vice Chair Gleason read the final motion:

MOTION by Mr. Lord that the proposed Charter amendments as discussed in the August 9, 2023 meeting of the Charter Commission shall be sent to Town counsel for review and further input. Seconded by Vice Chair Gleason.

Mr. Lord stated that if it comes back then they will take up those changes, discuss those changes, and then discuss further changes or vote to approve it at that stage. Chairwoman Wolf thought that at that point she would like to hear from that person. She doubts it's going to be super straightforward if he wants to make changes to certain areas.

Mr. Lord stated that if he's thinking about their report, he thought it was worth memorializing that the subcommittee brought it to the full Commission tonight and they took a baby step today. Chairwoman Wolf thought it was a major step not a baby step.

Vote taken – Motion Passed – 8-0.

Ms. Camarota wanted to know if they were creating a short list of questions for the attorney. Chairwoman Wolf stated that had two: double check G.3, which the question

was the expenditure and the special warrant articles; and clarification on H., which was did it include a hearing and a deliberative session, and the meeting itself.

Mr. Brock wanted to know Chairwoman Wolf's expectation regarding the format of his response. He wanted to know if he was going to send an email response, was he showing up at the meeting on the 23rd; what did she think was going to happen. Chairwoman Wolf stated that she didn't know; she's never done this before. She would love an annotated version of it and an in-person explanation of it. Mr. Brock wanted to clarify that they expected to see counsel on the 23rd and Chairwoman Wolf stated that would be ideal, because they need to have that back and forth.

Mr. McLaughlin wanted to know if the document Vice Chair Gleason forwarded to Chairwoman Wolf showed 9. with the strikeout so he'll know what they did and she responded yes.

Mr. Camarota stated that one of her biggest concerns was that the language they created gives them the flexibility that Londonderry had, which was 49:D-3. She wanted to know if the language that they've chosen was consistent with what Londonderry had done. Vice Chair Gleason stated that it's not identical language, but it's not traditional adoption of SB2 language either, so it creates that in between that she thought allows for tailoring what they do in Town as is to what they're trying to do. It's a hybrid model. Ms. Radke wanted to know if they were talking about the language in the default part of it. Ms. Camarota stated that that was the major thing Londonderry appreciated, because they had flexibility in the default. Ms. Radke stated that that's where she took a lot of their language from; Londonderry for the default.

Chairwoman Wolf thought it was important that they take a look that the definition of default is the same as the School District was using, because that could get very confusing for voters or at least discuss it. Ms. Radke stated that the School default follows SB2 and didn't believe Londonderry's did. Ms. Camarota stated that that was correct; they intentionally avoided 40:13. Mr. Brock stated that the School is 40:13 and Londonderry s 49-D. Ms. Radke stated that it won't be the same. Chairwoman Wolf stated that she would like to have a conversation with the attorney. Ms. Radke stated that they were two separate governments and they're run differently. Chairwoman Wolf thought it was a lot of nuance for people to understand; what the differences could be.

b. Other New Business

5. **PUBLIC COMMENT** – None

6. APPROVAL OF MINUTES

a. Regular Meeting – July 26, 2023

MOTION by Ms. Camarota to approve the minutes of the July 26, 2023 Meeting. Seconded by Mr. McLaughlin. Vote taken –Motion Passed– 5-0-3 (Gleason, Lord, and McLaughlin abstained).

Chairwoman Wolf stated that their next meeting was August 23rd at 7:00 PM and the following meeting is Wednesday, September 6th at 7:00 PM with a potential to hold a public hearing and they also have a tentative meeting scheduled for Wednesday, September 20th at 7:00 PM. Then they have to have their report to the Secretary of State by October 15th.

Mr. McLaughlin wanted to know if Rick Sawyer would be getting a copy of the proposed Charter amendments and Chairwoman Wolf responded yes.

Ms. Camarota stated that she just said public hearing on the 6th. Chairwoman Wolf stated that it is tentative. They will make that decision on the 23rd.

7. ADJOURNMENT

MOTION by Mr. McLaughlin to adjourn at 8:33 PM. Seconded by Mr. Kerr. Vote taken – Motion Passed – 7-0.

Respectfully submitted,

Dawn Boufford