

**TOWN OF BEDFORD
CHARTER COMMISSION MEETING MINUTES
May 3, 2023
10 Meetinghouse Road**

ROLL CALL: A meeting of the Bedford Charter Commission was held on Wednesday, May 3, 2023, 10 Meetinghouse Road. Participating were Terry Wolf (Chair), Kelleigh Gleason (Vice Chair), and members: Jeff Kerr, Matt McLaughlin, Linda Camarota, Paul Brock, Lori Radke, and Bryan Lord was participating by Zoom. Also present was Town Manager Rick Sawyer. Member Susan Labrie was absent.

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

3. NEW BUSINESS

a. Discussion – Town Meeting & Official Ballot Voting

Chairwoman Wolf stated that at the last meeting they had some discussion about how they want to move forward as a Commission. The question on the ballot was ‘Shall a Charter Commission be established for the sole purpose of establishing official ballot voting under the current form of government.’ They are to look into that issue. If people were interested in reading the material that was submitted it is on the Town website at www.bedfordnh.org, ‘Boards and Commissions’, ‘Charter Commission’. She asked Town Manager Rick Sawyer to share some information that he had shared with the Council previously. She also asked if he would be attending their meetings on a regular basis and he stated that it was up to the Commission and she told him yes.

Mr. Sawyer stated that there were three reports that were provided to the Council over the last year. The first Town Council Charter was done with a Charter Commission formed in 1986. It was the select board that decided it was time to change their form of government. The Charter was adopted in 1987 and the first Councilors were elected in 1988. They’ve been operating that way ever since with no governmental change in the Charter. There have been a number of Charter amendments on the ballot and voted on by the voters tweaking aspects of the Charter; not changing the form of government. This Charter Commission was meeting for a potential change in government by changing how they vote on the budget. In 1995, the Council created a Charter Review Committee with residents appointed by the Council to look at the question of going to official ballot. It was brand new and adopted in the State as an option and the Committee looked at it and decided they didn’t want to be one of the first communities and wanted to see how it played in other communities. In 2004, the same process happened with a citizens petition to form a charter commission to look at official ballot submitted. There was also a question that would have formed wards or districts. Both the charter commission question and ward questions failed to get enough votes. The Council at the time was opposed. Councilor Radke was on the Council then and could speak to the feelings at the time.

Mr. Sawyer mentioned two forms of government: Select boards that have no legislative power, councils who do have legislative power. Both can have budgetary town meetings or be official ballots. He thought it was important for Bedford to choose what fits best for

the community. There were other forms of government where Town Council could be responsible for the budget. Durham and Derry were communities where the Town Council fully votes on the budget much like a city. In a city, they fully control the budget and all legislative matters. The difference between Town Councils in cities was they also oversee the School budgets. There could also be budget committees, which he didn't feel was necessary in Bedford or would work well. He thought adding that additional layer of a budget committee would be confusing and draw out the process.

Mr. Sawyer presented what this change would do or not do.

- Improved or changed participation – This was a big question for them to look at and talk about with the community. It would go from a Wednesday Budgetary Town Meeting to a Deliberative Session that would likely be on a Saturday. Maybe attendance would improve on Saturday for the first couple of years, but statistics have shown that over years, Deliberative Session attendance gets less and less.
- More people would vote – It was challenging to get the people educated. If they expect people to take the time to be educated for the ballot he wanted to know why those same people weren't being educated on the current process and attending the public hearings and the Budgetary Town Meeting. He thought it was something to think about. Mr. Sawyer mentioned that they were supplied with some great reading materials from NHMA and others and encouraged them to read those. He saw a quote in the materials from the 2004 Town Manager about all town managers wanting the most educated people voting on the budget and he couldn't agree more.
- Length of the ballot and confusion on real issues – They currently vote on one operating budget and one capital budget. This year they also had three union contracts too. If they go to official ballot, they would likely approaching 50 questions that would need to be on the ballot. There would be four operating budgets and over 40 capital reserve questions, plus the zoning amendments and elections. The reason for four operating budgets was there would be a separate budget for the Town and each of the enterprise funds that they collectively vote on currently. BCTV, Sewer, and Summer Camp were all enterprise funds and would each have to have an operating budget. Each of the four budgets would have to have a default budget option.
- Impacts on AAA bond rating – He was concerned about the impacts it could have on the Town's AAA bond rating. If they were to have a default budget for one or two years that were clearly impacted or if a number of capital reserve projects were voted down even one year could impact that. This was coming at a time where they need to make substantial investments in their facilities and buildings with bonding. They are the only town that has a AAA bond rating. The capital reserve program was one of the items touted by the rating agency along with their fund balance and community value that helped them get to that. It was an important factor that should be thought about. Bonding was already required to be on the ballot and voted on.
- Cost – The Town Clerk would have some concerns for the cost with the number of ballots that would have to be created, the printing and mailing of absentee ballots and the wear and tear on ballot machines.
- Staff vacancies – Default budgets could lead to staff vacancies, because non-union staff would not be getting raises typically in a default budget situation.

- Won't fix fiscal year issue – This change would not fix the issue they have with the fiscal year, which starts on January 1st. They vote on the budget 10 weeks into the budget being fully operational. Having a default budget could be highly impactful on the operations, because they've already been spending money at their anticipated rate for 10 weeks. Wakefield, NH had to put a hiring freeze into place and they weren't hiring any vacant positions they have in the Police and Fire Departments, because of having a default budget passed and other commitments.
- Local budget is focused on the most – The local budget was focused on more than any other budget they pay taxes on. The County budget has a public hearing tomorrow on their \$170M budget and how involved do they get in that. The State budget over \$6B or \$8B that they were working on and the Federal budget. Those were all truly representative forms of government, but they spend the most time themselves focused on the local budget.
- Is something broken – He wasn't sure there was anything broken with their current system, so it was an interesting question as to why they were doing this now.
- Is this what the community wants – He didn't know if it is what the community wants. There were over 1,000 people who put their name on a petition. Is it status quo or changing to the Council form of government being formally responsible for the budget? He thought it was something this Commission should look into.

Mr. Kerr thought it was interesting to hear about the number of items on the ballot. He wanted to know if every year it would be 40 – 50 different items. Mr. Sawyer stated that it was the Capital Reserves. They have 48 capital reserve accounts and they vote on those collectively right now. At Town Meeting, people could stand up and amend one; stand up and say they want to reduce the fire truck and add to the soccer field or whatever they would like to do. Then they stay there until they have a vote on it. You can't have that debate inside the ballot booth. They can only have a yes or no question. You can't say yes for the fire truck, but no for the soccer if they were combined. Mr. Kerr thought there were still be a deliberative meeting where debating could go on and then once it was resolved, then it would go on the ballot. His assumption was that it would basically be like the School budget; a bottom line number as opposed to each individual element broken out. He wanted to know if it was required to be broken out or could they debate and bundle it all together and give people a yes or no. Mr. Sawyer stated that some communities bundle their capital reserves and others do not. He believes it could be done both ways. The question would be were they being fair to the voter, because they weren't truly giving them the choice of voting for some things and not others. Mr. Kerr wanted to know what the trend had been of the attendance of the Budgetary Town Meeting over the last 5-10 years. Mr. Sawyer stated that Town Clerk Sally Kellar provided that to the Chair, but didn't know if it had gone out to the full group. Chairwoman Wolf stated that she didn't share it with the group, because there were questions she had on the numbers. Mr. Sawyer stated that the Town Meeting for the last 8 years ranged from a low of 30 to a high of 81.

Ms. Radke wanted to know if they were able to get the numbers for the deliberative session as well. Mr. Sawyer stated that the Town Clerk provided that too. It ranges from a low of 51 to a high of 179.

Chairwoman Wolf thought she would clarify it and then put it in the packet for next time. Mr. Sawyer stated that there was a typo in the registered voters for 2023. It says 13K and it's 16K. Mr. Brock stated that there was a typo for 2020; they don't have 48K voters.

Mr. McLaughlin mentioned voting things down and wanted to know if it would hold true at Town Meeting where 20 or 30 people could change something. Mr. Sawyer responded yes. You could bring a group of your friends to a meeting and have an influence. The same thing could happen at deliberative session. Mr. McLaughlin mentioned the School budget and wanted to know how many times the Town didn't pass the budget and referred back to the default budget. Chairwoman Wolf thought it happened recently. Mr. Brock stated that in the last 10 years, the default budget was implemented once maybe twice.

Ms. Camarota stated that she looks at absentee ballots and referred to the military and people that work out of State. With a change in the official ballot she wanted to know what populations would get the advantage of voting through absentee ballot. Mr. Sawyer stated that anybody who can't be in attendance at the Budgetary Town Meeting would have the ability to vote with absentee ballot. Ms. Camarota wanted to know if he had numbers of how many people used absentee ballots in the last election and in the presidential election. Mr. Sawyer stated that in 2023 it was 462. They don't have the presidential election, just the Town Meetings. Chairwoman Wolf stated that she requested registered voters, School ballots cast, School absentee ballots, School deliberative session, Town ballots cast, Town absentee ballots, and Town Meeting voters. She didn't ask for presidential. Vice Chair Gleason wanted to know if they tracked metrics for absentee ballots being requested by military. It was brought up in the Londonderry deliberation if you read the meeting minutes. She wanted to know if they track aged population voting by absentee ballot. Sally Kellar, Town Clerk, stated that as far as military overseas voters, they have an uptick in voters for State general elections, presidential primary, and presidential general election. For Town and School elections, they have very few military overseas voters. They had two this past March. They don't keep track of people's ages when they request an absentee ballot. Vice Chair Gleason wanted to know about people that aren't necessarily ambulatory and couldn't get to Town Meeting. Ms. Kellar stated that they keep the absentee ballot request forms for 60 days like they do everything else for a Town election. They would have to actively keep track of how many people request an absentee ballot due to disability. Vice Chair Gleason thought if they track where the address is, if they were associated with a retirement community in Town, they would know that they got X percentage of absentee ballots from assisted living communities. Ms. Kellar stated that they would have to look at the addresses and the absentee ballot list. There are people in the assisted living communities that request an absentee ballot for a Town election; it's not as many that would be for a State primary or general election.

Mr. Brock stated that he asked Mr. Sawyer about budget implications of the Town operating under SB2 and whether or not the Town could operate, like the School, where a bottom line budget is approved and it's either the budget as proposed or it's the default budget and Mr. Sawyer had mentioned that the Town was voting on a budget for a fiscal year that started three months ago. Mr. Sawyer stated that Mr. Brock was also asking about the Council and did they have the bottom line ability and the answer is they do. The Council could still move money between departments if necessary. Mr. Brock mentioned the issue of voting on a budget when they were already 30% into the fiscal year and wanted to know if that was something that the Town just had to face up to and fix at some

point anyway. Mr. Sawyer stated that there were two ways to look at it. The Council had looked at it a number of times as to how to change the fiscal year to July. Another solution to it is the Council being responsible for the budget and approving it in December like happens in Durham. That's a way to do it without having the fiscal impact on the taxpayers either by bonding six months of a budget or doing five or six consecutive years of 13 month budgets or just taxing them for an extra six months in one tax year. That's why the Councils have never done this, because they are all expensive solutions. The thing that doesn't cost them anything is the Council approving the budget in December. Mr. Brock mentioned potentially 40 warrant articles and wanted to know if there was a way to fix that. His knowledge of local budgeting was in the Schools and they don't face that issue. He wanted to know why the Town couldn't operate more like the School does. Mr. Sawyer stated that it's primarily the ability to have capital reserve accounts in general. The School District can't operate in that same manner. The Town can and does and has done so successfully for a long time to help them keep a very stable tax rate. A ladder truck costing \$2M, the next time they want to replace that, they don't want to be bonding for that or just taxing for that in a single year. They save for 20 years for the ladder truck to be able to buy it the year they need it. Mr. Brock wanted to know if it was because the Town can operate with reserve accounts and the School District couldn't. Mr. Sawyer stated that they don't fund every capital reserve every year, but this past year they voted on about 40 and they have 48. Everything won't be on there every year, but the vast majority of them are there. There are some communities who only have a few and come along them. Mr. Brock wanted to know if there was any reason why they couldn't operate with a capital reserve account. Mr. Sawyer stated that they have to be specific to the spending that is identified in the reserve. Even the Council can't move money from one to the other. Only the voters can move that money between capital reserve accounts. Mr. McLaughlin wanted to clarify that at the Budgetary Town Meeting, all the capital budgets were voted on sequentially. Mr. Sawyer responded, no, they are voted on as one. They have the ability to amend the various lines within it, which you can't do in the ballot booth. You can't pick one and make motion to reduce the money they were spending on the fire truck, but add money to the soccer field or just remove the soccer field. Mr. Kerr wanted to know if at the Budgetary Town Meeting everybody could make those things and then vote for all the discussion of the capital budgets yes or no. Mr. Sawyer believed that was an option, but a scary one to him who has to manage the community. If they don't approve those capital reserves, they will fall far behind. Mr. McLaughlin clarified that he meant now, at the Budgetary Town Meeting, it's voted on, on one vote. Mr. Sawyer responded that it is. Mr. McLaughlin clarified that before the vote happens, the discussion could move money from fund to fund. Mr. Sawyer responded absolutely, or reduce the amount they are funding. He clarified that they couldn't necessarily move it between. Mr. McLaughlin stated that they could decide how much they were going to be put in fund a, b, c and d and then just one vote to execute however it was decided upon. Mr. Sawyer stated that was correct. To move it between accounts would be a separate vote. Chairwoman Wolf added that they would make a motion on a specific topic, a specific fund, debate that fund, and then move on to the next fund. In theory you're moving money. Mr. McLaughlin thought it was all new money; they weren't moving the money that's already in there. They're saying this year if they're going to put in a million dollars, they're going to distribute it how they want to distribute it. Mr. Sawyer explained that he was trying to clarify that if they already had a million dollars in that account, they couldn't move it at that meeting in that same vote. It would have to have been noticed and a separate vote that they were planning to do that.

Chairwoman Wolf stated that she works in Hudson and the School District and the Town were both SB2. The ballot had about 30 warrant articles on the Town side, but it's a norm; it's just something that people do. Everything passes for the most part, except they have been default for at least two years. When you have SB2, you have a default budget. She mentioned what happened in Croydon. It could be 20 people that could make a significant difference on the ballot. They mail the sample ballots to every household. The School and the Town partner, do a mailer, split the cost, and send everything. It's neutral language, it's informational, and it's not persuasive. It has the resources that both the Town and the School share where they can go for more information. Vice Chair Gleason wanted to know if they print everything and then mail it to the households or do they mail a postcard and say here's the link. Chairwoman Wolf stated that it's a 20-page folded. It cost \$5K and its split between the School and the Town. They don't have an active newspaper like they used to. The best way to do it is through the mail. Everybody gets it so everybody knows.

Vice Chair Gleason was making a list of people on who they want to hear from. One was the bond rating agency or bond counsel on how it may or may not impact bond status. The AAA bond rating was important to Bedford. On page A29 of the attachments, it stated that Enfield enacted an SB2 system and then repealed it. It would be interesting to hear from them why they repealed it, and challenges they ran into during that process. They've got the Londonderry report, so they could read through that. Londonderry was interesting, because they were operating under SB2 rules without actually being an SB2 town. There was the commentary about how they're operating, but they're not official. Mr. Sawyer stated that the town was fully functioning as SB2. Vice Chair Gleason thought a rep from Goffstown, because they are a neighbor and an SB2 town.

Vice Chair Gleason was confused when reading the Londonderry report about what a "to see" on an article was and whether or not it pertained to anything they would need to be talking about. Mr. Sawyer stated that a lot of the articles start off by saying, 'To see if the Town will raise and appropriate...' The debate back then was that people were coming to the deliberative session and just amending the articles down to the words 'to see' and taking out the whole meaning of the article. The law has since changed and it says you can't go that far anymore. You can't change the intent of the articles. You can change the money assigned to the article, but you can't take it down all the way to 'to see' and just leave it as that. Vice Chair Gleason mentioned the statute language that allows starting the first Saturday in January until whenever to schedule a deliberative session on the Town budget before it would go into effect. She wanted to know when the budget goes to print and if things were amended during that deliberative session, if it affected the printed ballot; they didn't have to print it twice. Mr. Sawyer stated that they can't print the ballots until after deliberative session. The full budget was published online. Vice Chair Gleason stated that page A28, 3rd paragraph down, raised the concern about having multiple articles proposing the same thing and contingent articles and wanted to know if that was something that SB2 towns were regularly grappling with. Mr. Sawyer responded no, not typically, but they could have an article put forward by the Select Board or Council that means one thing and have a citizen's petition that means the opposite and those can conflict. They need to have their attorney's advising them if that happens. Vice Chair Gleason understood that if it goes up to the State after the fact, if it wasn't an unacceptable article they just strike it. Mr. Sawyer stated that if it's truly an illegal citizen's petition not with the right language, the Select Board or the Council can't reject those; they have to accept them. Sometimes people ask the questions ahead of submitting it and they can

get those things worked out. Vice Chair Gleason stated that page A41 talks about the official ballot having bonds, notes, articles, and everything to be voted on, and wanted to know if each item had to be a separate page and Mr. Sawyer responded no. Vice Chair Gleason stated that after reviewing Appendix B3, if a collective bargaining agreement was not voted in by the voting body, they could call a special meeting. Mr. Sawyer stated that typically you would see the question for the collective bargaining agreement and the very next question would say that should the question before not pass, can the Council call a special Town Meeting to consider that one item. Chairwoman Wolf added that it was on the School District ballot anytime they have a collective bargaining agreement.

Vice Chair Gleason was looking at the School District Business Administrator's comments on page A11 talking about the default budget and expenditures. Her understanding in the second to last paragraph was that the Council could put in a 'capital expenditure' as a reoccurring expense. The example given was Police cars every three years and not run into an issue where that had to be separately asked as a question. Mr. Sawyer understood that they do Police cars via leases, so those could be in the operating budget and not as a warrant article. Vice Chair Gleason stated that it says that there could also be a policy about purchasing items that become a reoccurring expense, which would then become part of the default budget. It said purchasing, not leasing. Chairwoman Wolf stated that the law has changed since 2010. When she was on the School Board, they had regular maintenance such as maintaining gym floors. They had a flat amount of money and they would rotate through the schools. Maintenance was okay, but purchasing a car on a rotating basis was not. That has been clarified accordingly to the law. Ms. Radke stated that in Hollis they have a traditional Town Meeting and they have warrant articles for leased vehicles and it's only voted on once. It becomes part of the operating budget in the following 2 or 3 years going forward. That would be part of the default budget, because they were responsible for paying an obligation. Chairwoman Wolf stated that the default budget was calculated by taking out any contractual obligations and adding new contractual obligations, so if they did a raise for the custodians, that raise would be calculated back in, because it had been approved. A school bus contract, heating oil, fuel, and those kinds of things were part of a default budget calculation. A new roof would not be part of the default budget. The idea of a default was to give the voters a choice. They have a choice between the higher or lower, and sometimes the default is higher depending on how the budget was put together. Vice Chair Gleason wanted to know if the default starts with the appropriated amount from the previous year and then takes into account actual expenditures through the year. Mr. Brock responded no, it's previous year's budget with adds and deletes. Mr. Sawyer added not actual spending. Vice Chair Gleason stated that you can lump capital expenditures together, but if they ran into a situation in deliberative session where they knew that two or three items were particularly controversial and the Town was worried that the entire capital budget would get rejected, could the Town have the ability to separate the controversial items out into individual items on the ballot as opposed to all in or all separate. Mr. Sawyer responded that they would have already done that before they got to deliberative session. They would have had to notice those as separate questions in advance. You can't take them out at the deliberative session and create new questions. Vice Chair Gleason wanted to clarify that the Town could do that in an anticipatory fashion and Mr. Sawyer responded yes.

Ms. Radke brought up how a default could affect their AAA bond rating and wanted to know how long they've had it. Mr. Sawyer thought it was in 2011. Ms. Radke stated that

the advantage of having AAA bond rating was you get better rates for interest. She was curious how much money they've saved over the years because of that AAA bond rating. Mr. Sawyer stated that there was no guarantee they would maintain AAA even if they don't do this. It's very hard to be AAA and they were the only ones doing it. It's possible that when they go to sell their next bond that they could lose it anyways. He didn't want them to feel like this would be the only reason that it might go down. Ms. Radke mentioned how Durham and Bedford developed their charters in the late 80's. She wanted to know if Durham started doing their budget with the Council or did they bring that in over the years. Mr. Sawyer stated that they started with it. Ms. Radke wondered why Bedford didn't do that at the time, because Bedford and Durham were talking to each other. Mr. Sawyer stated that the Bedford Charter was almost 100% based on the Durham charter with two exceptions. It was a conscience decision to hold back zoning and budget for the voters, because they were more worried about this major change and how they were going to operate their community. They felt strongly that that was a way to retain some of the power in the voters, but it also said with the expectation that they would move to a Town Council form of voting on the budget at some point down the road to match what Durham was already doing. Chairwoman Wolf clarified that meant the Council would set the budget and vote on it itself and Mr. Sawyer responded yes, just like Durham, Derry or any city does currently. There is no legislative body vote. They are the legislative body. Ms. Radke added that they hold public hearings as required.

Ms. Radke was curious what the under vote was on the questions for those SB2 towns with the long ballots and thought it was very high. Mr. Sawyer stated that this year, only 83% of the people who took ballots voted on the Charter question, so 17% of people voting didn't vote on it. Vice Chair Gleason wanted to know about the School ballot and how many people voted on those separate articles. Mr. Sawyer stated that they could get that information, but he only did the data for the Town ballot. Mr. Brock stated that it occurs on the School side as well. Ms. Radke mentioned the 40 articles and stated that it equated to about 5 or 6 pages. The time it takes to vote would really impact the voting process at the high school. As a former Town Clerk and being tasked with trying to keep that traffic going so the Attorney General's office didn't come down on them and ask them do a separate polling place. They were fortunate to have the 2nd largest polling place in the State, Londonderry being the first. If the traffic was long it could jeopardize having one polling place. They would have to go to two and it would be expensive. Mr. Sawyer thought it would be three in this community. Ms. Radke knew there were pros and cons to moving in this direction, but as a former Town Clerk, she saw that as the highest con; they don't want to go to another polling place. Mr. Sawyer stated that they recently had a visit with the AG's office and the Secretary of State who were very concerned about the traffic, based on past elections, for the upcoming presidential cycle. They have to submit reports to them to try and address that on the larger elections. He didn't know that it would be a significant issue at Town elections, but they were concerned about that already. Vice Chair Gleason wanted to know they required the Town to institute a 2nd polling place, if that applied automatically to all elections. Ms. Kellar thought it would apply to all, because they would be creating wards. Chairwoman Wolf stated that they just had to do that in Hudson by citizen's petition because of the traffic. Vice Chair Gleason wanted to know if she knew what the increased cost was for elections based on that change. Chairwoman Wolf responded no, but it's a 2nd polling place and wondered where they would even have one in Bedford. Mr. Sawyer stated that that's why he said it would probably be more than two just because of the facilities and parking they have at other facilities. They wouldn't

accommodate it without breaking it up even further. Ms. Kellar thought they could think about where those sites would be and the traffic. They were fortunate to have a large space and that they did a good job moving people through. There were backups at the last Town election; they didn't anticipate the amount of people and it took longer to complete their ballots. Their traffic setup was different than for a presidential election. Mr. Sawyer stated that the biggest difference was using both sides of the high school; for the Town election they only used one side. They may not be able to do that again. The AG's office and Secretary of State's office was there because of their Town election, but the focus was to make sure they get it right for the upcoming larger elections. Mr. McLaughlin wanted to make sure they don't think that the goal was to reduce the number of people who participate in the voting in order to try and limit the Town from having to increase the polling places. They should encourage every person to come out and vote. If they had 5K people show up to the Budgetary Town Meeting they'd probably have to have the same discussion. Mr. Sawyer stated that it should be something that the Commission report mentions to give it attention to the Council who would have to deal with it.

Mr. Lord was thankful for the materials they were given and how they got a good education out of them. The thing he thought was most interesting was the inverse correlation of the voter participation as it relates to population of the towns. It was helpful to see the number of different towns that had gone to SB2 and still have Town Meeting. He wanted to know if they could help them converge the distribution of mechanisms, Town Meeting, SB2, and beyond that, municipalities that have gone to city, as a function of population. One of the interesting things was showing the population growth that's happened to Bedford over the last decade. It seemed to him that one of the challenges was this New England notion of the hitching post and general store; the nostalgia of Town Meeting works very well for a small town. In NH you've got 15 cities. He wanted to know where Bedford sat in terms of size of population vis-à-vis other municipalities in the State. Mr. Sawyer stated that Bedford was the 11th largest by population, and bigger than some of the 13 cities in terms of population; higher than Portsmouth, Keene, Berlin, Somersworth, and Franklin. All of those cities vote via their Council or Alderman. They have some large communities that are SB2 like Londonderry and Merrimack, those were probably the two largest, and Hudson. Both of those communities were slightly larger than Bedford and then there were lots of communities smaller than Bedford that were SB2. Vice Chair Gleason stated that if they look at the 2021 American Community survey, and you go to the SB2 towns, the highest population one was Merrimack at \$26,762, followed by Londonderry, Hudson, and then Bedford would be the next largest after that. Mr. Lord stated that they were SB2 and wanted to know where Bedford would sit in the distribution of Town Meetings. They must be one of the largest. Chairwoman Wolf stated that in document 4A, Town and City Government Formats in NH, it has them sorted by Town Meeting and Bedford was largest by far. The next closest one was Hanover, which was 11,000; everyone else was much smaller. She remembers in 2004 one of the deliberative sessions had 800 people. Mr. Brock pointed out that it was because of the school. Ms. Radke stated that ever since the school got voted in, it has dropped dramatically. She works for a town that has a traditional Town Meeting. It lasted 8 hours on a Saturday in March. They go over everything versus in a charter form of government like Bedford, a lot of what happens is voted on by the Council and it goes on the warrant. When you say Town Meeting it's a very different concept than the Budgetary Town Meeting. That's why those small towns can get away with a Town Meeting, because they don't have a Council form of government. Mr. Lord stated that there was a full spectrum, from pure Town

Meeting on one end of the spectrum to some level of delegated or distributed or representative, even in the Town Meeting spectrum. Mr. Sawyer stated that if they look at the NHMA materials, it showed that Bedford was the only one that did a Town Council with a Budgetary Town Meeting. He calls it a hybrid, because it's not one or the other. They have mixed parts of how governing works in the State. The Council has full legislative authority on everything but the budget and zoning. Bedford was the only one.

Ms. Camarota wanted to know at what point it's decided a town must have more than one voting place and if there was any language related to that. Ms. Radke stated that there was no language. When they see a line of traffic and cars out there, you can bet they are going to question it. There is no RSA that she's aware of that says that you have to go to two or three polling places, but if they say you do, you have to. Vice Chair Gleason wanted to clarify that it wasn't population based, vote count, or traffic count. Ms. Kellar stated that it was how well they are prepared as a town going into anticipating what Election Day was going to look like; Bedford does a really good job. Chairwoman Wolf wanted to know if the concern from the AG and the Secretary of State was voting access. The response was yes. Ms. Kellar stated that they close the bottom lot, because that impacts people getting up the hill. Ms. Radke mentioned how one year the traffic was very backed up. Mr. Brock stated that the direction of the traffic was part of it, but that had since been fixed. The other part was in the top lot. If people see a car about to back up, they stop, because they want to take that spot, even though there might be 50 spots further down.

Mr. Kerr stated that the feedback he got from voters after the last election was there were too many warrant articles and took too long to vote. Having 40 or 50 items on a Town budget would be too much for everybody to handle and could cause problems and they needed to be aware of that. He mentioned that he didn't know that Ms. Radke was on the Town Council in 2004 when this came up before. He thought she was against it then and wanted to know where she was now; was she feeling the same way or had changed direction. Ms. Radke stated that in 2004, the whole Council made a collective decision not to support moving forward with the SB2. They liked the way the Budgetary Town Meeting was being held. There were a lot of people attending back then, people spoke, and they went line by line. It was a true Town Meeting back then. That's why they were all in agreement. They didn't want to change it. Mr. McLaughlin wanted to know if they were on a Tuesday night or a Saturday. Ms. Radke stated that they were on the Wednesday before the election. The election was on the 2nd Tuesday in March and the Budgetary Town Meeting was on the Wednesday before.

Mr. McLaughlin stated that when the school was on the budget, there was always a cadre of people who were against it whose goal was to speak until 1 AM when all the parents and children couldn't stay there that long. They tried to run out the clock. Ms. Radke mentioned that former resident Roy Stewart was the driving factor up in Concord to get SB2 passed for that very reason. Chairwoman Wolf stated that she remembered the 2004 warrant article. She thought part of it was it was slightly newer and they weren't all familiar with it. Town Meeting and the deliberative session used to be social occasions just as voting was. It still was, but not in the same way that it used to be. Mr. Kerr was curious what Ms. Radke's position was now. Ms. Radke stated that she was there to do fact finding. She wasn't sure she could give a complete answer right now, because there are pros and cons to each one. Had she not been working in Hollis and actually seeing a true Town Meeting, they are eye opening. She had a whole different perspective when it

comes to pure democracy; she's seen it in action, and it's wonderful. Bedford was too big for that. That's why she's all over the place right now. She was very intrigued how Derry and Durham do it. She thought they were at that level too. People vote for Council members, because they trust them to make the right decisions. They have professional staff members that were very well qualified to make good decisions when it comes to the budget. As a Council, they approve that moving forward, so she likes that as well. She thought that was a great place for the Town to be in. She's there to listen and learn more.

Mr. McLaughlin thought Town Meetings were great, but on the spreadsheet was there was only one town that uses Town Meeting as a form of government that had a population greater than 10,000, which was Hanover. Everything else was down in the less than 1,000 to 5,000 or 7,000 people, and Bedford was at 23,000. Ms. Radke stated that she didn't think they would ever go there. In Hollis they have 8,000 people and about 300 people showed up on that Saturday and stayed for the 8 hours it took to go through every single warrant. It was amazing to watch. It was a very traditional Town Meeting. That's why when they read the articles she sent where SB2 would come up and it gets voted down over and over again. It's because they like that. It's a culture they don't want to change. Mr. McLaughlin wanted to know the margin if it passes; if it was 50% plus 1 or was it 60%. Chairwoman Wolf stated that it needed to be 60% to implement a change to the Charter.

Chairwoman Wolf thought they covered a lot of ground. She thanked the Town Manager for sharing quite a bit of information. Vice Chair Gleason went through quite a bit of detail in the Londonderry report. The rest was just quite a bit of data and more background information. She put in the Bedford Town Profile; it was interesting, because the company that publishes it has it for every town, so they can compare Bedford with other towns and look at their data and look at different forms of government. They will clarify the data and share it with everybody at the next meeting. Ms. Radke mentioned the newspaper articles she'd been saving over the years. The most recent one was from March 26th. The moderator from Henniker spoke about Town Meeting and was very passionate about it. Chairwoman Wolf stated that she was a little irked reading the comment from the Henniker moderator where he said 'if you don't show up on a Saturday you obviously don't care'. If she doesn't show up on a Wednesday at 7:00 PM, it could be because she's at work or any number of things. She didn't think that comment was quite right.

Mr. McLaughlin stated that he went to see Mr. Sawyer, because he missed the first meeting and to get some contact information. When he read the Town Charter he found only one place that mentioned the Budgetary Town Meeting. There was one paragraph they were focusing on and Mr. Sawyer educated him that there were many more. When he submitted it to the Chair he just put bullet points of what those Charter paragraph numbers were. He didn't print off each one, but he can do that. He didn't know if all of them applied, but those were more questions for the lawyer. They would probably have to look at each one of the 9 or 10 paragraphs or sections of the Charter that they would have to have some modification of the wording. Ms. Radke wanted to know if that would be something that would be addressed after the vote. She didn't know if they wanted to spend time on that now. Mr. McLaughlin thought the Town lawyer was going to be the one to answer that, but he thought the people were going to vote on the actual wording of the new Charter. Chairwoman Wolf stated that they would have to do it as part of their report. If this group was going to make a recommendation to go ahead and change the Charter, then they need to sit down and revise the Charter in cooperation with counsel to

make sure they do it accurately and that would become part of their report. Mr. Brock didn't think they were presenting all of those changed items to the voters and Mr. McLaughlin responded that yes, they were. Mr. Brock stated that RSA 40:14 says, "The wording of the question shall be, 'Shall we adopt the provisions of RSA 40:13 known as SB2 to allow official ballot voting on all issues before the local political subdivision on the second Tuesday of the month.'" That's what people will vote on. The implications of that were the changes that Mr. McLaughlin had talked about. Ms. Camarota stated that the Londonderry report said that they did offer the community specifics in a mailing so they understood how they got to where they got, but when they see it on the ballot, it just says what Mr. Brock read. Mr. McLaughlin stated that their report would have all of the strikeouts and bolds and then the ballot question would be yes or no.

Vice Chair Gleason stated that subsection 8, which says, 'for any town which has adopted a charter under RSA 49-D:3, the method of adoption shall be the manner of amending the Charter as provided under RSA 49-b.' She wanted to know if they fell under that section or was that exactly what they'd have to be doing. Mr. Sawyer stated that they can get it clarified by the Town attorney, but he believed they would be showing all of the changes on the ballot. Mr. Brock wanted to know if the voters would be looking at a red-lined document and Mr. Sawyer believed so. Chairwoman Wolf stated that that's how the Planning Board changes were shown. Mr. Sawyer stated that it was also how Charter amendments have been done. Vice Chair Gleason stated that this wasn't adoption of this form of government without a Charter in existence. This was an existing Charter that would have to be amended. Mr. Sawyer stated that this was a very confusing question last year when the Council was considering whether it would be a citizen's petition that referred to RSA 40:14 or would it be a revision they would put forward and what that meant. He would get them a legal opinion before that. They didn't have to start drafting the language at least until they have their first public hearing and hear some feedback or hear from some of the people Vice Chair Gleason was talking about inviting. They can start now if they know for sure they were going that way, but if they decide as a group that they don't want to do this, they don't have to do that work. They would just file their preliminary report that just says now is not the right time or this isn't the right method. That's up to them. Vice Chair Gleason thought the responsible thing to do was to listen to the public before they jump to conclusions. Mr. Sawyer stated that he found the reference to the 60% needed to pass and would email it to the group.

b. Future agenda items & guests to invite

Chairwoman Wolf stated that they had a meeting scheduled for May 17th. They need to have a public hearing, which includes anybody from the public, and they talked about doing that in June. She wanted to know if both of those still made sense. She wanted to know if they could invite guests to their meeting and have it not be a hearing. Mr. Sawyer stated that they could have as many public hearings as they would like. Vice Chair Gleason stated that Londonderry had 9 public meetings and 2 public hearings and had guests speaking at most of the 9 meetings. Mr. McLaughlin clarified that this was a public meeting and a public hearing was when the public had a chance to speak. Mr. Sawyer stated that they could allow the public to speak at a public meeting as well.

Chairwoman Wolf stated that for the next meeting, May 17th, she wanted to know if they had guests that they would like to invite or certain topics they would like to cover.

Ms. Radke stated that there was a woman at NHMA that she would like to invite, Katherine Heck, who was very knowledgeable in this area. Mr. Sawyer stated that she had spoken at other towns. She was the legislative liaison for all budgetary items as well for municipalities and any legislations that's pending before the Statehouse that deals with budgetary items. Ms. Radke stated that she was going to be meeting with her Friday morning at a conference she was attending in Concord, so she could talk to her and see if she was interested. Chairwoman Wolf wanted to know what she would share with them and what would she offer to them. Ms. Radke responded everything about SB2. She was very knowledgeable in that area. She's got a legal background.

Ms. Camarota wanted to know if the Secretary of State would be valuable. Londonderry had Dave Scanlon when he was deputy commissioner. They also invited the DRA, the Department of Revenue Administration. Mr. Sawyer thought Salem had representatives from those organizations as well. He and the Council Chair were there. They invited representatives from the different kinds of governments; the Town Manager/Administrator and Chair from the different towns. Hudson and Newmarket were there. Durham was invited, but couldn't attend. Ms. Radke wanted to know if they were all there at the same time and Mr. Sawyer responded yes. Ms. Radke liked that idea so they had all the different government entities there at the same time. She suggested having a representative from Durham, Londonderry, and different towns that have been involved in this. Vice Chair Gleason made a special request for Enfield, because they enacted and repealed and she was curious about that. Mr. Kerr wanted to know how big Enfield was relative to Bedford, because he thought they should be talking to towns that were similar in size. Talking to towns that were very small and have very successful Town Meetings may not be applicable. Mr. McLaughlin stated that there were 4,582 in Enfield. Mr. Kerr stated that if they want to invite them that's fine, but didn't know how relevant it was. Vice Chair Gleason suggested that she email their town and ask them if they could send her minutes behind the decision to repeal, because she was interested in what the logic was.

Chairwoman Wolf wanted to know if they could have someone participate via Zoom instead of travelling to them. She would feel badly asking someone from Enfield. Mr. Sawyer stated that they don't have the best setup, but they would make it work. It's up to the Commission. Mr. McLaughlin thought they could think of a bank of questions to submit to them such as why did you choose to go to SB2 and why did you choose to go back, what was the feeling in town, was there better participation, etc. Chairwoman Wolf thought maybe at the next meeting they create a bank of questions and share it with a few of the different communities, so they have a standardized set of questions. Londonderry, they did this; what were the challenges of when they made the transition. She wanted to make a running list and then return to how they want to have people come. Vice Chair Gleason mentioned bond counsel. Chairwoman Wolf really liked the idea of a neighboring town like Goffstown and Merrimack. Vice Chair Gleason pointed out that Merrimack was similar in size. Mr. Sawyer stated regarding bond counsel, he thought they were thinking more about the rating agency. Bond counsel was the attorney that makes sure everything their doing was legal. The rating agency is the one that comes in and looks at everything and does it from a financial perspective not necessarily a legal perspective.

Mr. Lord thought they should have members of the community that were part of the petition process. Chairwoman Wolf stated that it would be good for them to come during the public hearing. Mr. Lord wanted to make sure that they were respecting the process

that's laid out so far and making sure they give everybody a hearing. He mentioned that 'Jay' was the one who led the effort and thought it would be worthwhile to get his views and offer him a chance to have a conversation together rather than just do it purely in the public meeting session. He gave him credit for being part of the process and stepping forth and participating in making his voice heard; he would like to hear his point of view.

Chairwoman Wolf stated that she has NH Municipal Association, a representative from Secretary of State, and Department of Revenue Administration. They've agreed to work on some questions. For communities, she has Enfield, Durham, and thought they would want a guest from Londonderry. She wanted to know if Londonderry was the biggest town that did a switch in southern NH and Mr. Sawyer responded yes. Salem became a Town Council form of government. They were SB2 with Select Board and they retained their SB2 as part of their charter. Chairwoman Wolf thought a local community such as Goffstown or Merrimack and then the people who initiated the petition.

Ms. Radke suggested breaking it down a little bit and having a panel of people instead of just one at a time. Maybe State officials be in one panel on one day, and then town officials be a panel on another day. Chairwoman Wolf liked that idea. She liked the State officials together for a State perspective and then a local perspective. Mr. McLaughlin thought some of that may depend on their availability. He wanted to know if they thought more than two in one session would be too many people there. Vice Chair Gleason stated that if they put them on a panel she thought having three people sitting up there was fine and thought they could do three different categorical panels in one night. Mr. Sawyer stated that Salem had four and gave them each 10 or 15 minutes. All of the other communities did a Powerpoint and then spoke. They would want to give them 10 or 15 minutes to talk. Chairwoman Wolf thought they would probably say some similar things, so having them do it together made sense. Mr. Brock wanted to know if it would be wise to try and get a list of questions or topics put together ahead of time. It would seem like a better use of our time and their time if they could ask them to come in and be prepared to address the following topics. Chairwoman Wolf thought that was a better idea. She could start a list, everybody could submit questions, she could compile a draft, they could discuss that draft, and then they could add and subtract from it at the next meeting on the 17th. Ms. Radke didn't know if there would be enough time to invite them and Chairwoman Wolf stated that she was a little concerned about that. Mr. Brock stated that he was under the impression they were going try and have guests at the next meeting. Ms. Camarota thought they could do some guests on the 17th. Londonderry had guests and then they closed that part and opened it for public comment. Mr. Kerr wanted to know if they could do it the other way around where they have public earlier while they were working on questions for the panels. Vice Chair Gleason responded not on the 17th, because of the notice requirement. Chairwoman Wolf thought the State agencies were experts and knew what they're doing. They should have the State ones come and she could throw in a draft of questions that they could discuss as part of that meeting. If they can, she thought they should figure out when they would like those communities to come, so they could issue that invitation. Mr. Lord stated that he would like to front-end load the educational part of it. There's still a learning curve that they're all trying to come up, so front-end that and then they could get into the opinions in the second part of it where folks have views once they come off the learning curve one way or the other.

c. Future meeting dates

Chairwoman Wolf wanted to know if they were moving into June for their dates. Ms. Radke stated that the Council meetings were the 14th and 28th. Mr. Sawyer stated that they had Wednesday, May 31st available. Ms. Radke had a conflict on the 31st; possibly going to Florida. Vice Chair Gleason wanted to know if she could Zoom in if she needed to and Ms. Radke responded that she could.

Chairwoman Wolf polled the Commission for their availability on the 31st. Mr. Brock stated that he may have to Zoom. He's in Town, but playing nurse. The rest of the Commission was available on the 31st. Mr. Sawyer stated that the following week, the 7th was open. Vice Chair Gleason stated that she had a conflict on the 7th. Chairwoman Wolf thought they could do the public hearing on the 21st. Vice Chair Gleason stated that as a mother of four children there was no way she was going to a meeting on the 7th and the last week of school where sports were ending and there were 7 nights of commitments happening. She would be more inclined to go to a meeting on the 21st. Chairwoman Wolf was wondering if the general public would attend. Vice Chair Gleason thought most of the moms of children that she knows were out of their minds from May 15th to when school gets out every year. Chairwoman Wolf was thinking of when they have their public hearing date. Their options in June were the 7th, the 21st or the 31st of May. Mr. Kerr thought the Town cleared out as soon as school gets out. The last day of school was the 14th. Vice Chair Gleason wanted to know if they could do a public hearing on the 31st. Mr. Kerr thought they should be educating in the first half. He wasn't sure what their timeline was; they haven't really discussed about wrapping up. He thought they might consider two public sessions and gage what response they get. Maybe they need to have a 2nd one later when people were back from vacation. Chairwoman Wolf wanted to know if they could do their hearing and have the towns on the 31st, have them both. Have the towns speak for the first half an hour, 40 minutes. People that are interested will attend that meeting and thought May 31st was going to be much better than June 21st. Vice Chair Gleason wanted to know if they could start earlier if they were going to do that; like a 6:00 start time. Mr. Brock thought if the goal was to get the community to turn out, it might be a problem for folks. Chairwoman Wolf stated that they would have their town guests first and then have their public participation after they speak. Ms. Camarota wanted to know if they could look at public participation as the first time they can come give them some information rather than consider that their first public hearing. If they have the State reps, DRA and the SOS come in and talk to them and then they have some public. If they notice that they are able to offer their input for the first time in an informal way rather than calling that their first mandatory public hearing. Chairwoman Wolf wanted to know if she was asking to offer public comment at a regular meeting and Ms. Camarota responded yes. Mr. Brock added as opposed to that being the formal hearing. Chairwoman Wolf stated that they have to have by statute a formal hearing. Ms. Camarota stated that she would like that in June versus May. Chairwoman Wolf didn't have an objection to public comment and wanted to know if anybody else had an objection to public comment and the response was no. Ms. Camarota thought it would give them information possibly that they need to go through their first public hearing. Mr. McLaughlin thought the trouble with that was July was going to be just as bad June, July and August, as far as them wanting to be there. In August, fall sports start for kids, etc. They were going to have the same problem if they want to have the public hearing any day late in June or any date in July. Vice Chair Gleason stated that the statute didn't preclude having more than the two public hearings

that were required. She wanted to know if they could notice a public meeting from 6:00 – 7:30 PM, a public hearing beginning at 7:30 PM that same evening on the 31st, and a 2nd public hearing on June 21st. At that point they're formulating a draft report for the 3rd public hearing to be held after that was disseminated. Ms. Camarota mentioned that they had discussed a 3rd public hearing in September after the preliminary report.

Chairwoman Wolf recapped the agenda: May 17th would be the Municipal Association, Secretary of State, and the Department of Revenue and they would also allow for public comment right on the agenda; May 31st would be their local towns and the public hearing; June 21st, which could also include public comment. Vice Chair Gleason thought that on the 21st, it was going to take them less time to meet as a committee, so she suggested doing their meeting that's public from 6:00 – 7:00 PM and schedule the 2nd public hearing at 7:00 PM on June 21st. Mr. McLaughlin wanted to confirm that it would be May 17th, May 31st, and June 21st. Statutorily they'd have both public hearings under their belt. Chairwoman Wolf stated that they had to have a public hearing after they do a draft report. They do a draft of the report and then they hold a public hearing for feedback on that draft. They can have more than one. Mr. McLaughlin stated that each public hearing required notification in the newspaper so why did they need to have two. They are always willing to take public comment at their public meetings. They were always willing to hear from the public if they are there. Vice Chair Gleason thought this was a pretty big issue, so she liked the idea of doing two public hearings before they formulated a report, so if somebody can't make one date, then conceivably they could make the other date. For the cost of an extra advertisement it allowed the most people to have a voice.

Mr. Sawyer stated that he wouldn't be there on June 21st, but they would have someone there to help them with the technology if necessary.

Ms. Camarota wanted to know if June 21st was a 6:00 PM start. Chairwoman Wolf confirmed the 6:00 PM start and wanted to know if they could move to 6:00 PM for all of them. She confirmed three meetings all starting at 6:00 PM and everyone was in agreement. Vice Chair Gleason thought it was going to take them longer on the 31st with the presentations, so she suggested noticing the public hearing on the 31st at 7:30 PM and noticing the public hearing on June 21st for 7:00 PM. Chairwoman Wolf thought they should do 7:00 PM on the 31st, because they can start a public hearing a little late, but they can't start a public hearing early. Vice Chair Gleason didn't want people have to come and wait and Mr. Sawyer stated that they would be listening to good information. Chairwoman Wolf stated that if they have a lot of people waiting they could wrap up and go ahead. Ms. Radke stated that this was all contingent on whether or not the people they ask could make it on the 31st and the 17th. Mr. Brock wanted to clarify that the 17th and the 31st were still both meetings and the first hearing was the 21st. Mr. McLaughlin stated that the 31st was a meeting and turns into a hearing and the 21st is a meeting and turns into a hearing. Chairwoman Wolf stated that she would summarize and send it to everyone. Mr. Sawyer stated that they were advertising both public hearings in the same ad, but run it twice.

Ms. Camarota wanted to know if they needed to invite the Town attorney for any of the meetings. Mr. McLaughlin didn't think so and Mr. Kerr thought not yet. Mr. McLaughlin mentioned that they had to pay him for his time. If someone brings up an issue that they can't answer, they write it down and tell them that they'll get back to them. Vice Chair

Gleason stated that the better approach was to email your counsel as opposed to pay them to sit in meetings.

Mr. Sawyer stated that there was one thing he didn't ask her to put on the agenda, but they probably should have, which was the approval of the minutes. Chairwoman Wolf stated that they don't have minutes and Mr. Sawyer responded that they do. Vice Chair Gleason stated that she didn't see them in the packet. Mr. Sawyer stated that they were posted online and didn't realize that they weren't sent to the Chair, so don't vote on them tonight. Mr. Brock wanted to confirm that their minutes are posted. Mr. Sawyer stated that they were posted and had been for a week plus. They would get it on their next agenda. Chairwoman Wolf asked that he send them the minutes for this meeting also and they will approve both at the next meeting.

d. Other New Business

4. ADJOURNMENT

MOTION by Vice Chair Gleason to adjourn at 8:45 PM. Seconded by Ms. Camarota.

Roll Call Vote: Camarota-yes, Gleason-yes, Kerr-aye, Lord-aye, McLaughlin-yes, Radke-aye, Wolf-yes, Brock-yes.

Respectfully submitted,

Dawn Boufford