

**MINUTES OF THE
SALEM CHARTER COMMISSION**

**TOWN HALL
GEREMONTY DRIVE
SALEM, NH 03079**

**MEETING OF
SEPTEMBER 24, 2009
7:00 P.M.**

The Charter Study Commission held a meeting on Thursday, September 24, 2009 at Knightly Meeting Room, 33 Geremonty Drive, Salem, NH 03079.

PRESENT: Robert Campbell (Chairman), Patrick Hargreaves (Vice-Chairman), Michael Lyons (Secretary), William Ganley, Cathy Ann Stacey, Kevin Breen, Stephen Campbell, Annette Cooke

ABSENT: Arthur Barnes

CALL TO ORDER

Chairman Campbell called the meeting to order at 7:00 p.m., joining everyone in the Pledge of Allegiance.

1. Approval of Meeting Minutes

There were no minutes available so this item was deferred

2. Response to Legal Opinions

Chairman Campbell reported the Town Manager had forwarded the Commission's list of questions to two attorneys (Attorney R. Hillier and a staff attorney from the LGC). He stated he had received a response from Attorney Hillier which was included in the packets he handed out at the beginning of the meeting, and he summarized Attorney Hillier's response as follows:

- There would be no requirement for the town hold an open deliberative session prior to implementing an Official Ballot Town Council as proposed by the Commission, (RSA 49-D:3, I-a refers)
- RSA 40-13 does not apply to an Official Ballot Town Council
- There is nothing preventing the town from creating a Budget Committee but the Charter should specify everything from the statute that the Commission wishes to include. To simply cite the statute would create the impression that the town is adopting an RSA 32 Budget Committee and this could conflict with what the town is trying to achieve under RSA 49-D:3, I-a
- Having an Official Ballot Town Council does not mean the provisions of RSA 32 are being invoked and there does not have to be an annual town meeting.

1 Chairman Campbell stated he thought they should move ahead while they wait for a
2 response from the attorney at the LGC, and he confirmed the members of the Commission
3 had no objection to this suggestion.
4

5 **3. Moving Ahead with the Charter**

6 Chairman Campbell suggested the Commission seek to move forward as follows:

7 • Have an independent representative of the town, like the Town Moderator, identify ward
8 sizes from the 2000 Census information
9 • Make a decision on the number of councilors
10 • Talk about how to deal with the Budget/Budget Committee.

12 Chairman Campbell asked for input from the Commission members regarding whether they
13 would like to see wards set up and how many councilors there should be. There followed
14 some discussion on this and the majority of the members agreed with the setting up of wards
15 by population, with Mr. Lyons in opposition. There was further discussion regarding what
16 the members felt would be the appropriate number of councilors, and a majority agreed on
17 six wards and nine councilors. Chairman Campbell requested a motion to this effect.

18 **MOTION:** by Mr. Hargreaves

19 *Move that the Charter Commission does hereby agree to move forward with six wards and
20 nine councilors, three of whom should be councilors at large*

21 **SECOND:** Ms. Stacey

22 **VOTE:** 6-1-1 (Mr. Lyons voted against the motion and Mr. Stephen Campbell abstained)

23 **The motion carried.**

25 Chairman Campbell then asked what the members thought should be the appropriate interval
26 for election of councilors and there was discussion in which the members weighed the
27 advantages and disadvantages of both two and three year terms.

29 **MOTION:** by Mr. Stephen Campbell

30 *Move that the term of office for Town Councilors should be two years*

31 **SECOND:** Mr. Hargreaves

32 **VOTE:** 4-3-1 (Chairman Campbell abstained; Messrs Lyons, Ganley and Breen voted
33 against the motion)

34 **The motion carried.**

36 Mr. Lyons pointed out, in response to a query from Mr. Ganley, that in a situation where
37 there is not a clear majority of five votes, anyone could make an amendment to change an
38 item at a later point in the proceedings.

40 Chairman Campbell clarified that the Commission will proceed with writing a charter which
41 is based on nine councilors, six wards and two year terms.

43 **MOTION:** by Selectman Hargreaves

44 *Move that the two year term of office for Town Councilors should be alternating and
45 staggered*

46 **SECOND:** Mr. Stephen Campbell

1 **VOTE: 8-0-0**

2 **The motion carried unanimously.**

3

4 The Commission moved on to discussion of the Budget Committee. Chairman Campbell
5 confirmed that Attorney Hillier stated it was not necessary to have a Budget Committee.
6 The members discussed their interpretation of Attorney Hillier's opinion, referring to RSA
7 32 and changes which had recently been made to the statute, and their relevancy to towns
8 with an Official Ballot Town Council. During the discussion Chairman Campbell clarified
9 it would be acceptable to have a Budget Committee under an Official Ballot with Town
10 Council but that no mention should be made in the Charter to RSA 32 to ensure there is no
11 misconception that the Budget Committee is being set up pursuant to RSA 32.

12

13 Chairman Campbell established the members were equally for and against eliminating the
14 first deliberative session. Ms. Cooke stated she and Mr. Hargreaves would be talking to
15 councilors from Londonderry prior to the Commission's next meeting, and would obtain
16 feedback from them regarding a first deliberative session to share at the next meeting.

17

18 Chairman Campbell confirmed for Mr. Breen there would be public hearings on the budget
19 even if the first deliberative session were to be abolished, thereby giving the voters an
20 opportunity for input. Mr. Breen enquired of the members who were in favor of retaining
21 the first deliberative session what they thought were the advantages to it. Mr. Breen
22 suggested that they could insist upon a quorum for deliberative session and pointed out the
23 town would have a problem with accommodating people if a majority turned out at the
24 deliberative session. Mr. Stephen Campbell stated he thought the advantages were that it
25 provided a 'failsafe' and additional checks and balances.

26

27 Chairman Campbell suggested revisiting the issues of the Budget Committee and the matter
28 of a first deliberative session at the next meeting. In response to a query from Ms. Stacey
29 regarding the vote on the Budget Committee taken at a previous meeting, Mr. Breen
30 clarified the motion was to keep the Budget Committee, and it failed 2-4-1.

31

32 **4. Review of Edited Charter**

33 Chairman Campbell reported the effective date of the Charter would be when it passed at
34 election and the Town Council would be effective July 1.

35

36 Chairman Campbell referred the members of the Commission to the document in their files
37 headed 'Charter of the Town of Salem (Edited based on Charter of Londonderry)' and asked
38 the members to review Article 5, Finance for discussion at the next meeting. He also stated
39 he would like to move forward with the writing of the charter and asked for volunteers to
40 take sections of the draft document to review, re-write or make any amendments they feel
41 are necessary in time for the next meeting. The members agreed to review sections as
42 follows:

43 ○ Ms. Stacey: Article 10, Transitional Provisions.
44 ○ Ms. Cooke: review the work she previously completed on Article 6, Conduct of
45 Officials
46 ○ Mr. Breen: Article 7, Citizens Concerns: Initiative Petition; Referendum Recall

1 ○ Chairman Campbell: Article 9, Administrative and Judicial Boards
2 Chairman Campbell agreed to send an electronic copy of the draft document to the
3 members.
4
5 Selectman Hargreaves asked how abolishing the Budget Committee would affect the School
6 District. Chairman Campbell responded that for 2011 the Budget Committee as it stands
7 would not exist for the school. He suggested the School District could put a warrant article
8 on the ballot to invoke RSA 32-14. There was discussion which clarified the provisions of
9 the Charter would not apply to the School District.
10

11 Chairman Campbell suggested he investigate the effect of adopting an RSA 32 Budget
12 Committee 'with exceptions' upon the Charter and report back to the Commission. There
13 was also a discussion regarding how other communities deal with the School District and
14 their budget.
15

16 • **Upcoming Meetings**
17 ○ October 1, 2009
18 ○ October 22, 2009
19 ○ October 29, 2009
20

21 **MOTION:** by Ms. Cooke

22 *Move to adjourn*

23 **SECOND:** Mr. Hargreaves

24 **VOTE:** 8-0-0

25 **The motion carried unanimously.**

26
27 Without further business, the meeting adjourned at 8:38 p.m.

28
29 Notes/Minutes Taken by: Sandra Maxwell

30
31 Approved: Salem Charter Reform Commission

32
33 Date: December 21, 2009