

Minutes of the 2022 SALEM NH CHARTER COMMISSION

**Knightly Room at Salem Town Hall
33 Geremonty Drive
Salem NH 03079**

Meeting #5: Review of Survey and Public Discussion

Wednesday, June 29, 2022

11 Present: Bernard W. Campbell (Chair), Joe Sweeney (Vice-Chair), Bonnie Wright
12 (Secretary), DJ Bettencourt, Kevin Breen, Joseph Feole, John Janigian, Donna
13 Loranger, and Kelly Moss.

15 Kevin Breen arrived at 7:15. Mr. Bettencourt left before 8:40, while the meeting was still
16 in process.

18 The meeting was called to order by Chairman Campbell, at 7:00. Pledge of Allegiance.

20 Next meeting is THURSDAY, July 2.

Minutes:

24 **Meeting of June 15, 2022: Motion by Mr. Bettencourt to accept minutes as**
25 **submitted. Seconded by Ms. Loranger**
26 **Vote:** 8-0-0. Minutes accepted as amended.

27 **Meeting of June 2, 2022: Motion by Mr. Sweeney to accept minutes as submitted.**
28
29 Seconded by Mr. Janigian
30 **Vote:** 8-0-0. Minutes accepted as submitted

32 [Mr. Breen arrived after these votes.]

Mr. Bettencourt: Presentation on special funding/grants available to various forms of local government

35 **Terms of local government.**
36 His presentation is not ready. He will have it for next week

Survey:

39 **Chairman Campbell** put reviewed a Powerpoint presentation based on the recent
40 SurveyMonkey survey.

[The Survey raw data can be found on the town website at
https://www.townofsalemnh.org/sites/g/files/vyhlif7996/f/uploads/charter_commission_final_survey1_full_data.pdf

44 The Powerpoint presentation can be found on the town website at
45 https://www.townofsalemnh.org/sites/a/files/vvhlf7996/f/uploads/survey1_data_0.pdf

1 741 responses, possibility of more than one response per person (multiple devices, but
2 one response per IP address)
3 59% of the respondents completed the survey.
4 The average time to respond was 4 min 26 seconds
5 Most responses came in on 6/9 and 6/10, and a spike on 6/14.
6 Those who self-reported that they were not a Salem resident were not permitted to
7 continue.
8 Most responses were from active civic participants.
9 Most do not attend the deliberative session.

10
11 **Ms. Wright:** Question 6 (what do you do if you don't understand a warrant article?)
12 Responses contradict the earlier question.
13

14 **Mr. Campbell:**

15 80%+/- of those who responded believe at least some change is necessary.
16 There is some variance in WHAT needs to change, but there is support for a new
17 charter.
18 Many want things not permitted by law: Term limits, elect town manager.
19 The closer to the current system, the more likely it will be supported.
20 Question 9: Ranking of system: Many people did not rank all questions.
21 Q 10: Clear divide between "No city whatsoever" vs. "We've outgrown the town form of
22 government, it's too big to manage this way."

23 One person linked to a Google slide: Salem is the largest town to have this current form
24 of government (Official Ballot Referendum Form of Meeting aka SB2):
25 <https://docs.google.com/presentation/d/1sh-AfhWuuth0qQVhpJZDBKcJAefIVlwE/edit#slide=id.p3>

26 It's not even close. We have 20,000 more residents than the next largest with this current
27 form of government.
28 60+% want more than 5 town representatives, even if they prefer the current system.
29 A slight majority favor some kind of ward/district representation. Would it be a large
30 enough majority to support it at the ballot box by 3/5ths of the voters? Consider the
31 recent election for making State Reps at large.
32

33
34 **Mr. Bettencourt:** This is helpful. Those involved in politics should consider a poll. It
35 gives a sense of where people are. Given the responses we've heard, we can narrow
36 it down to a Board of Selectmen or Town Council. People want moderate to
37 conservative change. No drastic difference. Most popular is moving to a larger board,
38 not a city. Most don't go to the deliberative session.

39 **Ms. Wright:** From the survey and the public hearing, she hears a lot of confusion, people
40 don't understand. Not convinced this tells us anything other than the public needs to
41 be educated on the options. We need to move to a council, she believes a town
42 council is the best way, but really wants Mr. Bettencourt's presentation. If we can tell
43 people we can save them \$2,000 on their taxes, those who don't want a city can
44 change their mind. We need that information. We can move forward, as many
45 decisions are the same for town vs. city. She will likely want to go with a town, but
46 cannot/will not commit to a town until that question can be answered.

1 **Mr. Bettencourt:** Committed to that analysis when he ran. Will have it soon.

2 **Ms. Wright:** If it will save my taxes \$50, then a town is fine. If it will save me \$2,000 per

3 year, it's a different story.

4 **Mr. Campbell:** "City" is a 4-letter word.

5 **Ms. Loranger:** So is "Town."

6 **Mr. Feole:** Voters want to remain as a town. They want to keep budget, zoning

7 amendments, warrant articles in town hand. 7 reps in a Town Council.

8 **Ms. Loranger:** Reviewing first, second, and third-ranking. Top 3 answers on all

9 questions might guide us. Need a working majority to get this passed. Messages

10 need to go to the people. Insert info into water bills and tax bills. We need to put

11 together a FAQ page. Need \$\$\$ from town to advertise this. How can we persuade

12 people?

13 **Mr. Sweeney:** We would probably go with a 7-board commission if we voted tonight.

14 Prefers at large, but that is still to be decided. Let's talk about the next survey. Select

15 Board should do more surveys. We can have 3,000 responses per month. People

16 liked the survey. We should not make radical changes, we need 60% to approve.

17 Decisions need to be made. Should we hold elections in March, April, May? Should

18 we have a July fiscal year, so the budget is approved before it goes into effect? Keep

19 current boards and committees? Review RSAs for recall provisions for recall (limited).

20 Please don't vote against a charter that doesn't have term limits, because we aren't

21 allowed to do that.

22 **Mr. Campbell:** In the next survey, we can ask about keeping the budget committee, but

23 also should land-use committees be kept as elected or appointed. We have had open

24 seats recently.

25 **Mr. Bettencourt:** Regarding term limits: We have no legal authority to require that.

26 However, "term limits" are elections. Organize like-minded citizens to elect

27 candidates. Should not be a hill upon which we die. We have no control over how

28 long someone runs for office except by voting.

29 **Ms. Moss:** During the public feedback, we heard complaints about lack of

30 communication, lack of information. Can we explore in the charter a way to mandate

31 an improvement of communication?

32 **Mr. Campbell:** Can the Charter mandate further notice.

33 **Mr. Janigian:** Question 7: "What do you think of the current government?" 80% say don't

34 do much. We can't have 7 selectmen. Why? Why should we go from 5 to 7? What

35 are we trying to solve? At large vs. wards: Vote for State Reps by wards failed 4:1.

36 **Ms. Loranger:** Get the Chamber of Commerce to encourage businesses on Rte. 28 to

37 get involved and say "Town Election on Tuesdays." Get the Chamber involved. We

38 should have an annual budget line item to advertise elections. Banner on the

39 historical building: Town election coming.

40 **Mr. Campbell:** Hard to mandate in the Charter. Should be up to Town Manager.

41 **Mr. Janigian:** People feel they are uninformed. This is outside the purview of the

42 Charter, but we can push the Selectmen/Town Councilors to promote elections.

43 **Mr. Feole:** Status of another survey?

44 **Mr. Campbell:** Goal: First draft for the public by August 13th public hearing. Copy/Paste

45 from other Town Charters. Survey out by middle of July. What do we want more data

46 on. (March/April/May? Keep budget Committee? Land use committees elected or

1 appointed?) Draft to our own attorneys by beginning of September to meet October
2 deadline. Survey for one week.

3 **Mr. Feole:** We have a lot of data here to get started with a draft. We need info re: recall
4 provisions, fiscal year, planning/zoning. Need voter input on those.

5 **Mr. Campbell:** Will start drafting survey.

6 **Mr. Bettencourt:** Proceed with a draft phase. Key decisions within the draft. Don't over-
7 survey people. Don't confuse people. Spread out survey. Send out mid to late July.
8 Key principals drive the questions for the next survey is the right approach.

9 **Ms. Wright:** What town do we want to model as our base? She likes Derry.

10 **Mr. Campbell:** Likes Newmarket except they don't have the zoning amendments.
11 Research towns so we can say what we want to target next week. Wants ballot with
12 budget, bond and zoning articles, for a ballot that has 10 items, not 37. We haven't
13 seen that. Derry has initiative process and referendum process that he likes. We
14 need to review towns that most closely match as our basis.

15 **Mr. Feole:** Bedford has 7 members, and then all of the SB2 items on the ballot.

16 **Mr. Campbell:** I think Bedford has town meeting on Saturday morning?

17 **Ms. Wright:** We can start with any town, and cut and paste to make it ours.

18 **Mr. Bettencourt:** An à la carte process!

19 **Ms. Wright:** Likes the budget cap in Derry.

20 **Mr. Bettencourt:** I agree.

21 **Ms. Wright:** Their presentation really wowed me. They have all of the checks and
22 balances that I like.

23 **Mr. Bettencourt:** I liked the way they reformed the citizens' petition process, but still
24 allows citizens to bring forth a petition. It gives them the ability to drive an issue
25 forward, without getting the ballot overwhelmed.

26 **Mr. Campbell:** Likes raising the threshold to 100. With a town of this size, that's not
27 unreasonable. It looks like there is a consensus building that we are looking at a
28 charter on a Town Council basis that will be consistent with current forms of voting,
29 initiative and referendum, with 7 or 9 town councilors as a starting point, unless there
30 is a drastic change on the impact of tax rates for cities.

31 **Ms. Wright:** Consensus is mine for a town council, pending the results of Mr.
32 Bettencourt's report.

33 **Mr. Feole:** The consensus is Town Council from public input and survey. Town council is
34 fitting. We want a charter passed that will get the 60% support. We can put it on the
35 ballot as a warrant article later if we need to make a change.

36 **Mr. Campbell:** Easier to amend a charter than create a new one. Incremental change.

37 **Mr. Breen:** Support us working towards developing a framework. Need to take in the
38 survey. Some is disturbing. Some is "interesting." Has been a public employee for 35
39 years. Hates to see "corruption." Former boss, Arthur Barnes: "Not a dollar is spent in
40 this town without public approval." That is lost in the survey response. We need to
41 study the survey. He did not get on this commission to leave things the way they are.
42 Lots of info to digest from the Survey. Salem resident for 40 years. It's time for
43 change. Tired of going to Town Meeting and seeing 50 people. Wants greater things
44 to occur in this community. Not an anti-government guy. Believes we work well
45 together. We have great employees. We have a great town. We can make some
46 improvements. We don't need to go crazy, but we can work towards a common goal.

1 **Mr. Campbell:** We have a framework of where we want to go. Reread Derry and other
2 Towns. Start putting together a framework. Next week. Here is what we want to start
3 as a draft. ID major issues.

4 **Mr. Bettencourt:** Thornier issues. We are all looking to make changes that are
5 beneficial. What are we trying to resolve? We will have to tackle the issue of Town
6 Manager vs. Town Administrator. One issue that is trying to be resolved is the Town
7 Manager issue – not necessarily the current Town Manager, although personally, I do
8 think he is terrible. Track record in this community of Town Managers is well
9 documented. Is the current arrangement of Town Manager vs. Town Administrator
10 better for Salem? I don't know the answer, I only know our history. Whoever in that
11 position tends to be a lightning rod. We need to consider that position. The Town
12 Manager POSITION – taking out the current occupant – is problematic and needs to
13 be changed.

14 **Ms. Wright:** An SB2 town or a town with a council, we have to have an executive who is
15 a town manager. They can have any title we like, but there is an RSA that defines
16 what they do. We cannot change that. We are stuck with it, whether or not we want it.

17 **Mr. Bettencourt:** We better be prepared to defend it.

18 **Mr. Campbell:** There is some latitude in that job description.

19 Mr. Bettencourt: I thought there was latitude, too. Let's get an opinion from council.

20 **Ms. Wright:** The title is interchangeable. The duties are not.

21 **Mr. Breen:** Difference is if you have a Board of Selectmen, you can have a Town
22 Administrator that can report directly to the Board. Town Manager has statutory
23 authority over hiring and firing, setting wages, etc. As we switch to a council, it
24 doesn't matter what we call them, the authority is set under the statute. There is a
25 difference between a Town Administrator and a Town Manager under a Board of
26 Selectmen. He has worked for many Town Managers. It would be a step backward to
27 go to a Town Administrator that reports back to the Board.

28 **Ms. Wright:** It's Chapter 37. We've had 8 town managers in 22 years. We have a bad
29 reputation now. We have a big turnover. We have issues with our police. If we make
30 changes in our town manager, we are going to have a hard time hiring a qualified
31 Town Manager. We have a bad rep. We are going to get the people who went to
32 Town Manager school and came out with C's instead of A's.

33 **Mr. Bettencourt:** Maybe that's the reason we have the problems we have now. It's
34 something we need to confront.

35 **Mr. Campbell:** What is the problem we are trying to solve? I don't doubt Ms. Wright's
36 point that there are statutory issues. We may not be able to modify the job
37 description. Agree with Mr. Breen: It would be a step backward to go to a Town
38 Administrator. I cannot imagine a town with 30,000 people that the Selectmen would
39 be involved in the hiring and firing of town personnel, someone needs to be in
40 charge. With a town council with 7 or 9 people, that requires much different number
41 to hire or fire the Town Manager. That is a driving question for the Charter
42 Commission. A larger number is a broader picture of the entire town.

43 **Ms. Wright:** She sent an email to legal services a while back. The response was "I
44 believe you are interpreting [RSA 49-D:2, II \(c\)](#) correctly. A Town Council-Town
45 Manager form of government shall provide for a chief administrative officer. That
46 person could be called a town manager or town administrator. Regardless, that

1 person will be “vested with the same authority, be charged with the responsibility and
2 enjoy similar job security as town managers under [RSA 37](#).”

3 [A copy of the email is on the town website at

4 https://www.townofsalemnh.org/sites/g/files/vyhlif7996/f/uploads/nhma-town_manager.pdf. Links to RSA’s added; they were not in the initial letter.]

5

6 **Mr. Campbell:** That burns that question.

7 **Mr. Bettencourt:** We shall see.

8 **Ms. Loranger:** So we can be like a company where “That group” is doing a poor job, so
9 we change their name. So, instead of “town manager” we call them “town
10 administrator.” Clean slate.

11 **Mr. Bettencourt:** I don’t think by changing their nameplate, people are going to be
12 excited, or will address their concerns. Within Bonnie’s response, you have to
13 understand what the terms mean, and how it plays out in different communities. I
14 think that there is an opportunity for us to do that.

15 **Mr. Campbell:** If there are other structures that you are interested in, bring them to us. If
16 there are towns operating in NH with different parameters, I want to know about it.

17 **Public Comments**

18 **Linda Harvey**, 16 Clinton St, Salem.

19 Ms. Harvey is on the Capital Improvement Program (CIP) committee, serving her second
20 year of 3 years. She has served on many boards in Salem.

21 40+ years as a Salem resident.

22 Ms. Wright called to get answers to a few questions regarding town elections and
23 suggested she come speak to us. She was unaware of the public session at our last
24 meeting and was unaware of the survey.

25 Last year: The total \$ presented to the CIP program was just shy of \$148,000,000 for
26 buildings, roads, etc., to be extended over a 6-year period. However, the bulk of those
27 funds will come up in the first 2-3 years. The amount has gone up this year, 2023. Total
28 is over \$43Million for roads, a construction project, a bridge, etc. Some projects could
29 have a share program from the State, but not guaranteed. The road program is \$5M.
30 Was approved by voters, but they did not approve vehicles that are falling apart. They
31 will be on the ballot again in 2023. We hear every year “we cannot afford it this year” but
32 things are getting worse, and we are going backward in what we need to do. Whatever
33 we decide, remember the town is literally rotting at the seams in several places. These
34 items will have to come up and they will need to be paid for whether it’s approved on the
35 ballot or if we go by the route they used in Derry. We need Police and Fire stations.
36 Other buildings are falling apart, including Town Hall.

37
38
39 Is it easier to get people to work at the polls if elections are later? Poll workers are hard
40 to get for March, as many are in Florida. April and May are easier. Charter Commission
41 election on school vacation meant it was easier to get teachers as poll workers.

42
43
44 Can we vote at other polling locations other than the ward that is assigned? Every polling
45 location would need a complete copy of the voter registration list. Can’t coordinate

1 between locations, so it would increase the risk of election fraud as people could vote
2 more than once. Not a good idea, and probably contrary to NH RSA's.

3
4 Can we have one polling location? Londonderry has one location. The High school gym
5 might be used when the school is not in session, however, the high school is not
6 handicap accessible.

7
8 Are we discussing elected vs. appointed tax collector and town clerk? If we have an
9 elected position, it could be difficult to get someone who is qualified. It hasn't been a
10 problem as Assistant Town Clerk usually runs to be Town Clerk when the Town Clerk
11 resigns. She works with the Town Clerk, and sees how challenging it can be. She would
12 like these positions to be appointed.

13
14 Regarding the survey: Age was missing. That should have been included. The busiest
15 polling location is the Sr Center where the voters there are seniors because of local
16 housing. Doesn't know how many seniors would get on SurveyMonkey. They are biggest
17 demographics of those who vote.

18
19 **Ms. Loranger:** Are computers available at the Senior Center?

20 **Ms. Harvey:** Not to her knowledge.

21 Many seniors have no idea about Survey Monkey.

22 She did not know until after it closed.

23 **Mr. Sweeney:** What would you vote for?

24 **Ms. Harvey:** She would not have voted in agreement with the survey results.

25 Bond articles, warrant articles, and zoning should not be on the ballot; half the people
26 don't know what they are talking about. The ballot should only be used to elect people.

27 **Ms. Wright:** If we were to do a survey, when would be a good time to sit outside a
28 grocery store?

29 **Ms. Harvey:** Send a postcard. Chamber of Commerce sends mailings. Get someone to
30 sponsor. The majority of people go to multiple stores, and most people at the stores are
31 from out-of-state.

32 **Ms. Moss:** We could do a paper version at Senior Center

33 **Ms. Harvey:** The Senior Center maintains an email list.

34
35 **MOTION BY Mr. Sweeney to adjourn.** Seconded by Ms. Moss.

36 **Vote:** 8-0-0 [Mr. Bettencourt left before 8:40.]

37 Meeting adjourned at 8:45

38
39 Minutes taken by: Bonnie Wright

40
41 Minutes Approved: Salem 2022 Charter Commission

42 Date: July 7, 2022

43

A post-meeting update from Ms. Wright: From the document *“Forms of Town Government”* which was provided by Mr. Sweeney to all Commission candidates, and which was distributed by the attorneys from NH Municipal Association, and is on our website, and can be found at <https://www.nh.gov/osi/resource-library/municipal/documents/forms-of-town-government.pdf>

2. Town Council/Town Manager

“This second form of town government (with its three variations) allows a town to adopt a charter establishing a *representative* body - the town council - which has powers similar to those of a city council. The charter must provide for the appointment of a town manager by the council, who shall have all the powers of town managers as set out in [RSA Chapter 37](#). The provisions of the charter adopting this form of government must comply with the requirements of [RSA Chapter 49-B](#) and [RSA 49-D:2](#). The council may have as many as 15 members, and must have an odd number unless the vote of the chair is reserved for breaking ties. [RSA 49-D:3, l\(b\)](#).”

Video:

The video for this meeting ends at marker 1:45:39.

The video of this meeting may be viewed at:

<https://www.facebook.com/sctv17/videos/1098601857534153>

<http://sctv-17.com/CablecastPublicSite/show/14841?channel=1>

Charter Commission Meeting Schedule

6th meeting: **Thursday**, July 7, 7pm

Knightly Room, Salem Town Hall

7th meeting: Wednesday, July 13, 7pm,

Knightly Room, Salem Town Hall

8th meeting: Wednesday, July 20, 7pm,

Knightly Room, Salem Town Hall

9th meeting: Wednesday, July 27, 7pm,

Knightly Room, Salem Town Hall

10th meeting: **Thursday**, August 4, 7pm,

Knightly Room, Salem Town Hall

**11th meeting: Saturday, August 13, 10am, PUBLIC HEARING,
Media Center, Salem High School**

12th meeting: Wednesday, August 17, 7pm

Knightly Room, Salem Town Hall

13th meeting: Wednesday, August 24, 7pm

Knightly Room, Salem Town Hall