

Minutes of the 2022 SALEM NH CHARTER COMMISSION

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

Meeting #14: Saturday, September 10, 2022

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

The meeting was called to order by Chairman Campbell, at 1:01. Pledge of Allegiance.

The next meeting will be called after the report is received back from the town attorney.

Minutes:

Meeting of August 31, 2022: (Approved near the end of the meeting.)

Meeting of August 31, 2022. (Approved near the end of the Motion by Mr. Bettencourt to accept minutes as submitted.)

Vote: 9-0-0.

New Business:

Chairman Campbell handed out: Agenda, a "Punch list," proposed charter in its latest version, the current municipal ethics code, and the Preliminary Report.

We received a few items that the Town would like us to address

§ 2.4 Town Clerk: Town Office shares that there is pending legislation that would allow the Town Clerk to be appointed

Decision: Leave it as it. Once legislation is passed, we can revisit it as an amendment.

§ 2.10 Campaign Finance: Town Office asks what would happen if a candidate does not disclose some of their information

Decision: Charter is written that the Town Council would develop the regulation, and it would be up to the Town Council to determine what any consequences would be.

§ 3.7.1.D Matters that must be on the ballot: Sale of property. Town Office suggests clarifying. Reference RSA 80:80. Current threshold for property is \$30,000, under 41:14

Discussion: As written, it excludes tax sales.

Decision: Add clarification

Decision: Add classification...

§ 4.2 Qualifications of residency for Town Manager: We had that the Town Manager had to live in Salem with the approval of six members of the Council. Town Office concerned that this could limit applicants or increase expenses.

Discussion:

Ms. Wright: We can't force a Town Manager to live in Salem, because there is such limited property available. We won't find a qualified candidate with that restriction. People

1 frequently commute for one hour, so proposed a one-hour/60-minute commute. That
2 brings us to Rochester, which is where the current Assistant Town Manager resides.

3 **Mr. Feole:** Delete last sentence.

4 **Mr. Breen:** Change in Council could pose a problem for an existing Town Manager.

5 **Ms. Moss:** No one will apply for a job if they aren't living, or able to live, within a reasonable
6 commute.

7 **Ms. Loranger:** How far out does the job search go?

8 **Mr. Sweeney:** It's national. No need for this language.

9 **Ms. Wright:** Motion to remove the sentence.

10 **Mr. Campbell:** No need for a motion; we can just remove it.

11
12 **§ 4.13 Appointive Officers:** Town Office is concerned that the Town Manager has appointment
13 authority, but appointments are to be confirmed by Town Council. Would that create politics
14 in some appointments?

15 **Discussion:**

16 **Mr. Feole:** Suggest we leave it as it is.

17
18 **§ 6.B Conflicts of Interest:** Skipping for now.

19
20 **§ 6.6 Removal of officials: This Is now § 6.7.D.** Town Office asks if this should be a
21 unanimous vote of the Council or a simple majority?

22 **Mr. Campbell:** Suggests this be a super majority. No one objected.

23
24 **§ 1.2.1: Ms. Wright questioned could the words “is not” be a typo.**

25 **Mr. Campbell:** Suggests removing the whole sentence. No one objected.

26
27 **§ 3.14: Ms. Wright: Add ethics committee?**

28 **Ms. Wright:** Add “Town Council and/or Ethics Committee” at the end.

29
30 **§ 3.7.1: Ms. Wright: Should it say “is not?”**

31 **Mr. Campbell:** It is correct as written. Left as is.

32
33 **§ Default Budget: Ms. Wright asked: Can CIP be included?**

34 **Mr. Bettencourt:** It cannot. Default Budget follows the statutes. The town cannot have any
35 control; it cannot be changed.

36
37 **§ 6.3 Conditions for Holding Office: Redundancies in holding office pointed out by Ms.**

38 **Wright:**

39 **B. No town employee shall eligible to serve as a Councilor.**

40 **Ms. Wright:** Important one. Leave as is, even though it is also mentioned elsewhere.

41 **C. Elected to two offices:** Mr. Sean Lewis mentioned.

42 **Mr. Bettencourt:** Grandfather clause.

43 **Mr. Campbell:** Where do we want to clean this up?

44 **Mr. Feole:** No objection to someone serving. Limit it to Town Council, Land boards and
45 Budget Committee.

46 **Mr. Bettencourt:** Make sure we don't make it doesn't take away the Town Council form
47 appointing a representative to the board.

48 **Mr. Campbell:** Did wordsmithing. No objection.

49 **Mr. Breen:** Concern that this says no town employee may run for office. They may run for
50 office, but would have to resign their position if they were elected.

51 **Mr. Campbell:** Fixed wording.

1 **§ 6.B Conflicts of Interest:** Mr. Campbell referred us to the existing town code.

2 **Ms. Moss:** In the town code, not Charter: Cannot serve on a board of committee if
3 private employment creates a conflict.

4 **Mr. Campbell:** Nothing in the Charter shall prohibit the town council from establishing more
5 stringent ethics rules in the municipal code.

6 **Ms. Moss:** Ethics committee can only address issues in the charter.

7 **Mr. Campbell:** At § 6.6.H. added “and any municipal code of ethics adopted by the town
8 council.”

9 **Mr. Bettencourt:** Appreciate what we did to ensure due process and confidentiality, but the
10 question is: What is the penalty for releasing confidential info? We would provide flexibility to
11 the Ethics Committee to decide what should be done.

12 **Minutes were recognized at this point in the meeting.**

13 **Mr. Janigian:** Question about dollar amounts for gifts in Charter vs. Town Code.

14 **Ms. Moss:** We mention food.

15 **Mr. Breen:** I like what the municipal code says gifts and favors.

16 **Mr. Campbell** proposes replacing §6.3.7 in Charter with §33.5.C from the municipal code.

17 **Mr. Sweeney:** Would like to move §6.3.7 with §33.5.C, with encouragement to the Town Council
18 to review the code, to define “valuable.”

19 **Ms. Moss:** Should we have anything to require Town Council?

20 **Mr. Campbell:** We shouldn't put it in the Charter.

21 **MOTION BY Ms. Wright to accept the language of the Charter, and unanimously agree that
22 this is what we want to move forward..** Seconded by Mr. Sweeney.

23 **Vote:** 9-0-0

24 Unanimous!

25 **Mr. Campbell:** Request to accept the Preliminary Report

26 **Ms. Wright:** Corrected spelling

27 **MOTION BY Mr. Sweeney to adopt the Preliminary Report.** Seconded by Ms. Wright.

28 **Vote:** 9-0-0

29 Approved unanimously.

30 **Mr. Bettencourt:** What is next?

31 **Mr. Campbell:** Will give it to town attorney, then Attorney General.

32 We would not meet until we hear back from the attorneys.

33 Once approved, it would go to the Selectmen to ask that it be put on the March ballot.

34 **Ms. Wright:** Can we adopt minutes by email?

35 **Mr. Campbell:** Will check with town attorney.

36 **Ms. Wright:** We need to recognize the work done by Mr. Campbell.

37 **Public comments**

38 There was no one present to speak.

1 **MOTION BY Mr. Bettencourt to adjourn.** Seconded by Ms. Moss.

2 **Vote:** 9-0-0

3 Meeting adjourned at 1:50.

4 .

5

6 Minutes taken by: Bonnie Wright

7 Minutes Approved: Salem 2022 Charter Commission

8 Date: _____

9

10

11 **Video:**

12 The video of this meeting may be viewed at:

13 <https://www.facebook.com/sctv17/videos/406266068113599>

14 <http://sctv-17.com/CablecastPublicSite/search?channel=1&query=charter%20commission>

15

16 **Charter Commission Meeting Schedule:**

17 No meetings are currently scheduled.

18 We will wait until we hear back from our attorney to schedule the next meeting.

DRAFT