

P R E A M B L E

The Town of Salem and Supervisory Administrative Unit No. 57 are hereby chartered as representative legislative body/ budgetary annual meeting forms of government in which the budgetary appropriating powers of the Salem Town Meeting and Salem School District Meeting shall continue in the electorate in an annual meeting assembled; and, a nine member non-partisan Town Council and a five member non-partisan School Committee shall henceforth assume all other respective powers of the Salem Town Meeting and Salem School District Meeting. The present budget committee function is retained. Major enactments of the Salem Town Council are made reviewable upon petition for referendum at a special election. The Manager form of government is retained.



COUNCIL-MANAGER CHARTER OF THE TOWN OF SALEM

ARTICLE I

Grant of Powers to the Town

Section 1. Incorporation

A. The inhabitants of the Town of Salem shall continue to be a body corporate and politic, and Supervisory Administrative Unit No. 57 as heretofore established by law is hereby continued, both with all the rights, immunities, powers and privileges and subject to all the duties and liabilities as are established by General Law for the government of towns and school districts respectively. All existing property of the Town and School District shall remain vested respectively in the Town and the Supervisory Administrative Unit and all their existing respective debts and obligations shall remain obligatory upon each of them.

B. All presently constituted agencies of the Town of Salem not hereby abolished or superseded shall continue; all incumbents not elected by popular vote and all offices elective or appointive not hereby abolished or superseded shall continue until replaced, except where a contrary intent herein appears. Offices non-elective, for which no elective provision is made herein, shall become appointive by the Council or the Town Manager, as herein established. All ordinances and by-laws of the Town of Salem shall continue in force unless a contrary intent appears herein.

Section 2. Powers and Duties

The administration of all the fiscal, prudential and municipal affairs of said town, with the government thereof, except the general management, care, conduct and control of the schools of said town, which shall be vested in a school committee as hereinafter provided, and also except as otherwise provided by this charter, shall be and are vested in one body of nine members, which shall constitute and be called the town council, all of whom shall be inhabitants of said town, and shall be sworn in the manner hereinafter prescribed.

All of the powers of the Town not reserved to the budgetary town meeting are vested in a non-partisan town council of nine members and all of the powers of the school district not reserved to the budgetary town meeting are vested in a school committee of five members. Excepting such powers and duties as are reserved to the budgetary town meeting, the town council shall have all the powers and duties conferred by law upon mayors and councils of cities and selectmen of towns, and the school committee shall have all the powers and duties conferred by law upon school boards.

ARTICLE II

Town Council

Section 1. Number, Election, Term.

The town council shall be composed of nine members, three of whom shall be elected by the registered voters of the entire town; six of whom shall be elected by districts, with two each from each of three voting districts. Each member shall be elected for a term of three years and until his successor is elected and qualified, except that, at the first election after the adoption of this charter, the nine members will be elected as follows: One (1) at-large member and one (1) member from each district shall be elected to three (3) year terms; one (1) at-large member and one (1) member from each district shall be elected for two (2) year terms; one (1) at-large member shall be elected to a one (1) year term.

Section 2. Qualifications.

Members of the Town Council shall be qualified voters of the town and shall reside in the town during their term of office. They shall hold no office of employment or profit under the Town Charter or Ordinances. Any member of the Town Council who shall be convicted of a felony or a misdemeanor involving moral turpitude while in office shall, after due notice and hearing before the Town Council and the production of the records of such conviction, forfeit his office.

Section 3. Vacancy

If for any reason a vacancy shall exist in the membership of the Town Council more than six months prior to the regular town election, the vacancy shall be filled by a special election for the expired portion of the term, which election shall be held within thirty days after the vacancy occurs. In the event such vacancy occurs less than six months prior to the next regular town election, the vacancy may be filled by a special election for the unexpired portion of the term. Such special elections shall be called and held, and nominations made as in regular town elections. Any such vacancy shall be filled by election for the unexpired term no later than the next regular Town election.

Section 4. Enumeration of Powers

Without limitation of the foregoing, the council shall have power to:

1. Appoint and remove the town manager, the town clerk, the town treasurer, the town tax collector, and trustees of the trust funds, those of whom currently elected shall continue to serve, as if appointed.

- II. Appoint the members of the planning board, the board of adjustment, other boards, commissions and committees established by statute or ordinance and/or as may from time to time be necessary to be established.
- III. By ordinance create, change and abolish offices, departments and agencies, other than the offices, departments and agencies established by this charter. The council by ordinance may assign additional functions or duties to offices, departments or agencies established by this charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this charter to a particular office, department or agency.
- IV. Make, alter and repeal ordinances for the conduct of town business, provide for the public health, safety and welfare, and to carry out the prudential affairs of the town, including the power to enact ordinances providing for the granting of licenses and permits for the conduct of any business, for such periods of time and in accordance with such rules and regulations not inconsistent with law and upon payment by the licensee of such fees as the town council may establish in such ordinance.
- V. Inquire into the conduct of any office, department or agency of the town and make investigation as to municipal affairs.
- VI. Recommend the annual budget to the town finance committee.
- VII. Provide for an annual audit.
- VIII. Adopt regulations regarding the procedure of assessment, review and revision not inconsistent with statutory provisions.

Section 5. Compensation.

Councilmen shall receive compensation as defined in the budget, payable quarterly, for their services. Such compensation may be changed by vote on an article contained in a warrant for said purpose at the annual town meeting. The town council by order shall fix the salaries of officials appointed by the town council, including the salary of the town manager for his services as such and for all other services rendered by him. Salaries of the appointees of the town manager shall be fixed by the town manager, subject to approval of the council. The chairman shall receive additional compensation of 25% per year of the established salary.

Section 6. Induction of Council into Office.

The town council shall meet at the usual place for holding meetings on the second day of January following the regular town election, and at said meeting councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the town clerk.

Section 7. Qualifications of Members.

The council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require productions of records, but the decision of the council in any such case shall be subject to review by the courts.

Section 8. Meetings.

The town council shall, at its first meeting or as soon thereafter as possible, establish by resolution a regular place and time for holding its regular meetings, and shall meet regularly at least once a month. It shall also provide a method for calling special meetings. All meetings of the town council shall be public.

Section 9. Rules of Procedure; Journal.

The council shall determine its own rules and order of business. It shall keep a record of its proceedings and the record shall be open to public inspection.

Section 10. Officers.

At its first meeting or as soon thereafter as practicable, the council shall elect, by majority vote of the entire council, one of its members for the ensuing year as chairman and the council may fill, for an unexpired term, any vacancy in the office of chairman that may occur. The chairman shall preside at the meetings of the council, and shall be recognized as head of the town government for all ceremonial purposes and by the Governor for purposes of military law, but he shall have no regular administrative duties. He shall be entitled to vote, and his vote shall be counted upon all matters and things as a vote of other members of the council. For the temporary absence or disability of the chairman, the town council shall elect a vice-chairman from among its members, and he shall exercise all the powers of chairman during such temporary absence or disability of the chairman.

Section 11. Quorum

A majority of the town council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or may compel attendance of absent members. At least twenty-four hours notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

Section 12. Public Hearing on Ordinances

At least two public hearings, notice of which shall be given at least seven (7) days in advance by publication in a newspaper having a circulation in said town, shall be held by the council before any ordinance shall be passed, but nothing contained herein shall be deemed to require publication of the ordinance itself. The passage of such ordinance shall not be effective until thirty days after such enactment.

The council may, subsequent to the required public hearings, and if passed by vote of 2/3 of its members, pass emergency ordinances to take effect at the time indicated therein. Such emergency ordinances shall contain a section in which the emergency is set forth and defined; provided, however, that the declaration of such emergency by the town council shall be conclusive.

Section 13. Town Clerk.

In addition to the statutory duties required of the town clerk, the town clerk shall maintain a public record of all proceedings of the council, including all votes.

Section 14. Independent Annual Audit.

Prior to the end of each fiscal year, the council shall designate the State Department that performs municipal audits or private, certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the town government and shall submit their report to the council, the town meeting and the town manager. Such accountants shall not maintain any accounts or records of the town business, but shall post-audit the books and documents kept by any office, officer, department or agency of the town government.

ARTICLE III

Town Manager

Section 1. Appointment; Qualifications; Powers and Duties.

The town manager shall be chosen by the town council solely on the basis of his character, education, training, experience, his executive and administrative qualifications, and may or may not be a resident of the Town of Salem or of the State of New Hampshire at the time of his appointment. The town manager shall give bond for the faithful discharge of his duties in such sum as the town council shall determine and direct, and with surety or sureties to be approved by the town council. The premium on his bond shall be paid by the town. He shall be the administrative head of the town and shall be responsible to the town council for the administration of all town departments except as otherwise herein provided. His powers and duties shall be as follows:

- A. Appoint, prescribe the duties of, and, when necessary for the good of the service, remove any or all officers and employees of the town appointed by him and to fix their compensation.
- B. Prepare the budget annually, submit it to the council and be responsible for its administration after adoption.
- C. Prepare and submit to the council as of the end of the fiscal year a complete report of the finances and administrative activities of the town for the preceding year, and cause such annual town report to be published and made available to the public as promptly as possible after the close of the fiscal year.
- D. Attend the meetings of the council, except when his removal is being considered, and keep the council advised of the financial condition and future needs of the town and make such recommendations as may seem to him desirable.
- E. See that all laws and ordinances governing the town are faithfully administered.
- F. To examine or cause to be examined, with or without notice, the affairs of any department under his control, or the conduct of any officer or employee thereof; and for that purpose he shall have access to all town books and papers, for the information necessary for the proper performance of his duties.
- G. Act as purchasing agent for all departments of the town, except the school department, and provide, in the case of the school department, for the cooperative purchasing arrangements where feasible.
- H. Perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with this charter.
- I. Prepare an administrative code, submit it to the council and be responsible for its administration after adoption.

J. To organize, continue, or discontinue, from time to time, such departments as the council may from time to time determine.

Section 2. Removal.

The town manager may be removed for cause by the council in accordance with the provisions of the statutes of the State of New Hampshire relating to the removal of a town manager.

Section 3. Department Heads.

All statutory officers and department heads other than those listed in Article II, Section 4, subsection 1, shall be appointed by the town manager.

Section 4. Council Not to Interfere in Appointments or Removals.

Neither the council nor any of its members shall direct or request the appointment of any person to or his removal from office by the manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager, and neither the council nor any member thereof shall give orders to any subordinates of the manager either publicly or privately.

Section 5. Incompatibility of Offices.

The town manager during the time that he holds such appointment, shall hold no other public office except justice of the peace or notary public.

Section 6. Vacancy in Office of Town Manager.

During any vacancy in the office of town manager, and during the absence or disability of the town manager, the town council shall designate a properly qualified person to perform the duties of manager and fix his compensation. While so acting, he shall have the same powers and duties as those given to and imposed on the town manager. Before entering his duties, he shall give bond to the Town of Salem in a sum and with surety or sureties to be approved by the town council. The premium on said bond is to be paid by the town.

No council member shall receive appointment to the office of town manager during the term for which he shall have been elected, nor within one year after expiration of his term, nor shall any member of the council act in that capacity.

ARTICLE IV

Public Education

Section 1. School Committee.

The Supervisory Administrative Unit #57 shall be administered by a school committee, which shall consist of five (5) duly qualified voters of the Town of Salem, who shall be nominated and elected by the registered voters of the entire town according to the provisions of Article VII of this charter for a term of 3 years and who shall serve until their successors are elected and qualified. At the first election after the adoption of this charter, two (2) members shall be elected to serve for three years; two (2) members shall be elected to serve for two years; one member shall be elected to serve for one year.

Section 2. Qualifications.

Members of the school committee shall be qualified voters of the town and shall reside in the town during their term of office. They shall hold no office of employment or profit under the school district. Any member of the school committee who shall be convicted of a felony or a misdemeanor involving moral turpitude while in office shall, after due notice and hearing before the school committee and the production of the records of such conviction, forfeit his office.

Section 3. Vacancy.

If for any reason a vacancy shall exist in the membership of the school committee more than 6 months prior to the regular town election, the vacancy shall be filled by a special election for the unexpired portion of the term, which election shall be held within 30 days after the vacancy occurs. In the event such vacancy occurs less than six months prior to the next regular town election, the vacancy may be filled by a special election for the unexpired portion of the term. Such special elections shall be called and held, and nominations made as in regular town elections. Any such vacancy shall be filled by election for the unexpired term no later than the next regular Town election.

Section 4. Organization; Qualification; Quorum.

The members of the school committee shall meet for organization on the second day of January following the date of their election. The members-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the town clerk, and a record made thereof. The majority of the whole number of the school board shall be a quorum and they shall elect their own chairman and such other officers as desired.

Section 5. Qualification of Members.

The school committee shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require productions of records, but the decision of the school committee in any such case shall be subject to review by the courts.

Section 6. Meetings.

The school committee shall, at its first meeting or as soon thereafter as possible, establish by resolution a regular place and time for holding its regular meetings, and shall meet regularly at least once a month. It shall also provide a method for calling special meetings. All meetings of the school committee shall be public.

Section 7. Rules of Procedure; Journal.

The school committee shall determine its own rules and order of business. It shall keep a record of the proceedings and the record shall be open to public inspection.

Section 8. Powers and Duties.

The school committee shall have all the powers conferred and shall perform all the duties imposed by law upon school committees in regard to the care and management of the public schools of the town, except as otherwise provided in this charter.

Section 9. Compensation.

Each member shall be entitled to receive compensation as defined in the budget, payable quarterly, for all services rendered. Such compensation may be changed by vote on an article contained in a warrant for said purpose at the annual town meeting.

Section 10. Other Offices.

The elected offices of school district clerk, treasurer, and moderator will hereby be abolished. The school committee shall have the power to appoint a school district clerk and school district treasurer, those of whom currently are elected shall continue to serve, as if appointed.

ARTICLE V

Finances

Section 1. Fiscal Year.

The fiscal year of the town government shall begin January 1st and shall end December 31st of each calendar year, or such other fiscal year as the council may decide. The fiscal year of the school department shall begin July 1st and shall end June 30th of each year or such other fiscal year as the school committee may decide. Such fiscal years shall constitute the budget and accounting year as used in this charter. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Section 2. Revocation of RSA 32.

The Town of Salem, New Hampshire hereby revokes its adoption of RSA 32, the Municipal Budget Law.

Section 3. Finance Committee

There is established a Salem Municipal Finance Committee, which will have the powers and authorities hereinafter described. The committee shall have seven (7) members; the membership of the committee shall be filled by at-large elections. At the next election following the adoption of the Charter, the seven members shall be elected as follows: three (3) members, each elected for three year terms; two (2) members, each elected for two (2) year terms; two (2) members, each elected for one year terms. At each following election, the positions whose terms expire that year will be filled with members elected for three year terms. The committee shall elect from within its membership, or appoint (where applicable) such officers it shall deem necessary for the conduct of its business. It shall arrange for the keeping of suitable permanent records.

Section 4. Qualifications

Members of the finance committee shall be qualified voters of the town and shall reside in the town during their term of office. Any member of the finance committee who shall be convicted of a felony or a misdemeanor involving moral turpitude while in office shall, after due notice and hearing before the Town Council and the production of the records of such conviction, forfeit his office.

Section 5. Vacancy.

If for any reason a vacancy shall exist in the membership of the finance committee more than six months prior to the regular town election, the vacancy shall be filled by a special election for the unexpired portion of the term, which election shall be held within thirty days after the vacancy occurs. In the event such vacancy occurs less than six months prior to the next regular town election, the vacancy may be filled by a special election for the unexpired portion of the term. Such special election shall be called and held, and nominations made as in regular town elections. Any such vacancy shall be filled by election for the unexpired term no later than the next regular Town election.

Section 6. Compensation

Each member shall be entitled to receive compensation as defined in the budget for all services rendered.

Section 7. Preparation and Submission of the Budget.

The town manager, at least 140 days prior to the annual budgetary town meeting shall submit to the council a budget and an explanatory budget message. The budget approved by the council shall be their recommendation of the total appropriation to be made to each of the several offices, departments, and agencies of the town. The budget estimates shall be submitted at least 90 days before the annual budgetary town meeting to the town finance committee.

The school committee shall prepare budget estimates in detail of the several sums required during the ensuing budget year for the support of the public schools and at least 90 days before the annual budgetary town meeting, the school committee shall furnish copies of such estimates to the town finance committee.

Section 8. Budget Finalization

The finance committee shall have the responsibility to prepare the annual budgets for the town and school district, and to submit the same to the annual budgetary town meeting, hereinafter described.

A. The finance committee shall, except where in direct conflict with any provisions contained herein, follow the format for the preparation of the budget as outlined in RSA 32:5 in effect at the time of adoption of this Charter. It is the intent of this provision that the finance committee will receive the budget figures presented to it by the town council and school committee, respectively, review same, hold at least one public hearing on each budget, and then make determinations of the figures to be presented to the annual budgetary town meeting.

B. With respect to all other requests for the raising and appropriation of money other than annual budgets, but including petition articles, the finance committee shall review such requests, hold at least one public hearing on same, and then make a recommendation on each item. The recommendations shall be either "the committee approves", "the committee disapproves", or "no recommendation." The recommendations shall be announced before the consideration of each item at the budgetary town meeting.

Section 9. Reports

The finance committee is charged with filing all the necessary reports concerning the budgets of the town and school district to the State Department of Revenue Administration, or its successor of responsibility on the State level.

Section 10. Transfers of Appropriations.

Within the last three months of the budget year, the council or school committee may, by resolution, transfer any unencumbered appropriation balance or portion thereof between general fund accounts.

Section 11. Interim Expenditures.

In the period between the beginning of the fiscal year and the appropriation of funds, the council and school committee shall authorize expenditures for current departmental operating expenses chargeable to the appropriations for the year when made, in amounts sufficient to cover the necessary expenses of the various departments.

ARTICLE VI

The Budgetary Town Meeting

Section 1. Budgetary Town Meeting Established

There is established a budgetary town meeting which will have the powers and responsibilities hereinafter described. The meeting will be open to all registered voters of the Town of Salem. The meeting will be held on the Saturday following the Second Tuesday in March. The meeting will be chaired by the moderator. The meeting will be posted and announced by the town council using procedures established under state law governing the holding of town meetings.

Section 2. Purpose

The purpose of the budgetary town meeting is to raise and appropriate all monies that will be spent by, for, or on behalf of the town and school district. It will also act on bond issues brought before the meeting as described below. The ultimate authority to raise and appropriate money, or to commit the expenditure of same through a bond issue, rests with the voters of the Town of Salem assembled at the annual budgetary town meeting.

Section 3. Bonds and Notes

The provisions of RSA 33, the Municipal Finance Law, shall govern the issuance of bonds and notes payable by the town or school district. The town council or school committee shall propose the issuance of bonds or notes whenever it is deemed appropriate and allowable under state law. The council or school committee, whenever proposing a bond issue, shall hold the public hearings, and see to the placing of the article on the warrant of the budgetary town meeting.

Section 4. Procedure

The procedure for the budgetary town meeting shall be standardized for each meeting. The first item for consideration will be debate and voting on bond issues; the manner of voting on bond issues shall be that prescribed by statute. Secondly, will be discussion and voting on the sums of money to be raised and appropriated for the operation of the town and its departments; discussion and voting on the sums of money to be raised and appropriated for the operation of the schools and their departments; all other articles including petition articles seeking to raise and appropriate money on behalf of the town and schools. Articles (except bond issues which are specifically governed by statute) shall be considered and then voted upon using rules and state statutes which govern town meetings generally.

Section 5. Petition Articles

Any person may propose a petition article to the budgetary town meeting, asking to raise and appropriate money for some legal town or school purpose. A

person desiring such action be taken should obtain from the town clerk a petition form for that purpose. The signatures of one (1%) percent of the persons eligible to vote in the most recent town elections will be necessary to place an item on the budgetary town meeting warrant. The petitions shall be submitted not later than sixty days prior to the scheduled date of the meeting to allow action by the finance committee.

Section 6. Special Budgetary Town Meeting

To the extent possible, the provisions of Sections 2, 3, 4, and 5 shall apply to special budgetary town meetings called in accordance with the procedures outlined below. The special budgetary town meeting shall have all the power and authority of the annual budgetary town meeting.

A. A special budgetary town meeting may be called by the town council or school committee in the case of an emergency. A vote of one more than 2/3rds of the members of the town council or school committee (not including vacancies of office) is required to authorize a special budgetary town meeting. In such cases, the town council will call the meeting and notice and posting requirements of the state statutes governing special budgetary town meetings must be followed.

B. Citizens may request a special budgetary town meeting through the initiative petition procedure of Article VIII.

Section 7. Limiting Expenditures

The rules governing exceeding approved expenditures shall be those rules outlined in RSA 32:10 with the attaching sanctions in RSA 32:11 and 13.

ARTICLE VII

Nominations and Elections

Section 1. Conduct of Municipal Elections.

The provisions of the statutes of the state of New Hampshire relating to the qualifications of voters, the registration of voters, the nomination for any office, the manner of voting, the duties of election officers, and all other particulars relative to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.

Section 2. Moderator

There is established the office of the moderator with the powers and responsibilities hereinafter established. The moderator will be an individual qualified to vote in town affairs. The office of moderator will be filled by an at-large election. At the next election following the adoption of this charter, the moderator will be elected for a three year term of office, and the term thereafter will be three years.

Section 3. Moderator Duties

The moderator shall have the following duties and responsibilities: He or she will serve as the chairman of the town election committee hereinafter established; will oversee the conduct of all elections held in the Town of Salem, and carry out the policies of the elections committee with regard to same; appoint assistant moderators as necessary for the conduct of elections; serve as the chairman for the annual budgetary town meeting and any special meetings, and exercise any other authority granted to him by the elections committee.

Section 4. Elections Committee

There is established an elections committee with the powers and authorities hereinafter established. The elections committee shall be made up of five members, as follows: (1) the elected moderator, who will serve as the chairman, (2) the town clerk and (3) three members elected at-large from the Town. The terms of the moderator and town clerk will be co-terminus with their respective terms of office. The elected members shall be individuals qualified to vote in town affairs. At the next election following the adoption of this charter, one member shall be elected for a three year term, one member elected for a two year term, and one member elected for a one year term. At each following election, the positions whose terms expire that year will be filled with members elected to a three year term. Any vacancy shall be filled by election for the unexpired term no later than the next regular Town election. No member of the elections committee shall hold any other elected town or school district office.

Section 5. Compensation

Each member shall be entitled to receive compensation as defined in the budget for all services rendered. Such compensation may be changed by vote on an article contained in a warrant for said purpose at the annual town meeting.

Section 6. Elections Committee

The elections committee shall be charged with the following responsibilities: the registering of voters and the keeping of a checklist of registered voters as required under state statutes, making the necessary arrangements for the conduct of elections including the printing of ballots for local elections, providing polling places at locations determined by the town council, providing for the physical arrangements necessary for voting at each such polling place, hiring necessary staff (other than supervisory, which is the responsibility of the moderator) for conduct of elections, providing security for balloting and ballot counting; provision for ballot counters and the posting and reporting of results, preparation of petitions of candidacy, preparation of recall petitions; preparation of initiative and other citizen petitions herein provided; and all other powers provided by statute to Supervisors of Checklists.

Section 7. Moderator Vacancy

The elections committee shall have the specific responsibility to appoint a successor in the case of a vacancy in the office of moderator.

Section 8. Election Day

The election day for town officers and any other town or school district elective office established under this charter will be the first Tuesday after the first Monday in November. All old terms of office expire, and new terms commence at 12:00 Noon, January 2nd, following the election.

Section 9. Voting Districts

There are established, for the purposes of electing members of the town council, three voting districts within the Town of Salem. Until modified by the town council as hereinafter provided for, the voting districts will be as follows:

Councillor District No. 1.

West side of Broadway (Route 28) from Massachusetts State line North to Windham Town line; then westerly along Windham Town line to Pelham Town line; then easterly along Pelham Town line to Methuen Town line; then easterly along Massachusetts State line to intersect with West side of South Broadway (Route 28).

Councillor District No. 2.

East side of North Broadway (Route 28) from the north side of Main Street (Route 97) northerly to the Windham Town line; then northerly along the Windham Town line to the Derry Town line; then easterly along the Derry Town line to the Atkinson Town line; then southerly along the Atkinson Town line to the Massachusetts State line to the north side of Main Street (Route 97) then westerly along the north side of Main Street (Route 97) to intersect with the east side of North Broadway (Route 28).

Councillor District No. 3.

Easterly along the south side of Main Street (Route 97) from South Broadway (Route 28) to the Massachusetts State line; then southerly and westerly along the Massachusetts State line to the east side of South Broadway (Route 28); then northerly along the east side of South Broadway (Route 28) to intersect with the south side of Main Street (Route 97).

Ten years after the adoption of this charter, and every ten years thereafter, the town council shall undertake a review of the boundaries of the voting districts to assure that each voting district has an equal number of registered voters, to assure the concept of one man, one vote. The town council shall propose changes, hold at least one public hearing, and it shall require a two-thirds vote of the council to enact a voting district change.

Section 10. Polling Places

The town council shall determine the number and location of polling places for any election held in the Town. However, in no case shall the number of polling places for any given election be less than one polling place for each voting district, or less than one polling place for every three thousand registered voters or any fraction thereof.

Section 11. Nomination Petition

To be nominated to run for any office provided for in the charter, a candidate or his sponsors must obtain a petition for that purpose from the elections committee, and obtain the signatures of not less than one percent of the registered voters qualified to vote for that office. The petition must be returned to the elections committee at a date set by that committee, not more than seven weeks nor less than five weeks before the elections.

Section 12. Recounts

Any candidate for elective office may request a recount of the initial results certified by the elections committee. Where the difference between a successful candidate and the unsuccessful candidate is less than two (2) percent of the total vote cast for that office, the challenger may request a recount without penalty or cost. Where the difference is greater than two (2) percent, the challenger may request a recount, but will be required to post a bond (surety or cash) equal in amount to the cost of said recount as determined by the elections committee. If this recount is unsuccessful in overturning the election results, the challenger shall forfeit his bond.

Section 13. Tie Vote

If at the time of certification of final election results one or more candidates has an equal number of votes and a determination is needed to provide one or more successful candidates, the election committee shall determine the winner or winners by lot.

Section 14. Procedure and Responsibilities

Where applicable, and where not in conflict with the provisions herein, the elections committee shall follow the provisions of RSA Title L XIII, Elections.

Section 15. Recall

Any holder of an elected office under this charter may be recalled and removed therefrom by the qualified voters of the Town of Salem as herein provided.

Section 16. Procedure for Recall

Any qualified voter of the Town of Salem may make and file with the town clerk an affidavit containing the name of the office holder and a statement of the grounds for removal.

Section 17. Recall Petition

The town clerk will issue a petition with the question "Shall (name) be recalled from his/her office (name of office) for the Town of Salem/ School District and be banned from appointment to any Town of School District Office for a period of two years from the date of recall." Said petition shall require the signatures of persons qualified to vote for that office holder in a number equal to ten percent of the voters who were so qualified to vote for that office in the most recent election. Petition must be filed with the town clerk within thirty calendar days of issuance of the petition by the town clerk.

Section 18. Election for Recall

If petition is certified by town clerk and office holder does not resign, town council will order an election to be held on a Tuesday not less than thirty days nor more than forty-five days after the date of town clerk's certification. Provided, however, that if any other municipal election is to occur within ninety days of said certification, then the recall election will be held in that municipal election.

Section 19. Incumbent's Status Pending Recall

The incumbent shall continue to perform the duties of his/her office until the removal election, unless having resigned therefrom.

Section 20. Restrictions of Petition

No recall petition shall be filed against any office holder within ninety days after his/her election, or ninety days before the expiration of his/her term of office. No recall petition may be filed against an individual office holder within one calendar year after an unsuccessful recall election.

Section 21. Incompatability of Offices

No person may simultaneously hold more than one elective office established herein. This shall not be construed to prevent an office holder from seeking election to a different office.

ARTICLE VIII

Initiative and Referendum

Section 1. Petition for Overrule of Action of Council.

All ordinances and resolutions, except those making appointments or removals or regulating exclusively the internal procedure of the council, shall be subject to overrule by a referendum as follows:

If, within ten days after the enactment of any such ordinance and resolution, a petition signed by not less than five percent of the registered voters of the Town of Salem is filed with the town clerk requesting its reference to a referendum, the council shall call a public hearing to be held within thirty days from the date of filing of such petition with the town clerk and shall, within fourteen days after said public hearing, call a special election for the purpose of submitting to a referendum vote the question of adopting such ordinance or resolution. Pending action by the voters, the referred ordinance or resolution shall be suspended from going into operation until it has received a vote of the majority of the voters voting on said question.

Section 2. Petition for Enactment of Ordinance.

Subject to the provisions of Section 1, not less than five percent of the registered voters of the town may at any time petition over their personal signatures for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the town clerk. The council shall call a public hearing to be held within thirty days from the date of the filing of such petition with the town clerk, and shall within thirty days after said public hearing call a special election for the purpose of submitting to a referendum vote the question of adopting such ordinance, unless prior to the call of said election, such ordinance shall be enacted by the council. Such ordinance shall take effect on the tenth day after the conclusion of such referendum, provided a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by an attorney for the Town before being submitted to referendum for the purpose of correcting the form, assuring accuracy in the text and references and clearness and preciseness in the phraseology of such proposed ordinance, but not materially changing its meaning and effect.

Section 3. Form of Ballot.

The form of the ballot for the proposed ordinance or resolution shall be substantially as follows:

"Shall the proposed ordinance (resolution, vote or charter amendment), a copy of which is printed herein or attached hereto, be adopted?"

For the (Ordinance):

Against the (Ordinance):

The voter shall write or mark in the appropriate box.

ARTICLE IX

General Provisions

Section 1. Separability Clause.

If any portion of this charter shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.

Section 2. Short Title.

This charter shall be known and may be cited as the "Council-Manager Charter of the Town of Salem." The clerk shall cause it to be printed and made available to the public promptly.

Section 3. Expiration Term of Present Elected Officials.

The term of the present elected town officials and the school district officials shall expire at noon on January 2, 1983, unless otherwise provided herein.

Section 4. Existing Contracts Not Invalidated, Unless Inconsistent.

All rights, actions, proceedings, prosecutions and contracts of the town or any of its departments, pending or unexecuted when this charter goes into effect and not inconsistent herewith, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Section 5. Oath of Office.

Every officer of the town shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to faithfully discharge the duties of his office, which shall be filed and kept in the office of the town clerk:

Section 6. Ordinance Not Inconsistent Continue in Force.

All ordinances of the Town of Salem in force at the time when this charter takes effect, not inconsistent with the provisions of this charter, shall continue in force until amended or repealed.

Referendum; Effective Date; Certificate to Secretary of State.

This charter shall take effect on January 2, 1983, after its submission to the legal voters of the Town of Salem at any town meeting or state-wide election held before January 1983, and warrants shall be issued for such town meeting in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said town to meet in said town, there to cast their ballots on the approval or rejection of this Charter.

The town clerk shall prepare the required ballots, on which he/she shall reduce the subject matter of this Charter to the following question: "Shall the municipality approve the New Charter recommended by the Charter Commission?" The voters shall indicate by a mark placed against the words "Yes" or "No" their opinion of the same. This Charter shall take effect for the purpose of nominating and electing officers hereunder immediately upon its acceptance by a majority of the legal voters voting at said election, and for all other purposes this Charter shall take effect January 2, 1983, following the first election held under the provisions of this charter at the election in November 1982.

The result of the vote shall be declared by the municipal officers of the Town of Salem and due certificate thereof shall be filed by the town clerk with the Secretary of State.