

**MINUTES OF THE
SALEM CHARTER COMMISSION**

**SALEM HIGH SCHOOL
GEREMONTY DRIVE
SALEM, NH 03079**

**MEETING OF
AUGUST 6, 2009
7:00 P.M.**

The Charter Study Commission held a meeting on Thursday, August 6, 2009 at Salem High School, Media Center, Geremonty Drive, Salem, NH.

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

ABSENT: Cathy Ann Stacey

CALL TO ORDER

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

1. Distribute Materials Prepared For Commission

Chairman Campbell handed out copies of a DVD containing the charters of the 10 towns the members had agreed they wished to review, as well as paper copies of some of these. He also handed out a copy of e-mail correspondence pertaining to queries the Commission had for Attorney Connell of the LGC and his response to these queries.

2. Approval of Meeting Minutes

MOTION: by Mr. Lyons

Move to accept the minutes of the meeting on July 9, 2009 as previously amended

SECOND Mr. Stephen Campbell

VOTE: 8-0-0

The motion carried unanimously.

MOTION: by Mr. Lyons

Move to accept the minutes of the meeting on July 23, 2009

SECOND: Mr. Stephen Campbell

VOTE: 7-0-1 (Mr. Hargreaves abstained)

The motion carried unanimously.

3. Review Proposed Bylaws And Take Action As Determined By The Commission

Chairman Campbell called for a motion.

1 **MOTION:** by Mr. Hargreaves

2 *Move to table review and action on the Commission's proposed bylaws*

3 Mr. Hargreaves explained he had been on vacation and needed time to review these.

4 **SECOND:** Mr. Stephen Campbell

5 Mr. Ganley clarified with Chairman Campbell that everyone should be prepared to vote on
6 these at the next meeting.

7 **VOTE:** 8-0-0

8 The motion carried unanimously.

9

10 **4. Develop Detailed Plan And Schedule For The Commission**

11 Chairman Campbell explained he wished to develop a plan for moving forward. He stated
12 he had received the response to their queries from Attorney Connell of the LGC that day and
13 as suggested by Mr. Ganley, Chairman Campbell recessed the meeting at 7:10 p.m. to give
14 everyone the opportunity to read the response, calling the meeting to order again at 7:20
15 p.m. Chairman Campbell then reviewed the information, making the following points:

16

- 17 ○ They are restricted to the statutes
- 18 ○ The retirement system cannot be changed through the charter
- 19 ○ The town cannot control the school district
- 20 ○ Budgeting process question – Attorney Connell cited a case where Merrimack
21 attempted to place a budget cap within the charter which was thrown out by the court
- 22 ○ Charter revision and amendments can be on the same ballot
- 23 ○ The statutes are silent on land use boards. A council cannot change things which are
24 in the statutes. Chairman Campbell provided clarification about ways changes can
25 occur, stating they cannot write a provision within the charter but instead have to
26 make these changes legislatively
- 27 ○ Transition – time will have to be spent working out how this will work for the town
- 28 ○ Fiscal year can be January or July
- 29 ○ Voter petition – under RSA 49-D:1 (e) the town cannot petition to cancel the budget
30 or overturn land use regulations. There is a process for referendum under the statutes.

31

32 Chairman Campbell asked for questions:

33

34 Referring to Attorney Connell's responses, Mr. Stephen Campbell asked for clarification
35 regarding the phrase 'not for budget appropriations' and Chairman Campbell referred to the
36 referendum procedures as previously outlined. There followed a discussion to clarify the
37 meaning of Attorney Connell's responses pertaining to budget appropriations with a dollar
38 amount. Chairman Campbell stated the statutes give broad authority regarding citizens'
39 petitions which have a dollar amount attached to them. Chairman Campbell suggested they
40 craft a proposal for the new charter in writing and then ask the DRA to review it.

41

42 There was a discussion regarding the official ballot town meeting/ deliberative session
43 question. Mr. Stephen Campbell suggested fundamental questions might be better answered
44 by Concord. Chairman Campbell talked about the need to ensure that the budget would be
45 finalized on Election Day and adopted.

1 Ms. Cooke suggested members look at the Londonderry charter as it is close to Salem's
2 current charter. In response to her query as to whether they would be revising the existing
3 charter, Chairman Campbell stated there was nothing to prohibit the Commission from
4 proposing amendments to the existing charter. There followed a discussion about options
5 and the authority of the Commission.

6

7 **5. Discussion and Comments by Commission Members**

8 Chairman Campbell stated they need to find out which form of government they wish to go
9 forward on to prepare the charter and asked each member for their opinion.

10 Mr. Lyons stated it was time to set direction and thought they had sufficient information to
11 propose an official ballot town council or pure town council.

12 Mr. Barnes stated he was leaning more towards town council with official ballot.

13 Ms. Cooke stated she was also leaning more towards town council with official ballot, and
14 that this could be combined with amending the existing charter.

15 Chairman Campbell clarified what the responsibilities of a town council are for Ms. Cooke.

16 Mr. Stephen Campbell stated he felt they could amend the existing charter to cater for
17 concerns about lack of voter representation at the Town Meeting, and that he was not in
18 favor of a town council with official ballot as he did not wish to give more power to elected
19 officials. In response to a request from Chairman Campbell for identification of those things
20 he would change, Mr. Stephen Campbell clarified that citizens' petitions should be on the
21 ballot as well as any article with big dollar items for the whole town to decide upon.

22 Mr. Ganley stated he was opposed to keeping things as they are and would like to see policy
23 decisions being taken by a council to get jobs done.

24 Mr. Hargreaves stated he thought it was important to change the time frame for budget
25 preparation.

26 Mr. Breen stated he would like to see data for the last few years on what the deviation is
27 between what the Budget Committee passed and what voters passed as he did not think there
28 would be much of a difference. He agreed he would work on obtaining this information. He
29 stated he felt it was important to let voters vote on the final budget which sparked a lengthy
30 discussion about which way to go and the advantages and disadvantages of the various
31 options.

32 Chairman Campbell stated he was leaning toward a town council with official ballot as this
33 would still let people have their vote on approx 97% of appropriations. He stated there
34 appeared to be a consensus forming who would support this and they would need to define
35 how to get to a default budget. He stated he thought they ought to concentrate on putting a
36 charter together and asked for official consensus on this from the Commission.

37

38 Mr. Lyons stated he thought it was important that everything on the official ballot now
39 would also be there for a town council with official ballot.

1 **MOTION:** Mr. Lyons

2 *Move that it is the finding of the Salem Charter Commission that the Commission pursue*
3 *a Charter along the lines of official ballot town council, and that the official ballot*
4 *contain the minimum of what is currently on the official ballot*

5 **SECOND:** Mr. Barnes

6 ***Discussion:***

7 Mr. Breen stated he objected to the definition of what would be on the ballot at this point in
8 the proceedings, and following discussion Messrs. Lyons and Barnes withdrew their original
9 motion, restating it as follows:

10 **MOTION:** Mr. Lyons

11 *Move that it is the finding of the Salem Charter Commission that the Commission moves*
12 *forward with drafting a Charter which will be along the lines of town council, official*
13 *ballot*

14 **SECOND:** Mr. Barnes

15 And begin drafting a charter along lines of ...

16 **VOTE:** 5-3-0 (Messrs. Stephen Campbell and Hargreaves and Ms. Cooke voted against the
17 motion)

18 ***Discussion:***

19 Ms. Cooke stated she would like to amend the motion to include also proceeding with
20 amendments to the existing charter. There followed a discussion on this for clarification on
21 what the statutes would permit in this regard and Chairman Campbell stated he thought it
22 would be possible to offer both to the voters. Mr. Hargreaves suggested working on both a
23 revision and amendments and the Commission should work together at the end to form a
24 consensus on what should be put before the voters and there was further discussion.

25 Chairman Campbell asked that the members be ready to vote on the bylaws at the next
26 meeting.

27 • **Upcoming Meetings**

- 28 ○ August 13, 2009
- 29 ○ August 27, 2009

30 **MOTION:** by Mr. Lyons

31 *Move to adjourn*

32 **SECOND:** Mr. Hargreaves

33 **VOTE:** 8-0-0

34 **The motion carried unanimously.**

35 Without further business, the meeting adjourned at 9:20 p.m.

36 Notes/Minutes Taken by:

37 Sandra Maxwell

38 Approved:

39 Salem Charter Reform Commission

40 Date:

41 August 27, 2009