

***CHARTER
of the
Town of Salem,
New Hampshire***

Chapter I - Town Charter

Table of Contents

Article I – Incorporation: Town Form of Government: Power

Section 1.1 Incorporation	4
Section 1.2 Town Form of Government	4
Section 1.3 Construction	5
Section 1.4 Precedence of Requirements.....	5
Section 1.5 Intergovernmental Relations	5

Article 2 – Elections: Election Officials: Conduct of Elections

Section 2.1 Composition of Board of Election Officers	5
Section 2.2 Moderator	5
Section 2.3 Supervisors of the Checklist.....	6
Section 2.4 Town Clerk.....	6
Section 2.5 Tax Collector.....	6
Section 2.6 Conduct of Elections	6
Section 2.7 Preparation of Ballots.....	6
Section 2.8 Preservation of Ballots	7
Section 2.9 Contested Elections	7
Section 2.10 Display of Local Campaign Materials	7

Article 3 – Town Council

Section 3.1 Membership: Term of Office	7
Section 3.2 Organization Meeting.....	7
Section 3.3 Qualifications of Councilors	7
Section 3.4 Vacancies.....	8
Section 3.5 Compensation, Expenses.....	8
Section 3.6 Exercise of Powers: Meetings - Rules of Procedure	8
Section 3.7 Ordinances.....	9
Section 3.8 Emergency Ordinances	11
Section 3.9 Emergency Expenditures.....	12
Section 3.10 Codification of Ordinances	12
Section 3.11 Existing Ordinances	12
Section 3.12 Powers and Duties.....	12
Section 3.13 Delegation of Powers	12

Section 3.14 Inquiries and Investigations	12
Section 3.15 Board Procedures	13
Article 4 Administration of Government	
Section 4.1 Town Manager	13
Section 4.2 Qualifications	13
Section 4.3 Performance Review of the Manager.....	13
Section 4.4 Reprimand or Removal from Office	13
Section 4.5 Acting Town Manager	14
Section 4.6 Powers and Duties of the Manager	14
Section 4.7 Non Interference with Town Administration.....	15
Section 4.8 Departments.....	15
Section 4.9 Town Attorney	15
Section 4.10 Fiscal Affairs: Treasurer, Audit	16
Article 5 Finance	
Section 5.1 Fiscal Year.....	16
Section 5.2 Budget Committee.....	16
Section 5.3 Budget Procedure.....	16
Section 5.4 Budget Hearings.....	17
Section 5.5 Final Date for Budget.....	17
Section 5.6 Finalizing the Budget by Official Ballot.....	17
Section 5.7 Special and Separate Warrant Articles.....	17
Section 5.8 Amendments to the Budget.....	17
Section 5.9 Transfer of Appropriations.....	18
Section 5.10 Capital Improvements Program.....	18
Section 5.11 Lapse of Appropriations.....	18
Section 5.12 Treasurer.....	18
Section 5.13 Issuance of Bonds and Notes.....	18
Article 6 Conduct of Officials	
Section 6.1 Conditions for Holding Office	18
Section 6.2 Conflicts of Interest.....	19
Section 6.3 Disqualification From Decision-Making Process.....	19
Section 6.4 Private Use of Town Property and Personnel	19
Section 6.5 Acceptance of Gifts and Gratuities	19
Section 6.6 Disposition of Fees.....	20
Section 6.7 Misuse of Information.....	20
Article 7 Citizen Concerns: Initiative Petition: Referendum Recall	
Section 7.1 Citizen Concerns.	20
Section 7.2 Initiative Petitions	20
Section 7.3 Referendum Petitions.....	21
Section 7.4 Petitions for Official Ballot Questions.....	22

Section 7.5 Submission of Proposed Measure to Voters.....	22
Section 7.6 Measures with Conflicting Provisions.....	22
Section 7.7 Recall of Officeholders.....	23

Article 8 General Provisions

Section 8.1 Certificate of Election and Appointment	24
Section 8.2 Term Commencement: Notice of Election or Appt.	24
Section 8.3 Specific Provisions to Prevail	24
Section 8.4 Severability.....	24
Section 8.5 Authentication of Charter.....	25
Section 8.6 Charter Amendments.....	25
Section 8.7 Violations and Penalties.....	25
Section 8.8 Rules and Regulations.....	25
Section 8.9 Reorganization Plans.....	25
Section 8.10 Proposed Reorganization Plans – Manager	25
Section 8.11 Indemnification of Town Officers/Boards/Employees.....	26
Section 8.12 Prohibition.....	26
Section 8.13 Procedures	27
Section 8.14 Land Use Ordinances.....	27

Article 9 Administrative and Judicial Boards

Section 9.1 Administrative Committees, Boards and Commissions.....	28
Section 9.2 Zoning Board of Adjustment.....	28
Section 9.3 Vacancies in Elected Office	29
Section 9.4 Vacancies in Appointed Office	29
Section 9.5 Committee Review.....	29

Article 10 Transitional Provisions

Section 10.1 Effective Date and Interim Budget.....	29
Section 10.2 Effective on Incumbant Office Holders	29
Section 10.3 First Election.....	30
Section 10.4 Abolition of Certain Boards.....	30
Section 10.5 Continuation of Government.....	30
Section 10.6 Councilor Salaries.....	31
Section 10.7 Continuation and Compensation of Personnel.....	31
Section 10.8 Transfer of Records and Property.....	31
Section 10.9 Effect on Obligations, Taxes and Other Legal Acts.....	31
Section 10.10 Conflict Resolved in Favor of the Charter.....	32

Chapter I - Town Charter

ARTICLE 1 - Incorporation: Town Form of Government: Power

§ 1.1. Incorporation – The inhabitants of the Town of Salem shall continue to be a body politic and corporate under the name of the "Town of Salem" and as such to enjoy all the rights, immunities, powers and privileges and be subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. All existing property of the Town shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it under this Charter.

§ 1.2. Form of Government – Salem shall be governed by a Town Council – Town Manager form of government and the legislative body shall be an Official Ballot Town Council in accordance with RSA 49-D:3, I-a. The administration of the fiscal, prudential, municipal and other affairs of the Town, with the governance thereof, shall be vested in a Town Council, shall be directed by a Town Manager, and shall consist of the various departments of the Town as established by this Charter and from time to time by the Town Council. Except as expressly authorized by this Charter, no Councilor shall participate in the conduct of the administrative affairs of the Town.

§ 1.2.1 Official Ballot – The official ballot as provided by this Charter is an element of the total legislative process wherein certain matters are placed on the official ballot by the council, or by other means described in this charter, for final action or ratification by the official ballot. The **Official ballot town council** legislature is not a combination of a town council and an official ballot town meeting. Legislation that is placed on the ballot by the council is subject to public hearing and amendment by the council before being placed on the ballot, and is placed on the official ballot for final action. Legislation placed on the ballot by other means is subject to public hearing and amendment in accordance with provisions of the Charter or general laws. Matters may be placed on the official ballot by the following means:

1. By vote of the council,
2. By other means as defined in this charter,
3. By petition as defined in this charter, and
4. In accordance with provisions of applicable New Hampshire statutes.

§ 1.3. Construction – The powers of the municipality under this Charter are to be construed liberally in favor of the Town, and the specific mention of particular powers is not intended to limit in any way the general powers of the municipality as stated in §1.1.

§ 1.4. Precedence of Requirements – Any conflict of requirements shall be resolved in accordance with the following order of precedence.

1. The New Hampshire constitution.
2. New Hampshire statutes are required to apply to municipalities that have adopted the Official Ballot Town Council form of government.
3. This Charter.
4. Provisions of New Hampshire general laws that are optional for towns adopting the Official Ballot Town Council form of government and legislature that have been adopted by enactment of this Charter, to the extent that such provisions have been adopted by this Charter.
5. Provisions of New Hampshire general laws that are optional for towns adopting the Official Ballot Town Council form of government and legislature that have been adopted in accordance with provisions of this Charter.
6. Other ordinances adopted in accordance with provisions of this Charter.

§ 1.5. Intergovernmental Relations – Subject only to express limitations in the provisions of the New Hampshire Statutes, the Town may exercise any of its powers or perform any of its functions under this Charter and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the State of New Hampshire, or any political subdivision or agency thereof, or the United States of America or any agency thereof.

ARTICLE 2 - Elections: Election Officials: Conduct of Elections

§ 2.1. Composition of Board of Election Officers – The Supervisors of the Checklist, the Moderator and the Town Clerk shall constitute the Board of Election Officers. The Moderator shall be Chair. The Town Clerk shall serve as the Clerk of the Board.

§ 2.2. Moderator – There shall be a Moderator of the Town who shall have all the powers and duties granted by this Charter and State Law. The Moderator shall be elected on an at large basis to a term of two (2) years at the Town election. Without limitation to the foregoing, for election purposes, the Moderator shall have the power to appoint all election officials except those which must be elected or otherwise appointed. The Moderator shall determine whether all ballots from all polling places are to be counted in one or more locations. Vacancies in the office of moderator shall be filled pursuant to State Law.

§ 2.3. Supervisors of the Checklist – There shall be three (3) Supervisors of the checklist who shall hold office for six (6) years (and until their successors are elected and qualified) on a staggered basis so that one Supervisor is elected at each odd year Town election. Vacancies in the Supervisors of the Checklist shall be filled pursuant to State Law. The person so appointed shall hold office until the vacancy for the unexpired term is filled at the next Town election. The Supervisors shall elect a chair for a term of two (2) years. The Supervisors of the Checklist shall have such powers and duties as specified under New Hampshire law.

§ 2.4. Town Clerk – There shall be a Town Clerk who shall have all the powers and duties granted by the Charter and State Law. The Clerk shall be elected to a term of three (3) years at the Town Election. Vacancies in the office of the Clerk shall be filled pursuant to State Law.

§ 2.5. Tax Collector – There shall be a Tax Collector who shall have all the powers and duties granted by the Charter and State Law. The Tax Collector shall be elected to a term of three (3) years at the Town Election. Vacancies in the office of the Tax Collector shall be filled pursuant to State Law.

§ 2.6. Conduct of Elections – The election officers, shall conduct regular and special elections on the dates specified by New Hampshire State law, shall use a Non-Partisan Official Ballot System as detailed in the election laws of the State of New Hampshire, on the second Tuesday in March to choose Town Councilors and such other officials as specified by this Charter, each of whom shall be elected by the voters of the entire town. At all Town elections the polls shall be open not less than eleven (11) hours and may be open not earlier than six o'clock in the forenoon of the day of the election, nor later than eight o'clock in the forenoon of the day of the election, nor closed earlier than seven in the evening. The Town Council shall determine the hours at least thirty (30) days prior to the election. The election laws of the State of New Hampshire shall govern voter qualifications. The Town Council shall specify the polling places of the Town.

§ 2.7. Preparation of Ballots – The Town Clerk shall prepare separate ballots to be used at all local referenda and at elections at which Town officers are chosen. The ballots shall contain in appropriate sections the names of all candidates, listed in such order as prescribed by State Law, without party designation. Below the list of names of the candidates of each office, there shall be as many blank spaces as there are offices to be filled at the election. No titles, military, professional or otherwise, shall accompany the name of any candidate on the ballot.

§ 2.8. Preservation of Ballots – All the ballots cast at each election shall be preserved, maintained and sealed as required by the election laws of the State of New Hampshire.

§ 2.9. Contested Elections shall be resolved in accordance with the State Law

§ 2.10. Display of Local Campaign Materials at Polling Place – Persons as candidates for elected office or as representing or working for a candidate for office or promoting a petition, resolution, referendum or measure on the ballot may not solicit votes, display, exhibit or distribute any campaign materials in violation of local ordinances or state statutes. The Moderator shall exercise the powers under State Law relative to the conduct of elections, distribution of campaign materials and electioneering within the polling place.

ARTICLE 3 – Town Council

§ 3.1. Membership: Term of Office – Except as otherwise provided in this Charter, all of the powers of the Town shall be vested in a Town Council (hereafter referred to as the "Council"), of nine (9) Councilors, three (3) elected at large and one (1) elected from each of the six districts for a total of six (6) district councilors. The Councilors shall be elected from the Town at large for a two (2) year term of office with staggered terms. All Councilors shall take office following their election and after being duly sworn in and shall hold office until their successors are duly elected and qualified.

§ 3.2. Organization Meeting – The Councilors shall meet in their capacity as the Council within ten (10) calendar days following their election for the purpose of taking their respective oaths of office, adopting rules and for the transaction of business required by law or ordinance to be transacted in such meeting. The Council shall, by the affirmative vote of at least five (5) of its members, at its first regular meeting following each election, choose one of its members Chair for a term of one (1) year. The Council shall choose one of its members Vice Chair, for a term of one (1) year, who shall act in the absence or disability of the Chair. In the event of a vacancy occurring in the office of Chair, the Vice Chair shall serve out the unexpired term. The Chair shall be the official head of the Town for all ceremonial purposes, shall preside at all meetings of the Council and may speak and vote at such meetings.

§ 3.3. Qualifications of Councilors –

§ 3.3.1 Residency and Domicile – To be eligible for election to the office of Town Councilor, a candidate must be 18 years of age, be a resident of the Town for at least one calendar year before the election, and in the case of a District Councilor, be a resident of

the District to be represented. If a Councilor or any elected official of the Town moves from the Town or from the District in the case of a District Councilor, and establishes a domicile in some other place, the office shall be declared vacant and shall be filled as provided by this Charter.

§ 3.3.2 Removal of Councilors – The Council may, on specific charges and after due notice and hearing, at any time remove one of its own members for cause, including but not limited to prolonged absence from or other inattention to duties, crime or misconduct in office, or as specified under **Article 6** of the provision of this Charter.

§ 3.3.3 Incompatible Positions – No Councilor shall, while serving a term, be eligible to hold any other Town position of remuneration nor shall the Councilor transact any business with the Town except pursuant to **Article 6** of the provisions of this Charter.

§3.3.4 Incompatible Offices – Except as otherwise provided in this Charter, members of the Council shall not hold any employment with the Town. Former members of the Council shall not be eligible for appointment as a compensated Town officer or employee until one year after the expiration of their service.

§ 3.4. Vacancies - Vacancies occurring in the office of Councilor at any time shall be filled, by appointment until the next regular election in accordance with the provisions of Section 3.3.1, by majority vote of the remaining Councilors; provided, however, that, if the vacancy occurs fewer than ninety (90) days prior to the next regular election, the vacancy shall not be filled by appointment, but shall be filled at the next regular election.

§ 3.5. Compensation, Expenses – The Council shall establish an annual salary and expense allowance for its members, subject to the following:

1. No Increase in such salary or expense allowance shall be effective unless it shall have been adopted by a majority vote of all the members of the Council and appear on the official ballot as a separate warrant article and approved by the voters.
2. The new salary and expense schedule shall be included in the next Town budget process and shall take effect in the fiscal period to which that budget applies.

§ 3.6. Exercise of Powers - Meetings - Rules of Procedure

§ 3.6.1 Exercise of Powers – Except as otherwise prohibited by law or this Charter, the powers of the Council may be exercised in a manner determined by it.

§3.6.2 Quorum – A quorum of the Council for the transaction of any business shall be five (5); however a smaller number may adjourn the meeting to another date, time, and place for which notice shall be posted as a new meeting if the meeting is to be held on a later day.

§ 3.6.3 Meetings – All meetings of the Council shall be public to the extent required by State Law. Regular meetings shall be held at such time, date and place as the Council shall by ordinance or resolution direct. Special meetings may be called by the Chair. Special meetings also may be called at the written request of the Manager or at least three (3) Councilors, and upon such request the Chair of the Council shall call such special meeting. Written notice of said meeting shall be posted in accordance with general law and shall be delivered to each Councilor at least twenty- four (24) hours prior to the call of the meeting, excluding Saturdays, Sundays and legal holidays. The method of delivery of notice for special meetings shall be by established Council rule. An emergency meeting may be called by the Chair when immediate undelayed action is deemed necessary for the protection of health, safety, welfare, or protection of property, who shall employ whatever means are reasonably available to inform the public and all council members that an emergency meeting is to be held and shall via such notice describe the nature of the emergency that necessitates the meeting.

§ 3.6.4 Rules of Procedure – The Council shall establish rules for its proceedings not inconsistent with this Charter. Every matter coming before the Council for action shall be put to a vote and all members shall vote "aye", "nay", or abstain and give a reason for abstaining. The results of such voting shall be recorded. The vote of each member of the council shall be recorded in the minutes.

§ 3.7. Ordinances – The council may adopt ordinances in accordance with its legislative authority, except that ordinances and questions on matters listed in **§3.7.1** and other matters as required by New Hampshire general laws, must be adopted by official ballot.

§ 3.7.1 Matters that Must Be Acted on By Official Ballot – The following matters must be placed on the official ballot. All official ballot requirements shall apply to both regular and special elections.

1. The annual operating budget, amendments thereto, and any other appropriation for any purpose including appropriations to reserve funds, except to the extent the general law requires expenditure without requirement for appropriation.
2. Bond articles and issuance of debt, and any lease or contract that requires payments beyond the then-current budget year.

3. Expenditure of surplus funds from any general fund, or from any surplus in utility accounts exceeding \$100,000 in any year, or any amount for new sewer or water systems other than replacement of existing elements thereof such as may be required to maintain service.
4. Sale, lease, transfer, mortgaging, pledging or conveyance by any other means of any real property or fixed improvements to said property, or conveyance of any right or exclusive franchise associated with such property to any party under terms that are not available to every other party that may apply for such right, if the value of said property exceeds \$10,000.
5. Purchase of any real property that is not separately identified in the annual budget or other appropriation, unless the purchase of said property is provided for in an appropriation for an approved project.
6. Sale, or conveyance by any other means of any right to collect or charge any fee or rent related to any part of the publicly owned utility system, public property, or any street or road system or any part thereof, or to grant any such right that is not available without charge to every citizen of Salem.
7. Factfinders reports and cost items of collective bargaining agreements, including all provisions that will result in costs to the town.
8. Adoption or rescinding the adoption of provisions of general laws which are optional for towns.
9. Zoning articles, charter amendments, and other subjects required by general law to be placed on the official ballots for towns; procedures and schedules for which shall not be affected by this charter.
10. Increase in salaries of councilors.

§ 3.7.2 Council Ordinances – An ordinance may be introduced by any member of the council at any regular or special meeting of the Council. Ordinances to be considered, except emergency ordinances, shall have been submitted to all members of the Council, the Town Clerk, and the Manager not later than the seventh day prior to the meeting, and a copy of the proposed ordinance shall be posted at the public places along with the required notice of the meeting.

No ordinance shall contain more than one subject, which shall be clearly expressed in its title. Each ordinance shall be identified by a number and a short title. The enacting clause shall be "The Town of Salem ordains.....". Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type, and shall indicate new matter by underscoring or by italics. After passage of the ordinance's first reading, it shall be published at least once together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such posting shall precede the date of said hearing by at least five (5) working days. Posting for purposes of this section shall mean the posting of a notice at Town Hall and on the Town's Official Website (Internet), stating the number and title of the ordinance and either the text of the ordinance in full or if the full text is not published, then a brief explanation of the purpose of the ordinance and information as to where and when any interested person may obtain a copy of the complete ordinance.

Every ordinance, including ordinances adopted by official ballot, shall take effect upon passage or as required by statute or the text of the ordinance. However, no ordinance shall have retroactive effect. No ordinance shall be introduced and adopted during the same meeting.

All ordinances, including any amendments thereto, shall be recorded in full, uniformly and permanently, by the Clerk, and each ordinance so recorded shall be authenticated by affixing the signatures of the Council Chair and the Clerk and the Town Seal, and kept on file in the office of the Clerk. The Clerk shall be responsible for the systematic indexing, printing, publication and maintenance of the ordinances of the Town. Copies of all ordinances shall be available to the public via internet access. Printed copies shall be available and the Clerk may charge a fee to defray the printing costs.

§ 3.8. Emergency Ordinances – Notwithstanding other provisions of this Charter, to meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by a public utility for its services or authorize the borrowing of money, or take any other permanent actions that must otherwise be adopted by official ballot. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but two-thirds majority vote of the

councilors present shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption.

Every emergency ordinance shall automatically stand repealed as of the sixty first (61st) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

§ 3.9. Emergency Expenditures – The council may make emergency expenditures by transferring funds within an approved budget in accordance with charter provisions for such transfers.

§ 3.10. Codification of Ordinances - The Council, not later than eighteen (18) months after taking office under this Charter and at least every tenth year thereafter, shall have prepared a revision or codification of the ordinances of the Town which are appropriate for continuation as local laws of the Town.

§ 3.11. Existing Ordinances – All by-laws, ordinances, rules, restrictions and regulations of the Town of Salem which are in effect as of the date of adoption of the Charter, and not inconsistent with this Charter, shall remain in effect after the adoption of this Charter until they expire by their terms or are repealed, modified or amended.

Section 3.12. Powers and Duties – Except as herein otherwise provided, the Council shall have all the powers conferred upon and discharge all the duties imposed upon town councils, town meetings, boards of mayor and aldermen, and selectmen of towns by law, except as restricted by the Official Ballot provisions of this charter. All officers and members of all boards, commissions and committees, and vacancies thereto shall be appointed by the Council from among Town residents except unless otherwise provided by this Charter.

§ 3.13. Delegation of Powers – The Council may delegate to one or more Town agencies the powers vested in the Council by this Charter and State and Federal Law to grant and issue licenses and permits, and may regulate the granting and issuing of licenses and permits by any such Town agency, and may in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

§ 3.14. Inquiries and Investigations – Notwithstanding the provisions of RSA 37:6, IV, the Council by majority vote may require of any appointed Town official, department

head or employee, official appointed or confirmed by the Council, or member of an appointed Town board or commission to appear before it, and give such information as it may require in relation to this office, its function, and performance. The Council shall give at least forty-eight (48) hours written notice of the general scope of the inquiry which is to be made to any person it shall require to appear before it under this section. The Council may make investigation into the affairs of the Town and into the conduct of any Town agency or department, and for this purpose may administer oaths and require the production of evidence.

§ 3.15. Board Procedures – Except as expressly prohibited by State Law, the Council shall adopt rules of attendance and forfeiture of office for all Town appointed boards and commissions.

ARTICLE 4 - Administration of Government

§ 4.1. Town Manager – The chief administrative officer of the Town shall be the Town Manager (hereinafter called the "Manager"). The Council shall appoint a person especially qualified by experience and training, who receives the votes of at least five (5) of the Council, to be Manager. The Manager shall serve at the pleasure of the Council.

§ 4.2. Qualifications – The Manager shall be appointed solely on the basis of qualification for that office, with special reference to education, training and previous experience in public or private office. The Manager shall devote full time to the office and shall not hold any other public office, elective or appointive, except as authorized by this Charter, nor engage in any other business or occupation unless the terms of such occupation are fully disclosed to the council and the provision is approved by at least five (5) members of the Council. The Manager need not be a resident of the Town or the State of New Hampshire at the time of appointment, but may reside outside the Town while in office, only with the approval of six (6) members of the council.

§ 4.3. Performance Review of Manager – During the budgetary process following the first anniversary of the Manager's service to the Town and during each subsequent budgetary process, the Council shall conduct an evaluation of the Manager's performance in office. After such evaluation, The Council shall determine whether the Manager's overall performance in office has been satisfactory or unsatisfactory. The Council shall also establish the Managers compensation for the ensuing year.

§ 4.4. Reprimand or Removal from Office – The Manager may be reprimanded or removed for cause by the affirmative vote of at least five (5) members of the Council as herein provided. At least thirty (30) days before the proposed reprimand or removal of

the Manager, the Council shall adopt a resolution stating its intention to reprimand or remove him, the reasons therefore, and an effective date. A copy of the resolution shall be served forthwith on the Manager, who may, within ten (10) days, demand a public hearing, in which event the Manager shall not be reprimanded or removed until such public hearing has been held.

Upon or after passage of a resolution of intent to remove, the Council may suspend the Manager from duty, but the Manager's pay shall continue until removal. In case of such suspension, the Council shall, by an affirmative vote, appoint an Acting Manager to serve at the pleasure of the Council for not more than one hundred twenty (120) days. The action of the Council in removing the Manager shall be final.

§ 4.5. Acting Town Manager – If the Manager is determined by a vote of at least six (6) members of the Council to be temporarily incapacitated or unable to act for any cause, or the office is temporarily or permanently vacant, the Council shall, within thirty (30) days from such determination, appoint an Acting Manager in the same manner as in § 4.3 who shall serve for not more than one hundred twenty (120) days or such lesser time until the disability or vacancy has been resolved. The Acting Manager shall have all the powers and perform all the duties of the Manager except to the extent that said powers and duties may be specifically restricted by Council resolution. Said Acting Manager shall be paid such salary for services hereunder as may be prescribed by the Council. The Acting Manager may be reappointed for one additional term of one hundred twenty (120) days.

By a vote of at least five (5) Councilors, the Council may determine from credible medical or other evidence that the Manager is incapacitated and unable to perform any or all duties and the office may be declared vacant.

§ 4.6. Powers and Duties of the Manager – The Manager shall have all the duties, responsibilities and authority as outlined in RSA 37:6, in addition to:

- A. The Manager shall have full jurisdiction over the rental and use of all Town facilities under the Manager's control. The Manager shall be responsible for the maintenance and repair of all Town property under the Manager's control, within the limits of existing appropriation.
- B. The Manager shall keep a full and complete inventory of all property of the Town, both real and personal.

C. The Manager shall keep the Council informed of the needs of the Town and make such reports and recommendations as the Manager may deem advisable or as the Council, as provided by this Charter or by ordinance, shall direct.

§ 4.7. Non-interference with Town Administration – The Council shall act in all matters as a body. Except as expressly provided elsewhere in this Charter, neither the Council nor any of its members shall direct or request the appointment of any person to office or employment; or direct the removal, suspension, discipline, adjustment in pay, benefits, or working conditions of any employee by the Manager or of any of the Town department heads.

No Councilor shall give orders to or interfere with the performance of the duties of any of the administrative officers or employees, either publicly or privately. Nothing contained in this section shall prohibit the Council from meeting with the Manager to discuss the operation or conduct of any department head or employee and to recommend an investigation and report by the Manager of any complaint. Any violation of the provisions of this section by a Councilor shall constitute grounds for forfeiture of office under the provisions of § 3.3.

§ 4.8. Departments

A. The Town shall have departments, divisions, boards or committees as may be established by this Charter or as the Council may establish by Ordinance. It shall be the duty of the manager to draft and to submit to the Council within nine (9) months after assuming office, an ordinance consistent with this Charter to be titled as the “Administrative Code”, which provides for the division of the administrative service of the Town into departments or agencies and define the functions and duties of each.

B. The Council may, by amendment to the Administrative Code Ordinance, create, consolidate or abolish departments or agencies and define or alter their functions and duties. The head of each department or agency established by the Administrative Code shall have and exercise supervision and control of that department or agency and the employees therein, subject to the authority of the Manager, and shall have the power to prescribe rules and regulations not inconsistent with general law, this Charter, the Administrative Code and the rules and regulations of the Personnel Plan; provided that the Manager shall establish a progressive disciplinary code for all departments and agencies which shall be included under the Personnel Plan. A copy of all departmental rules and regulations shall be on file in the office of the Clerk and appropriate departments.

§ 4.9. Town Attorney

The Council shall engage the services of legal counsel when it deems it necessary to seek legal services for purposes which are necessary to avoid conflicts of interest, or to provide legal opinions beyond those provided by the Town Counsel hired by the Manager.

§ 4.10. Fiscal Affairs: Treasurer, Audit

- A. The Treasurer, in making investments of Town funds, shall follow the written investment policy pursuant to State Law.
- B. The Town shall engage an independent Certified Public Accounting firm to perform an annual financial audit in accordance with current General Accepted Accounting Principles (GAAP) and Government Accounting Standards Board (GASB) regulations and other applicable accounting standards.
- C. The Council shall provide for bonding of officials, officers and employees, the cost of which shall be paid by the Town. The positions and persons to be bonded shall be determined by the Council.

ARTICLE 5 – Finance

§ 5.1. Fiscal Year – The fiscal and budget year of the Town shall begin on the first (1st) day of January and end on the thirty-first day of December.

§ 5.2. Budget Committee – Notwithstanding any other provision of law, the Town of Salem, by adoption of this charter, adopts a Municipal Budget Committee as provided by RSA 32:14, comprising seven (7) members elected at large, one (1) member of the Town Council, and one (1) member of the School Board as provided by RSA 32:15. The provisions of Chapter 32- Municipal Budget Law shall apply to the extent that they are not in conflict with the specific provisions of the Charter, and in the event of any conflict with this Charter the precedents of § 1.4 shall apply.

§ 5.3 Budget Procedure – At such time as may be requested by the Manager or specified by the Administrative Code, each officer or director of a department shall submit to the Manager an itemized estimate of the expenditures of the next fiscal year for the departments or activities under his control. The Manager shall, based on those estimates and other data, prepare a recommended budget which shall, together with these department estimates, be submitted to the Council on such date as the Council shall establish. The Council shall review the budget and make such modifications and amendments as it desires.

The Budget Committee shall prepare the budget to be placed on the official ballot in accordance with the Municipal Budget Act and the procedures defined in this charter, applying the precedents of **§ 1.4**.

§ 5.3.1 Default Budget – The Council shall prepare a default budget which shall be the final budget if the general budget article in the warrant is not approved. The amount of the default budget shall be identified in the budget article on the warrant. The total value of the default budget shall be the sum of the following appropriations and adjustments of the budget of the previous year and shall not be based on any other appropriations:

1. The annual operating budget from the previous year based on the approved budget article or the default budget, increased or decreased based on debt service for outstanding bond issues, and less any extraordinary one-time items or “ear-marked” items that were included in the operating budget that is the basis for the default budget;
2. The amount of any appropriations by special or separate warrant articles that were identified on the ballot for purposes that will be continued in subsequent budget years;
3. The cost effect for the budget year of previously approved collective bargaining agreements.

§ 5.4. Budget Hearings – The Budget Committee shall hold in convenient places in Salem as many public hearings on the budget as it deems necessary, but notwithstanding the provisions of Municipal Budget Law, at least one public hearing on the budget shall be scheduled on dates consistent with final approval of the budget as required by **§ 5.5** of this charter. Notice of such public hearing, together with a copy of the budget as submitted, shall be posted in two public places. A copy of the budget shall be available to the public at the office of the Clerk during regular business hours.

§ 5.5. Final Date for Budget – Notwithstanding the dates permitted in the Municipal Budget Act, the Budget Committee shall prepare the budget, hold the required hearings, and approve the final amount and form of the budget and all council articles requiring appropriation by official ballot, before the seventh Wednesday prior to the official ballot date.

§ 5.6. Finalizing the Budget by Official Ballot – The finalized annual budget shall be the annual operating budget article if approved, or the default budget if the budget is not approved on the ballot.

§ 5.7. Special and Separate Warrant Articles – The council may place a special or separate warrant article on the official ballot of any annual or special election to appropriate funds for any purpose.

§ 5.8. Amendments to the Budget – The Council may, by 2/3 vote of the number of council members authorized by the Charter, call a special election to amend the budget or to make appropriations by separate or special warrant article. The procedures in this charter shall apply except that hearing dates and notices shall be as required by general law.

§ 5.9. Transfer of Appropriations – If changes arise after approval of the budget that make it necessary to expend more than the amount appropriated for a specific purpose, the council may transfer to that appropriation an unexpended balance remaining in some other appropriation in accordance with the provisions of RSA 32:10.

§ 5.10. Capital Improvements Program – The Council shall appoint a Capital Improvement Program Committee with purposes, duties and processes consistent with those described in RSA 674:5-8. The Council shall establish such other guidelines and instructions as it shall determine.

§ 5.11. Lapse of Appropriations

All appropriations shall lapse at the end of the fiscal year and any unexpended portion thereof shall not be expended without further appropriation, except as provided in RSA 32:7 as the same may be amended from time to time.

§ 5.12. Treasurer

There shall be a Town Treasurer (hereinafter called “Treasurer”) who shall have all the powers and duties granted by this Charter and State Law. The Treasurer shall be elected on an at-large basis to a term of three (3) years at the Town Election. Vacancies in the office of Treasurer shall be filled pursuant to State Law.

§ 5.13. Issuance of Bonds and Notes

The Council shall follow the procedures set out in RSA 33:8-d for the issuance of bonds and notes. The questions shall be acted upon by official ballot in accordance with §3.7.1 and shall require an affirmative vote of 2/3 of the votes cast.

ARTICLE 6 - Conduct of Officials

§ 6.1. Conditions for Holding Office

- A. Any person while holding a town office, convicted of a Class A Felony in New Hampshire or its equivalent under the law of any other state or federal law shall forfeit such office.
- B. No employee of the town shall be eligible to serve as a Councilor.
- C. Any person elected to a town office, or trusteeship while presently holding membership in another such Town office, board, commission, or trusteeship shall immediately forfeit that office held prior to such election.
- D. Except as otherwise provided by this Charter, no department head or regular employee of the town shall be appointed to a town office, board, or commission.
- E. The Zoning Board of Adjustment shall not have any members who also serve on the Planning Board, Conservation Commission or Historic District Commission.

§ 6.2. Conflicts of Interest

- A. Any elected or appointed officer or employee of the Town who has a financial interest, direct or indirect, in any planned or existing contract, job, work or service to be performed for the Town or voluntary sale to the Town of any land, materials, supplies, equipment or other property shall make full disclosure of such interest to the Council and Manager prior to the Town's deliberating on any such matter or transaction.
- B. The person so financially interested in such matters or transactions shall not vote or advise on or otherwise participate in the Town's and Council's consideration of such matter or transaction.

§ 6.3. Disqualification from Decision Making Process.

- A. No elected or appointed officer or employee of the Town shall take part in a decision concerning the business of the Town in which that officer or employee or a member of his/her family, directly or indirectly, has a financial or other gainful interest which may affect his/her vote in favor of or against that business, aside from his/her salary as such officer or employee, greater than any other citizen or taxpayer.
- B. For the purposes of this section, the word "family" shall mean and individual's lineal descendants, lineal descendants, siblings and offspring an individual's spouse, the spouse's lineal descendants, lineal descendants, siblings and offspring.

§ 6.4. Private use of Town Property and Personnel – No elected or appointed officer or employee shall use any Town property or labor for private use except as may be

permitted by policies adopted and published by the Council which grant the same rights and privileges to every citizen of the Town.

§ 6.5. Acceptance of Gifts and Gratuities – No elected or appointed officer or employee of the Town shall solicit or accept any gift or gratuity which could, in any manner, be construed to affect or influence the performance of his official duties.

§ 6.6. Disposition of Fees – No elected or appointed officer or employee of the Town shall collect any fees, salaries or other payments in connection with official duties for personal use, except as provided for by ordinance or State Law.

§ 6.7. Misuse of Information – No elected or appointed officer or employee of the Town shall use information gained through said office or employment for advantage or profit, nor shall he disclose information that is not available for general release to the public.

ARTICLE 7 - Citizen Concerns, Initiative Petition, Referendum, Official Ballot Questions, Recall

§ 7.1. Citizen Concerns

- A. Individual Citizen concerns may be directed to the Manager to be relayed to the appropriate department(s) or individual(s) for consideration. Acknowledgement of the concern(s) may be made to the citizen either directly or in writing. However, nothing in this section shall preclude a citizen from raising an issue directly with a Councilor.
- B. Any citizen wishing to appear before a regularly scheduled Council meeting shall present a brief statement of the concern to the Council.
- C. A citizen requesting more than five (5) minutes to present a concern shall request, in writing, to be put on the agenda of a regular Council meeting by filing with the Manager an outline of the topic to be presented. The citizen shall be notified of the time, the date and place of the meeting in which he/she will be heard if the request is deemed a matter in which the Council is empowered to act. Otherwise, the Manager shall respond to the citizen with the reasons why the request was not granted.

§ 7.2. Initiative Petitions

- A. The Council shall hold a public hearing and act, by taking a vote, on the merits of every initiative petition, which concerns a matter in which the Town is empowered to act. The petition shall be addressed to the Council, shall contain a request for passage or

repeal of a particular measure set forth in the petition, and shall be signed by not less than one percent (1%) of the registered voters.

B. The initiative petition shall include the personal signature and legible name and address of each registered voter and shall be filed with the Clerk. The Clerk shall verify the number of registered voters signing the petition and shall attach thereto a certificate showing the result of such examination. Within seven (7) days, the Clerk shall transmit the petition and certificate to the Council and shall send a copy of the certificate to the first signer of the petition.

C. The petition shall be considered valid following certification unless there is written objection regarding the number of signatures certified is made by a voter no more than seven (7) days after the certificate has been issued. The Council shall determine the validity of any such objection.

D. The Council shall hold a public hearing within thirty (30) days of the date of certification of any measure in any petition signed by one percent (1%) of the registered voters, unless a member of the Council raises a question of its legality.

E. If a question of legality is raised by any Councilor, the measure shall be referred to a Town attorney for review. If the Council may lawfully pass the measure proposed, the public hearing shall be scheduled within thirty (30) days of the date of the attorney's opinion. If the Council may not lawfully pass the measure, it shall be returned to the petitioners with an explanation.

F. The Clerk shall mail notice of the hearing to ten (10) petitioners whose names appear first on each petition at least seven (7) days prior to the hearing. Notice by publication of a summary of contents of the petition at least seven (7) days prior to all such hearings shall also be made, and shall be at public expense.

G. Hearings on two (2) or more petitions filed under this Section and addressing different substantive issues may be held at the same place and time. No hearing shall be held upon more than one petition containing the same subject matter in any given twelve (12) month period.

H. Following the public hearing, the Council may:

1. Pass said measure without alteration
2. Deny said measure and refer petitioners to procedures referenced in § 7.3.

§ 7.3. Referendum Petitions

A. Referendum Petitions must be filed with the Town Clerk within thirty (30) days after action by the Council on any measure or any part thereof sought to be reconsidered. Referendum petitions must be signed by at least five percent (5%) of the registered voters of the Town. The procedures of **§ 7.2.** shall apply to referendum petitions.

B. When a referendum petition is filed with the Clerk, the measure or part thereof sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

1. There is a final determination of insufficiency of the petition, or
2. The filers of the petition withdraw it.

C. When a referendum petition has been finally determined sufficient, the Council shall submit the referred measure or protested part thereof to the voters of the Town at a special election to be held on a date fixed by the Council. Such special election shall be held no less than thirty (30) nor more than ninety (90) days after the date of the certificate heretofore mentioned; provided that if any election is to occur within one hundred twenty (120) days after the date of said certificate, the Council may, at its discretion, omit the calling of a special election and submit the referred measure or part thereof to the voters at such approaching election. The ballot used when voting upon a proposed measure under this section shall state the nature of the referred measure or part thereof protested in terms sufficient to show its substance.

D. Notwithstanding any other provisions of this Charter, this Article shall not apply to Article 5 of this Charter or any actions taken pursuant thereto.

§ 7.4. Petitions for Official Ballot Questions

A. The Council shall hold a public hearing and act, by inserting in the warrant, every petition for Official Ballot Question, which concerns a matter set forth in **§ 3.7.1.** The petition shall be addressed to the Council, shall contain a request for passage or repeal of a particular measure set forth in the petition, and shall be signed by not less than two percent (2%) of the registered voters. The procedures of **§ 7.2.B** shall apply to official ballot questions.

B. The official ballot question shall appear on the warrant with only such minor textual changes as may be required.

§ 7.5. Submission of Proposed Measure to Voters

The Council of its own motion may submit any measure or proposition for repeal or amendment of a measure to the voters at any regular or special town election.

§ 7.6. Measures with Conflicting Provisions

If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

§ 7.7. Recall of Officeholders

Any individual elected official who has completed at least six months of his/her term of office and has more than six months of his/her term remaining may be recalled from office by the voters as follows:

A. Ten percent (10%) of the registered voters of the Town may file a request for recall petition with the Clerk. This request shall include the name of the officer and the grounds for which the recall is sought together with the signature and a legible name and address of each voter.

B. The Clerk shall verify the names of the voters and promptly issue blank petitions for recall. Each petition shall be addressed to the Council, be dated, include the grounds for recall as stated in the request, the name of the voter to whom it is issued, the signature of the Clerk, and the Town Seal. The recall petitions bearing the signatures and legible names and addresses of at least twenty five percent (25%) of the registered voters of the Town shall be returned to the Clerk within twenty (20) days. The Clerk shall promptly certify the number of voters who signed the petitions.

C. If the petitions are certified to be sufficient by the Town Clerk, the Clerk shall submit them to the Council together with the Clerk's certification. The Council shall forthwith give written notice of the petition and certification to the officer whose recall is sought. If this officer does not resign within five days after delivery of this notice, the Council shall order a recall election to be held no less than thirty (30) days nor more than sixty (60) days after the date the Clerk certified the petitions. If, however, any other town election is scheduled within ninety (90) days of the date of the certification, the Council shall hold the recall election on the same date as the other town election.

The filing of candidates and the conduct of the election shall be in accordance with the provisions of this Charter and the election laws of the State of New Hampshire.

D. The proposition on the ballot shall be "for the recall of" or "against the recall of (name of Officer)."

E. If the incumbent is not recalled he/she shall continue in office for the remainder of his/her unexpired term and may not again during that term be subject to recall. If he/she is recalled he/she shall be deemed removed from office on the day after the certification of the recall election and the vacancy filled as provided by this Charter.

F. A separate recall petition shall be required for each elected official who is the subject of a recall; and, each said official's recall shall be voted on as separate question at the recall election.

ARTICLE 8 – General Provisions

§ 8.1. Certificate of Election and Appointment

Except as otherwise provided by law, before performing any act under this election or appointment, each person elected shall take and subscribe to an oath to qualify him to enter upon the duties of office. A record of the taking of such oath shall be made by the Clerk. Any oath required by this section may be administered by any officer authorized by law to administer oaths.

§ 8.2. Term Commencement, Notice of Election or Appointment.

A. Written notice of the election or appointment to any Town office or board shall be mailed to the individual involved by the Manager, within three (3) clear days after the appointment is made or the results of any vote are certified by the Board of Election Officers to the Council.

B. Unless otherwise set forth in this Charter all elected officials in the Town shall take office within 10 days following their election and shall hold office until their successors are elected and qualified.

§ 8.3. Specific Provisions to Prevail

To the extent that any specific provision contained in this Charter conflicts with any provision expressed in general terms the specific provision shall prevail.

§ 8.4. Severability

The sections of this Charter and the parts hereof are separable. If any portion or section of this Charter or the application thereof to any person or circumstance shall be held invalid by a court or competent jurisdiction, the remainder of the

Charter shall not be affected thereby. If a clause, portion of or section of this Charter is so held invalid, then the applicable provisions of State Law, if any shall govern.

§ 8.5. Authentication of Charter

A. Upon adoption, the official Charter, duly authenticated by affixing the signatures of all members of the Charter Commission and the Board of Selectmen, the Clerk and affixing the Town Seal, shall be filed with the Clerk and remain in the Clerk's office as the official Charter of the Town of Salem. At its first meeting, the Council shall affirm the validity of the Town Charter.

§ 8.6. Charter Amendments

A. Amendments to this Charter may be initiated either by the Council or by initiative petition, public hearing, and voter election pursuant to State Law.

B. All amendments to this Charter shall be authenticated by the Council and shall be filed with and remain a part of the official Charter.

§ 8.7 Violations and Penalties

All willful violations of provisions of this Charter, unless otherwise provided, are hereby declared to be misdemeanors, and all such violations and all violations of town ordinances for which no other punishment is provided shall be punishable by a fine in accord with state statutes.

§ 8.8. Rules and Regulations

A copy of all rules and regulations adopted by any Town agency, board, commission or individual shall be filed in the office of the Clerk and made available for review by any person who requests such information.

§ 8.9. Reorganization Plans

Except for those agencies established by this Charter or as otherwise prohibited by State Law, the Council may reorganize, consolidate, or abolish any existing Town agency in whole or in part; establish new Town agencies and prescribe the functions of any Town agencies; provided that such action shall not eliminate the statutory duties of Town officials.

§ 8.10. Proposed Reorganization Plans by the Manager

The Manager may prepare and submit to the Council for its approval proposed reorganization plans which may, subject to applicable law and this Charter, reorganize, consolidate or abolish any Town agency in whole or in part, or establish new Town agencies as are deemed necessary or expedient. Such reorganization plans shall be accompanied by explanatory messages when submitted.

§ 8.11. Indemnification of Town Officers, Board Members, and Employees

The Town shall undertake to indemnify and save harmless all its officers, officials, volunteers, boards, commissions and employees from personal loss and expense. Expenses may include reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of negligent acts or omissions if the indemnified person was acting in the scope of his office or employment and in good faith in accord with the provisions of State Law.

§ 8.12. Prohibition

- A. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to, any Town position or appointed Town administrative office because of age, race, sex, political or religious opinions or affiliations.
- B. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment.
- C. No person who seeks appointment or promotion with respect to any Town position or appointed Town administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.
- D. No person who runs for Town office shall orally, by letter, or otherwise, solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding any compensated appointed Town position.

§ 8.13. Procedures

A. Meetings

All properly constituted authorities, boards, commissions, committees or other municipal bodies (hereafter called committees) of the Town whether elected or appointed or otherwise constituted, shall meet regularly at such times and public places within the Town as they may prescribe. Except in emergencies, special meetings of these committees shall be held on the call of the respective chair or by one-third of the members thereof by written notice delivered to the residence or place of business of each member at least forty-eight (48) hours in advance of the time set. A copy of the said notice shall also be posted on the Town bulletin board(s). Except in cases of emergency otherwise authorized by the State Law, all meetings of these committees shall be open and public; however, these committees may meet in a closed or executive session as permitted by State Law, as amended.

B. Committee Organization

Each committee shall determine its own rules and order of business unless otherwise provided by the Charter or by law. The agenda and minutes shall be kept as required by State Law, as amended. A chair and secretary shall be elected annually in accord with the committee's rules of procedure.

C. Quorum

A majority of the members of a committee shall constitute a quorum, but a smaller number may adjourn from time to time until a quorum is achieved. No other action taken by a number of members smaller than the quorum shall be valid or binding.

D. Council

The provisions of **§ 8.13** shall not apply to the Council to the extent that they are inconsistent with other provisions of this Charter.

§ 8.14. Land Use Ordinances

All land use regulations and ordinances, including the adoption of the zoning

ordinances and amendments by referendum, must be adopted pursuant to State Law. They shall be acted upon by official ballot in accordance with provisions of this Charter and the procedural requirements of Chapter 675 shall apply.

ARTICLE 9 - Administrative and Judicial Boards

§ 9.1. Administrative Committees, Boards and Commissions

A. Planning Board

There shall be a Planning Board, whose powers and duties are provided by State Law. The Planning Board shall consist of seven (7) members, of whom six (6) are elected and one (1) are ex officio. The six (6) elected members shall be elected for staggered three (3) year terms. The one (1) ex officio member shall consist of a Councilor designated by the Council for a one year term. There shall also be three (3) alternate appointed members appointed by the Board for terms of three (3) years, except that initial appointments shall be staggered so that no more than two (2) appointed members shall have terms that expire in a single year. The Board shall fill any vacancy for the period of the unexpired term pursuant to the provisions of RSA 673:12, I.

B. Conservation Commission

There shall be a Conservation Commission shall consist of six (6) members, of whom five (5) shall be appointed by the Council and one (1) are ex officio. The five (5) appointed members shall be appointed by the Council for terms of three (3) years, except that initial appointments shall be staggered so that no more than two (2) appointed members shall have terms that expire in a single year. The one (1) ex officio member shall consist of a Councilor designated by the Council for a one year term. There shall also be three (3) alternate appointed members appointed in the same way as regular appointed members, except no more than one alternate appointed member's term shall expire in a single year. Vacancies shall be filled pursuant to the provisions of RSA 673:12, II.

C. Other Administrative Committees

Other administrative boards and committees may be established as necessary by the Council.

§ 9.2. Zoning Board of Adjustment

There shall be an elected Zoning Board of Adjustment consisting of seven (7) members each serving a three (3) year term. There shall also be five (5) alternate appointed members appointed by the Board of Adjustment each serving a three (3) year term. Such terms shall be staggered. The Board of Adjustment shall fill any vacancy for the period of the unexpired term pursuant to the provisions of RSA 673:12, I. The Zoning Board of Adjustment shall have all the powers granted to such boards under State Law.

§ 9.3. Vacancies in Elected Office

Unless otherwise specified in this Charter, or as otherwise provided by State Law, in the event of a vacancy in an elected office, board or commission of the Town, it shall be filled pursuant to the provisions of RSA 673.

§ 9.4. Vacancies in Appointed Offices

Unless otherwise specified in this Charter or as otherwise provided by State Law, in the event of a vacancy in an appointed office, board or commission, the Council shall fill that vacancy for the balance of the unexpired term.

§ 9.5. Committee Review

At least annually, and more often if town affairs require, the Council shall meet with the chairs of all town committees to review significant actions taken by the committees, projects currently under discussion, and anticipated activity for the coming year.

ARTICLE 10 - Transitional Provisions

§ 10.1. Effective Date

This Charter shall take effect upon the certification of the adoption of the charter. Prior to that date, the Selectmen shall prepare for the transition to the new form of government.

§ 10.2. Effect on Incumbent Office Holders

The Board of Selectmen, including Selectmen elected at the 2010 Town election, shall continue in office with the duties and authority of Selectmen, but without any of the legislative authority reserved for the council, until at least a quorum of the council is

elected and certified. They may, upon affirmative vote of at least four selectmen, call a special election under the official ballot provision of this Charter.

The persons holding the following offices as a result of the 2010 Town election shall continue in those offices until the expiration of their terms and their successors are elected and certified: Moderator, Treasurer, Town Clerk, Tax Collector, Supervisors of the Checklist, Budget Committee, Planning Board, Zoning Board of Adjustment, Kelley Library Trustees and Trustees of the Trust Funds.

A person presently serving in an office or position, who would be prohibited from holding that office or position by any provision of this Charter, may resign said position or office, or may continue in said office or position until the expiration of his/her term. Notwithstanding the foregoing, no person shall hold any combination of offices or positions that are prohibited under provisions of this Charter.

§ 10.3. First Election

The Town shall conduct the first election under this Charter on the second Tuesday of May 2010 to elect Town Councilors for the following terms:

Town Councilors shall be elected for terms of 2 years on a staggered basis, under the following schedule: At the first Town election following the effective date of this Charter, there shall be elected three (3) Councilors-at-large and one (1) Councilor for each of the six (6) Districts. The terms of office for district councilors (one or two years) for the first election shall be determined by lot prior to the first filing date. The position of councilor-at-large shall be placed on the ballot as one position with three (3) to be elected. The two candidates receiving the most votes shall be elected for two-year terms and the candidate receiving the third highest number of votes shall be elected to the one-year term.

All election officers holding office prior to and at the time of the first election held under this Charter shall conduct such election and shall have all the powers granted to them under New Hampshire State Law for such purposes and shall have all the powers that are granted to their successors under this Charter which are necessary to conduct properly such first election.

§ 10.4. Abolition of Certain Boards and Officials

Effective immediately upon a quorum of the Town Councilor's being certified the Board of Selectmen will be abolished.

§ 10.5. Continuation of Government

All members of the Town government, elected or appointed, except those abolished by this Charter, shall continue to perform their duties until reappointed, reelection, or until successors to their respective positions are duly appointed, elected and certified or their duties have been transferred. The Board of Selectmen and the successor Town Council shall take whatever measures are necessary to effectuate an orderly transition and shall take whatever actions are necessary to enable such transitions in office to comply with the provisions of this Charter.

The Administrative Code in effect on the date of the adoption of this Charter shall remain in effect until such time as the Town Council shall adopt a proposed Administrative Code.

§ 10.6. Councilor Salaries

The salary to be paid each Town councilor shall not exceed \$1500.00 per annum. Such salaries shall continue until changed by the Town Council pursuant to § 3.5. of this Charter.

§ 10.7. Continuation and Compensation of Personnel

Until expressly changed after the effective date of this Charter, the compensation of all officers, departments heads, and employees of the Town shall be the same as that in effect on June 30, 2010.

Any person holding an office or position in the administrative service of the Town, or any person serving in the employment of the Town shall retain such office or position and shall continue to perform his duties until provisions shall have been made in accordance with the Charter for the performance of the said duties by another person or agency; provided, however, that no person in the permanent full-time service or employment of the Town shall forfeit his pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as is practical.

Removal of personnel for such issues as inefficiency, poor performance, violation of policies and procedures, or other disciplinary reasons, in effect at the time of the adoption of this Charter, shall not be prohibited, provided that the continued or interim policies and/or contracts are followed.

§ 10.8. Transfer of Records and Property

All records, property, and equipment of any Town agency, the powers and duties of which are assigned in whole or part to another Town agency, shall be transferred forthwith to the Town agency to which such powers and duties are assigned.

§ 10.9. Effect on Obligations, Taxes and Other Legal Acts

All official bonds, recognizance, obligations, contracts, and other instruments entered into or executed by or to the Town before its adoption of this Charter; all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the Town shall be enforced and collected; and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the Charter; and no legal act done by or in favor of the Town shall be rendered invalid by the adoption of the Charter.

§ 10.10. Conflict Resolved in Favor of the Charter

To the extent that there is any conflict between the Charter and any continued code, ordinance, policy or procedure, the Charter shall prevail.