

**MINUTES OF THE
SALEM CHARTER COMMISSION**

**REGULAR MEETING OF
AUGUST 13, 2009 7:00 P.M.**

The Charter Study Commission held a meeting on Thursday, August 13, 2009 at Knightly Meeting Room, 33 Geremonty Drive, Salem, NH 03079.

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

CALL TO ORDER

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

1. Approval of Minutes

Approval of the minutes of the August 6th meeting was deferred until the next meeting.

2. Review and Act on Proposed Charter Commission Rules of Order

MOTION: by Mr. Barnes

Move to adopt the Charter Commission Rules of Order as proposed

SECOND: Mr. Lyons

Discussion:

Chairman Campbell referred to page 2 and the section on meetings. He suggested inserting a period after 'all meetings are open to the public' and striking the balance of the sentence.

Referring to page 3 and the 'schedule of meetings', Chairman Campbell asked the rest of the Commission whether they were prepared to sit down and set a schedule. There followed a discussion in which there was consensus that they should hold meetings on the 2nd and 4th Thursdays of the month and could add additional meetings on an ad hoc basis if required.

Referring to the section on voting and roll call, Mr. Barnes suggested amending this to remove section C. (x).

There was a discussion regarding the section on obtaining the floor, and the members agreed this section should be left unchanged.

Messrs. Barnes and Lyons withdrew the motion on the floor and it was restated as follows:

MOTION: by Mr. Barnes

Move to adopt the Charter Commission Rules of Order as amended

SECOND: Ms. Stacey

VOTE: 9-0-0

The motion carried unanimously.

1 **3. Begin the Process of Determining Provision of the Charter**

2 Chairman Campbell suggested that, based on Mr. Lyon's motion at the last meeting to
3 proceed with a town council with official ballot, they now need to determine what should go
4 into the charter. He handed out a document he had put together from the statutes outlining
5 the options available, explaining the content and stating the Commission needed to determine
6 a consensus on direction. He then asked for input from the members.

7 ***Discussion:***

8 Mr. Hargreaves suggested there should be six wards with two councilors per ward and they
9 should look at population balance. There followed a discussion on how population balance
10 could be achieved. Mr. Lyons stated he was in favor of a five person 'at large' council. Mr.
11 Barnes stated he would favor a nine person 'at large' council. Mr. Breen stated he agreed on
12 nine councilors and Mr. Ganley stated he would also be more comfortable with nine. He also
13 stated he was unsure regarding whether these should be 'at large' or districts, but was leaning
14 towards 'at large'. Ms. Stacey suggested combining both by having a certain number of 'at
15 large' councilors as well as districts. Chairman Campbell stated he thought 15 would be a
16 good number as it would provide an opportunity and incentive for different people who could
17 bring something new to the community encourage people to participate. There followed a
18 discussion regarding the advantages and disadvantages of a large council.

19 There was a discussion on term of office for councilors, with a consensus that there should be
20 staggered terms. Some of the members felt the number of councilors tied in to whether there
21 were wards/districts and/or 'at large' representatives. Mr. Barnes offered to look into wards
22 as an option and what the issues might be. He agreed to report back on August 27th. Mr.
23 Lyons stated he thought the 1988 Commission had looked at this issue and there might be
24 information available which Mr. Barnes could use.

25 ***Action: Mr. Barnes***

26 In response to a query from Mr. Hargreaves regarding why Derry is trying to get out of their
27 charter, Chairman Campbell referred him to the Derry report from their charter study
28 commission on the DVD he had distributed to the members.

29 There was a discussion on the annual budget and designation of the fiscal year in which Mr.
30 Lyons pointed out that last year's committee had investigated changing the fiscal year and
31 had found a number of disadvantages which the members then discussed in more detail.
32 Chairman Campbell suggested they leave the fiscal year as it is for now, pointing out they
33 could revisit this in the future.

34 Chairman Campbell pointed out the election date will not change. He also stated the town
35 already has solid procedures for issuing bonds and notes which just need to be included in the
36 charter. Regarding bonding of town officials and town audits, Chairman Campbell
37 confirmed there is no need to change the current system.

38 Chairman Campbell raised the matter of the Right to Know Law, stating he felt there should
39 be something in the charter on how the town will apply the statute and providing direction on

1 using public e-mail for private use. There followed a discussion regarding whether the
2 charter needed to address this issue in detail or simply refer to the statute.
3

4 Chairman Campbell stated they needed to define what would be included on the official
5 ballot with a town council and there was a discussion about the types of things which should
6 appear on the ballot with each member weighing in as follows:
7

8 Mr. Barnes stated the council should have the authority to act on things like the recent
9 stimulus package. Ms. Stacey clarified the council should have authority to act on those
10 things which would not impact the tax rate after the budget has passed and Mr. Ganley
11 agreed. Chairman Campbell voiced his concern that things like water and sewer were
12 susceptible for abuse. Mr. Stephen Campbell stated he was against the governing body
13 having the authority to override the will of the people. Chairman Campbell noted there was a
14 consensus that no-one wished to allow a council to make appropriations. Mr. Ganley stated
15 there should however be some avenue to pursue in an emergency situation and Mr. Lyons
16 agreed, providing the example of the 2006 flood and the necessity that year to cannibalize the
17 road program because presently there is no recourse in emergency situations. Chairman
18 Campbell suggested the charter could have a provision for the council to call an official
19 ballot election in an emergency. There followed a brief discussion regarding the process for
20 a council to declare a state of emergency.
21

22 Chairman Campbell stated he had some ideas regarding the budget finalization process, and
23 there would be no need for a second town meeting if things are on the ballot. He also talked
24 about the default budget process. Mr. Stephen Campbell stated he did not think they had the
25 power to get rid of the deliberative session and there followed a discussion regarding the
26 response they had received from Attorney Connell on this and whether they wished to pursue
27 the matter. Chairman Campbell agreed to craft a proposition for defining the budget
28 finalization process for debate at the next meeting.
29

Action: Chairman Campbell

30 Chairman Campbell stated they would need to discuss the budget process, in particular
31 regarding who decides what the final budget is and to put a provision in the charter. He also
32 stated they would need to look at procedures for the transfer of funds and how financial
33 issues which arise during the year should be handled. It was suggested that if an issue is not
34 listed under what needs to be on the ballot, the council should have the power to deal with it.
35

36 Chairman Campbell raised the issue of the bond vote and whether this should be two thirds
37 or three fifths and there followed a discussion of both and the advantages and disadvantages
38 of bonding. Mr. Lyons suggested deferring this topic to a later date. Messrs Ganley and
39 Stephen Campbell explained their preference for a three fifths bond vote.
40

41 **4. Identify Tasks for Members Regarding Charter Sections**

42 Chairman Campbell asked the members whether they wished to do specific tasks and they
43 volunteered as follows:
44

45 a. Conditions for holding office – ***Action: Ms. Cooke and Mr. Hargreaves***

46 b. Transition provisions – ***Action: Ms. Stacey***

- 1 c. Budget process and the process for public hearings – *Action: Chairman Campbell*
- 2 d. Procedures for the transfer of funds – *Action: Mr. Barnes*
- 3 e. Ethics – *Action: Messrs Breen and Ganley*
- 4 f. At large districts – *Action: Mr. Barnes*
- 5 g. Research into what should go on the official ballot – *Action: Mr. Lyons*

6

7 **5. Review Plans for next meeting**

8 There was discussion on time frame regarding the research the members had agreed to do
9 and there was consensus that information should be distributed to everyone on the
10 Commission as it is completed.

11

12 • **Upcoming Meetings**

13 o August 27, 2009

14

15 **MOTION:** by Ms. Stacey

16 *Move to adjourn*

17 **SECOND:** Mr. Hargreaves

18 **VOTE:** 9-0-0

19 **The motion carried unanimously.**

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21 Without further business, the meeting adjourned at 9:24 p.m.

22

23 Notes/Minutes Taken by: Sandra Maxwell

24

25 Approved: Salem Charter Reform Commission

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27 Date: August 27, 2009