

**MINUTES OF THE
SALEM CHARTER COMMISSION**

**REGULAR MEETING OF
AUGUST 27, 2009 7:00 P.M.**

The Charter Study Commission held a meeting on Thursday, August 27, 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, William Ganley (joined the meeting late)

ABSENT: Annette Cooke, 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

MOTION: by Mr. Lyons

Move to approve the minutes of the Charter Commission meeting on August 13, 2009

SECOND: Mr. Breen

VOTE: 6-0-0

The motion carried unanimously.

MOTION: by Mr. Lyons

Move to approve the minutes of the Charter Commission meeting on August 6, 2009

SECOND: Mr. Breen

VOTE: 6-0-0

The motion carried unanimously.

Chairman Campbell reviewed the agenda items for the meeting.

2. Review Progress Schedule and Schedule of Meetings

Chairman Campbell went through the calendar and schedule of meetings for the Commission which he had distributed, stating he would suggest working towards a completion date of November 5 for the preliminary report, and a final report due on January 5, 2010. He confirmed a meeting schedule as follows:

- 2nd and 4th Tuesdays in September and October
- November 12, 2009
- Additional meeting as needed.

He also ran through a list of expected action items to be completed between meetings.

1 **3. Review Reports & Actions Taken Since August 13th Meeting**

2 Mr. Barnes began by explaining the work he had carried out with respect to 'at large'
3 districts and wards. He provided for the members a map of the town's current voting
4 districts. He explained the charters he had reviewed which had set up wards had balanced
5 these by population, but that to set up wards within Salem in this way would be a major
6 undertaking. He also pointed out it would be necessary to include some housing units from
7 the east side of Route 28 in the ward which would contain the west side of Route 28 and this
8 would result in some people not being able to vote at the location closest to them.
9

10 Chairman Campbell suggested the members come to a consensus with regard to whether the
11 town should follow 'at large' representation or wards before going any further and asked for
12 input.
13

14 **Discussion:**

15 The members stated what their preference would be, providing reasons. Chairman Campbell
16 asked for a motion to obtain an idea of consensus, stressing that this was not a final decision,
17 but he wanted to get to the point where one of the members could write a section pertaining
18 to this for the charter. Mr. Barnes moved for 'at large' representation, but the motion failed
19 for lack of a second. Mr. Lyons suggested they discuss and agree on the number of
20 councilors prior to making a decision on wards or 'at large' representation.
21

22 There followed a discussion on the ideal number of councilors with various members
23 providing reasons for their preference. Chairman Campbell suggesting determining whether
24 or not the current members of the Board of Selectmen be permitted to complete their current
25 terms of office.
26

27 **MOTION:** by Mr. Hargreaves

28 ***Move that under the new Charter with Town Council the current Selectmen shall not
29 continue as Councilors until the end of their term***

30 **SECOND:** Mr. Lyons

31 **Discussion:**

32 Members of the Commission discussed the options and how other elected Boards and
33 Committees operate.

34 **VOTE:** 7-0-0

35 **The motion carried unanimously.**

37 **MOTION:** by Mr. Hargreaves

38 ***Move that under the new Charter with Town Council the Town Clerk shall be an elected
39 position***

40 **SECOND:** Mr. Stephen Campbell

41 **Discussion:**

42 In response to a query from Mr. Lyons as to why members felt this should be an elected
43 position, members of the Commission provided their reasons.

44 **VOTE:** 7-0-0

45 **The motion carried unanimously.**

1 **MOTION:** by Mr. Hargreaves

2 *Move that under the new Charter with Town Council the Tax Collector shall be an elected*
3 *position*

4 **SECOND:** Mr. Stephen Campbell

5 **VOTE:** 7-0-0

6 **The motion carried unanimously.**

7 **MOTION:** by Mr. Hargreaves

8 *Move that under the new Charter with Town Council the Planning Board shall be elected*

9 **SECOND:** Mr. Stephen Campbell

10 **Discussion:**

11 Mr. Lyons stated he did not believe it was within the remit of the Commission to make this
12 decision and Chairman Campbell responded that as long as the Planning Board remain
13 elected it would not have any negative effect.

14 **VOTE:** 6-0-1 (Mr. Lyons abstained)

15 **The motion carried.**

16 **MOTION:** by Mr. Hargreaves

17 *Move that under the new Charter with Town Council the Board of Adjustment shall be*
18 *elected*

19 **SECOND:** Mr. Stephen Campbell

20 **VOTE:** 6-0-1 (Mr. Lyons abstained)

21 **The motion carried.**

22 **MOTION:** by Mr. Hargreaves

23 *Move that under the new Charter with Town Council all other Boards and Committees*
24 *shall remain as is, appointed or elected*

25 **SECOND:** Mr. Stephen Campbell

26 There followed a discussion regarding the remaining Boards and Committees. Mr. Barnes
27 put forward an amendment to the motion on the floor regarding the Conservation
28 Commission. Following discussion it was agreed to deal with the Conservation Commission
29 under a separate motion.

30 **VOTE:** 7-0-0

31 **The motion carried unanimously.**

32 **MOTION:** by Mr. Hargreaves

33 *That the Conservation Commission shall be elected under the new Charter with Town*
34 *Council*

35 **SECOND:** Mr. Barnes

36 Mr. Barnes provided the reason for his motion. There followed a discussion by the members
37 on the merits of making this change.

38 **VOTE:** 3-4-0 (Messrs. Barnes, Stephen Campbell and Hargreaves voted for the motion)

39 **The motion was defeated.**

40 **MOTION:** by Mr. Hargreaves

1 ***Move that there shall be an RSA 32:16 Budget Committee under the new Charter with***
2 ***Town Council***

3 **SECOND:** Mr. Stephen Campbell

4 Chairman Campbell explained why he believed RSA 32:16 could not operate under the
5 proposed form of government. There followed a discussion for and against a Budget
6 Committee under the proposed new form of government. Chairman Campbell again stressed
7 that none of the voting decisions were cast in stone and could be changed later if necessary.
8 He also explained that the provisions he was proposing would allow the voters to decide on
9 the budget.

10 **VOTE:** 2-4-1 (Messrs Stephen Campbell and Hargreaves voted for the motion and Mr.
11 Breen abstained)

12 **The motion was defeated.**

13 There was further discussion in which Mr. Breen stated he felt voting on this motion was
14 premature as they had not yet decided on number of councilors. Chairman Campbell stated
15 that any member could revisit this or any motion at any time.

17 **MOTION:** by Mr. Hargreaves

18 ***Move that there shall be nine councilors under the new Charter with Town Council***

19 **SECOND:** Mr. Barnes (for discussion)

20 Mr. Hargreaves stated he had made the motion in order that they could discuss it. Mr. Lyons
21 stated he would like to see the motion withdrawn, explaining he thought the decisions
22 regarding number of councilors, Budget Committee and districting should be discussed again
23 with a full Charter Committee present. Messrs Hargreaves and Barnes agreed to withdraw
24 the motion and second and Chairman Campbell agreed to put number of councilors, Budget
25 Committee and districting on the agenda for the next meeting.

27 Chairman Campbell presented possible dates for the election of the new form of government,
28 the effective date of the charter and the transition plan. He explained for Mr. Hargreaves that
29 the existing selectmen would cease to be in office in June if the charter passes and there was
30 further discussion with the other Commission members for clarification regarding the overall
31 schedule and transition process.

33 Chairman Campbell delegated the task of crafting restraints for the transition period in time
34 for the next meeting.

36 **MOTION:** by Selectman Hargreaves

37 ***Move that the effective date of the Charter shall be after the election is certified for the***
38 ***purpose of implementing the transition, and further that the effective date that the***
39 ***councilors shall take office shall be June 30th, 2010***

40 **SECOND:** Mr. Barnes

41 There followed a discussion about the cutover date between the existing Board of Selectmen
42 and the new councilors taking office.

43 **VOTE:** 7-0-0

44 **The motion carried unanimously.**

1 **4. Review of Edited Londonderry Charter**

2 Chairman Campbell began to go through the edited document he had produced based on the
3 Londonderry Charter with the Commission members. Mr. Stephen Campbell clarified that
4 the section pertaining to what can go on the official ballot is where the second deliberative
5 session had been taken out. Chairman Campbell stated he had worked around the ordinance
6 section and explained the things he had added which would require going to the voters with
7 and he discussed these with the members, clarifying issues where necessary. Chairman
8 Campbell asked the Commission members to review the document and bring any suggestions
9 they might have to the next meeting.

10 Chairman Campbell then went over the sections which relate to the budget process,
11 explaining things in more details where necessary and inviting questions from the members.
12 Mr. Stephen Campbell talked about some of the difficulties around setting a default budget.
13 Chairman Campbell suggested they need to work on what the rules would be for establishing
14 the default budget. He clarified that the final date for the council submitting the budget
15 should be no later than the day prior to the councilors filing for office.

16 Selectman Hargreaves confirmed that the members had received an e-mail from Ms. Cooke
17 regarding the conditions for holding office and suggested they discuss this at the next
18 meeting. He explained that one of the conditions states that an existing selectman wishing to
19 stand for office as a councilor must give up his selectman's position prior to the election
20 which led to a discussion about the practicalities involved during the transition process.

21 Chairman Campbell asked the members for their input regarding the structure of what he had
22 proposed during the meeting. He asked the members to send him their suggestions, stating
23 he would then insert them into the charter document he had begun to draft.

24 **5. Review Meeting Schedule**

25 Mr. Hargreaves raised the point that the September 10 meeting would conflict with the
26 Budget schedule and there was a discussion about possible dates for rescheduling. Mr.
27 Hargreaves put forward a motion, seconded by Mr. Barnes to reschedule to September 3 and
28 this was subsequently rescinded when the Board of Selectmen budget schedule was found to
29 conflict with that date also.

30 **MOTION:** Selectman Hargreaves

31 Move to reschedule the September 10, 2009 meeting of the Charter Commission to
32 September 17, 2009

33 **SECOND:** Mr. Barnes

34 **VOTE:** 7-0-0

35 **The motion carried unanimously.**

36 **6. Identify Tasks for Members Regarding Charter Sections**

37 Chairman Campbell asked the members whether they wished to do specific tasks and they
38 volunteered as follows:

1 a) Create a spreadsheet from the federal data to provide a list of addresses for overlaying
2 onto district information - **Action: Mr. Barnes**

3 b) Look at items which should go on the official ballot - **Action: Mr. Barnes**

4 c) Look at the requirements for the default budget - **Action: Mr. Barnes**

5 • **Upcoming Meetings**

6 o September 17, 2009

7 o September 24, 2009

9 **MOTION:** by Selectman Hargreaves

10 *Move to adjourn*

11 **SECOND:** Mr. Barnes

12 **VOTE:** 7-0-0

13 **The motion carried unanimously.**

15 Without further business, the meeting adjourned at 9:32 p.m.

17 Notes/Minutes Taken by: Sandra Maxwell

19 Approved: Salem Charter Reform Commission

21 Date: September 17, 2009