

**MINUTES OF THE
SALEM CHARTER COMMISSION**

**SALEM TOWN HALL
GEREMONTY DRIVE
SALEM, NH 03079**

**MEETING OF
OCTOBER 1, 2009
7:00 P.M.**

The Charter Study Commission held a meeting on Thursday, October 1, 2009 at Knightly Meeting Room, 33 Geremonty Drive, Salem, NH 03079.

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

CALL TO ORDER

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

1. Approval of Meeting Minutes

There were no minutes available for approval.

2. Budget Committee

Chairman Campbell reviewed the Commission's progress so far. He reviewed a handout he had distributed with the agenda which outlined the school and town processes with respect to the Budget. He also reviewed the options available for putting the budget on the ballot for the benefit of the members. He asked for input from the members regarding how the town should arrive at a budget.

Ms. Cooke and Mr. Hargreaves provided feedback from their discussions with Londonderry officials pertaining to their budget process. Chairman Campbell and Mr. Hargreaves confirmed the Londonderry Town Council decides on the budget figure to go on the ballot. Ms. Cooke noted Londonderry has a 60% requirement for the passing of bonds.

The members provided their opinions relating to a Budget Committee.

MOTION: by Mr. Hargreaves

Move that the Charter Commission does hereby recommend that the Charter for Town of Salem should include adoption of an RSA 32 Budget Committee

SECOND: Mr. Stephen Campbell

There was further discussion regarding the implications upon the rest of the Charter if there is an RSA 32 Budget Committee. Chairman Campbell stated it would be necessary to look at RSA 32 for areas of conflict and make exceptions as necessary.

VOTE: 9-0-0

The motion carried unanimously.

3. Process for Putting the Budget on the Ballot/Default Budget

Chairman Campbell recommended there should be strict rules in place within the Charter with respect to the default budget. There was discussion about the advantages and disadvantages of deliberative sessions and options for amending the budget.

MOTION: by Mr. Barnes

Move that the Charter Commission does hereby recommend that the Town of Salem should adopt a Town Council Official Ballot form of government, with a Budget Committee and no Deliberative Session, that the Budget Committee will put the Budget on the ballot, and further that the Town Council will prepare a Default Budget to apply if the Budget fails at election, subject to strict rules within the Charter

SECOND: Mr. Lyons

Mr. Stephen Campbell stated he would not support this as it was taking rights away from the voters.

VOTE: 5-4-0 (Ms. Cooke, Ms. Stacey and Messrs Stephen Campbell and Hargreaves opposed the motion)

The motion carried.

Ms. Stacey agreed to define the responsibilities of the Budget Committee within the Charter.

MOTION: by Mr. Breen

Move to reconsider the action of the Charter Commission with regard to the number of Councilors

SECOND: Mr. Ganley (for discussion)

Messrs. Breen and Ganley stated their previous vote on the number of Councilors was based upon there being no separate Budget Committee and would like the opportunity to re-open the issue of number of Councilors again.

VOTE: 4-5-0 (Messrs. Lyons, Breen and Ganley voted for the motion)

The motion failed.

4. Chapter 49-D Local Options

Chairman Campbell referred the members to a hand out on local options for Charters according to the statutes, stating he would like to review these in conjunction with the edited Londonderry Charter and have the members vote on the various matters to be included in the Salem draft Charter.

MOTION: by Mr. Hargreaves

Move that the Charter Commission does hereby recommend that the Town of Salem establish an Official Ballot Town Council as described in RSA 49-D: 3, I-a, and the Chairman of the Council shall be elected for a term of one year

SECOND: Ms. Stacey

VOTE: 9-0-0

The motion carried unanimously.

MOTION: by Mr. Hargreaves

Move that the Charter Commission does hereby recommend that the Town of Salem fill vacancies on the Council in accordance with RSA 49-C, and as outlined in §3.4 of the draft Charter

SECOND: Mr. Breen

VOTE: 9-0-0

The motion carried unanimously.

MOTION: by Mr. Hargreaves

Move that the Charter Commission does hereby recommend that a quorum of the Council shall be six (6)

SECOND: Mr. Breen (for discussion)

The motion was withdrawn and restated as follows:

MOTION: by Mr. Hargreaves

Move that the Charter Commission does hereby recommend that a quorum of the Council shall be five (5)

SECOND: Mr. Breen

VOTE: 9-0-0

The motion carried unanimously.

MOTION: by Mr. Hargreaves

Move that the Charter Commission does hereby recommend that there be a requirement that residents applying for the position of Councilor shall be domiciled in the Town or a district within the Town of Salem for at least one year immediately before filing for the election

SECOND: Ms. Cooke

Mr. Ganley asked for clarification with respect to whether councilors can run for office within a different district from their residence and requested further definition of the statute in this respect, and there followed a discussion to resolve this issue. Ms. Stacey referred to the charter for the town of Derry.

MOTION: by Ms. Stacey

Move that the Charter Commission does hereby recommend the following with respect to eligibility of Councilors: "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 of Salem 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. Further, 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 filled as provided for by the Charter."

SECOND: Mr. Hargreaves

VOTE: 9-0-0

The motion carried unanimously.

MOTION: by Mr. Hargreaves

Move that the Charter Commission does hereby recommend that there be an annual municipal election date of the second Tuesday in March, pursuant to RSA 669:1

SECOND: Mr. Barnes

VOTE: 9-0-0

The motion carried unanimously.

Article 6 – Conduct of Officials

Mr. Hargreaves provided feedback on Article 6, Conduct of Officials which he received from his conversations with the Londonderry Town Manager and there was discussion, with Chairman Campbell clarifying what is written in the statutes pertaining to Councilors holding a position on other boards and committees. The members also discussed whether they needed to specify all boards and committees in the Charter document.

§6.2 Conflicts of Interest - the members discussed their interpretation of this clause, and whether the wording relating to ‘disclosure’ should be changed in the interests of clarification.

§6.3 Disqualification from Decision Making Process – the members discussed their interpretation of this clause, deciding it should remain unchanged.

§6.4 Private Use of Town Property and Personnel - the members discussed their interpretation of this clause, deciding it should have exceptions for public safety employees.

§6.5 Acceptance of Gifts and Gratuities - the members discussed their interpretation of this clause, deciding it should remain unchanged.

There was a discussion for clarification regarding the version of the Londonderry Charter they were currently reviewing.

§6.7 Misuse of Information – Mr. Stephen Campbell requested clarification on the last part of the clause and Chairman Campbell noted this clause required further work.

Chairman Campbell clarified there were matters which he felt the Councilors should be left to deal with and that the Charter document need not provide details on every issue.

Article 10 Transitional Provisions

Ms. Stacey reported she would have to work further on this section due to the Commission’s vote to have two year terms of office for Councilors. The members discussed the article in its current form, obtaining clarification on the meaning of various clauses.

Effect on Incumbent Office Holders - Ms. Stacey agreed to look at paragraphs two and three of this section to ensure there is no ambiguity or conflicts with the rest of the Charter.

Mr. Barnes provided a report on what will be required to update districts and agreed to check this matter again with the IT Director.

Chairman Campbell asked the members to review amendments he had made to §3.7.1 and provide feedback as necessary. He requested that any concerns or changes the members had

1 should be e-mailed to everyone on the Commission as soon as possible so that they can be
2 reviewed and inserted into the document prior to the next meeting. Ms. Stacey offered to
3 integrate all changes into the document.
4

5 • **Upcoming Meetings**

- 6 ○ October 22, 2009
- 7 ○ October 29, 2009
- 8

9 **MOTION:** by Mr. Hargreaves

10 *Move to adjourn*

11 **SECOND:** Mr. Ganley

12 **VOTE:** 9-0-0

13 **The motion carried unanimously.**
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15 Without further business, the meeting adjourned at 9:46 p.m.
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17 Notes/Minutes Taken by: Sandra Maxwell
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19 Approved: Salem Charter Reform Commission
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21 Date: December 21, 2009