

**Minutes of the
2022 SALEM NH CHARTER COMMISSION**

**Knightly Room at Salem Town Hall
33 Geremonty Drive
Salem NH 03079**

Meeting #3: Discussion with representatives from other Communities
Towns: Derry, Newmarket, Bedford, Hudson

Thursday, June 2, 2022

Present: Bernard W. Campbell (Chair), Joe Sweeney (Vice-Chair), Bonnie Wright (Secretary), DJ Bettencourt, Kevin Breen, Joseph Feole, John Janigian, Donna Loranger, and Kelly Moss.

Mr. Janigian arrived at 7:13. Mr. Bettencourt left before the meeting adjourned at approximately 9:00.

Also Present:

Joe Devine (Salem's Assistant Town Manager)
Dave Caron (Derry Town Administrator)
Brian Chirichello (Derry Town Councilor)
Rick Sawyer (Town Manager, Bedford)
Steve Fornier (Town Manager, Newmarket)
Shawn Jasper (Former Board of Selectmen, Hudson)

The meeting was called to order by Chairman Campbell, at 7:05. Pledge of Allegiance.

Minutes:

Ms. Wright reported an error on the draft version on Page 1, Line 10. It was changed from Tuesday to Wednesday.

Motion by Mr. Sweeney to accept minutes as amended. Seconded by Ms. Loranger

Vote: 7-0-1. Mr. Bettencourt abstained. Mr. Janigian arrived after this vote.

Minutes accepted as amended.

By-Laws:

Ms. Wright OCR'd the by-laws from the 2009 Charter Commission, and they were sent to all Board members this week. Ms. Wright made suggestions for a few minor changes, which were accepted.

Motion by Mr. Sweeney to accept the Bylaws as amended. Seconded by Ms.

Loranger

Vote: 9-0-0.

1 Name plaques had been requested by a community member. Mr. Campbell had passed
2 along that request to town officials. Commission members introduced themselves

3 4 **Town Presentations**

5 [15:00 on video]

6 Assistant town manager Joseph Devine introduced representatives from four towns.

7
8 **Derry:** Town Council form of government. Town council does budget and zoning
9 ordinances.

10 **Newmarket:** Town Council government is similar to SB2, where they vote for budgetary
11 items only. Council handles zoning ordinances

12 **Bedford:** Town Council, with a budgetary traditional town meeting.

13 **Hudson:** Had a Board of Selectman, went to a Town Council, then back to a Board of
14 Selectman.

15 **Dover:** By population, the City of Dover has slightly more residents than Salem. (Only
16 the City of Rochester has fewer residents than Dover, but more than Salem.) Dover's
17 density population/square miles) is closest to Salem's. The city was invited, but no
18 representative was able to participate.

19 20 21 **Derry:**

22 [Video at 16:00]

23 Dave Caron (Derry Town Administrator)

24 Brian Chirichello (Derry Town Councilor)

25
26 Derry is as close to a city form of government as allowed by statute.

27 Derry is the fourth-largest community in the State. [Salem is seventh]

28 Derry is the largest town. [Salem is second]

29 Derry's School District is independent of the town, so not in the charter.

30
31 Charter was adopted in 1984. There have been 15 charter amendments since then, and
32 a charter revision in 1993.

33 Derry has the same form of government as Durham, a Town Council and Town
34 Administrator form of government. (RSA 49-D:31).

35 Towns must have a Chief Administrative Officer (CAO) with RSA 37 powers and duties

36 Derry has 7 Councilors. 4 elected by district and 3 at large. Staggered 3-year terms.

37 (3/2/2)

38 7 councilors is a comfortable number.

39
40 Council Chair is elected annually by Councilors.

41 Council adopts the annual budget. There is no Budget Committee.

42 Supplemental appropriations during the fiscal year must be approved by 2/3 (5 of 7)
43 councilors.

44 Council adopts Zoning ordinances throughout the year.

45 Town Administrator brings reports to the Council

Capital Improvements Plan is the responsibility of the Town Administrator, with input from the Planning Board.

Salem needs 25 people to bring forward a petition.

Derry has 4 options:

1. Any individual citizen can petition the Counsel. Council can decide what to do. No action is required.
2. At least 100 signatures. Council must have a public hearing and must act upon the petition, either up or down.
3. Initiative petition: Proactive. Requires signatures from at least 20% of the votes cast at the last regular town election. Council must pass the measure without change or they must hold a special Town election.
4. Referendum petition: Reactive petition/protest petition. Same as the Initiative petition, but this is in opposition to a decision of the Council. The measure being protested may be suspended (Council may vote to repeal their previous action). If not repealed, they must bring the issue to a special town election for the citizens to vote.

In 2015, Derry had a referendum petition.

In an effort to cut taxes, Councilors closed a fire station and laid off firefighters, policemen, and public works.

Citizens petitioned, asking for decisions to be reversed.

Council did not follow the charter (ignored petitions and refused a special election) and the Council was sued.

A special election was forced; There was a huge turnout at the special election.

Voters overturned 7 of 8 articles.

Check-and-balance system worked!

1993: A tax cap was built into the charter to prevent over/under spending. This provides more checks and balances.

Their Charter has an override feature as required by RSA.

Derry has never used the override.

Bonds require approval of 2/3 (per charter) or 3/5 (per RSA) of councilors. (both =5/7)

Bond items can go over the tax cap, but Derry does not go over.

Council can call for a referendum question before the votes.

Charter amendments must be approved by voters.

Pros:

1. A truly representative government.
2. Can be proactive on council level, not have to wait until March to vote.
3. Flexibility for operations.
4. Additional oversight on senior staff appointments.
5. Higher threshold on citizen petitions.
6. Tax Cap
7. Supermajority (2/3 of entire Council) required for critical issues

1 Cons:

2 1. Citizens have to trust the government

3
4 Town Manager vs. Town Administrator: Same authority per State Statute.

5
6 Turnout: About 10% for local elections.

7 35,000 residents. Elections can be competitive.

8
9 **Newmarket**

10 [Video: 39:17; 7:32 pm]

11 [Newmarket is the smallest community by square miles and by population that has a
12 town council.]

13 Newmarket – Steve Fornier (Town Manager)

14 Steve was hired as a Town Administrator.

15 The title was switched 1-2 years ago.

16 Traditionally a Town Administrator only gets authority as set forth by the governing
17 body.

18 Town Manager's authority is set by statute.

19 Town Admin and Town Manager are the same in NH, but across the country, a Town
20 Manager is presumed to be a more desirable position.

21 Newmarket changed the title by warrant article to amend the charter in 2020.

22
23 Newmarket is the smallest Town Council form of Government in the State

24 Third smallest, but larger than Franklin, about the size of Berlin in population, [although
25 considerably smaller by square miles.]

26 Single town school district, independent of Town government

27
28 Their Charter was adopted in 1991.

29 Their last Charter Commission was in 2013, to consider a dependent school department
30 like Derry is proposing.

31 Last amendments 2020.

32 Potential Commission in 2023.

33
34 If there is a commission in 2023, the expectation is that they will discuss the SB2 form
35 as well as a change to the Planning Board.

36 The Deliberative Session is a budget public hearing to discuss the ballot. One person
37 speaking. The longest deliberative session in the past 6 years is 15 minutes. They
38 may examine the potential of looking towards a new Commission modeling Derry.

39 They have an elected Planning Board, but the Planning Board wants to change to
40 appointed, as they have a hard time getting candidates. Those with the expertise
41 and knowledge don't want to go through the election process. It shouldn't be
42 politicized; it should be based on the skill that is had. (Zoning is already appointed.)

43 Communities around them are cities, with elections in November.

44
45 RSA 49D-3 II-a-structure: Town Council is governing and legislative body except for
46 monetary items.

1 Similar to a city form of government
2 7 councilors, all elected at large. Staggered, 3-year terms (3/2/2)
3 The Council Chair is elected annually by Councilors.
4 Budget and Bonds are handled like an SB2 community; a municipal budget committee
5 reviews the budget.
6 Budget committee has 11 members. 9 elected, 1 appointed from town council, 1
7 appointed from School Board.
8 Town manager presents a budget in October to the Town Council. By November 15,
9 they have to approve it. It goes to the Budget Committee, which triggers a
10 traditional SB2 provision.
11 Only budget and bond articles (and charter amendments) go on the ballot.
12
13 In addition to changing the title from Town Administrator to Town Manager, in 2020 they
14 also changed the time from election/appointment being sworn in. Based on the
15 cities, the new provision calls for a month of training before being sworn in, instead
16 of 4 days.
17
18 All council laws are adopted by ordinance.
19 Policies are set by resolutions.
20
21 Council confirms department heads who have been appointed by the Town Manager,
22 including Town Treasurer. (Charter says appointed, NOT nominated. None have
23 not been confirmed since Mr. Fornier has been the head of their government.) They
24 can only be removed or disciplined by the Town Manager.
25
26 Council is required to invite the School District to meet with them annually. They are a
27 single town district. They all go through the same purse.
28
29 CIP Committee submits CIP plan to Council (Planning Board is not involved.)
30
31 They have the same petition process as Derry.
32
33 Elections moved from March to May, then back to May to align with school elections.
34
35 **Advantages:**
36 Town government is a truly representative government.
37 Town can react more quickly throughout the year (ordinances can be changed
38 throughout the year)
39 Council has one employee: the manager.
40 Senior staff works for the manager, not the council. (Manager is the buffer between the
41 two.)
42 Higher threshold on citizens petitions.
43 Required to work with the School District on budgets before it gets to the Budget
44 Community.
45

1 ***“With a charter, the community can change its government to fit its needs instead***
2 ***of relying on the State.”***

5 **BEDFORD**

6 [Video: 54:10]

7 Bedford – Rick Sawyer (Town Manager)

8 William Carter (Chair of the Bedford Town Council)

9 11th largest community in the State [6 largest town]

10 The school district is separate from the town

11
12 1987 Charter first approved

13 1988 First seven at-large councilors were elected

14 Town Manager is the only employee of the Council

15 Town Manager hires and fires other employees

16
17 They have a hybrid form of government: ***Hard to explain.***

18 Budget in control of citizens at a traditional town meeting. Raise hands, and discuss,
19 until budget is passed.

20 Town Manager submits the budget to the Council in October. Two public hearings in
21 January. Council submits for Budgetary Town Meeting.

22 CIP is also part of the budget process.

23 The only things on the ballot are bond articles and zoning amendments

24 PRO of this hybrid government: With the budget and zoning ordinances, it keeps some
25 power for the people

26 The Council is the legislative body to handle all other matters.

27 The charter allows the council to refer any item to the ballot, but they have not done so.

28 First step: Ask the council to sponsor an issue. If not, then an initiative petition to force
29 the council to review it (50 signatures). Referendum is last step; requires 5% of
30 registered voters to sign the petition.

31
32 2004: On ballot: Attempt to add two amendments: 1.) to make the charter an SB2 form
33 of government like Newmarket, and 2.) to change from 7 at large to two at-large
34 councilors and 5 councilors elected at large. Both amendments failed. Council was
35 strongly opposed to both amendments. One concern was the size of the districts;
36 they would be too small. [They did not have a map.]

37
38 They do not have an Ethics committee. There has not been a need for one.

39
40 Charter was built on Durham’s charter.

41
42 Planning Board can move zoning amendments to the ballot. Two hearings.

43 Can only act once per year. No ability to move in favor of or against something that
44 would help or hurt the town.

Public input at each hearing at the start of the Council meeting. Speakers are allowed up to 5 minutes to speak for items NOT on the agenda. Unless it is a public hearing, the chair can decide to allow public comments on items that are on the agenda.

25-30% voter turnout. 32% last election. Double that in November.
60-100 or 120 to come to the traditional town meeting.

Con:

Ability to react in a timely manner.

Bond items often don't pass the first time. (60% threshold.)

People voting on the budget should be the most educated people.

Council is the most knowledgeable.

Those who come to the budgetary town meeting are the second most knowledgeable group; they know the budget very well. It's hard to explain the budget to thousands of people.

Town Manager would prefer a form of government similar to Derry's budget process.

HUDSON

[Video at 1:07:00]

Hudson – Shawn Jasper (Former BOS)

“As you go into this adventure, ask yourselves and answer the question, “What are the problems you are attempting to solve?” That is the most important thing.”

Hudson wanted to solve a personality problem. You cannot solve a personality problem by changing the form of government. Board was divided because of one instigator who caused problems.

Hudson is a large town [5th most populated town, 10th most populated community in NH).

Hudson has had many forms of Town Government:

- 3 member BOS with a town manager.
- 5 member BOS [about 1983?]
- Town Council for 7 years starting in 1985. (15 members, 9 elected from 9 districts.) Size matters. This was too big. Majority ran unopposed or were appointed because of resignations. Electing 7-9, staggered elections, is the ideal. The 15 were not staggered.
- 1992: Did away with the town council. Switched to SB 2 (Currently). Back to 5 selectmen.

A Charter was adopted March 12, 1985 [since repealed]. From the charter booklet:

“Two themes run throughout the Commission's recommendations. The first is the present town meeting no longer functions in its traditional sense as an expression of grassroots democracy. The meetings are poorly attended, and, for the most part,

1 voters are either unwilling or unable to be adequately informed on the many
2 complex issues which face the town.”
3 “The second theme is that the present executive body, the Board of Selectmen, does
4 not provide for a single, accountable individual administrator. There is no one
5 person accountable for the day-to-day governmental operations, and consequently,
6 the buck stops nowhere. The town is too large a business to be governed on an
7 administrative basis, not a policy-level basis, by part-time officials. Additional
8 professional expertise is an appropriate ingredient to town administration is
9 unavailable in the present form of government.”

10
11 Mr. Jasper had concerns about changing, but SB2 solved most of those problems.

12
13 Voters will pass a bond.

14 They have kept at the default budget for the past 2 years.

15
16 One key thing about how Hudson is so successful is they have a Town Administrator
17 that does not pretend to be a Town Manager [Edited to include
18 [https://www.nhmunipal.org/town-city-article/town-managers-vs-town-](https://www.nhmunipal.org/town-city-article/town-managers-vs-town-administrators-what's-difference)
19 [administrators-what's-difference](https://www.nhmunipal.org/town-city-article/town-managers-vs-town-administrators-what's-difference)]
20

21 Town Administrator is operating under the supervision of the Select Board

22
23 Hudson split into 9 districts.

24 Its counsel had 9 district members plus 6 at-large members for a total of 15 council
25 members who could not agree as to who would seat next to whom.

26 Town manager hired by majority vote, but could only be dismissed by a super majority
27 The chair of the council was termed president. Elevated ego. This person was seated
28 above all others.

29
30 Charter commission in 1987 attempted to address those issues.

31 1988: Charter commission considered a city form of government.

32
33 No Budget committee. Major problem. Spending went out of control.

34 In Mr. Jasper’s opinion, the people paying bills should determine the budget.

35
36 Meetings required a public session, but the public sessions didn’t require a quorum, so
37 members didn’t show up until the public session was over.

38
39 No general obligation debt (except for School)

40 Tax rate is low.

41 42 DOVER

43 [Video at 1:23:13]

44 A representative from the City of Dover was invited to participate but was unable to
45 come for this meeting.
46

Charter Commission Meeting Schedule

After discussion, the Commission agreed on a schedule of meetings for the summer:

4th meeting: Wednesday, June 15, 7pm **PUBLIC HEARING,**

Media Center, Salem High School

5th meeting: Wednesday, June 29, 7pm,

Knightly Room, Salem Town Hall

6th meeting: **Thursday**, July 7, 7pm

Knightly Room, Salem Town Hall

7th meeting: Wednesday, July 13, 7pm,

Knightly Room, Salem Town Hall

8th meeting: Wednesday, July 20, 7pm,

Knightly Room, Salem Town Hall

9th meeting: Wednesday, July 27, 7pm,

Knightly Room, Salem Town Hall

10th meeting: **Thursday**, August 4, 7pm,

Knightly Room, Salem Town Hall

11th meeting: **Saturday**, August 13, 10am, **PUBLIC HEARING,**

Media Center, Salem High School

12th meeting: Wednesday, August 17, 7pm

Knightly Room, Salem Town Hall

13th meeting: Wednesday, August 24, 7pm

Knightly Room, Salem Town Hall

Survey

The Town of Salem has an account with Survey Monkey, an app that allows the user to ask questions and compile the results in a digestible fashion. Chairman Campbell has been given access to this tool. He prepared a list of questions that he felt should be asked on the survey and distributed them to the Commissioners. The Commissioners reviewed the questions, discussed them, and made suggestions on how this list of questions might be improved.

Motion by Mr. Sweeney to allow Chairman Campbell to finalize the survey and get it out to the public via Survey Monkey as soon as possible. Seconded by Ms. Wright.

Vote: 7-0-1. Motion passed

Other Business

Mr. Bettencourt left the meeting at approximately 9:00. He has agreed to do research on the benefits of cities, such as available grants. If he is able to get it to us before the next meeting (public hearing), we will share it with the public before they speak.

Ms. Wright is working with the town to get our documents on the town's website.

[<https://www.townofsalemnh.org/charter-commission> Minutes and agendas are posted.]

Ms. Wright asked about a Facebook group for the Charter Commission. Mr. Campbell is concerned about the legality of this. We can publicly post charts and documents on our own social media pages.

To communicate with the Charter Commission:

- Email addresses are on the town website.
[\[https://www.townofsaalemnh.org/charter-commission\]](https://www.townofsaalemnh.org/charter-commission)
- Mail or drop off at Town Hall. [33 Geremonty Drive, Salem NH 03079]

MOTION BY Ms. Moss to adjourn. Seconded by Mr. Breen.

Vote: 8-0-0

Meeting adjourned at 9:25

Minutes taken by: Bonnie Wright

Minutes Approved: Salem 2022 Charter Commission

Date: June 29, 2022

Video:

The video for this meeting ends at marker 2:30:36.

The video of this meeting may be viewed at:

<https://www.facebook.com/sctv17/videos/3267620493474334>

<http://sctv-17.com/CablecastPublicSite/search?channel=1&query=Charter%20Commission>