

## Minutes of the 2022 SALEM NH CHARTER COMMISSION

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

## Meeting #12: Wednesday, August 17, 2022

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

Unable to attend: Kevin Breen,

The meeting was called to order by Chairman Campbell, at 7:00. Pledge of Allegiance.

**The next meeting is Wednesday, August 24 at 7:00 in the Knightly Room at SALEM TOWN HALL, 33 Geremonty Drive.**

## Minutes:

Correction: The last meeting will be on August 31, not August 30.

## **Meeting of August 4, 2022:**

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

**Vote:** 7-0-1. [Ms. Moss abstained as she wasn't present at this meeting.]

## Meeting of August 13, 2022:

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

**Vote:** 8-0-0.

## New Business: Review of Public Hearing

**Ms. Wright:** Many people spoke about electing councilors by all At-large vs. a mixture of at-large and by ward. I proposed a compromise (4 at large, 5 by ward.); many of those speaking to me wanted all by ward. It was a reasonable plan. People said we couldn't work with those outside our district, but I had an issue this week: Wanted to talk to state reps, but none of ours were on the committee. Contacted 6. 3 wrote back, one called. I can't vote for them, but they responded anyway. It would work. However, we agreed at the beginning that we need to pass this. We need to make compromises. We will have stuff we don't want in the charter, and we will have stuff that's not in the charter that we want. I recommend that we do all at large ... for now. There is a big difference between electing State Reps and electing Town Councilors. It would work. It makes me sad, but I recommend we elect all councilors at large.

**Mr. Sweeney:** Thank you, Bonnie. I agree. Willing to support 7 or 9 councilors. We can sell either to the people of the town. Less confusing if we elect 9, which would be three each year for three-year terms. More geographic diversity with more spots open. Nine would not be a poison pill. When we add ex-officio to the planning board, it works. This group of nine, from different areas, and different organizations; we work well together toward a common goal. We would find diversity of thought and location from more councilors. Voters can make changes in the future. Nine is a clean number.

1      **Mr. Bettencourt:** 7 or nine is fine. Round numbers, 3x3x3 makes more sense. More seats at the  
2      table makes sense. No secret that Bonnie and I see things from different perspectives, but I  
3      really respect what she has done here. The makeup of how we elect councilors is a poison  
4      pill for some people. We need to reach a 60% threshold. The makeup of the councilors has  
5      become a roadblock. What Bonnie has done here, a compromise, is Statemen-like. Thank  
6      you.

7      Proposal for a campaign finance mechanism. What has prompted this? Big signs in last school  
8      board election. Where did these candidates get their money from? State and Federal have  
9      accountability. Not opposed to that. We need clear, understandable guidelines: Every check  
10     above a certain amount? Every amount above a certain threshold? Make sure it's not too  
11     complicated. What is the enforcement mechanism? No consequences. (Peer pressure from  
12     not conforming?)

13     Ethics committee: Elected. We heard discussion about people not being qualified to serve on a  
14     committee. What would the qualification be to be elected to an ethics committee?  
15     How would the ethics committee charge? Procedure? Function? Where does it go? Appeal to  
16     Attorney General? Court? We are all for ethics and accountability. We've had incidents in  
17     town, but they have worked themselves out through the Attorney General or Court process.  
18     How would it better what we have now?

19     Cannot support putting demanded positions in our Charter. We have a budget process: Staff to  
20     town Manager to Selectmen to Budget Committee to Citizens at Deliberative Session to  
21     Citizens on election day in March. Cannot support putting financial decisions in the Charter.  
22     Those in charge of the budget process should have the flexibility to do what they think is  
23     right.

24     Discussion/confusion about the Warrant Article process at the public hearing. I've read it. I  
25     understand it. The folks who will vote on this charter need to understand this process. We  
26     need a subcommittee. Can we explain it in a 30-second elevator pitch? If not, we need to  
27     narrow it down.

28     **Ms. Lorranger:** Thanks to Bonnie for addressing the districts. I get the same comments. I'm  
29     proud that we discussed it, and brought it to light. It's great how we have all agreed that we  
30     need to get to the 60% threshold. Thanks, again. Done very well.

31     Ethics committee and Campaign Finance rules. We did discuss it last time. Needs more work.  
32     Need remedies for Ethics Committee. This came from other towns; we can find out what  
33     they did.

34     **Ms. Moss:** 7 vs. 9 councilors: Prefers 9 because of the slide show at the public hearing showing  
35     the per person representation. Based on the size of the Town of Salem, 9 is more in line with  
36     the per person representation we see in other towns across the state. Likes the 3x3x3 as  
37     well.

38     **Mr. Janigian:** 7 vs. 9 councilors: A little torn, but prefers 7. Does keep thinking about keeping  
39     changes minimal. Thanks, Bonnie about not pushing the wards; it echo what the voices in  
40     general have said. What problems are we trying to solve? Five Selectmen isn't enough. We  
41     don't get many running for Selectmen for just 5.

42     **Mr. Campbell:** Odds are better if you are running for 3 seats. It might encourage more to run.

43     **Mr. Feole:** Prefers 7 for smaller changes. We can always go to 9 later with an amendment.

44     **Ms. Wright:** Running against an incumbent is challenging. Easier to run if there are 9. Easier for  
45     more people to feel they have a chance of running. However, the more councilors, the more  
46     expensive. 7 vs. 9 is \$6,000 more. How important is that?

47     **Mr. Bettencourt:** Fair point, but we can always find the money. No one will notice. Don't let that  
48     be a reason. The financial aspect should not be the driving factor.

49     **Mr. Campbell:** Validity in reviewing Ethics Committee more closely. The language came from  
50     Merrimack.

1      Communications Committee as suggested by Ms. Donnelly. Can we create the same goals –  
2      better communications -- without hiring a person?  
3      Previous draft had language about mailing out tax info. A sunset provision was suggested.  
4      Possibly require a warrant article to let voters decide if it should be renewed.  
5      **Ms. Wright:** Rather than sending multiple pieces in an envelope is expensive, send a postcard,  
6      advising that info is available, and where to find it. Would save a lot of money.  
7      **Ms. Loranger:** Thinks mailing info is suitable money well spent. Likes Ms. Donnelly's idea of a  
8      communications. Facebook is covered, need to think outside the box/  
9      **Mr. Campbell:** Explained proposed language for Communications Committee. (Section 9.1  
10     Administrative Committees C: Communications Committee)  
11     **Ms. Moss:** Likes the idea of a Communications Committee. Not everyone, especially younger  
12     people, are not on Facebook. We need other ways. Supports sending out ballots. It shouldn't  
13     be an issue. If an additional \$6,000 for councilors can be found, so can \$4,000 for a mailing.  
14     Leave it without a sunset; Let it sunset naturally. Let Communications Committee look for  
15     other options.  
16     **Mr. Campbell:** Let's start at the beginning.  
17     **Mr. Bettencourt:** Take responsible measures to help people understand that we have an  
18     election, and what is on the ballot. Prefers a sunset provision, but not worth fighting. A  
19     postcard is reasonable, a happy medium. Offers info to let voter be an informed voter. A fair  
20     compromise.  
21     **Ms. Wright:** The price we received from Mr. Devine for mailing tax bills: Did it include the total  
22     cost (Envelope, paper, printing, labor) or just postage? Can we get that info before we make  
23     a final decision?  
24

## 25     **Review of Draft of Charter [Video at 44:15]**

26     Chairman Campbell lead the Commissioners through a discussion about the draft of the charter.

### 27     **Article 1:**

28     Agreed as written (same as was approved by Attorney General in 2009).

### 29     **Article 2:**

30     **Ms. Moss: Campaign Finance:** Add Council shall "adopt within one calendar year."

31     **Ms. Wright:** Instead of Town Council, give it to Ethics Committee?

32     **Mr. Campbell:** Need to make more decisions on Ethics Committee before deciding.

### 33     **Article 3: Town Council:** 9 or 7 at large. Good arguments both ways.

34     **Mr. Feole:** 7 is an easier sell. 9 gives more ammunition

35     **Ms. Wright:** Transparency, backboard deals. More councilors is more transparency.

36     **Mr. Sweeney:** Felt he made a good argument for 9, but agrees with Mr. Feole re: 7 is more  
37     incremental. Wants to hear from Mr. Breen.

38     **Mr. Bettencourt:** Question to Mr. Feole: Do you have a reason why you think 7 is better than 9?

39     **Mr. Feole:** 7 is more incremental. 5 to 7 is smaller.

40     **Mr. Bettencourt:** 7 or 9 is fine. Let's hear from Mr. Breen.

41     **Ms. Moss: 3.3.4:** One year delay for a Town Councilor to take a position. is duplicated in another  
42     location.

43     **Mr. Campbell:** Was part of the 2009 proposal.

44     **Ms. Moss:** Would give an appearance of unethical behavior.

45     **Mr. Feole:** Agrees with Ms. Moss.

46     **Mr. Janigian:** Is starting salary for councilors listed anywhere?

1   **Mr. Campbell:** In the Transitional piece, it states \$3,000. Clarification for Ms. Moss: Approve a  
2    change in salary in 2023, would not go into effect until it is added to the budget in 2024.  
3    Clarification for Mr. Sweeney: Selectmen do currently get expenses.  
4   **Ms. Moss:** **3.7.2: Posting proposed ordinances** must be at Town Hall and town website and  
5    other locations as recommended by State Statute or action of the town.  
6   **Mr. Campbell:** Wants to point out **3.7.1**, “Things that would be placed on the ballot” which was a  
7    concern of Mr. Bettencourt:  
8   **Mr. Bettencourt:** Subcommittee to review. Some people think this is a big deal, a big difference.  
9   **Mr. Campbell:** Request Mr. Bettencourt to review this.  
10   **Mr. Sweeney:** Pointing out that this board did not create the Emergency Ordinances.  
11   **Mr. Campbell:** It's very standard in most or all charters.

## 12   **ARTICLE 4 - Administration of Government**

13   **Mr. Campbell:** Pointing out that the relationship between Town Manager and Selectboard is the  
14    same as the relationship between the Town Manager and Town Council. This is dictated by  
15    law. New this week, based on the suggestion by State Rep. John Sytek: A Town councilor  
16    may be appointed to serve as Acting Town Manager. (Typo noted by Mr. Janigian; corrected.)

17   **4:10.B: Investment Advisor:** section was added.

18   **4:10.D:** Language added per Attorney General.

19   **4:11: MasterPlan**

20   **Mr. Feole:** Add “... if there has not been a MasterPlan update within the last 10 years ...”

21   **Ms. Moss:** instead of “in conjunction” change to “following.”

22   **Ms. Wright:** Typo corrected.

23   **Mr. Campbell:** Change Revision to review

## 24   **ARTICLE 5 – Finance**

25   **Mr. Janigian:** Sample ballot or postcard?

26   **Mr. Sweeney:** Postcard as Ms. Wright said with notice to find the info is cleaner. Someone might  
27    send in Sample Ballot thinking it is a real ballot. Less expensive.

28   **Team:** Reworked what info will go on postcard.

29   **Ms. Moss:** **§5.7** conflicts with **§5.3**.

## 30   **ARTICLE 6 - Conduct of Officials/Code of Ethics**

31   Should those on the ZBA not be allowed to serve on Planning Board, Historic and Conservation?

32   **Ms. Wright:** Some overlap between ZBA and Planning and Conservation. Should we include  
33    alternates?

34   **Mr. Campbell:** Keep it just Planning Board.

35   **Mr. Bettencourt:** Conservation is appointed, not elected.

36   **Ms. Moss:** How do we interpret Section C: Any person holding office shall immediately forfeit the  
37    office held prior to being elected to another office? Forfeit the office to run? Or forfeit after being  
38    elected?

39   **Mr. Sweeney:** Prior to the election.

40   **Mr. Campbell:** Reworded.

41   **Mr. Feole:** That would disqualify most of us from serving on the Charter Commission.

42   **Mr. Campbell:** Reworded again.

43   **Ms. Wright:** Any other board or commission that should be allowed? Ethics, Masterplan, Capital  
44    Improvement?

45   **Mr. Campbell:** Charter Commission is adequate.

46   **Ms. Moss:** Is there an overlap between School Board and Town offices?

47   **Mr. Campbell:** I don't think so, but I'll ask.

**§ 6.3.B: Conflicts of Interest**

**Mr. Campbell:** Reworked this section since last meeting.

**Mr. Bettencourt:** I'm fine with this. We are trying to eliminate the appearance of impropriety.

**§ 6.3.F: Conflicts of Interest**

**Mr. Feole:** Gets the point across, but broad enough.

**Mr. Bettencourt:** Concern about language "without a legitimate reason to do so."

**Mr. Campbell:** Highlight this; we'll return to it. Mr. Bettencourt hit on WHY this is there, but maybe we can rephrase.

**§ 6.3.K: Future Employment:** Agreed that it is suitable. Leave a written.

**§ 6.3.G: No Improper Gifts**

**Ms. Moss:** Mrs. Sytek brought this up.

**Mr. Bettencourt:** State sets the value at \$25 for family members or friends.

**Mr. Janigian:** Thinks it's \$50 per person.

**Ms. Moss:** Limit to meals during meetings, not gift cards. Food outside of a meeting is a gift.

**Ms. Loranger:** This works as changed.

**§ 6.4.F: Definition of Family**

**Ms. Moss:** Concern about the difference between living with a boyfriend/girlfriend vs. a tenant renting out space in the home.

Wording amended.

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

**Mr. Campbell:** Do we need to adjust the numbers?

**Mr. Feole:** I like the language and am comfortable with the numbers.

**Ms. Wright:** In §7.3A: Fixed number instead of 10%?

**Mr. Bettencourt:** Will reach out to the people who raised it as an issue to try to find common ground, if any exists. Likes the idea of a number.

**Mr. Campbell:** Was going to suggest 250.

**Mr. Sweeney:** Currently state statute is 25 voters or 2% of population, whichever is fewer. The town sizes then were much smaller. This is sticker shock, but getting 100 or 250 is pitching to the voters, will find if the petition is valid. Percentage could be daunting. 250 is fair.

**Mr. Campbell:** Referendum should match Initiative, so 250.

**Mr. Bettencourt:** Agree. Mirror each other.

**Ms. Moss:** Agree with numbers instead of percentages. Percentages disenfranchise people. Why is recall 10% of registered voters?

**Mr. Campbell:** With Ethics Committee, do we need a recall provision? If we keep it, we should go with a higher threshold.

**Mr. Sweeney:** Not opposed to 10% of registered voters, but a high number in relation to the whole of the town.

**Mr. Campbell:** Wait until next week to discuss Ethics, and this.

**Mr. Bettencourt:** Should be a number not a percentage. There could be an issue that turns out a large number of voters, and that would not be fair to those trying to get something accomplished the following cycle.

**Ms. Wright:** Referendum should be higher than Initiative. As currently written it is 10% of registered voters, not those who show up to vote. Propose 250 for Initiative, 500 for Referendum, and 1,000 for recall.

**Mr. Campbell:** 2 sides of the same coin.

**Ms. Moss:** The higher the number, the more people will see this as taking their voice away.

1      **Mr. Campbell:** Goals for next meeting: Ethics, review the numbers for **§ 7.3** and **§ 7.4**, and  
2      **Sections 8, 9, and 10.**

3

#### 4      **Public comments**

5      There is no one here to speak.

6

7

8      **MOTION BY Mr. Bettencourt to adjourn.** Seconded by Mr. Sweeney.

9      **Vote:** 8-0-0

10     Meeting adjourned at 9:02.

11     Minutes taken by:      Bonnie Wright

12     Minutes Approved:      Salem 2022 Charter Commission  
13     Date:                      August 31, 2022

14

15

16

17

#### 18      **Video:**

19      The video of this meeting may be viewed at:

20      <https://www.facebook.com/sctv17/videos/2259429500881218>

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

22

#### 23      **Charter Commission Meeting Schedule**

24

25      13<sup>th</sup> meeting: Wednesday, August 24, 7pm

26                              Knightly Room, Salem Town Hall

27      14<sup>th</sup> meeting: Wednesday, August 31, 7pm

28                              Knightly Room, Salem Town Hall