

**MINUTES OF THE
SALEM CHARTER COMMISSION**

**SALEM HIGH SCHOOL
GEREMONTY DRIVE
SALEM, NH 03079**

**REGULAR MEETING OF
SEPTEMBER 17, 2009 7:00 P.M.**

The Charter Study Commission held a meeting on Thursday, September 17, 2009 at Salem High School, Geremonty Drive, Salem, NH.

PRESENT: Robert Campbell (Chairman), Patrick Hargreaves (Vice-Chairman) Michael Lyons (Secretary), Kevin Breen, Stephen Campbell, Annette Cooke.

ABSENT: 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

MOTION: by Mr. Lyons

Move to accept the minutes of the meeting on August 27, 2009 as written

SECOND: Mr. Stephen Campbell

VOTE: 5-0-0

The motion carried unanimously.

Mr. Hargreaves arrived at 7:05

Chairman Campbell handed out a spreadsheet which he reviewed with the Committee, stating he had put it together as a record of decisions. He stated they would have to make decisions at some point and proceed as though the decision is final, but that a change could be made at a later date with a majority decision of the Commission. Chairman Campbell then opened a discussion to ascertain whether there was a preference for wards or at large councilors. Mr. Hargreaves stated they would need to agree on the number of councilors before proceeding. Mr. Stephen Campbell stated he thought that a higher number would be better, and Mr. Hargreaves suggested seven at large councilors which would give one per ward. Chairman Campbell pointed out Salem does not have equal population wards and asked how this would be handled at an election. Mr. Stephen Campbell suggested using census data, and there followed further discussion on the difficulties of setting up wards. Chairman Campbell suggested that signing up for candidacy should be in April, and that councilors would have to know which ward they are in prior to registering, and voter registrations would have to be changed. Mr. Stephen Campbell made a suggestion that the Town Manager would have to start the process before anyone knew whether the

recommended charter had passed, and Chairman Campbell pointed out this would have to be done by the Board of Selectmen as the elected body.

During the discussion Mr. Stephen Campbell voiced his concern about giving too much power to one group of people. Chairman Campbell stated the Town Manager and Board of Selectmen need to recognize that work has to begin before March and the Board of Selectmen has the power to establish voting districts currently and could balance them. Ms. Cooke suggested establishing the whole council as at large initially and establishing wards after the council takes office, and Chairman Campbell clarified they are required by statute to specify in the charter whether the council is at large or by wards. He also stated the council would have the authority to put an amendment to the charter on the ballot in 2011 to make such a change.

Mr. Breen stated he felt the number of councilors is tied in with whether they keep the Municipal Budget Committee, and should be larger if there is no Budget Committee. He stated he supported wards and suggested six wards and three at large councilors with terms of three years. Mr. Lyons stated that although he supports having five councilors, he would compromise with seven, but felt there would be logistical issues if there were nine and above, as well as some issues with staff. He stated he felt with a larger number of councilors the town would need an Assistant Town Manager and there would be a cost involved with that. In response to a query from Mr. Hargreaves regarding what would happen if the proposed charter fails, Chairman Campbell stated the current governing body would remain and the existing charter can be amended by them. Mr. Lyons stated he supported a Municipal Budget Committee within the new charter. There followed a discussion led by Mr. Stephen Campbell regarding the process of making amendments. Chairman Campbell pointed out the timeframe is tight and decisions need to be made if they do not wish to get behind schedule. Chairman Campbell stated he would like to take that question off the table.

MOTION: by Mr. Lyons

Move that it is the finding of the Salem Charter Commission that amendments to the existing Charter be handled by the existing Board of Selectmen

SECOND: Mr. Hargreaves

VOTE: 5-0-1 (Mr. Stephen Campbell abstained)

The motion carried unanimously.

MOTION: by Mr. Lyons

Move that it is the finding of the Salem Charter Commission that the new Charter being proposed shall have a Municipal Budget Committee

SECOND: Mr. Hargreaves

Discussion:

In response to queries from several member of the Commission regarding RSA 32, Chairman Campbell explained that under RSA 32 the Budget Committee today has the authority to put the budget on the ballot. He then outlined the options available under charter provisions for either finalizing the budget or putting a default budget on the ballot. There was a discussion on the practical issues relating to ensuring there is a budget on Election Day and the role of a Budget Committee under various scenarios. The members of the Commission then provided

1 their opinions on the various scenarios suggested by Chairman Campbell, asking questions
2 for clarification. Messrs. Lyons and Hargreaves then withdrew the motion and second on the
3 floor. Mr. Lyons

4
5 **MOTION:** by Mr. Lyons

6 *Move that it is the finding of the Salem Charter Commission that the Commission*
7 *proposes a Municipal Budget Committee as it is presently constituted which would have*
8 *the authority to set the Default Budget to be put on the ballot, that they favor councilors to*
9 *be elected at large, that the Town Council would have the authority to set an amendment*
10 *to the Default Budget, and further that the Budget Committee be incorporated into the new*
11 *Charter*

12 **SECOND:** Mr. Hargreaves (for discussion)

13
14 **Discussion:**

15 There followed a discussion in which various members of the Commission sought to clarify
16 what RSA 32 permits and whether Mr. Lyons' suggestion would be legal. In response to a
17 request from Mr. Breen, Mr. Stephen Campbell explained why he disagreed with the motion
18 on the floor. Chairman Campbell stated he would support the motion and then vote to obtain
19 legal counsel. Mr. Breen stated he supported the motion but was concerned that the absent
20 members be given the chance to weigh in on such an important decision. Ms. Cooke agreed
21 with Mr. Breen, stating she would also like to take a closer look at RSA 32. Chairman
22 Campbell voiced his concern regarding the time frame for the final report and the progress
23 being made by the Commission. He restated he would not stop anyone from asking to revisit
24 a topic after a vote has been taken.

25
26 **VOTE:** 3-3-0 (Ms. Cooke, Messrs. Hargreaves and Stephen Campbell opposed the motion)
27 **The motion failed for lack of a majority.**

28
29 **2. Resolve Questions Relating to Outside Legal Review**

30 **MOTION:** by Mr. Hargreaves

31 *Move to allow the Chairman of the Charter Commission to proceed in obtaining legal*
32 *counsel as to whether the drafts of the new Charter as proposed by the Commission would*
33 *be permissible*

34 **SECOND:** Ms. Cooke

35
36 **Discussion:**

37 Mr. Stephen Campbell requested that any member of the Commission be permitted to attend
38 if a meeting with counsel is set up. He proceeded to read out questions for counsel he had
39 handed out, stating he would like to see those questions specifically answered. Chairman
40 Campbell agreed to include these questions with commentary along with his own when he
41 submits them to counsel, but clarified it was not his intention to meet with counsel, as he
42 would rather send the questions to Attorney Connell from the LGC in writing and obtain
43 written answers. He confirmed he would proceed to obtain answers to any further questions
44 without having to obtain further permission from the members, and he would copy all
45 members of the Commission on any paperwork to and from counsel. There was further
46 discussion regarding this and Chairman Campbell then called for a vote.

1 **VOTE: 6-0-0**

2 **The motion carried unanimously.**

3
4 Chairman Campbell confirmed he would send something out tomorrow to get things moving.

5
6 **3. Continue with Charter Provisions**

7 Referring to his edited draft of the Londonderry Charter, Chairman Campbell opened a
8 discussion on the default budget, Article 5 – Finance (Section 2.1) relating to the
9 Commission defining ‘extraordinary one time items or earmarked items’. Mr. Stephen
10 Campbell stated it was his opinion that this would be difficult to do as the School District
11 currently has difficulty in determining and agreeing what extraordinary one time things are,
12 and there was further discussion with Chairman Campbell.

13
14 Moving on to Section 5.4 and the budget date, Chairman Campbell clarified the date by
15 which the town has to authorize a budget and there was discussion amongst the members
16 regarding this. Chairman Campbell stated he felt some of the sections need further review
17 and there was a discussion regarding the section on conflict of interest for clarification.

18
19 Mr. Stephen Campbell requested clarification regarding whether citizens’ petitions with a
20 monetary value are permitted and Messrs. R. Campbell and Breen stated it was their
21 interpretation that anything where money is to be appropriated must go on the official ballot.

22
23 In response to a request from Mr. Stephen Campbell, Chairman Campbell provided
24 clarification on the meaning of areas within the document which he had marked with arrows.

25
26 Mr. Breen obtained clarification from Chairman Campbell on how he and Mr. Ganley should
27 submit the work they are doing on the various sections.

28
29 **4. Schedule of meetings**

30 There was a discussion regarding the schedule of future meetings, conflicts and preliminary
31 report.

32
33 **MOTION:** Mr. Hargreaves

34 *Move that the Salem Charter Commission schedule meetings on the following dates at*
35 *7:00 p.m. in the Knightly Room:*

- 36 • *September 24, 2009*
- 37 • *October 1, 2009*
- 38 • *October 22, 2009*
- 39 • *October 29, 2009*

40 **SECOND:** Mr. Breen

41 **VOTE: 6-0-0**

42 Ms. Cooke suggested setting a time limit for the meetings.

43 **The motion carried unanimously.**

44
45 • **Upcoming Meetings**

- 46 ○ September 24, 2009

- October 1, 2009
- October 22, 2009
- October 29, 2009

MOTION: by Mr. Hargreaves

Move to adjourn

SECOND: Mr. Stephen Campbell

VOTE: 6-0-0

The motion carried unanimously.

Without further business, the meeting adjourned at 8:56 p.m.

Notes/Minutes Taken by: Sandra Maxwell

Approved: Salem Charter Reform Commission

Date: December 21, 2009