

**MINUTES OF THE  
SALEM CHARTER COMMISSION**

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

**MEETING OF  
OCTOBER 22, 2009  
7:00 P.M.**

The Charter Study Commission held a meeting on Thursday, October 22, 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**

**MOTION:** by Mr. Lyons

*Move to approve the minutes of the Charter Commission meeting of September 17, 2009*

**SECOND:** Selectman Hargreaves (for discussion)

As not all of the members had had the opportunity to read the minutes, they agreed to defer approval until the next meeting.

**MOTION:** by Selectman Hargreaves

*Move to defer approval of the minutes of the Charter Commission meeting of September 17, 2009 until the next meeting*

**SECOND:** Ms. Cooke

**VOTE:** 7-0-1 (Mr. Ganley abstained)

**The motion carried.**

**2. Review of Schedule and Progress of Work**

Chairman Campbell reported he had distributed copies of the work which has been completed so far on the revision of the Charter to the members. He proposed reviewing this to identify areas of agreement and areas which will require additional work/resolution. He handed out a copy of a 'milestone' schedule dated August 23<sup>rd</sup> with the statutory dates the Commission is working to, pointing out they only have 2 – 3 more meetings before the completed draft will have to be submitted to the authorities for approval/comment. He stated his goal for the meeting was to identify areas requiring additional input with dates for completion and agreement on who will complete the work. There was a brief discussion for clarification regarding how they would proceed in the meeting.

**3. Review and Acceptance of Sections of the Charter**

Following discussion of some of the sections within each article, Chairman Campbell confirmed the members were in agreement with the following as written:

- Article I, Incorporation: Town Form of Government: Power
- Article 2, Elections: Election Officials: Conduct of Elections

Ms. Stacey joined the meeting.

**MOTION:** by Ms. Cooke

*Move that the Charter Commission does approve Article 1, "Incorporation: Town Form of Government: Power" as written, and this should be incorporated into the draft of the Salem Charter*

**SECOND:** Ms. Stacey

**VOTE:** 8-1-0 (Mr. Stephen Campbell voted against the motion)

**The motion carried.**

Mr. Stephen Campbell stated he did not understand what was meant by the last sentence of §1.2.1 and therefore could not vote for Article 1.

**MOTION:** by Ms. Stacey

*Move that the Charter Commission does hereby approve Article 2, "Elections: Election Officials: Conduct of Elections" as written, and this should be incorporated into the draft of the Salem Charter*

**SECOND:** Chairman Barnes

**VOTE:** 9-0-0

**The motion carried unanimously.**

**Article 3 – Town Council**

There was discussion of §3.1, Membership: Term of Office and the members agreed this section needed to be amended as follows:

**MOTION:** by Mr. Barnes

*Move that the Charter Commission does hereby amend Article 3 §3.1, "Membership: Term of Office" to read "there shall be nine (9) Councilors, three (3) at large and six (6) in districts. The Councilors shall be elected for a three (3) year term of office with staggered terms."*

**SECOND:** Ms. Stacey

**VOTE:** 6-3-0 (Messrs. Ganley, Breen and Lyons opposed the motion)

**The motion carried.**

**MOTION:** by Mr. Barnes

*Move that the Charter Commission does hereby approve Article 3 §3.2, Organization Meeting as written, and this should be incorporated into the draft of the Salem Charter*

**SECOND:** Ms. Stacey

**VOTE:** 8-1-0 (Mr. Ganley opposed the motion)

**The motion carried.**

There was a discussion on residency and domicile and the implications for students attending colleges in other towns.

**MOTION:** by Ms. Stacey

*Move that the Charter Commission does hereby approve Article 3 §3.3.1, "Residency and Domicile" as written, and this should be incorporated into the draft of the Salem Charter*

**SECOND:** Mr. Barnes

**VOTE:** 9-0-0

**The motion carried unanimously.**

In a discussion of §3.3.2, Removal of Councilors, Mr. Hargreaves suggested amending this section, stating he would like to see an appeal process addressed within this section of the Charter. There was a discussion regarding what might constitute 'cause' and the importance of having provisions within the Charter which cover removal of councilors for cause. A majority of the members (6-3) agreed the Town Council should be permitted to remove a member for cause and there should be a section within the Charter which covers this. There was further discussion and in the interests of time, Chairman Campbell asked each member to look at §3.3.2 and come back with their ideas for resolution at the next meeting. Mr. Hargreaves offered to investigate what other communities have included in their charters to address this issue.

Chairman Campbell confirmed the members were in agreement with the following sections of Article 3, as written:

- §3.3.3, Incompatible Positions
- §3.3.4, Incompatible Offices

Discussion for clarification of the wording of §3.4, Vacancies, took place and the members agreed this section should be amended as follows (by adding those words in bold typeface):

"Vacancies occurring in the office of Councilor at any time shall be filled by appointment until the next regular election, **in accordance with §3.3.1**, by majority vote ....."

**MOTION:** by Mr. Barnes

*Move that the Charter Commission does hereby approve Article 3 §3.5, "Compensation, Expenses" as written, and this should be incorporated into the draft of the Salem Charter*

**SECOND:** Mr. Lyons

**VOTE:** 4-5-0

**The motion failed.**

**MOTION:** by Mr. Stephen Campbell

*Move that the Charter Commission does hereby agree the Charter shall stipulate that any changes in compensation be a separate warrant article on the official ballot*

**SECOND:** Mr. Breen

**VOTE:** 5-4-0

**The motion carried.**

Ms. Stacey agreed to incorporate this amendment into the draft Charter document.

1 There were no comments or requests for changes to §3.6.1 and §3.6.2. There was a brief  
2 discussion of §3.6.3 regarding the number of Councilors necessary to request Special  
3 meetings.

4 **MOTION:** by Mr. Barnes

5 *Move that the Charter Commission does hereby approve Article 3 §3.6.3, "Meetings", as*  
6 *written, and this should be incorporated into the draft of the Salem Charter*

7 **SECOND:** Mr. Stephen Campbell

8 **VOTE:** 6-3-0 (Messrs. Breen, Ganley and Hargreaves voted against the motion)

9 **The motion carried.**

10  
11 There was a discussion regarding §3.6.4, Rules of Procedure, and whether votes should be  
12 recorded by roll call.

13 **MOTION:** by Mr. Stephen Campbell

14 *Move that the Charter Commission does hereby amend Article 3 §3.6.4, "Rules of*  
15 *Procedure", by removing the last sentence and substituting "The vote of each member of*  
16 *the Council shall be recorded in the minutes"*

17 **SECOND:** Selectman Hargreaves

18 **VOTE:** 9-0-0

19 **The motion carried unanimously.**

20  
21 There was a discussion as to whether §3.6.5, Council Objection, was necessary.

22 **MOTION:** by Mr. Stephen Campbell

23 *Move that the Charter Commission does hereby agree to the elimination of Article 3*  
24 *§3.6.5, "Council Objection" from the draft of the Salem Charter*

25 **SECOND:** Ms. Stacey

26 **VOTE:** 7-2-0 (Messrs. Breen and Ganley opposed the motion)

27 **The motion carried.**

28  
29 Ms. Stacey left the meeting at 8:19 p.m.

30  
31 There was consensus to include the paragraph under §3.7, Ordinances as written. There was  
32 discussion of §3.7.1, Matters that Must be Acted on by Official Ballot, particularly item 9  
33 within that section. Mr. Breen pointed out he felt this item was inconsistent with the statutes.  
34 Mr. Stephen Campbell also asked whether the reference to surplus funds mentioned in item 3  
35 should be broadened. Mr. Breen raised concerns regarding the item pertaining to contracts  
36 that would require multi year contracts to appear on the ballot. It was agreed that reference  
37 to the general fund should be eliminated from item 3. Chairman Campbell explained his  
38 rationale for item 4, clarifying the meaning of this in response to questions from the  
39 members. There was discussion regarding appropriations.

40  
41 Chairman Campbell requested that members who had concerns about the items mentioned in  
42 §3.7.1 should review those items and be prepared to discuss and resolve them at the next  
43 meeting. The members discussed and agreed to obtain input from members of Town staff on  
44 this section, such as Town Manager, Community Development Director and the Finance  
45 Director.  
46

1 There was consensus to include the following paragraphs as written:

2 §3.7.2, Council Ordinances

3 §3.8, Emergency Ordinances

4 §3.9, Emergency Expenditures

5 §3.10, Codification of Ordinances

6 §3.11, Existing Ordinances

7  
8 There was consensus to amend the final sentence in §3.12, Powers as follows:

9 Replace the full stop with a comma and add the words “or state law.”

10  
11 There was consensus to include §3.13, Delegation of Powers, as written.

12  
13 There was discussion of §3.14, Inquiries and Investigations. Chairman Campbell proposed  
14 that the Commission invite the Town Manager to make such review of the draft Charter  
15 documents as he would like.

16  
17 There was consensus to include §3.15, Board Procedures as written.

18  
19 Chairman Campbell suggested the Board of Selectmen and the Town Manager review Article  
20 4, Administration of Government and any feedback received should be discussed at the next  
21 meeting, and the members concurred.

22  
23 ***Article 5 – Finance***

24 Mr. Stephen Campbell agreed to take a look at RSA 32 and the draft Charter document to  
25 identify conflicts pertaining to the Budget Committee.

26  
27 Chairman Campbell stated he would look into adding a section to Article I which would deal  
28 with precedence and propose a new section next week.

29  
30 *§5.2.1, Default Budget* – there was a discussion about what should be included in the default  
31 budget. Messrs Breen and Stephen Campbell agreed to look at a method for calculating a  
32 default budget figure and propose this at the next meeting.

33  
34 *§5.3, Budget Hearings* – there was discussion regarding this section with the following  
35 amendments being suggested and accepted:

- 36 ○ First line – add the words “in Salem” after “The Council shall hold in convenient places”  
37 ○ Third line – add the word “with” after “on dates consistent”

38  
39 *§5.6, Amendments to the Budget* – Mr. Stephen Campbell pointed out this section is a change  
40 to the current procedure which states the Board of Selectmen must go to a judge to hold a  
41 special meeting, and he expressed his opposition to this change.

42  
43 The members had no objection to proceeding with the remainder of Article 5 as it currently  
44 stands.

**Article 6 – Conduct of Officials**

In response to a query from Chairman Campbell, Mr. Hargreaves stated he and Ms. Cooke had reviewed this section, had spoken with officials in Londonderry, and had no objections to this section as written.

*§6.7 Misuse of Information* - Mr. Stephen Campbell stated he thought requests from the public for service information should be exempt from the requirements of this section, and cited examples and there was discussion about interpretation of the wording after which it was agreed to amend the wording as follows:

Last line – “nor shall he disclose information that is not available for general release to the public”

Chairman Campbell requested that the members of the Commission who are involved in town government take a closer look at §6.4, Private use of Town Property and Personnel, for the next meeting.

Ms. Cooke left the meeting at 9:29 p.m.

**Article 7 – Citizen Concerns, Initiative Petition, Referendum, Recall**

Mr. Barnes explained he had pulled language from other charters for this section as the Londonderry Charter was silent on citizen concerns, and he explained his rationale for what he included. There was a discussion regarding how complaints or issues from citizens are and should be handled and whether there should be wording in the Charter regarding this type of issue. There was also discussion regarding a time limit for citizens in public session to discuss issues with councilors.

Mr. Breen pointed out some typographical errors in section D to be corrected.

Chairman Campbell suggested adding another sentence under “A” as follows:  
“Nothing in this section shall preclude a citizen from raising an issue directly with a Councilor.”

The members concurred with this amendment.

There was discussion of the section on Referendum Petitions regarding the time limit for filing these and the number of signatures which should be required. The members agreed to amend the time limit from 30 days to 60 days.

**MOTION:** by Mr. Hargreaves

**Move that the Charter Commission does hereby amend Article 7, §7.1(C), Initiative Petitions, line two in the draft Charter as follows: “...signed by two percent (2%) of the registered voters”**

**SECOND:** Mr. Lyons

**VOTE:** 6-1-0 (Mr. Stephen Campbell opposed the motion)

**The motion carried.**

§7.6 *Recall of Officeholders* – there was discussion about the percentage of registered voters required to file a recall petition and whether this section was necessary.

**MOTION:** by Mr. Hargreaves

*Move that the Charter Commission does hereby amend Article 7 in the draft Charter by deleting §7.7, “Recall of Officeholders”, in its entirety*

**SECOND:** Mr. Lyons

There was further discussion about the advantages of retaining this section in the Charter.

**VOTE:** 2-5-0 (Messrs Hargreaves and Lyons voted for the motion)

**The motion failed.**

**MOTION:** by Mr. Ganley

*Move that the Charter Commission does hereby approve §7.7, Recall of Officeholders as written, and this should be incorporated into the draft of the Salem Charter*

**SECOND:** Mr. Stephen Campbell

**VOTE:** 5-2-0 (Messrs Hargreaves and Lyons voted for the motion)

**The motion carried.**

Chairman Campbell suggested he investigate whether the sections relating to vacancies conflict with state law for the next meeting.

**Upcoming Meetings**

- o October 29, 2009

**MOTION:** by Mr. Hargreaves

*Move to adjourn until October 29, 2009 at 6:00 p.m. in the Knightly Room, Salem Town Hall*

**SECOND:** Mr. Barnes

**VOTE:** 7-0-0

**The motion carried unanimously.**

Without further business, the meeting adjourned at 10:10 p.m.

Notes/Minutes Taken by: Sandra Maxwell

Approved: Salem Charter Reform Commission

Date: December 21, 2009