

**MINUTES OF THE
SALEM CHARTER COMMISSION**

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

**REGULAR MEETING OF
NOVEMBER 5, 2009 7:00 P.M.**

The Charter Study Commission held a meeting on Thursday, November 5, 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, William Ganley, Cathy Ann Stacey, Arthur Barnes, Annette Cooke

CALL TO ORDER

Chairman Campbell called the meeting to order at 6:00 p.m., joining everyone in the Pledge of Allegiance.

1. Review of Latest Version of Draft Charter

Chairman Campbell outlined for the members how he would like to proceed in reviewing the latest revision of the draft charter document. The following amendments were noted

Article 1

§1.4 (2) *Precedence of Requirements* – Chairman Campbell requested addition of the word ‘that’ after the word ‘statutes’

Chairman Campbell pointed out some format errors in the document as a result of inserting and copying areas of the Londonderry charter (hard returns).

Article 2 – Elections: Election Officials: Conduct of Elections

Article 2 Elections, Election Officials, Conduct of Elections
§2.6 *Conduct of Elections* – Chairman Campbell requested the comma after ‘officers’ on the first line be deleted.

Article 3 – Town Council

§3.12 Powers & Duties - Chairman Campbell requested the word 'except' be removed after the words 'Town residents' on the penultimate line of the paragraph.

Chairman Campbell requested an amendment to the minutes of the October 29, 2009 meeting – page four, line 42, to replace the word ‘strike’ with the word ‘insert’.

Mr. Lyons joined the meeting at 6:13 p.m.

1 **2. Review of Charter Commission Preliminary Report**

2 The Commission reviewed Chairman Campbell's preliminary report. The following
3 amendments were made:
4

5 Page 1 - Mr. Lyons requested his first name be amended to 'Michael' and Mr. Ganley
6 requested his name be in full (William J. Ganley, III).
7

8 Chairman Campbell proceeded to go through the rest of the report, explaining what he had
9 included in each section and why.
10

11 Mr. Hargreaves reviewed some of the major changes they had made for clarification as
12 follows:
13

- o Change in governing body – from 5 Selectmen to 9 Councilors
- o Both the Deliberative sessions were removed
- o Large ticket items to be put on the ballot
- o Some items which were previously dealt with at Town Meeting are now under the
 authority of the Council to deal with them

19 Chairman Campbell clarified the purpose of the report and explained why he had included a
20 section on the rationale behind the provisions the Charter Commission had included in the
21 new document.
22

23 Chairman Campbell stated he would add a line on page 8, line 3 as follows 'budget process is
24 in Article 5'.
25

26 Chairman Campbell also stated he had added a line on page 8 at RSA 33:8-e as follows:
27 'The Council is directed to follow the procedures of RSA 33:8-d for the issuance of bonds
28 and notes. §5.13'

30 Chairman Campbell stated he would like to add a sentence on page 8 after 'Provisions for
31 public hearings ...' as follows:
32

33 'The Council may order special elections to amend the budget which is defined in §5.8'

34 There was discussion of the time frames stipulated within §3.10 and §4.8 for clarification as
35 requested by Mr. Ganley who thought there may be a conflict between the two sections.
36

37 Chairman Campbell pointed out he had added the following sentence to the draft Charter
38 document on page 10, §3.7.1 'All official ballot requirements shall apply to both regular and
39 special elections.'

41 Chairman Campbell outlined the process for submitting the document, stating he would
42 request that the Town Clerk send the document out tomorrow. He stressed there would be a
43 three week window in which the Commission could make changes to the Charter, following
44 feedback from the state, provided these changes did not alter the legal structure of the
45 document. He stressed that following this the Commission would make a final report along
46 with a statement from legal council that the Charter document meets the requirements of the

1 NH Constitution and the statutes, and this final report will be what the Board of Selectmen
2 will put on the ballot. He then requested a motion to move forward and submit the report as
3 amended, as the Commission's preliminary report to be submitted to the state.

4

5 **MOTION:** by Mr. Barnes

6 *Move to submit the preliminary report of the Charter Commission as amended by the*
7 *Commission during their meeting on November 5, 2009*

8

9 **Discussion:**

10 There was a discussion among the members regarding feedback they had received from
11 residents on what the Commission's discussions and work to date. Some of the members
12 voiced their concern about moving the document forward in its current form based on this
13 feedback. Chairman Campbell stated he thought the Commission could take up all of the
14 issues raised by the members, but he was concerned that if they did not move forward the
15 town would be in default of the statutory date requirement. He requested the members take a
16 vote, and he handed over Chair of the meeting to Mr. Hargreaves to second the motion on the
17 floor.

18

19 **SECOND:** Chairman Campbell

20

21 **Discussion:**

22 In response to a request for clarification from Mr. Lyons, Chairman Campbell explained if
23 the motion failed the Commission would then need to decide how and if they will submit a
24 Charter. He stated the members would need to adjourn to the conference room to make their
25 final deliberations as there was another meeting about to begin in the Knightly Room.

26 **VOTE:** 2-7-0 (Messrs. R. Campbell and Barnes voted for the motion)

27 **The motion failed.**

28

29 Mr. Hargreaves handed the Chair back to Chairman Campbell who recessed the meeting for
30 five minutes to allow the members to move to the upstairs conference room. The meeting
31 continued from the conference room at 6:56 p.m. without Messrs. Stephen Campbell and
32 Barnes who were attending another meeting downstairs.

33

34 Chairman Campbell asked the Commission for their opinion relative to submitting a charter
35 given the failed motion which had just taken place. There followed discussion between the
36 members about those aspects of the current proposal with which they were dissatisfied.

37

38 Mr. Breen stated he thought they would need to have further discussion and make additional
39 compromises, and there followed an exchange between the members about what might be
40 acceptable to a majority of them. Chairman Campbell created a matrix of each member's
41 preferences on several key issues on the white board. He then requested that Mr. Hargreaves
42 retrieve Messrs. Barnes and Stephen Campbell from their other meeting to solicit their input.

43

44 Messrs. Barnes and Stephen Campbell joined the meeting at 8:15 p.m. and their preferences
45 were recorded.

1 **MOTION:** by Mr. Lyons

2 *Move to modify the current draft Charter for the Town of Salem as constructed by the*
3 *Charter Commission to change the number of members of the Council to seven and to*
4 *make all members Councilors at Large, and further to change the terms of office from two*
5 *to three years.*

6 **SECOND:** Mr. Ganley

7 **VOTE:** 7-2-0 (Messrs. Stephen Campbell and Hargreaves opposed the motion)

8 **The motion carried.**

9

10 Messrs. Barnes and Stephen Campbell left to return to their other meeting.

11

12 **MOTION:** by Mr. Lyons

13 *Move to adjourn*

14 **SECOND:** Mr. Hargreaves

15 Chairman Campbell outlined what their next steps would be and stated he would let the
16 members know when their next meeting would take place after polling everyone for their
17 availability.

18 **VOTE:** 7-0-0

19 **The motion carried unanimously.**

20

21 Without further business, the meeting adjourned at 8:30 p.m.

22

23 Minutes transcribed by: Sandra Maxwell/Michael Lyons

24

25 Approved: Salem Charter Reform Commission

26

27 Date: December 21, 2009