

Official

TOWN COUNCIL MINUTES Special Meeting Wednesday, February 9, 2011

CALL TO ORDER

Acting Chair J. Gorton called the meeting to order at 6:34 pm.

ATTENDANCE

Acting Chair J. Gorton, D. Boutin, V. Lembo, J. Levesque, G. Longfellow, D. Paradis, M. Pischetola, and N. VanScoy.

B. Gahara - Excused

Staff: Town Administrator C. Granfield

Public Hearing re: Town Charter Proposed Amendments

Charter Review Committee – Chair J. Sullivan

Committee members R. Bairam, Councilor Gorton, Councilor Levesque

Jim Sullivan gave an overview of the committee's charge and the issues that the committee addressed which included:

1. Streamline budget process
2. Clarify Town Council's role
3. Streamline Boards and commission
4. Change the Town meeting from May to March

Amendments Relative to Redistricting

Amend Article 1, Section 1.5 as follows:

Upon adoption of this Charter, the ~~Board of Selectmen~~ **Town Council** of Hooksett shall on or before ~~07/15/88~~ **10/15/11** prepare preliminary district boundaries. After public hearings held thereon, the ~~selectmen~~ **Town Council** shall finalize district boundaries by ~~10/15/88~~ **1/15/12** and publish and disseminate district maps.

The Town shall be divided into ~~six (6)~~ **four (4)** voting districts; each established to consist of as nearly as possible an equal number of residents. The largest district shall be no more than 10% greater than the smallest district. Each district shall have well defined boundaries **by a detailed map**.

Amend Article 1, Section 1.6, Paragraphs A and B, as follows:

A. No later than two years after the official publication of the decennial United States of America census, the Supervisors of the Checklist (defined in 2.2 hereof) shall establish new district boundaries so as to establish ~~six (6)~~ **four (4)** equal (population-based) districts. The Supervisors of the Checklist may establish their own rules and procedures to conduct redistricting; however, they shall have at least one public hearing on its proposed new district boundaries.

B. Upon the written petition signed by at least ten percent (10%) of the registered voters in the Town, the Town election officers shall include on the ballot at the next Town annual election the following question: "Shall the Supervisors of the Checklist be directed to establish new district boundaries for the Town no later than one (1) year from the passage of this question? Yes or No". However, no petition for redistricting shall be accepted within three (3) years of any previous action to redistrict. If a majority at that ~~May~~ **March** election vote "Yes", then the Supervisors of the Checklist shall establish new equal

districts for the Town pursuant to its redistricting rules and procedures and based on such population and census data as the Supervisors of the Checklist finds fair and reliable; however they shall have at least one public hearing on their proposed new district boundaries.

Explanation: The purpose of the amendment is to change the number of voting districts from six (6) to four (4)

Amendments Relative to Supervisors of the Checklist

Amend Article 2, Section 2.2, paragraph C, to read as follows:

The Supervisors shall elect a chair for a term of two (2) years. ~~He/She may not succeed himself/herself.~~

Explanation: The purpose of the amendment is to delete the prohibition against Supervisors from holding successive terms.

Amendments Relative to the Office of Town Clerk

Amend Article 2, Section 2.4, to read as follows:

The Town Clerk shall have such powers and duties as are specified by this charter and state law. The Town Clerk may assign duties to his/her designee.

Explanation: The purpose of the amendment is to clarify the authority of the Town Clerk as stated in the amendment.

Amendments Relative to Town Council

Amend Article 3, Section 3.1 as follows:

Except as otherwise provided in this Charter, all of the powers of the Town shall be vested in a Town Council (hereinafter sometimes referred to as "Council") of ~~nine (9)~~ **seven (7)** Councilors, as provided in Sec. 1.2. Councilors shall be elected on the second Tuesday in ~~May~~ **March** for three (3) year terms. ~~Three (3) Councilors shall be elected each year – two (2) from districts and one (1) at-large. There shall be an at-large seat elected each year. A district seat will also be elected when each term expires.~~ Councilors shall take office ~~July~~ **April** 1st next following their election and shall hold office until successors are duly elected and qualified.

Explanation: The purpose of the amendments is to reduce the number of councilors from nine (9) to seven (7).

Amend Article 3, Section 3.2 as follows:

~~No Councilor shall, during his/her term and for one year thereafter, be eligible to hold a paid Town employee office. This prohibition shall not apply to a Councilor, who no longer holds an elected office. He/She may be appointed to a Town board or commission for which a stipend is paid. Notwithstanding the foregoing, a Councilor may be appointed to "acting town administrator" by a vote of at least seven (7) five (5) members of the council for one period not to exceed six (6) months.~~

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Explanation: The amendment provides that councilors may not be employed by the Town during their terms of office or for one (1) year after holding office, which prohibition shall not apply to appointed town boards or commissions or the position of "acting town administrator" as stated in the amendment.

Amend Article 3, Section 3.5, Paragraph B, as follows:

B. A quorum of the Council for the transaction of any business shall be ~~two-thirds (2/3)~~ a simple majority of the members currently in office. However a smaller number may adjourn the meeting to another time or date.

Explanation: The amendment changes the number of councilors to make a quorum from a 2/3 majority to a simple majority.

Amend Article 3, Section 3.6, Paragraph E, as follows

E. Upon passage, the ordinance shall be ~~published in a newspaper of general circulation in the Town~~ posted on the official Town website. The full text of the proposed amendment or ordinance need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice.

Explanation: The amendment provides that upon passage an ordinance shall be published on the Town's website rather than published in a newspaper of general circulation.

Amendments Relative to Town Administrator

Amend Article 4, Section 4.1 as follows:

The chief administrative officer of the Town shall be the Town Administrator (hereinafter ~~called the sometimes referred to as~~ "Administrator"). Council shall appoint as Administrator, a person who receives the votes of at least ~~five (5)~~ a majority of members of the Council. The Administrator shall serve at the pleasure of the Council for a fixed term of employment not to exceed three years. The seated Administrator may be reappointed for subsequent terms by a favorable vote of at least ~~five~~ a majority of councilors. Council shall fix Administrator's salary and other terms of employment.

Amend Article 4, Section 4.3, as follows:

The Administrator may be reprimanded or removed for cause by the affirmative vote of at least ~~five (5)~~ a majority of members of the Council.

Explanation: The purpose of the amendment is to require a majority, rather than five (5) members of the council to appoint or discipline the Town Administrator. The amendment further clarifies that the Town Administrator position is sometimes referred to as the Administrator.

Amend Article 4, Section 4.6A, as follows:

The Administrator, for just cause, may suspend or dismiss ~~said officers or other~~ department heads or take other appropriate disciplinary action. Said suspension, dismissal or other disciplinary action shall be affected only upon the Administrator's presentation to ~~the said officer or~~ department head of written specification of the reasons therefore. The said department head ~~or officer~~ involved may within five (5) business days in writing request to schedule ~~demand~~ a hearing before the Council. Further, the Council must schedule a hearing within two regular Council meeting days and render a decision within 30 days of the hearing. The Administrator may suspend ~~said officer or~~ department head from duty during said period with or without pay. Such hearing shall be either private or public, allowed under RSA Chapter 91-A, at the aggrieved party's request. The Council, by a vote of ~~the majority~~ two-thirds (2/3) of the full Council, may override the Administrator's decision. ~~By a vote of the majority, the Council may direct the administrator to dismiss or suspend any officer or department head.~~

Explanation: The purpose of the amendment is to set forth a department head's right to a hearing before the Town Council as stated in the amendment.

Amend Article 4, Section 4.7, as follows:

Except as expressly provided elsewhere in this Charter, no councilor shall direct or request the appointment of any person to office or employment; removal; suspension; discipline; or adjustment in pay, benefits, or working condition; by the Administrator of any of the town department heads. However, nothing in this Charter shall be construed to prohibit the Council, as a body, from exercising any powers granted to it by statute or charter. Furthermore the Council may, by ~~majority~~ **two-thirds (2/3) vote of the full Council**, overrule any action or lack of action normally under the control of the Administrator. Councilors may act as liaison with the Administrator on behalf of their constituents.

~~No Councilor shall give orders to or interfere with the performance of the duties of any of the administrative officers- department heads~~ or employees, either publicly or privately except that the council chairman **in conjunction with the Town Administrator** may direct any employee who is charged with assisting in the conduct of council business. Nothing contained in this section shall prohibit the Council from meeting with the Administrator to discuss the operation or conduct of any department head or employee and to recommend an investigation and report by the Administrator of any complaint nor shall anything in this section be deemed to prohibit any councilor and/or any employee from discussing the operations of the town government. Any violation of the provisions of this section by a Councilor shall constitute grounds for forfeiture of office under the provisions of Sec. 3.2.

Explanation: The purposed of the amendment is to require a 2/3 vote of the full council, as opposed to a majority, to overrule any act of the Town Administrator. The amendment further changes the term "administrative officers" to "department heads" and states that the council chairman may direct employees charged with assisting in the conduct of council business in conjunction with the Town Administrator.

Amend Article 4, Section 4.8, as follows:

The administrative service of the Town shall by ordinance, be divided into such other departments or other agencies as are necessary for the proper and efficient management of the affairs of the Town. Said ordinance shall define the function and duties of each Town department or agency and shall be known as the "Administrative Code". The Town Council may, by amendment to the Administrative Code Ordinance, create, consolidate or abolish departments or agencies **within their control** and define or alter their functions and duties.

Explanation: The language "within their control" is added to the last sentence to clarify the division of authority between the Town Administrator and the Town Council.

Amendments Relative to Town Treasurer

Amend Article 4, Section 4.9, as follows:

The Town ~~Council- Administrator~~ shall appoint, based on merit and fitness **with the advice and consent of Council**, a Treasurer who shall have the powers and duties prescribed by this Charter and state law, provided however that in making investments of Town funds he/she shall follow the written investment policy as adopted or modified by the Town Council.

Explanation: The amendment clarifies that the Town Administrator appoints the Treasure with the advice and consent of the Council.

Amendments Relative to Tax Collector

Amend Article 4, Section 4.10, as follows:

The Town ~~Council- Administrator~~ shall appoint, based on merit and fitness **with the advice and consent of Council**, a Tax Collector who shall have the powers and duties prescribed by this Charter and state law.

Explanation: The amendment clarifies that the Town Administrator appoints the Tax Collector with the advice and consent of the Council.

Amendments Relative to Town Attorney

Amend Article 4, Section 4.3 as follows:

The Council shall engage as needed such attorneys as are deemed in the best interest of the Town to provide legal advice to the Council, ~~Manager~~ **Town Administrator**, Town departments, and other agencies and represent the Town in any legal proceeding, criminal prosecutions, and traffic violations. Such attorneys shall, **either**, on Council direction **or through direction of the Town Administrator**, perform any other duties prescribed by this Charter or by ordinance.

Explanation: The amendment clarified that the Town Attorney may provide legal advice to the Town Administrator and perform such other duties as may be directed by either the Town Council or the Town Administrator.

Amendments Relative to Budget Procedure

Amend Article 5, Section 5.2, as follows:

At such time as may be requested by the Administrator or specified by the Administrative Code, each ~~officer or director of a~~ department **head** shall submit an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his/her control to the Administrator. The Administrator shall, based on these estimates and other data, prepare a recommended budget, which he/she shall, together with these department estimates, submit, to the Council. ~~The Hooksett School District, Village Water Precinct and Central Water Precinct shall submit budgets for the following fiscal year and make such modifications and amendments as it desires.~~ The Police Commission and Library Trustees shall submit their budgets directly to the Town Council. The Council shall then present their budget to the Budget Committee and subsequent actions shall follow the Municipal Budget Act, **RSA Chapter 32**.

Explanation: The amendment replaces the phrase "officer or director of a" in the first sentence and inserts the term "head" following "department" in the first sentence. The amendment deletes reference to the Hooksett School District, Village Water Precinct and Central Water Precinct, and clarifies that the Police Commission and Library Trustees shall submit their budgets directly to the Town Council. The amendment further inserts the statutory reference to RSA Chapter 32.

Amendments Relative to First and Second Sessions of Town Meeting

Amend Article 5, Section 5.4, Paragraph C, as follows:

~~The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot shall be held between the first and second Saturdays in April following the last Monday of January inclusive of those Saturdays, at a time prescribed by the Town Council. The second Tuesday in May March shall be deemed the annual meeting date for purposes of all applicable statutes pertaining to hearings, notice, petitioned articles, and warrants, including, but not limited to, RSA 31: 95-d, 32:5, 32:16, 33: 8-a, 39: 3, 39: 5.~~

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Explanation. The purpose of the amendment is to change the date of the first session to the last Monday of January. The amendment further deletes statutory references relative to the annual meeting date.

Amend Article 5, Section 5.4, Paragraph F, as follows:

The second session of the annual meeting, to elect officers of the Town by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot, shall be held on the second Tuesday in ~~May~~ **March**.

Explanation: The amendment changes the date of the second session from May to March.

Amendments Relative to Transfers of Appropriations

Amend Article 5, Section 5.6, as follows:

~~After the budget has been adopted, no money shall be drawn from the treasury of the Town nor shall any obligation for the expenditure of money be incurred except pursuant to a budget appropriation. The head of any department, with the approval of the Administrator, may transfer any unexpended balance or any portion thereof from one appropriation within his/her department to another appropriation within his/her department.~~ The Administrator, with the approval of the Council, may transfer any unexpended balance or any portion thereof from any appropriation within one department to any appropriation within any other department. ~~The transfer of appropriations shall comply with RSA 32:10.~~

Explanation: The amendment deletes language relative to the authority of department heads to transfer appropriations within their department budgets and inserts the statutory reference to RSA 32:10.

Amendments Relative to Independent Audits

Amend Article 5, Section 5.9, as follows:

~~Independent compliance and financial audits shall be made of all accounts of the Town at least annually and more frequently if deemed necessary by the Council. Such audits shall be conducted according to auditing procedures of the American Institute of Certified Public Accountants, the National Committee on Government Accounting, in accordance with auditing standards generally accepted in the United States and other such procedures which may be necessary under the circumstances by certified public accountants experienced in municipal accounting. Abstracts of~~ The results of such audits shall be made public. At least once every ~~seven (7)~~ five (5) years the Council shall request that such audits be made by Certified Public Accountants other than those involved in such audits during any of the previous ~~six~~ four years. An annual report of the Town's business for the preceding year shall be made available to the public not later than sixty days after the close of the fiscal year.

Explanation: The amendment changes the standard by which audits will be conducted as stated in the amendment, reduces the amount of time between audits from seven (7) to five (5) years, and reduces the number of years from six (6) to four (4) in which a CPA may not have been involved in such audits.

Amendments Relative to Trust Funds

Amend Article 5, Section 5.13, Paragraph A, as follows:

Trustees of the Trust Funds. There shall be three (3) Trustees of the Trust Funds who shall hold office for three (3) years and until their successors are elected and qualified on a staggered basis so that one Trustee is elected at each Town election. They shall have all the powers and duties granted to trustees of trust funds by this Charter, state law, ~~and the Administrative Code.~~

Explanation: The amendment adds the language "and the Administrative Code" at the end of the last sentence.

Amendments Relative to Gifts and Grants

Amend Article 5, Section 5.14 as follows:

The Council may, in accordance with the provisions of State law, apply for, accept and expend, without further action by the town meeting, money or gifts of personal property, ~~other than money,~~ which may be offered for any public purpose, from the state, federal or other governmental unit or a private source, which becomes available during the fiscal year.

Explanation: The amendment deletes the language “other than money” following “personal property.”

Amendments Relative to Personnel Plan

Amend Article 6, Section 6.2, as follows:

There shall be a set of rules and regulations providing for the establishment of a system of personnel administration known as the "Personnel Plan". The Plan shall include provisions with regard to classification, compensation, selection, training, promotion, grievances, discipline, vacations, retirement and any other matters necessary to the maintenance of efficient service and proper working conditions. The Personnel Plan shall continue in force, subject to amendments submitted from time to time by the Administrator, which shall become effective ~~one month after the submission, unless vetoed by the Council within that period upon Town Council's approval.~~ The Personnel Plan shall not apply to any elected officials, board and commission members. Each employee shall be provided with a written job description prepared by the Administrator ~~and subject to Council review.~~

Explanation: The amendment deletes the language “one month after the submission, unless vetoed by the Council with that period” at the end of the third sentence and insert the language “upon Town Council's approval.”

Amendments Relative to Conflicts of Interests

Amend Article 7, Section 7.2, Paragraph D, as follows:

When uncertainty arises as to the application of this section to an elected or appointed officer or employee of the Town in particular circumstances, upon the request of any member, the committee, commission or board shall vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public ~~hearing meeting, or in the event that the uncertainty arises during a meeting, as soon as possible thereafter.~~

Explanation: Deleted the word “hearing” prior to the word “meeting” at the end of the last sentence and insert the language “meeting, or in the event that the uncertainty arises during a meeting, as soon as possible thereafter.”

Amendments Relative to Initiative Petitions

Amend Article 8, Section 8.2, Paragraph A, as follows:

The Council shall hold a public hearing and act, by taking a vote, on the merits of every initiative petition, which concerns a matter in which the Town is empowered to act. The petition shall be addressed to the Council, shall contain a request for passage or repeal of a particular measure set forth in the petition and shall be signed by not less than two **percent** (2%) of the registered voters of the Town.

The initiative petition shall include the personal signature and legible name and address of each petitioner and shall be filed with the Town Clerk as one instrument of endorsement. The Town Clerk shall verify the number of registered voters signing the petition and shall attach thereto a certificate showing the result of such examination. Within seven (7) **business** days, the Town Clerk shall transmit the petition and certificate to the Town Council and shall send a copy of the certificate to the first signer of the petition.

The petition shall be considered valid following certification unless written objection regarding the number of signatures certified is made by a voter no more than seven (7) **business** days after the certificate has been issued. The validity of any such objection shall be determined by the Council.

Explanation: The amendment inserts the word “percent” after the word “two” relative to the number of signatures required, and states that days shall be reckoned in “business” days.

Amend Article 8, Section 8.2, Paragraph B, as follows:

The Council shall hold a public hearing within 30 days of the date of certification of any measure proposed in any petition signed by two percent (2%) of the registered voters. If the measure may not be lawfully passed by the Council, it shall be returned to the petitioners with an explanation.

~~The Town Clerk shall mail notice of the hearing to the (10) petitioners whose names appear first on each petition at least seven (7) business days prior to the hearing. Notice by publication in two (2) widely circulated newspapers, and posting in six (6) widely dispersed public locations— each of the four districts at a public location and the official Town website~~ of a summary of contents of the petitions at least seven (7) business days prior to all such hearings shall also be made, and shall be at public expense.

Hearings on two or more petitions filed under this section and addressing different substantive issues may be held at the same place and time. No hearing shall be held upon more than one petition containing the same subject matter in any given twelve (12) month period.

Explanation: The amendment incorporates changes in keeping with the amendments relative to the change from six (6) to four (4) voting districts, and states that days shall be reckoned in "business" days.

Amendments Relative to Annual Town Meeting

Amend Article 9, Section 9.2, Paragraph B, as follows:

At the second session of the Annual Town Meeting to be held on the second Tuesday in ~~May~~ March, all elected town officials shall be chosen; the voters shall vote whether to raise and appropriate the total sum of money for the town budget and other warrant articles as may have been amended and placed on the official ballot by the voters at the first session of the annual or special town meeting.

Explanation: The amendment changes the date of the second session from May to March.

Amendments Relative to Procedures

Amend Article 10, Section 10.16, Paragraph A, as follows:

Meetings. All properly constituted authorities, boards, commissions, committees or other municipal bodies (hereafter called committees) of the Town whether elected or appointed or otherwise constituted, shall meet regularly at such times and public places within the town as they may prescribe except when meeting with representatives in other towns or cities on mutually beneficial agreements. Except in emergencies, special meetings of these committees shall be held on the call of the respective chair or by one-third of the members thereof by written notice delivered to the residence or place of business of each member at least forty-eight (48) hours in advance of the time set ~~or by any other method determined by that municipal body~~. A copy of the said notice shall also be posted on the Town bulletin board(s). Except in cases of emergency otherwise authorized by the general laws, all meetings of these committees shall be open and public; however, these committees may meet in a closed or executive session as permitted by the Right to Know Law.

Explanation: The amendment allows municipal boards to adopt their own methods of delivering notice of emergency meetings.

Amendments Relative to Administrative Committees

Amend Article 11, Section 11.1, Paragraph A, as follows:

Planning Board. There shall be a Planning Board consisting of ~~nine (9)~~ seven (7) members and three (3) alternates as provided by state statute. Six (6) of these members shall be appointed by the Council for terms of three (3) years, such terms to be staggered. ~~The Town Administrator and one other member of~~

~~the Town administration appointed by the Town Administrator shall serve as ex-officio members and one representative from the Town Council shall be appointed annually at the Council's first meeting. A member of the Town Council or administrative official of the Town selected by the Town Council shall be an ex officio member. These~~ This representatives shall have all the rights of membership except the right to hold office of the Planning Board ~~and shall be appointed on an annual basis.~~ The Council shall fill any vacancy for the period of the unexpired term. The Planning Board shall have all the powers granted to planning boards by state law.

Explanation: The purpose of the amendment is to reduce the number of planning board members from nine (9) to seven (7), and define how the ex-officio member is appointed, as stated in the amendment.

Amend Article 11, Section 11.1, Paragraph B, as follows:

Conservation Commission. There shall be a Conservation Commission consisting of ~~seven (7)~~ five (5) members. The ~~five (5)~~ four (4) appointed by the Town Council shall be appointed for terms of three (3) years, such terms to be staggered. The Planning Board ~~and Town Council~~ shall ~~each~~ appoint a representative to the Conservation Commission annually at their first meetings. ~~These~~ This representatives shall have all the rights of membership except the right to hold office on the Conservation Commission. ~~The Town Council shall also appoint two (2) alternates for a three (3) year term.~~ The Council shall fill any vacancy for the period of the unexpired term. The Conservation Commission shall have all the powers granted to conservation commissions by state law.

Explanation: The purpose of the amendment is to reduce the number of conservation commission members from seven (7) to five (5), and defines the manner of appointment, as stated in the amendment. The amendment also provides for the appointment of two (2) alternate members as stated in the amendment.

Amend Article 11, Section 11.1, Paragraph C, as follows:

Budget Committee. The Budget Committee shall consist of ~~nine (9)~~ six (6) members, elected at-large for three (3) year terms (terms to be staggered so that three (3) members are elected each year); one (1) member chosen by the school board of each school district; one (1) member chosen by the Town Council; one (1) member chosen by the commissioners of each water precinct ~~and one (1) member chosen by the Sewer Commission.~~ Refer to RSA ~~Chapter~~ 32.

Explanation: The purpose of the amendment is to reduce the number of budget committee members from nine (9) to seven (7), and defines the manner of appointment, as stated in the amendment.

Amend Article 11, Section 11.1, Paragraph D, as follows

Other Administrative Committees. Other administrative boards and committees may be established as necessary by the Town Council.

- E. At least annually, and more often if Town affairs warrant, the Town Council shall meet with the chairs of all standing town committees to review significant actions taken by the committees, projects currently under discussion, and anticipated activity for the coming year.
- F. Alternates of any committee, board or commission shall be considered first when a vacancy of a regular member occurs.

Explanation: The amendment provides for consideration of alternates first when filling vacancies of regular membership position.

Amendments Relative to Terms of Office

Amend Article 11, Section 11.3, as follows:

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The terms of office of all members of appointed boards shall begin on ~~July- April 1st~~ and end on ~~June 30th March 31st~~. If an appointee receives an appointment subsequent to July 1 of the year in which the term of office originally commenced, the term to which the person was appointed will end June 30 in the year that it was scheduled to end.

Explanation: The Amendment changes the terms of appointed officers from July 1st through June 30th to April 1st through March 31st.

Amendments Relative to Transitional Provisions

Amend Article 12 by inserting new section 12.9 as follows:

As of the effective date of the amendment to the Charter, all elected officials shall continue to hold office until the expiration of their respective terms, and regardless of district.

Reduction from Nine (9) Councilors to Seven (7) Councilors

At the 2012 Election the Town will elect one (1) at-large councilor for a 3-year term. Commencing with the 2013 Election, councilors elected by district shall be elected from the four (4) districts as provided under Section 1.6. At the 2013 Election the Town will elect one (1) at-large councilor for a 3-year term and two (2) councilors by district, both for 2-year terms, from separate districts as determined by the Moderator. At the 2014 Election, the Town will elect one (1) at-large councilor for a 3-year term and two (2) councilors by district, one (1) for a 2-year term and one (1) for a 3-year term, from separate districts as determined by the Moderator.

Thereafter, election of councilors shall track the following pattern: 1) in the first election year - one (1) councilor at-large and two (2) councilors by district, each for 3-year terms, 2) in the second election year - one (1) councilor at-large and one (1) councilor by district, each for 3-year terms, and 3) in the third election year - one (1) councilor at-large and one (1) councilor by district, each for 3-year terms.

Reduction from Nine (9) Elected Budget Committee Members to Seven (7) Elected Budget Committee Members

At the 2012 Election, no at-large budget committee members shall be elected. At the 2013 Election the Town will elect (2) at-large budget committee members for 2-year terms and one (1) at-large budget committee member for a 3-year term. At the 2014 Election, the Town will elect one (1) at-large budget committee member for a 2-year term and two (2) at-large budget committee members for 3-year terms. Thereafter, two (2) at-large budget committee members shall be elected each year for 3-year terms.

Explanation: The amendment provides transition provisions as stated in the amendment as a result of the reduction in number of elected councilors and budget committee members.

Editorial Amendments

Article 2, Section 2.4 is renumbered as Section 2.5.

Article 2, Section 2.5 is renumbered as Section 2.6.

Article 3, Section 3.8, is amended as follows:

The raising of emergency appropriations is to be governed by RSA ~~Chapter~~ 31:5 & 5a and ~~Chapter~~ RSA 32:4.

Explanation: Statutory citations are corrected to delete reference to "Chapter" and insert "RSA."

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Article 5, Section 5.7, Paragraph A (2), is amended as follows:

A list of all capital improvements which are proposed to be undertaken during **at least** the next six (6) fiscal years, including, but not limited to equipment, sewer, roads, sidewalks, bicycle paths or lanes, public open spaces and recreation facilities, new police and/or fire stations, and other new public facilities and major items of equipment, with appropriate supporting information as to the necessity for such improvements.

Explanation: The amendment adds the phrase “at least” in the first sentence preceding “the next six (6) years.”

Delete Article 8, Section 8.7.

Amend Article 10, Section 10.4, as follows:

All records of the Town and all meetings of the Council, boards, committees, commissions, authorities or other municipal bodies shall be open to the public, and their minutes and other records shall be available to the public in accordance with the provisions of The Right to Know Law, **RSA 91-Aas amended**.

Explanation: The amendment inserts the statutory reference to RSA 91-A.

Delete Article 10, Section 10.8.

Amend Article 10, Section 10.9, as follows:

Amendments to this Charter may be initiated either by the Council or by initiative petition, public hearing, and voter election pursuant to New Hampshire RSA **Chapter 49-B:5**.

Explanation: The amendment deletes the word “Chapter” following “RSA.”

Amend Article 10, Section 10.11 as follows:

A copy of all rules and regulations adopted by any Town agency, board, commission **or individual** shall be filed in the office of the Town Clerk and made available for review by any person who requests such information.

Explanation. Delete the language “or individual” following the word “commission.”

Amend Article 10, Section 10.16, Paragraph B, as follows:

Committee Organization. Each committee shall determine its own rules **of procedures** and order of business unless otherwise provided by the Charter or by law. The agenda and minutes shall be kept as required by the Right to Know Law. A chair and secretary shall be elected annually in accord with the committee's rules of procedure.

Explanation: Insert the language “of procedures” following “rules” in first sentence.

Delete Article 10, Section 10.17.

~~Sec. 10.17. Succession.~~

Delete Article 11, Section 11.5.

J. Sullivan: The committee is recommending reducing the number of board members on various committees including Town Council from 9 to 7 members while changing the districts from 6 to 4. Changes are also recommended to the Conservation, Planning and Budget. It is not impossible to find people to run but it is difficult with people often running unopposed or were elected through a write-in

campaign. Other changes include moving the May town meeting to March. The committee believes changing from the May meeting is crucial and beneficial. It reduces the confusion on when to vote for town positions and budgets. The town, since 1822, has traditionally held a March meeting. Moving the process up two (2) months should not be detrimental to the Council or department heads. The town voters and the budget committee can now look at the financial needs of the entire town. It eliminates the perception that the school district has the first bite of the apple. The school and municipal can set priorities together and work together toward agreed goals. It will increase voter turn-out since they will only come out once and combines a tradition of the March meeting. History proves that combined meetings have worked by reviewing the full needs of the town at once. From a budget and fiscal standpoint, it is easier for voters to make an informed decision. It would require a change in scheduling by the Budget Committee.

The reduction in districts is a result of the reduction in Councilors. To accomplish the reduction in Councilors, the only impact is there would need to be a transition phase to the new members. By going from 9 to 7, allows the members currently serving to serve out their term.

Clarifying the role of the Council with the Administration: Section 3.2 – Is to clarify the appeal process for a person placed on leave. AS Chairperson of Council, they can direct department heads but must work hand in hand with the Town Administrator.

J. Gorton Opened the public hearing at 6:54 pm.

J. McHugh asked what the reasoning was for requesting a Charter Review.

C. Granfield stated that the Council charged the committee to review inconsistencies in the Charter.

J. McHugh: A little history, I go back to the days when I was going to the Budget Committee with G. Longfellow on the Budget Committee and I was a school board member. I remember when they started to put together a charter. There was a lot of effort to the point that the charter didn't go through until there were numerous hearing and numerous rewrites to insure the Charter was not only well considered but took into account many of the things that town was experiencing at that time. They chose to go from Selectman to 9 Councilors because the town was growing. There is a move to change to 7, I'm concerned. I believe that the 9 are working. I hear from different councilors that the responsibilities to serve on subcommittee are numerous and meet often. I like the fact of having the 6 districts and the 3 at large. I believe we do need to have someone that is our representative. Having only 4 rather than 6 in a town that is growing, you are going to have to go back and re do. I didn't have the opportunity to read, and didn't know that the Charter Committee was coming in, so I was surprised all this was done. I would hope to make changes it certainly should take a lot longer and more deliberations. Regarding two meeting together, before the town side moved to May, there was a request for the School district to move to May and they couldn't because they had to give notice to Teacher. With combining them, they never were combined. When we had Selectman, there were always two meetings. There was a School District Meeting and a Town meeting. There were many hours that the budget committee worked very late to meet the deadlines. If the reason is because people aren't coming forward, how often are people asked. I saw many individuals serve on the Planning Board for years that never were moved up to full members so they became discouraged. There are lots of valuable people in the community that have wonderful backgrounds. I would prefer more time to study this.

J. McHugh stated she is in favor of the Council remaining at 9 as well as 6 districts and 3 at-large members. She also spoke against moving the town meeting to May due to the time constraints that would present. She also felt more time was needed to study these changes.

J. Pieroni, 26 Autumn Run stated that he has served on the budget committee for many years and the reason the town vote is in May is because the Town asked that the vote be moved to May. There were a few years when the School and the Town had the same date. The proposal was to withdraw from 32:14, which was a fixed date and write the provisions for 32:14 into the Charter because there were problems getting the budget ready in March. Prior to SB2, the Budget Committee didn't have to have the budget

ready until February for a March School District Meeting, with the Ballot Bill, the Budget Committee was to have the budget by complete by mid-January. The Budget Committee was not contacted regarding these changes. It is important to insure that the budgets can be submitted to the Budget Committee when they request it. With regard to the reduction in Councilor, it is important with the SB2 form of government and fewer people attending meetings, it even more important that the people be represented and therefore does not support the Council being reduced from 9 to 7 and does not support the change in Budget membership increasing the number of ex officio members and decreasing the number of elected members. Reducing the number of districts is not seen as a problem and supports more at large members. In light of the proposed reduction in Councilor and the workload increase on the members, they may want to consider the move to abolish the Police Commission.

M. Miville, 42 Main Street thanked the Committee for their work and stated he agrees with both Mrs. McHugh and Mr. Pieroni. Per RSA 32:17, the statute governs the process and it is the Budget Committee that sets the schedule to all boards that have to meet. The Charter Commission nor Council can dictate the start date. Since many of the proposed changes impact the Budget Committee, they should have been asked to join the Charter Committee. He is opposed to reduction of town committees and boards having difficulty filling positions is not a reason to eliminate the number of positions. The proposal to reduce the committees is discouraging citizen to volunteer. There are no open positions on any major boards. I think we are trying to make change for change sake. To address the "First Bite" the members of the Budget Committee are committed to the citizens' pocket book and keep tally on the full financial picture. Tradition should be irrelevant when forming a revised charter.

David Hess, Conservation Commission, stated that the Conservation Commission voted unanimously at their last meeting to oppose the reduction in numbers. The Charter Committee was under the misconception that groups like conservation and budget have difficulty in gaining membership and these changes should help that. These committees have not had difficulty gaining membership and there has already been a run for these positions. Budget Committee has full complement of members. To dilute the public vote from the current ratio to a 6:5 ratio is poor judgment and reflects adversely on what the composition of the board should be and will degrade into inside dealing. We need to retain overwhelming public membership. I have a number of specific concerns. Section 3.5 with respect to quorum of council, with 7 Councilors, quorum should be a super majority of 5 and not 4. The Charter was established because the feeling was 3 Selectman was too small. With a 4 member quorum, you are saying that 4 people can run the town. I don't have a problem with reducing from 9 to 7 or reducing districts. I feel there are now too many districts with too few people. District size and number needs to be examined. 6 districts and Councilors were chosen because that simplified the 3 year terms. A second change Section 5.6 is reference to 32:10. References should not be made to a particular statute because it could be repealed. Simply reference "consistent to State Law". With regard to the Budget Committee, changing to 6 publicly elected members, it should be an odd number and reduce the appointed positions.

Section 7.5 "Unless otherwise provided by law no member...on boards." Should not be deleted. It was put into the Charter to insure diversity and avoid concentration of power. I was not aware that the Council appointed a Charter review until it came to Conservation Commission. There wasn't widespread knowledge that this body was appointed or meeting. With respect to the timing of the meetings and the synchronizing with the school, the decision to do the town meeting in May was for practical reasons. To pass a budget in March is to project very far in the future to what the budgetary needs are. However, I do support the concept of joint meetings and elections. In years when there is a Presidential election, people have to go to the polls 4 and sometimes 5 times. If you can combine some elections, you will get a better turn out. I support combining school/town meeting dates. I agree with concept of joint meetings, and I would have them both in May but I don't know if you can do that with State Statues. Last point, there were 11 members on the original Charter Commission.

Bob Ehlers, 14 Arden Drive opposed the change to the Supervisor of the Checklist regarding the succession of the Chair stating there has never been a problem with members assuming the responsibilities of the chair. No one contacted the Supervisors for their input prior to making these change.

Mike Horn, 1 Monroe as a Supervisor of the Checklist and member of a number of committees does not support the reduction in membership on boards and committees. The best way to get people involved is to ask. With regard to moving the Town Meeting to March; the concern is the length of the ballot with both School and Town being presented on the same date. Reducing the number of voting districts would cause citizens to lose their geographic position and smaller districts would reduce diversity.

Mary Farwell, 24 Grant Drive: I thought we would go through the Charter amendments page by page.

On article 3.2 ***No Councilor shall, during his/her term and for one year thereafter, be eligible to hold a paid Town employee office. This prohibition shall not apply to a Councilor, who no longer holds an elected office. He/She may be appointed to a Town board or commission for which a stipend is paid. Notwithstanding the foregoing, a Councilor may be appointed to "acting town administrator" by a vote of at least ~~seven (7)~~ five (5) members of the council for one period not to exceed six (6) months.***

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I find this change confusing was a member of the original charter commission and budget member in the 80's and was not aware of the Charter Review Committee until well into the process. A concern of the original commission was without districts there might be concentration of power in a geographic area of town, like Granite Hill which was being developed at that time. A consequence of 6 districts is we are spread out and we don't have enough people in each district, so if someone wants to run, and there is a popular incumbent at large doing a good job, and they are not in the right district, they can't run. I would be in favor of collapsing the districts to 4 and having 5 at large. I agree with M. Horne that people have to be asked. If in a town of 14,000 people we can't get people to run, shame on us.

With regard to the Budget Committee, the review process is an intense process. SB2 moves everything up a month. In thinking about the intensity for the Budget Committee in the month of December, people may be less likely to want to serve.

D. Hemeon, 8 Cate Road asked if the Committee looked into changing the form of government to a City Charter. The current form of government doesn't work.

Frank Kotowski, 21 Pleasant Street, thanked the committee for their service and suggested that the town take more time to better review the changes being proposed. It was also suggested that citizens avail themselves of the information available on the town website.

Dick Sullivan, 7 Morgan Drive stated that as a result of the obvious lack of awareness by the residents and the experience and knowledge of many in the community, recommends the Council vote down this proposal and continue the review process and take more time to look at these changes.

Matt Comai, 21 Elmer Ave stated that it appears that the charge by the Council was not met and the committee should be recommending areas in the Charter to be changed and then holding open discussion with the community to get their input. More time is needed to review these changes and to get more public input.

M. Miville pointed out a typographical error on the last page, Section 12.9 which reduces the Budget Committee from 9 members to 6. (it state 7) and recommends that the Sewer, Water and School not serve on the Budget Committee. The Town Councilor would be the only remaining appointed position on the Committee

D. Hess stated that he opposes the change to Section 3.2 "No councilor shall be eligible to hold office..." because the language does not make sense literally and we should avoid any perception of dealing or back scratching. He also opposes the changes to Section 4.9 and 4.10 which change the appointment power of the treasure and tax collector to the Administrator. When the Charter was prepared, the idea was to decentralize the critical office which could produce illegal use of office. The idea then and should be continued is the Tax Collector and the Treasurer report not to the Administrator but to Council. The changes may be for efficiency but I think the concentration of power is more critical than efficiency.

D. Pearl, 79 Main St. stated that the water precinct representatives have never been appointed and have never appeared at a Budget Committee meeting. If this is an RSA, should there be requirement that they attend.

The Public Hearing was closed at 8:45 pm.

D. Boutin motioned to accept the initial report of the Committee with no recommendation for Warrant Article in 2011 except for technical corrections to be submitted by the Town Administrator and request the Chair set an agenda item for a future meeting to decide on a direction. Seconded by N. VanScoy.

Roll Call vote unanimously in favor.

ADJOURNMENT

D. Boutin motioned to adjourn. Seconded by N. VanScoy.

Vote unanimously in favor.

Respectfully submitted,

Lee Ann Moynihan

Vincent F. Lembo, Jr.
Town Council Secretary