

**Charter Commission Meeting Minutes
July 12, 2010**

Meeting was held in the Moose Hill Council Chambers. 268B Mammoth Road, Londonderry.

In Attendance:

Chairman Brian Farmer, Vice-Chair Cris Navarro, Secretary Lara McIntyre, Commissioners Al Baldasaro, Marty Bove, Chris Paul, Deb Paul, Kathy Wagner, Steve Young

Meeting was called to order by Chairman Farmer at 7:00pm. Chairman Farmer led the Pledge of Allegiance, followed by a moment of silence for the men & women serving in our military in our country, in town and around the world.

Public Comment began at 7:02pm.

Martin Srugis, 17 Wimbledon Drive, comes before the Commission and says that he's been tossing both sides of the SB2 issue, and he has decided that he falls on the side that gives the most people the vote, which is an SB2-style government that votes on Tuesday. He talks about how at the last town meeting, only 300 or so people showed up, while at the Tuesday election, over 1,000 or maybe 2,000 people cast their vote. He believes the more the merrier – better to have polls open all day rather than just a few hours on a Saturday.

Chairman Farmer reads into the record an email that the Commission members received from Sean and Marie O'Keefe. They write that they support Londonderry's voters with SB2 with no quorum.

Public Session:

Commissioner Baldasaro makes a motion to open the Public Session. Motion is seconded by Commissioner Bove. **Motion passed, 9-0.**

David Scanlan, the Deputy Secretary of State, appears before the Charter Commission. He does work on charter and SB2 issues for the Secretary of State's Office, though doesn't claim to be an expert on either one. He says that the state reviews the proposals that towns make to ensure it follows state laws / statutes. He says that the DRA also follows proposals made by towns. Then, both agencies look over the proposal together, may make recommendations, okays the proposals, or give some ideas if there are a couple of flaws, etc. They try to make the process go as smooth as possible.

Mr. Scanlan says that the pros of having SB2 are that it allows the maximum number of people possible to vote and it includes absentee ballots. He says the cons are that generally, attendance at the deliberative session tails off – people forget about that part of the process.

Sometimes, active minority groups can dominate the deliberative session and change some of the petitioned warrants.

Commissioner Baldasaro thanks Mr. Scanlan for coming tonight and asks for clarification from Mr. Scanlan about controlling the deliberative session – isn't it the same as what you can do at town meeting? Mr. Scanlan says that he's not sure how Londonderry's town operates, but generally w/ SB2, a warrant is created, discussed and maybe amended during the deliberative session, but the moderator does not call for a final vote, that is left for the voters on the ballot on Tuesday. The amendments need to be germane; the substance of an article cannot change.

Chairman Farmer asks if Mr. Scanlan has ever seen "to see" on a ballot. Mr. Scanlan says it has happened. He says you may want to talk to someone in the AG's office to clarify.

Commissioner Wagner asks if a petition from a citizen can be changed at the deliberative session. Mr. Scanlan says yes. Secretary McIntyre mentions that she thought warrant articles brought up by citizens couldn't be changed. Chairman Farmer says that the Council can't really change it, but when goes to deliberative session, a small group of people could, in fact, change the entire article.

Vice Chair Navarro points out that the warrant is published before the deliberative session, so you can see the original intent of the warrant. Chairman Farmer says yes, it is published before the deliberative session.

Commissioner Bove asks if you can ask for "no reconsideration" at the deliberative session like you can at town meeting, so that people still there at the end when people have already left can't change what has already been decided. Mr. Scanlan says that is a valid concern. He says that usually the town moderator has the power to decide whether or not voters can reconsider a previous article. He said that the moderator runs the meeting, although the voters can overrule the moderator. Mr. Scanlan also states that there are provisions in the statutes restricting reconsideration.

Commissioner Chris Paul asks if there are laws re: articles must be published before the deliberative session. Mr. Scanlan says yes, they must be published beforehand, just like town meeting.

Commissioner Baldasaro asks Mr. Scanlan with his experience, are there more towns going SB2? Mr. Scanlan says that when SB2 was passed, there was a rush of towns that went that way in the mid-1990's. It has tailed off quite a bit. There are a few towns that tried to undo SB2, but only 1 or two have succeeded.

Chairman Farmer asks Mr. Scanlan about quorums – are we able to recommend whether to have one or not? Mr. Scanlan says there are not too many towns that have a minimum amount of voters. He wonders if it's constitutional. He says it is a good question for the AG's office. He does say that you do have to follow the town's charter. Commissioner Baldasaro points out

that he's spoken to some constitutionalists, and they say that a quorum is a way for government to take over the people. Mr. Scanlan agrees, and says that town government is supposed to be run by people. Commissioner Young, as a member of the School Board that does have a quorum, asks if quorum is really unconstitutional. Mr. Scanlan says he's not sure, he's not a lawyer.

Commissioner Young goes on to explain our hybrid form of government and says that on the school side, a citizen's petition cannot be changed during the deliberative session and goes directly to the voters. Mr. Scanlan says that towns with SB2 all have unique charters. He is confused by the definition of a citizen's petition and warrant petition. Commissioner Young asks if the Charter Commission's scope is too narrow. It might be a good question for the town attorney.

Commissioner Wagner asks if the town charter supersedes state law. Mr. Scanlan says no, not for state statutes, but there are statutes that allow towns to make some decisions on their own.

Commissioner Bove says that under the current form of government in Londonderry, the town council could change a petition if it doesn't meet certain requirements. If changed to SB2, will the petition process stay the same? Mr. Scanlan says he would have to look at the town charter. Commissioner Bove then explains that there are only two types of petitions, initiative and referendum. Mr. Scanlan says it doesn't sound like the current process is compatible with SB2.

Chairman Farmer says that the heart of the issue that the Charter Commission is looking at is just SB2. Commissioner Young then reads the question that was on the March ballot:

"Shall a charter commission be established for the sole purpose of establishing official ballot voting under Londonderry's current Town Council – Budgetary Town Meeting form of government?"

Commissioner Baldasaro asks Mr. Scanlan in his experience, if the Charter Commission decides to go with Official Ballot Voting and our wording was incorrect, could a lawyer be able to make the change? Mr. Scanlan says that nothing should be changed.

Pauline Caron, 369 Mammoth Road, asks Mr. Scanlan if union contracts can be changed at the deliberative session. Commissioner Young tells Ms. Caron that legally, you cannot change them on the school side. Chairman Farmer says you can't on the town side either, as was mentioned by DRA when they were here the last time.

There ensues a discussion between members on the difference between SB2 and Official Ballot Voting. Commissioner Wagner asks what the time frame for SB2? Mr. Scanlan says SB2 allows for voting in March, April or May.

Commissioner Young reiterates that Mr. Scanlan testified that in towns with SB2, attendance goes down during the deliberative session, special interest groups can form and that citizens petitions can be changed. Mr. Scanlan clarifies that not for citizens' petitions, but for regular warrant articles. Commissioner Baldasaro says that here in Londonderry, there are about 17,000 registered voters, yet only 300 attended town meeting. He asks Mr. Scanlan if this is the norm around the state – this lack of participation. Mr. Scanlan says that traditional town meeting requires a commitment of time. He says that as issues of today become more complex, people may not understand them fully. He said that times are changing and people cannot make it to town meetings for various reasons.

Mr. Scanlan does say that when we have completed our draft report, to bring it before the people who would have to approve it – DRA & the Secretary of State's office so that they can have a look at it and make any recommendations, suggestions, etc. Secretary McIntyre asks if there is a standard form for the report that other towns have used in the past. Mr. Scanlan says usually it's a simple letter with the Charter Commission's findings, followed by the amendment they would like to put forward.

Chairman Farmer thanks Mr. Scanlan for coming.

Charter Commission Discussion

Chairman Farmer begins discussion about the format of the final report. Commissioner Bove states that many topics have come up tonight at this meeting. He avers that the Commission needs to decide what exactly our recommendation will be and how we will word it.

Discussion continues on what the Charter Commission's original charge is.

Secretary McIntyre asks if it might be a better idea to hold off on voting until August since we'll be getting so much information on July 26th. Chairman Farmer says that we would need to look at scheduling. He also says that the Commission will be getting answers from the Town Attorney hopefully before the meeting, so members will have a chance to think them over. Discussion continues – it is decided to keep the vote to July 26th.

Approval of Minutes

Vice Chair Navarro makes a motion to approve minutes of June 28, 2010. Motion is seconded by Commissioner Deb Paul. **Motion passes, 9-0.**

Adjournment

Vice Chair Navarro makes motion to adjourn meeting. Commissioner Wagner seconds the motion. **Motion passes, 9-0. Meeting adjourns at 8:50pm.**

Next Meeting Dates:

Monday, July 26, 2010 at 7:00pm

Monday, Aug. 9, 2010 at 7:00pm

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