

**Charter Commission Meeting Minutes
June 28, 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 (late), Steve Young (late)

Meeting was called to order by Chairman Farmer at 7:05pm. Chairman Farmer led the Pledge of Allegiance, followed by a moment of silence for the men & women serving in our military here in the community, around the country and abroad.

Chairman Farmer explains the agenda and briefly goes over the schedule of the Charter Commission's upcoming meetings and deadlines.

Public Comment began at 7:07pm.

Reed Clark, 79 Stonehenge Road, says he thinks it will be a mistake to change the charter for several reasons: 1. There are not too many people in the audience who are pro or con, so they do not understand the issue; 2. Believes people coming into town should at least try out the form of government that's been in NH for 300 years; 3. In terms of voting, Mr. Clark believes that people would only get to vote on what 3 out of the 5 town council members believe in; 4. Mr. Clark says that several thousands of dollars has been saved because of town meeting – it is important for people to have a say; 5. Mr. Clark says that if no one is interested in the politics in town, then why change it? Let the small amount of people who come to town meeting make the decisions. Mr. Clark mentions that while he was in the Foreign Service for 40 years, when visiting different countries he participated in the customs and practices of that country. He says that people who come from other states to NH should try out their type of government, and not try to make it like New Jersey or Massachusetts or Nebraska. He strongly suggests putting off a judgment about this subject due to lack of interest.

Commissioner Baldasaro points out that the charter has been changed over the years. He asks Mr. Clark if he believes a deliberative session with no quorum is the same as a town meeting. Mr. Clark says that there are differences, such as having 2 different budgets. Commissioner Baldasaro then states that town meeting disenfranchises the military because they are unable to vote at a town meeting.

Fred Hussler, 4 Woodbine Drive, speaks. He has lived in town for six years and has also lived in towns in Massachusetts, New Jersey and Pennsylvania. Mr. Hussler says he is not particularly happy with the current form of government in Londonderry. He does not think it's fair to those who couldn't attend the town meeting. Mr. Hussler likes it when everything is laid out in front of you – town meeting seems inefficient and not as effective. He spent 14 years in Grafton,

MA, where everything was laid out before the town meeting, which would last 1-3 nights. He says the problem with town meeting is that you don't get the turnout as you would for ballot vote. Mr. Hussler then thanks the commission for their work and for bringing different opinions to the table.

Commissioner Bove thanks Mr. Hussler for coming. He asks him out of all the places he's lived, which form of government did he like the best. Mr. Hussler likes voting with a ballot – he likes everything laid out for you and that you only have to vote once. He also likes that with everything laid out beforehand, you have the opportunity to ask questions.

(Kathy Wagner and Steve Young arrive at 7:20pm.)

Mr. Hussler said for the ballot vote, the school and town were both done at the same time.

Commissioner Baldasaro makes comment on quorums, and points out the Londonderry is one of only 7 towns that have quorums on the school side.

Commissioner Chris Paul asks Mr. Hussler if he would go to a deliberative session. Mr. Hussler points out that, obviously, if the issues are more controversial, more people will turn out. If the issues were innocuous, why bother – the people voters elected made good decisions.

Chairman Farmer asks Mr. Hussler what prompted him to come tonight. Mr. Hussler says it appeared that no one was coming, that the meetings were not well attended, and he wanted to give his opinion.

Old Business:

None.

Public Session:

Commissioner Baldasaro moves to open the Public Session. Motion seconded by Vice-Chair Navarro. Motion passes, 9-0.

Jeanie Samms from the Department of Revenue Administration (DRA) and Municipal Advisor for Londonderry is present to answer questions.

Chairman Farmer asks if DRA takes an active role in the default budget. Ms. Samms says DRA does not get involved because the default budget is a political issue – the governing body must make the default budget. The DRA cannot say what is a good default budget or a bad one; they do not audit the default budgets.

Commissioner Bove asks if an individual doesn't believe the default budget is correct, could a change be made. Ms. Samms says yes, it can, that the governing body can amend the budget after the deliberative session.

Commissioner Young asks if a default budget is contractual, isn't it unlikely that a change will be needed? Ms. Samms says a change does not need to be made during the deliberative session. Usually, a change is made because an audience member during the deliberative session points out an error on the budget.

Commissioner Baldasaro clarifies if the budget can be changed during the deliberative session. Ms. Samms says the local body could change the budget after the deliberative session. Discussion about use of an official budget committee – Ms. Samms says that in the 47 towns she works with, she can't think of any towns that use the budget committee for the official budget.

Commissioner Wagner asks if a question can be put on the ballot multiple times. Ms. Samms says that you can't change what a question asks, but you can amend an article to read as "to see." Commissioner Young says "you wouldn't want to amend 'to see' in a town meeting format because the voters are the legislative body." A member of the audience, Ann Gaffney, 28 Tokanel Drive, states that at town meeting, you could amend the dollar amount to \$0. Ms. Samms says there cannot be an amendment to a citizen's petition but during the deliberative session you can change the amount of money requested or write it as "to see." She goes on to say that "to see" can be amended to all warrant articles except for the operating budget. Commissioner Chris Paul asks if on the ballot you could have two questions, for example, 1. bond for a fire station; 2. If bond failed, have a one-time expense for the fire station. Ms. Samms says yes.

Chairman Farmer asks if DRA could declare something as illegal. Ms. Samms says an item on the ballot could be "disallowed," if an amendment is deemed improper. She says that you can't change the purpose on an amendment for ballot items (e.g. request to raise money to go into capital reserve cannot be changed to take money out of the capital reserve).

Commissioner Baldasaro asks when the DRA looks at the ballots – before or after the election. Ms. Samms says they don't look until afterwards, and they could do a "disallow after the election has ended. Commissioner Baldasaro asks if you could do a write-in campaign. Ms. Samms says to ask the Secretary of State's office.

Commissioner Wagner asks what would happen if during the deliberative session the default budget was changed significantly. Ms. Samms says they can have another public meeting after the deliberative session.

Chairman Farmer asks when doing a review of the election, is the will of the voters taken into consideration. Ms. Samms says yes.

Ms. Samms states that of the 105 municipalities in the state that she works with, 52% are SB2, and the number is growing every year.

Public Comment begins again at 8:10pm.

Ann Gaffney, 28 Tokanel Drive, says she has tried to come on three other occasions, but the meetings were already completed by the time she arrived. She states that if SB2 goes through, she would like no or a low quorum. In her view, when the school charter changed the quorum to 500, hardly any people came to the meetings anymore because the people didn't feel like they could be involved in the process. Ms. Gaffney does attend town meeting and makes sure to find out when it is so that she can be sure to attend. She likes that when people do come out, they ask questions and participate. She's afraid that the town will end up like the school side – she feels that on the school side, voters have no voice. She reiterates that she would like to keep the quorum low or have none if the town goes to SB2. She understands the disenfranchisement of the military and those who cannot attend town meeting. In her view, town meeting is the purest form of democracy – she feels people can have a voice, debate. Ms. Gaffney says with a ballot, you don't have the same opportunity to understand the issues. During town meeting, the dollar amounts discussed usually go down – not as often do they go up.

Commissioner Baldasaro thanks Ms. Gaffney for coming. He asks if she thinks the deliberative session without a quorum and town meeting are the same thing. Ms. Gaffney says she is gun shy to change anything right now. Commissioner Young asks Ms. Gaffney's opinion about this past year's article 5 on the school ballot to change the quorum from 500 to 350 – why did she think it didn't pass? Ms. Gaffney says people like what they know (keep things the same), and that most likely they didn't understand what they were voting on.

Commissioner Wagner asks Ms. Gaffney's opinion on no quorum for deliberative session. Ms. Gaffney says she would rather risk having one person being at the deliberative session. If the outcome turned out bad, maybe it would encourage people to participate. She said that if there is a quorum, it is harder for voters to be in control. Commissioner Deb Paul says if that was to happen, it would be a teaching lesson for the voters

Ms. Gaffney says she doesn't think it's bad when people come in for specific interests, because they have the right to do that if they want. She says you can only make decisions based on opinions.

Commissioner Young says a problem he has with SB2 is that voters are only presented with 2 budgets. He asks Ms. Gaffney for her opinion. She says that she believe infinite solutions is better than just 2 budgets. With h town meeting, you can negotiate all the rationales for proposals for change. She believes that if there was SB2, there will be less participation than there is currently. Commissioner Young brings up union contracts for teachers, and notes they have always passed. Ms. Gaffney says that people move to Londonderry for the schools, and

they are willing to pay for those services. She does not believe that, even with no quorum, the outcome would change.

Commissioner Wagner asks Ms. Gaffney why she thinks people are dissatisfied with the school's deliberative session. Ms. Gaffney says people don't know what they are getting for their tax dollars.

Vice Chair Navarro asks what Ms. Gaffney feels is the difference between a deliberative session and town meeting. Ms. Gaffney says people vote afterwards, but when you stick with town meeting, you are keeping the power with the voters.

Bob Napolitano, 14 Currier Drive, asks Commissioner Young when the school system went to SB2 in 2000, was the smallest number (default vs. proposed) always picked. Commissioner Young says that in his experience the last 8 years, the lower number was always picked except for 8 years ago, when it was higher by a small amount. Commissioner Young does point out that, because enrollment is the same or lower than 8 years ago, the schools have been able to implement changes to have the proposed budget be lower than the default. Mr. Napolitano says that the town has been growing – he wonders about the percentage of the budget the school was overall versus the town, especially if it's higher now than 12 years ago when SB2 was implemented. Mr. Napolitano continues the discussion, and notes that, if possible, the Charter Commission should try to set up the charter for the future, for how the town is changing. Secretary McIntyre asks Mr. Napolitano to clarify his statement – he says that he thinks Londonderry is not a small town anymore, and sees a government run by a mayor in the future. Commissioner Deb Paul notes that, just because of population size, you don't have to call it a city – it is just one choice of form of government.

Reed Clark, 79 Stonehenge Road, notes that if Londonderry became a city, you still won't get to many people there to vote – you need to participate.

Charter Commission Discussion

Chairman Farmer asks other members of the Commission if there are any other guests they would like to invite to come before them before a decision is made. Commission would like to have someone from the Secretary of State's office come, if they are able to appear before July 20. The members of the Charter Commission decide to hold off inviting head of the Taxpayers Coalition. Vice Chair Navarro asks how the Commission is going to schedule everything and get it done in time. Chairman Farmer says he will send questions to the Town Attorney and ask him to appear at the July 26 meeting, which will also be a hearing and night of vote.

Discussion begins on how to format the report that the Charter Commission must submit to the town. Commissioner Wagner thinks that it should be kept simple; other Commissioners agree.

Approval of Minutes

Commissioner Baldasaro makes a motion to approve minutes of May 10, 2010. Motion is seconded by Vice Chair Navarro. **Motion passes, 9-0.**

Adjournment

Vice Chair Navarro makes motion to adjourn meeting. Commissioner Baldasaro seconds the motion. **Motion passes, 9-0. Meeting adjourns at 10:15pm.**

Next Meeting Dates:

Monday, July 12, 2010 at 7:00pm

Monday, July 26, 2010 at 7:00pm

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