

Charter Commission Meeting Minutes
August 23, 2010

Meeting was held in the SAU Conference Room, 268C Mammoth Road, Londonderry.

In Attendance:

Chairman Brian Farmer, Vice-Chair Cris Navarro, Secretary Lara McIntyre (late), Commissioners Al Baldasaro, Marty Bove, Chris Paul, Deb Paul.

Meeting was called to order by Chairman Brian Farmer at 7:05pm. Chairman Farmer led the Pledge of Allegiance.

Public Session / Charter Commission Discussion

Chairman Farmer distributes the draft report that he has written (*see attached document*). The report is due on Thursday, August 26th. Chairman Farmer says that he has all copies of the documents that need to be included in the draft report.

Commissioner Bove is working on drafting the minority report, which will be included in the table of contents with the official report from the Charter Commission.

Commissioner Baldasaro inquires about language in Section 5.3 of the charter concerning having notice one week prior to the Deliberative Session and Official Ballot Session. He asks if that is state law or just part of the charter. Brian says that the language was already in the charter. Commissioner Baldasaro reminds members that the town must comply with state law, and there could be some changes coming up regarding notice. Chairman Farmer says that if a state law changes, the charter will be changed to comply with the law.

Commissioner Baldasaro asks if the Commission will be voting on the language of the charter change. Chairman Farmer and other Commission members agree that a vote should be taken. Commissioner Baldasaro makes a motion to accept the changes to Sections 5.3 and 5.4 of the charter. Motion is seconded by Vice-Chair Navarro. **Motion approved 6-1.**

Continued discussion on the draft of the Charter Commission's report. Chairman Farmer will make small edits for spelling errors and work on a table of contents.

Chairman Farmer mentions that the report is due August 26th to the Town Clerk, and she has until September 5th to send out to state entities (Secretary of State, DRA, Attorney General's offices). The Town Attorney will look at it between August 26th and September 5th to make sure it looks okay to send. Chairman Farmer says that the state will give a written response on their decision.

Commissioner Bove mentions that he likes how the report was done – very factual and non-biased. Vice-Chair Navarro also compliments Chairman Farmer for how well the draft report looks.

Secretary McIntyre asks if the draft will be released to the public, or only the final report. Chairman Farmer says to include the draft report in the minutes so that the public can see it.

Approval of Minutes

Commissioner Baldasaro makes a motion to approve the minutes of August 16, 2010. Motion is seconded by Commissioner Bove. **Motion approved, 6-0 (1 abstention).**

Other Business

Commissioner Bove thanks the other Commissioners for keeping open minds and says he's enjoyed working with everyone. Sentiments echoed by other members of the Commission.

Adjournment

Commissioner Baldasaro makes a motion to adjourn the meeting. Motion is seconded by Commissioner Bove. **Motion approved 7-0. Meeting is adjourned at 7:45pm.**

Next Meeting Date:

TBD

Draft Report of the Charter Commission
of
The Town of Londonderry, New Hampshire

Introduction – This is the draft report of the nine-member Town of Londonderry Charter Commission elected by the voters to study the question of whether or not the Town of Londonderry should adopt Official Ballot voting under Londonderry’s current Town Council – Budgetary Town Meeting form of government.

Background – The current Town Charter was adopted by Town Meeting on March 12, 1996. This established the current Town Council – Budgetary Town Meeting form of government currently practiced in Londonderry. The Charter has been revised a total of five times by Town Meeting vote; each revision covering different topics and indicating a willingness on the part of Londonderry’s voters to address the need to modify the Town’s Charter with the passage of time.

A petition to change to official ballot voting was received by the Town Council in January of 2004. This petition had been signed by 532 voters. A review of the petition by the Town’s Attorney was discussed at the Town Council meetin on January 12, 2004. During this discussion it was opined that that the petition itself was flawed as it had not followed the proper process and as a result the Town Council did not accept the petition as valid.

On September 21, 2009 the Town Council voted to place a question on the ballot for March 2010 that would allow the voters to decide whether a Charter Commission would be established to study changing from the current method of voting on the budget at Town Meeting or changing to Official Ballot voting. The specific language of the question on the ballot is as follows:

Article 2: 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?

Voting was held on March 9, 2010 and the vote for Article 2 was 1901 to 1074. With that vote came the election of the nine members of the Charter Commission out of a field of 21. The following are the members of the Charter Commision: Al Baldasaro, Marty Bove, Brian Farmer, Lara McIntyre, Cris Navarro, Chris Paul, Debra Paul, Kathy Wagner and Steve Young.

Meetings and Meeting Summary:

State Law requires that the Charter Commission have an Organizational Meeting and a Public Hearing within fourteen days of that meeting. The elected Commissioners opted to have several additional meetings beyond those that were required to permit ample opportunity for the public to be heard and to allow opportunities for invited guest speakers to appear before the Commission to offer their perspective. Recorded minutes for all meetings are held in the Office of the Town Clerk. The following is a brief summary of all meetings held by the Commission.

March 29, 2010 – Organizational Meeting: The Commission held an organizational meeting to elect officers.

Brian Farmer – Chairman

Chris Navarro – Vice Chairman

Lara McIntyre – Secretary

Invited guest Bart Mayer, Town Counsel for the Town of Londonderry explains that the Charter Commission is now established for a specific and limited purpose, which is to look into creating an official ballot system for the town.

April 12, 2010 – Public Hearing: The Charter Commission hosts its required Public Hearing to take testimony from members of the public. The meeting is lightly attended.

April 26, 2010 – Public Meeting: The Charter Commission meets in public. Invited guest Dave Caron, Town Manager for the Town of Londonderry discusses the current Town Charter and the specific areas that the Commission is allowed to address.

May 10, 2010 – Public Meeting: The Charter Commission meets in public. Invited guest Susan Hickey, Assistant Town Manager – Finance and Administration for the Town of Londonderry and Peter Curro, Business Administrator for the Londonderry School District speak about the budgeting process followed by the Town and School District highlighting the differences so that the Commission members can understand the budget and default budget processes.

June 28, 2010 – Public Meeting: The Charter Commission meets in public. Invited guest Jeanie Samms from the Department of Revenue Administration (DRA) and Municipal Advisor for Londonderry is present to answer questions. Regarding the DRA's role in the budgetary process. She provides two handouts from the DRA to members of the Commission.

July 12, 2010 – Public Meeting: The Charter Commission meets in public. Invited guest 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.

July 26, 2010 – Final Public Hearing: The Charter Commission meets in public. Invited guest Bart Mayer, Town Counsel for the Town of Londonderry Town Attorney Mayer appears before the Charter Commission to address publicly the questions that have arisen from previous meetings. The Commission opens the Public Hearing which is again lightly attended. In a vote of 6-3 the Commission agrees to recommend to the voters of the Town of Londonderry that they adopt Official Ballot Voting as part of their Town Charter.

August 9, 2010 – Public Meeting: The Charter Commission meets in public. The Commission's members have a discussion regarding the issue of a "quorum" at any future Deliberative Session that may result for the voters' decision on Official Ballot Voting in March 2011. The Commission votes 7-0 to not include any language regarding a quorum.

August 16, 2010 – Public Meeting: The Charter Commission meets in public.

August 23, 2010 – Public Meeting: The Charter Commission meets in public. The commission met to discuss and amend the draft report prior to its delivery.

Proposed Charter Amendments:

The following sections of this report provides insight into the specific areas of the Charter that will be changed as a result of a Yes vote on the Article to be presented to the voters in March 2011. The first section illustrates the changes by showing the specific additions and deletions that will need to be made in order to amend the Charter to include Official Ballot voting. The additions to the Charter are shown in bold (**bold**) and the deletions are shown as strikethroughs (~~strikethroughs~~).

The second section shows the complete language of the change as amended. The principle choice to be made by the voters is the choice between the continuation of the current process of voting in which voters desiring to participate must vote at both the Tuesday Session of Annual Town Meeting and then return to vote again at the Saturday Session - or – to change to Official Ballot Voting in which all matters are voted on at the Tuesday Session and the Saturday Session is done away with. Should the voters choose to adopt Official Ballot voting there will be a Deliberative Session prior to the final vote at the Tuesday Session in which articles may be amended by as many registered voters who show up at the meeting. Final voting will occur on Tuesdays and includes the choice between the budget adopted at the Deliberative Session and a default budget.

PROPOSED CHARTER AMENDMENTS FOR OFFICIAL BALLOT VOTING
(WITH **ADDS AND DELETIONS**)

Section 5.3. Budget Hearings

The Council shall hold in convenient places as many public hearings on the budget as it deems necessary, but at least two public hearings on the budget shall be scheduled on dates consistent with those specified in the Municipal Budget Act before its final adoption by the ~~Budgetary~~ **Official Ballot Session of the Budgetary** Town Meeting, **held on the second Tuesday in March** at such time and place, convenient to the public, as the Council shall direct. Notice of such public hearing, **THE Deliberative Session of the Budgetary Town Meeting** and ~~Budgetary~~ **Official Ballot Session of the Budgetary Town** Meeting, together with a copy of the budget as submitted, shall be posted in two public places. A copy of the budget shall be available to the public at the office of the Clerk during regular business hours. In addition, notice of such public hearing, **The Deliberative Session of the Budgetary Town Meeting** and ~~Budgetary~~ **Official Ballot Session of the** Town Meeting shall be published in a newspaper of general circulation in the Town at least one week prior to said meeting by the Clerk.

Section 5.4. Final Date for Budget Adoption

A. The warrant for the annual meeting shall prescribe the place, day and hour of the **Deliberative and Official Ballot** sessions of the **Budgetary Town** meeting, and notice shall be given in accordance with State Law.

B. The **Deliberative** first session of the annual meeting shall be ~~for the election of officers as provided in Section 2.5., and to act upon, by official ballot, such articles for bonds or notes as may be presented. The second Tuesday in March shall be deemed the annual meeting date for purposes of all applicable statutes pertaining to hearings, notice, petitioned articles, and any special articles on the warrant~~ **held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays and for the consist of explanation, discussion, and debate of each warrant article. A vote to restrict reconsideration shall be deemed to prohibit any further action on the restricted article until the second session. Warrant articles may be amended at the first session, subject to the following limitations:**

1. **Warrant articles whose wording is prescribed by law shall not be amended.**
2. **Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.**

All votes of the Town Council and Advisory Budget Committee shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article.

C. The clerk of the Town shall prepare an official ballot, which may be separate from the official ballot used to elect officers, for bonds or notes articles **and all budget articles** to be voted on by official ballot.

D. The second session of the annual meeting, which shall be for the ~~transaction of all business other than the election of officers,~~ **and to vote on bonds or notes articles, and all warrant**

articles from the first session on official ballot shall be held on the second Tuesday in March. Bonds or notes shall require a 3/5 (or 60%) majority for passage, as per Section 5.4.A. and any bond or note articles to be acted upon by official ballot shall be held between the second Tuesday of March and the Saturday following the second Tuesday of March, at a time prescribed by the Council. **In addition to acting upon Special Warrant Articles, voters shall choose between the proposed Operating Budget as may be amended during the Deliberative Session, and the Default Budget, which shall be calculated pursuant to RSA 40:13 IX (b). In the event that the proposed Operating Budget and Default Budget receive an equal number of votes, the Default Budget shall be considered approved.**

~~E. — The second session of the annual meeting will be held on the date specified to explain, discuss, debate, amend, finalize and vote on the Town budget; and special warrant articles calling for appropriations, except those articles calling for the issuance of bonds or notes as voted upon in the first session, which shall require a 3/5 (or 60%) majority for passage.~~

EF. Voters at the ~~first~~ **second** session shall follow the procedures set forth in State Law including all requirements pertaining to absentee voting, polling place, and polling hours.

FG. Votes taken on the official ballot shall be subject to recount as set forth in State Law.

GH. Votes taken on bonds or notes at the ~~first~~ **second** session shall not be reconsidered, except by warrant article at a subsequent annual or special meeting.

H. The warrant for any special meeting shall prescribe the date, place, and hour for both a first session and second session, if required. The first and second session shall conform to state Statutes and applicable provisions of this Charter.

PROPOSED CHARTER AMENDMENTS FOR OFFICIAL BALLOT VOTING

Section 5.3. Budget Hearings

The Council shall hold in convenient places as many public hearings on the budget as it deems necessary, but at least two public hearings on the budget shall be scheduled on dates consistent with those specified in the Municipal Budget Act before its final adoption by the Official Ballot Session of the Budgetary Town Meeting, held on the second Tuesday in March at such place, convenient to the public, as the Council shall direct. Notice of such public hearing, THE Deliberative Session of the Budgetary Town Meeting and Official Ballot Session of the Budgetary Town Meeting, together with a copy of the budget as submitted, shall be posted in two public places. A copy of the budget shall be available to the public at the office of the Clerk during regular business hours. In addition, notice of such public hearing, The Deliberative Session of the Budgetary Town Meeting and Official Ballot Session of the Town Meeting shall be published in a newspaper of general circulation in the Town at least one week prior to said meeting by the Clerk.

Section 5.4. Final Date for Budget Adoption

A. The warrant for the annual meeting shall prescribe the place, day and hour of the Deliberative and Official Ballot sessions of the Budgetary Town meeting, and notice shall be given in accordance with State Law.

B. The Deliberative session of the annual meeting shall be held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays and consist of explanation, discussion, and debate of each warrant article. A vote to restrict reconsideration shall be deemed to prohibit any further action on the restricted article until the second session. Warrant articles may be amended at the first session, subject to the following limitations:

1. Warrant articles whose wording is prescribed by law shall not be amended.
2. Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

All votes of the Town Council and Advisory Budget Committee shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article.

C. The clerk of the Town shall prepare an official ballot, which may be separate from the official ballot used to elect officers, for bonds or notes articles and all budget articles to be voted on by official ballot.

D. The second session of the annual meeting, which shall be for the election of officers, and to vote on bonds or notes articles, and all warrant articles from the first session on official ballot shall be held on the second Tuesday in March. Bonds or notes shall require a 3/5 (or 60%) majority for passage. In addition to acting upon Special Warrant Articles, voters shall choose between the proposed Operating Budget as may be amended during the Deliberative Session, and the Default Budget, which shall be calculated pursuant to RSA 40:13 IX (b). In the event that the proposed Operating

Budget and Default Budget receive an equal number of votes, the Default Budget shall be considered approved.

E. Voters at the second session shall follow the procedures set forth in State Law including all requirements pertaining to absentee voting, polling place, and polling hours.

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H. The warrant for any special meeting shall prescribe the date, place, and hour for both a first session and second session, if required. The first and second session shall conform to state Statutes and applicable provisions of this Charter.

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