

**MERRIMACK CHARTER COMMISSION
REGULAR MEETING
JULY 26, 2005**

Commission members present: Chairman Tom Mahon, Vice Chairman Heather Anderson, Secretary Fran L'Heureux, Peter Batula, Bob Kelley, Finlay Rothhaus, Tim Tenhave, Lon Woods, and David Yakuboff.

Chairman Mahon convened the meeting of the Charter Commission at 7:04pm in the Conference Room of the Town Hall by welcoming the members of the public in attendance and by having the Commissioners introduce themselves.

Public Comment Protocol

Chairman Mahon went on to explain that tonight's public hearing was prescribed by RSA 49-B:4, V and was a requirement of the law. He further described the process adopted by the Commission for public participation and proper record keeping, which includes providing your name and residence for those speaking.

Announcements

Chairman Mahon announced that he has confirmed the attendance of two seasoned municipal managers for the Commission's August 2, 2005 meeting. Scheduled to be in attendance at that meeting is former Merrimack Town Manager Jim McSweeney and current Epping Town Administrator Steve Fournier.

Overview of the Charter Process and Forms of Government

Chairman Mahon conducted a PowerPoint presentation regarding NH RSA 49-B (the Charter process) and the various forms of government a NH municipality permitted under NH RSA 49-C and D. The presentation was approximately 15 minutes long.

Public Comment

Chairman Mahon opened the public hearing at 7:25pm.

- ❖ Andrew Sylvia, 28 Merrymeeting Drive, asked if the town would have geographically defined wards and questioned RSA 49-C, Section 9 (Qualifications for Office).
- ❖ William Herbert, 23 Old Kings Road, hoped that the Commission recommends a form of government that represents all the people and not just a small group.
- ❖ Carolyn Whitlock, 239 Baboosic Lake Road, hoped that the Commission would consider what part of the present form of government is not working, and after identifying it, to see if the problems will be fixed by the new form recommended by the Commission. (Chairman Mahon advised that by statute, the Commission is required to give the public the reasoning behind their decision.)
- ❖ Dennis King, 10 Derry Street, would like the Commission to consider doing away with SB2 and spoke in favor of returning to the traditional town meeting format using advanced technology to connect various locations.

- ❖ William Herbert spoke again citing this year's warrant article for Horse Hill Nature Preserve and how he felt a small minority of voters in attendance at the Deliberative Session changed the petitioner's original intent for the article. He stated that this wasn't the first such example of a warrant article's intent being changed at the Deliberative Session and recalled the first year that same property was on the Warrant and it was moved to purchase the land for \$1.
- ❖ Ron Legere, 7 Dahl Road, agreed with Dennis King to remove SB2; however questioned whether the community was too large for the traditional town meeting format again.
- ❖ Janice Chaussee, 3 Parker Drive, stated that she had just relocated from Nashville and was very thankful for tonight's overview presentation. She questioned which form of government costs more to operate. (Vice Chairman Anderson responded that much of the operational costs depend on the level of service the community puts into place. She also noted that approximately 10 years ago, the Town of Derry undertaking a charter discussion discovered that it was less expensive to operate as a town than a city due to the distribution formulas for state aid. However, much of that may have changed with the statewide property tax and ongoing education funding allocations.)
- ❖ Andrew Sylvia spoke again stating that SB2 was passed in 1995 and the present Board of Selectmen has no one in Thornton's Ferry to represent them.

Before closing the public hearing, Chairman Mahon asked if the reporters in attendance had any questions.

Dan McLean from the Union Leader asked if there are any state laws or guidelines for salaries for elected officials. Chairman Mahon explained that it is currently done through the budget process and there is typically a small stipend for elected officials.

Close Public Comment

Chairman Mahon closed the public hearing at 8:06pm and thanked those in attendance for coming. He reminded the public of the next scheduled public hearing on November 8. He also reiterated the scheduling of public comment periods at the start and end of each meeting. Vice Chairman Anderson directed those who were interested to view the Commission's web site and to subscribe to the information list service.

Chairman Mahon recessed the meeting for approximately ten minutes.

Recess for Subcommittee Meetings

Chairman Mahon noted that the subcommittee reviewing the current form of town government would be meeting following this full Commission meeting. Therefore, there was no recess for subcommittee meetings.

Other Business

Chairman Mahon reported that he had distributed information he received from Allen Kranz, Chairman of the Dover Charter Commission, which included their operating rules and regulations, their timeline, their preliminary report recommending motion, and their preliminary report for submission to the Secretary of State, Department of Revenue

Administration, and the Attorney General's Office. Chairman Mahon noted that the Dover Commission had adopted very similar rules and regulations. He further mentioned that they required all motions to be in writing and that they required six votes for any recommendations to go forward to the ballot or to the attorney for review. Chairman Mahon asked the Commission members to consider adding these additional items to our rules of procedure.

Chairman Mahon reported that he had sent out letters inquiring of interest to seven local municipal attorneys:

Timothy Bates, Esq. – Laconia, NH
William Drescher, Esq. – Milford, NH
Allen Krans, Esq. – Dover, NH
Peter Loughlin, Esq. – Portsmouth, NH
John Rattigan, Esq. – Exeter, NH
Charles Tucker, Esq. – Exeter, NH
Eugene Van Loan III, Esq. – Manchester, NH

Chairman Mahon then asked Commission members to give consideration to the possibility of having another public hearing in September to allow public comment on the choice the Commission makes regarding whether to recommend adopting a charter or maintaining the current form of government.

A motion was made by Tim Tenhave to schedule a public hearing on September 13, 2005. Heather Anderson seconded the motion for discussion purposes. David Yakuboff stated he thought the Commission should hold a public hearing before September 13. The motion carried 8-1-0 (David Yakuboff voting in the negative).

There was a lengthy discussion on the outreach program dealing with other boards and organizations. Chairman Mahon assured the Commission members that his intent was to inform various constituencies and not advocate for any particular direction. Chairman Mahon also stated that other members of the Commission were encouraged to accompany him to these meetings.

Tim Tenhave is developing a format for the subcommittees to use for their reports, so that there will uniformity.

Vice Chairman Anderson explained that the website is current with material that has been sent to her for posting. She reported that anyone subscribing to the Information Service will now be directed upon submit to a page that explains the service and what emails to expect as a result of the individual's subscription selections.

Minutes

A motion was made by Lon Woods and seconded by Bob Kelley to accept the minutes of July 19, 2006 as printed. The motion carried 9-0-0.

A motion to adjourn was made by Lon Woods and seconded by Fran L'Heureux. The motion carried 9-0-0. The meeting adjourned at 9:03pm.

Respectfully Submitted,
Secretary Fran L'Heureux