

CHARTER

of the

Town of Londonderry,

New Hampshire

Adopted by Town Meeting, March 12, 1996
Effective July 1, 1996

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Revised by Town Meeting Vote, March 8, 2005
Revised by Town Meeting Vote, March 8, 2011
Revised by Town Meeting Vote, March 10, 2020

Charter Commission:

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CHARTER CHANGES ADOPTED

No.	Description	Town Council Adopted	Town Meeting Approved
98-01	– Charter Amendment (Section 5.4)	02/09/98	04/14/98
98-02	– Charter Amendment (Section 9.1a)	01/26/98	04/14/98
98-03	– Charter Amendment (Section 3.5c)	01/26/98	04/14/98
98-04	– Charter Amendment (Section 5.5a)	02/26/98	04/14/98
00-01	– Charter Amendment (Section 3.4)	02/07/00	03/14/00
01-02	– Charter Amendment (Section 6.1)	Indef. Postponed	
02-20	– Charter Amendment (Section 3.1.A and B)	12/02/02	03/11/03
02-21	– Charter Amendment (Delete Section 10.8A)	12/02/02	03/11/03
02-22	– Charter Amendment (Section 9.1.A)	12/02/02 – Reconsidered/ Denied 01/06/03	
03-17	– Charter Amendment (Section 5.4.E)	01/12/04	03/09/04
03-25	– Charter Amendment (Section 3.3.D)	01/12/04	03/09/04
04-20	– Charter Amendment (Section 5.5)	12/20/04	03/08/05
10-23	– Charter Amendment (Section 5.3, 5.4.B, C, D, E, F, G, H and I)	11/15/10	03/08/11
20-02	– Charter Amendment (Section 5.4 D)	12/23/19	03/10/20

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Chapter I - Town Charter

ARTICLE 1 - Incorporation: Town Form of Government: Power

Section 1.1. Incorporation

The inhabitants of the Town of Londonderry shall continue to be a body politic and corporate under the name of the "Town of Londonderry" and as such to enjoy all the rights, immunities, powers and privileges and be subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. All existing property of the Town shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it under this Charter.

Section 1.2. Town Form of Government

The administration of the fiscal, prudential, municipal and other affairs of the Town, with the governance thereof, shall be vested in a Town Council, shall be directed by a Town Manager, and shall consist of the various departments of the Town as established by this Charter and from time to time by the Town Council. Except as expressly authorized by this Charter, no Councilor shall participate in the conduct of the administrative affairs of the Town.

Section 1.3. Construction

The powers of the municipality under this Charter are to be construed liberally in favor of the Town, and the specific mention of particular powers is not intended to limit in any way the general powers of the municipality as stated in Sec. 1.1.

Section 1.4. Intergovernmental Relations

Subject only to express limitations in the provisions of the New Hampshire Statutes, the Town may exercise any of its powers or perform any of its functions under this Charter and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the State of New Hampshire, or any political subdivision or agency thereof, or the United States of America or any agency thereof.

Chapter I - Town Charter (Cont'd)

ARTICLE 2 - Elections: Election Officials: Conduct of Elections

Section 2.1. Composition of Board of Election Officers

The Supervisors of the Checklist, the Moderator and the Town Clerk shall constitute the Board of Election Officers. The Moderator shall be Chair. The Town Clerk shall serve as the Clerk of the Board.

Section 2.2. Moderator

There shall be a Moderator of the Town who shall have all the powers and duties granted by this Charter and State Law. The Moderator shall be elected on an at large basis to a term of two (2) years at the Town election. Without limitation to the foregoing, for election purposes, the Moderator shall have the power to appoint all election officials except those which must be elected or otherwise appointed. The Moderator shall determine whether all ballots from all polling places are to be counted in one or more locations. Vacancies in the office of moderator shall be filled pursuant to State Law.

Section 2.3. Supervisors of the Checklist

- A. There shall be three (3) Supervisors of the Checklist who shall hold office for six (6) years (and until their successors are elected and qualified) on a staggered basis so that one Supervisor is elected at each odd year Town election.
- B. Vacancies in the Supervisors of the Checklist shall be filled pursuant to State Law. The person so appointed shall hold office until the vacancy for the unexpired term is filled at the next Town election.
- C. The Supervisors shall elect a chair for a term of two (2) years.
- D. The Supervisors of the Checklist shall have such powers and duties as are specified under New Hampshire law.

Section 2.4. Town Clerk

There shall be a Town Clerk who shall have all the powers and duties granted by the Charter and State Law. The Clerk shall be elected on an at-large basis to a term of three (3) years at the Town Election. Vacancies in the office of the Clerk shall be filled pursuant to State Law.

Chapter I - Town Charter (Cont'd)

ARTICLE 2 - Elections: Election Officials: Conduct of Elections (Cont'd)

Section 2.5. Conduct of Elections

- A. The election officers, whose duty it is to conduct regular elections, shall use a Non-Partisan Official Ballot System as detailed in the election laws of the State of New Hampshire, on the second Tuesday in March to choose Councilors and such other officials as specified by this Charter, each of whom shall be elected by the voters of the entire town.
- B. At all Town elections the polls shall be open not less than eleven (11) hours and may be open not earlier than six o'clock in the forenoon of the day of the election, nor later than eight o'clock in the forenoon of the day of the election, nor closed earlier than seven in the evening. The Council shall determine the hours at least thirty (30) days prior to the election.
- C. The election laws of the State of New Hampshire shall govern voter qualifications.
- D. The Council shall specify the polling places of the Town.

Section 2.6. Preparation of Ballots

The Clerk shall prepare separate ballots to be used at all local referenda and at elections at which Town officers are chosen. The ballots shall contain in appropriate sections the names of all candidates, listed in such order as prescribed by State Law, without party designation. Below the list of names of the candidates of each office there shall be as many blank spaces as there are offices to be filled at the election. No titles, military, professional or otherwise, shall accompany the name of any candidate on the ballot.

Section 2.7. Preservation of Ballots

All the ballots cast at each election shall be preserved, maintained and sealed as required by the election laws of the State of New Hampshire.

Section 2.8. Contested Elections shall be resolved in accordance with the State Law

Tied elections for any elected office shall be determined by lot in a manner as decided by the Clerk in the presence of the tied candidates.

Chapter I - Town Charter (Cont'd)

ARTICLE 2 - Elections: Election Officials: Conduct of Elections (Cont'd)

Section 2.9. Display of Local Campaign Materials at Polling Place

Persons as candidates for elected office or as representing or working for a candidate for office or promoting a petition, resolution, referendum or measure on the ballot may not solicit votes, display, exhibit or distribute any campaign materials in violation of local ordinances or state statutes. The Moderator shall exercise the powers under State Law relative to the conduct of elections, distribution of campaign materials and electioneering within the polling place.

Chapter I - Town Charter (Cont'd)

ARTICLE 3 - Town Council

Section 3.1. Membership: Term of Office (*Revised - TM 3/11/03*)

- A. Except as otherwise provided in this Charter, all of the powers of the Town shall be vested in a Town Council (hereafter referred to as the "Council"), of five (5) Councilors. The Councilors shall be elected from the Town at large for a three (3) year term of office ***with staggered terms.***
- B. All Councilors shall take office ***following their election and after being duly sworn at the conclusion of the budgetary Town Meeting,*** and shall hold office until their successors are duly elected and qualified.

Section 3.2. Organization Meeting

- A. The Councilors so chosen shall meet in their capacity as the Council within ten (10) calendar days following their election for the purpose of taking their respective oaths of office, adopting rules and for the transaction of business required by law or ordinance to be transacted in such meeting.
- B. The Council shall, by the affirmative vote of at least three (3) of its members, at its first regular meeting following each election, choose one of its members Chair for a term of one (1) year. The Council shall choose one of its members Vice Chair, for a term of one (1) year, who shall act in the absence or disability of the Chair. In the event of a vacancy occurring in the office of Chair, the Vice Chair shall serve out the unexpired term. The Chair shall be the official head of the Town for all ceremonial purposes, shall preside at all meetings of the Council and may speak and vote at such meetings.

Section 3.3. Qualifications of Councilors

- A. Only registered voters who at all times during the term of office are and remain residents of the Town shall be eligible to hold the office of Councilor. To be eligible for election to the office of Councilor a candidate must be of voting age and must have been a resident of the Town for at least thirty (30) days immediately before filing for the election.
- B. Removal of Councilors
The Council may, on specific charges and after due notice and hearing, at any time remove one of its own members for cause, including but not limited to prolonged absence from or other inattention to duties, crime or misconduct in office, or as specified in this Charter.

Chapter I - Town Charter (Cont'd)

ARTICLE 3 - Town Council

Section 3.3. Qualifications of Councilors (Cont'd)

C. Incompatible Positions

No Councilor shall, while serving a term, be eligible to hold any other Town position of remuneration nor shall the Councilor transact any business with the Town except pursuant to Article 6 of this Charter.

D. Incompatible Offices (*Rev. TM 3/09/04*)

Except as otherwise provided in this Charter, members of the Council shall not hold any ~~office or~~ employment with the Town. Former members of the Council shall not be eligible for appointment as a compensated Town officer or employee until one year after the expiration of their service.

Section 3.4. Vacancies (*Revised - TM 3/14/00*)

Vacancies occurring in the office of Councilor at any time shall be filled, by appointment, until the next regular election, by the Council at its next regular meeting by majority vote of the Councilors, ***provided, however, that, if the vacancy occurs fewer than ninety (90) days prior to the next regular election, the vacancy shall not be filled by appointment, but shall be filled at the next regular election.***

Section 3.5. Compensation, Expenses (*Revised - TM 4/04/98 to delete "C"*)

The Council shall establish an annual salary and expense allowance for its members, subject to the following:

- A. No Increase in such salary or expense allowance shall be effective unless it shall have been adopted by a majority vote of all the members of the Council;
- B. The new salary and expense schedule shall be included in the next Town budget process and shall take effect in the fiscal period to which that budget applies.

Chapter I - Town Charter (Cont'd)

ARTICLE 3 - Town Council (Cont'd)

Section 3.6. Exercise of Powers - Meetings - Rules of Procedure

- A. Exercise of Powers - Except as otherwise prohibited by law or this Charter, the powers of the Council may be exercised in a manner determined by it.
- B. A quorum of the Council for the transaction of any business shall be three (3) of the members currently in office. However a smaller number may adjourn the meeting to another time or date.
- C. Meetings - All meetings of the Council shall be public to the extent required by State Law. Regular meetings shall be held at such time, date and place as the Council shall by ordinance or resolution direct. Special meetings may be called by the Chair. Special meetings also may be called at the written request of the Manager or at least three (3) Councilors, and upon such request the Chair of the Council shall call such special meeting.

Written notice of said meeting shall be delivered to each Councilor at least twenty- four (24) hours prior to the call of the meeting, excluding Sundays and legal holidays. The method of delivery of notice for special meetings shall be by established Council rule.

An emergency meeting may be called by the Chair when immediate undelayed action is deemed to be imperative by the Chair, who shall employ whatever means are reasonably available to inform the public and all council members that an emergency meeting is to be held.

- D. Rules of Procedure - The Council shall establish rules for its proceedings voting shall be duly recorded. All votes shall be recorded by roll call except votes on procedural matters.
- E. Council Objection - On the first occasion that the question on adoption of shall join in the objection, such postponement shall be until the next regular meeting. This procedure shall not be used more than once for any agenda item.
- E. Council Objection
Any item once postponed shall not be further postponed under this section. The Council objection privilege is not available with respect to the emergency ordinance.

Chapter I - Town Charter (Cont'd)

ARTICLE 3 - Town Council (Cont'd)

Section 3.7. Ordinances

- A. An ordinance may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, the Clerk shall distribute a copy to each Councilor and to the Manager, shall file a reasonable number of copies in the office of the Clerk and shall post a copy in such other public places as the Council may designate.
- B. Every proposed ordinance of the Council shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. Each ordinance shall be identified by a number and a short title. The enacting clause shall be "The Town of Londonderry ordains.....". Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type, and shall indicate new matter by underscoring or by italics.
- C. After passage of the ordinance's first reading, it shall be published at least once together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such publication shall precede the date of said hearing by at least five (5) working days. Publication for purposes of this section shall mean the publication of a notice in any paper distributed in the Town of Londonderry, stating the number and title of the ordinance and either the text of the ordinance in full or if the full text is not published, then a brief explanation of the purpose of the ordinance and information as to where and when any interested person may obtain a copy of the complete ordinance.
- D. Every ordinance, including zoning ordinances, adopted by referendum, shall take effect upon passage and publication as ordinances required by law, or at a later date as specified in the ordinance. No ordinance shall be introduced and adopted during the same meeting.
- E. All ordinances, including any amendments thereto, shall be recorded in full, uniformly and permanently, by the Clerk, and each ordinance so recorded shall be authenticated by affixing the signatures of the Council Chair and the Clerk and the Town Seal, and kept on file in the office of the Clerk. The Clerk shall be responsible for the systematic indexing, printing, publication and maintenance of the ordinances of the Town. Copies of all ordinances shall be available to the public, and the Clerk may charge a fee to defray the printing costs.

Chapter I - Town Charter (Cont'd)

ARTICLE 3 - Town Council (Cont'd)

Section 3.8. Emergency Ordinances

Notwithstanding other provisions of this Charter to meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by a public utility for its services or authorize the borrowing of money, except as provided in Section 3.9. of this Charter. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but two-thirds majority vote of the councilors present shall be required for adoption.

After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption. Every emergency ordinance, except one made pursuant to Sec. 3.10. of this Charter, shall automatically stand repealed as of the sixty first (61st) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 3.9. Emergency Expenditures

The Council may make emergency expenditures in accordance with the provisions of the Municipal Budget Law, RSA Chapter 32, as the same may be amended from time to time.

Section 3.10. Codification of Ordinances

The Council, not later than eighteen (18) months after taking office under this Charter and at least every tenth year thereafter, shall have prepared a revision or codification of the ordinances of the Town which are appropriate for continuation as local laws of the Town.

Section 3.11. Existing Ordinances

All by-laws, ordinances, rules, restrictions and regulations of the Town of Londonderry which are in effect as of the date of adoption of the Charter, and not inconsistent with this Charter, shall remain in effect after the adoption of this Charter until they expire by their terms or are repealed, modified or amended by the Council.

Chapter I - Town Charter (Cont'd)

ARTICLE 3 - Town Council (Cont'd)

Section 3.12. Powers and Duties

Except as herein otherwise provided, the Council shall have all the powers conferred upon and discharge all the duties imposed upon town councils, town meetings, boards of mayor and aldermen, and selectmen of towns by law, except the adoption of a town budget, which prerogative is vested in the budgetary Town meeting. All officers and members of all boards, commissions and committees, and vacancies thereto shall be appointed by the Council from among Town residents except unless otherwise provided by this Charter.

Section 3.13. Delegation of Powers

The Council may delegate to one or more Town agencies the powers vested in the Council by this Charter and State and Federal Law to grant and issue licenses and permits, and may regulate the granting and issuing of licenses and permits by any such Town agency, and may in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

Section 3.14. Inquiries and Investigations

The Council by majority vote may require of any appointed Town official, department head or employee, official appointed or confirmed by the Council, or member of an appointed Town board or commission to appear before it, and give such information as it may require in relation to this office, its function, and performance. The Council shall give at least forty-eight (48) hours written notice of the general scope of the inquiry which is to be made to any person it shall require to appear before it under this section. The Council may make investigation into the affairs of the Town and into the conduct of any Town agency or department, and for this purpose may administer oaths and require the production of evidence.

Section 3.15. Board Procedures

Except as expressly prohibited by State Law, the Council shall adopt rules of attendance and forfeiture of office for all Town appointed boards and commissions.

Chapter I - Town Charter (Cont'd)

ARTICLE 4 - Administration of Government

Section 4.1. Town Manager

The chief administrative officer of the Town shall be the Town Manager (hereinafter called the "Manager"). The Council shall appoint a person especially qualified by experience and training, who receives the votes of at least four (4) of the Council, to be Manager. The Manager shall serve at the pleasure of the Council.

Section 4.2. Qualifications.

The Manager shall be appointed solely on the basis of qualification for that office, with special reference to education, training and previous experience in public or private office. The Manager need not be a resident of the Town or of the State of New Hampshire at the time of appointment, but may reside outside the Town while in office, only with the approval of four (4) members of the Council. The Manager shall devote full time to the office and shall not hold any other public office, elective or appointive, except as authorized by this Charter, nor engage in any other business or occupation unless with the approval of the majority of the Council.

Section 4.3. Performance Review of Manager

During the budgetary process following the first anniversary of the Manager's service to the Town and during each subsequent budgetary process, the Council shall conduct an evaluation of the Manager's performance in office. After such evaluation, The Council shall determine whether the Manager's overall performance in office has been satisfactory or unsatisfactory. The Council shall also establish the Managers compensation for the ensuing year.

Section 4.4. Reprimand or Removal From Office

The Manager may be reprimanded or removed by the affirmative vote of at least four (4) members of the Council as herein provided. At least thirty (30) days before the proposed reprimand or removal of the Manager, the Council shall adopt a resolution stating its intention to reprimand or remove him, the reasons therefor, and an effective date. A copy of the resolution shall be served forthwith on the Manager, who may, within ten (10) days, demand a public hearing, in which event the Manager shall not be reprimanded or removed until such public hearing has been held.

Upon or after passage of a resolution of intent to remove, the Council may suspend the Manager from duty, but the Manager's pay shall continue until removal. In case of such suspension, the Council shall, by an affirmative vote, appoint an Acting Manager to serve at the pleasure of the Council for not more than one hundred twenty (120) days. The action of the Council in removing the Manager shall be final.

Chapter I - Town Charter (Cont'd)

ARTICLE 4 - Administration of Government (Cont'd)

Section 4.5. Acting Town Manager

If the Manager is determined by a vote of at least four (4) members of the Council to be temporarily incapacitated or unable to act for any cause or the Council may determine that the office has become temporarily vacant, the Council shall, within thirty (30) days from such determination, appoint an Acting Manager in the same manner as in Section 4.3 who shall serve for not more than one hundred twenty (120) days or such lesser time until the disability shall be relieved.

The Acting Manager shall have all the powers and perform all the duties of the Manager except to the extent that said powers and duties may be specifically restricted by Council resolution. Said Acting Manager shall be paid such salary for services hereunder as may be prescribed by the Council. The Acting Manager may be reappointed for an additional term of one hundred twenty (120) days.

By a vote of at least four (4) Councilors, the Council may determine from credible medical or other evidence that the Manager is incapacitated and unable to perform any or all duties and the office may be declared vacant.

Section 4.6. Powers and Duties of the Manager

- A. The Manager shall be the chief administrative officer of the Town, shall supervise and be responsible for the administrative and financial affairs of the Town and shall carry out the policies enacted by the Council. The Manager shall be charged with the preservation of the health, safety and welfare of persons and property and shall see to the enforcement of the ordinances of the Town, this Charter and general State Laws governing administration of the Town. The Manager shall supervise and direct the administration of the Town departments and personnel therein.
- B. Except as otherwise provided by this Charter, the Manager shall appoint upon merit and fitness alone, and may remove all officers and employees of the Town subject to the provisions of pertinent statutes and the Administrative Code. Appointment of officers and employees who report directly to the Manager shall be subject to confirmation by majority vote of the Council.
- C. The Manager shall fix the compensation of all town officers and employees appointed by the Manager with the limits established by existing appropriations.

Chapter I - Town Charter (Cont'd)

ARTICLE 4 - Administration of Government (Cont'd)

Section 4.6. Powers and Duties of the Manager (Cont'd)

- D. The Manager shall have full jurisdiction over the rental and use of all Town facilities under the Manager's control. The Manager shall be responsible for the maintenance and repair of all Town property under the Manager's control, within the limits of existing appropriation
- E. The Manager shall keep a full and complete inventory of all property of the Town, both real and personal.
- F. The Manager shall be responsible for purchasing all supplies, material and equipment for all departments and activities of the Town.
- G. The Manager shall keep the Council informed of the needs of the Town and make such reports and recommendations as the Manager may deem advisable or as the Council, as provided by this Charter or by ordinance, shall direct.
- H. The Manager shall set rules and regulations and establish a system of personnel administration known as the "Personnel Plan". The Personnel 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.
- I. The Manager shall certify that employees of the Town and their compensation comply with approved pay rates.
- J. The Manager shall be responsible for the collection, accounting deposit and periodic reporting of all town revenues and expenditures in a secure and business-like manner in accordance with generally accepted accounting practices and proper internal controls.
- K. The Manager shall have and perform such other powers and duties not inconsistent with the provisions of this Charter as now are, or may be, conferred or imposed upon the Manager by ordinance, or by State Law. The Manager shall attend all meetings of the Council unless excused by the Council. The Manager shall have the right to take part in the discussion of all matters before the Council, but not the right to vote.

Chapter I - Town Charter (Cont'd)

ARTICLE 4 - Administration of Government (Cont'd)

Section 4.7. Appointment of Department Heads; Suspension; Appeal

The Manager shall have the power to appoint and remove, subject to the provisions of this Charter, all town department heads. Such appointments shall be on merit and fitness alone and with confirmation of the Council. The Manager, for just cause, may suspend or dismiss department heads or take other appropriate disciplinary action. Said suspension, dismissal or other disciplinary action shall be effected only upon the Manager's presentation to the department head of a written specification of the reasons therefor at least ten (10) days before said action is taken.

The said department head involved may, within five (5) days, demand a hearing before the Council, in which event the department head shall not be removed until such hearing has been held. The Manager may, however, suspend said department head from duty during said period, with or without pay. Such hearing shall be either private or public, as allowed under State Law, at the aggrieved party's request. The Council, by a vote of four (4) members may override the Manager's decision.

Section 4.8. Non-interference with Town Administration

The Council shall act in all matters as a body. Except as expressly provided elsewhere in this Charter, neither the Council nor any of its members shall direct or request the appointment of any person to office or employment; or direct the removal, suspension, discipline, adjustment in pay, benefits, or working conditions of any employee by the Manager or of any of the Town department heads.

No Councilor shall give orders to or interfere with the performance of the duties of any of the administrative officers or employees, either publicly or privately. Nothing contained in this section shall prohibit the Council from meeting with the Manager to discuss the operation or conduct of any department head or employee and to recommend an investigation and report by the Manager of any complaint. Any violation of the provisions of this section by a Councilor shall constitute grounds for forfeiture of office under the provisions of Section 3.3.

Chapter I - Town Charter (Cont'd)

Section 4.9. Departments

- A. The Town shall have departments, divisions, boards or committees as may be established by this Charter or as the Council may establish by Ordinance. It shall be the duty of the manager to draft and to submit to the Council within nine (9) months after assuming office, an ordinance consistent with this Charter to be titled as the “Administrative Code”, which provides for the division of the administrative service of the Town into departments or agencies and define the functions and duties of each.
- B. The Council may, by amendment to the Administrative Code Ordinance, create, consolidate or abolish departments or agencies and define or alter their functions and duties. The head of each department or agency established by the Administrative Code shall have and exercise supervision and control of that department or agency and the employees therein, subject to the authority of the Manager, and shall have the power to prescribe rules and regulations not inconsistent with general law, this Charter, the Administrative Code and the rules and regulations of the Personnel Plan; provided that the Manager shall establish a progressive disciplinary code for all departments and agencies which shall be included under the Personnel Plan. A copy of all departmental rules and regulations shall be on file in the office of the Clerk and appropriate departments.

Section 4.10. Town Attorney

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 departments, and other or agencies and represent the Town in any legal proceeding, criminal prosecutions, and traffic violations. Such attorneys shall, on Council direction, perform any other duties prescribed by this Charter or by ordinance.

Section 4.11. Fiscal Affairs: Treasurer, Audit

- A. The Treasurer, in making investments of Town funds, shall follow the written investment policy pursuant to State Law.
- B. The Town shall engage an independent Certified Public Accounting firm to perform an annual financial audit in accordance with current General Accepted Accounting Principles (GAAP) and Government Accounting Standards Board (GASB) regulations and other applicable accounting standards.

Chapter I - Town Charter (Cont'd)

ARTICLE 5 - Finance

Section 5.1. Fiscal Year

The fiscal and budget year of the Town shall begin on the first (1st) day of July and end on the thirtieth (30th) day of June.

Section 5.2. Budget Procedure

At such time as may be requested by the Manager or specified by the Administrative Code, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his control to the Manager. The Manager shall, based on these estimates and other data, prepare a recommended budget which shall, together with these department estimates, be submitted to the Council on such date as the Council shall establish. The Council shall review the budget for the following fiscal year and make such modifications and amendments as it desires.

Section 5.3. Budget Hearings (*Revised TM 3/8/11*)

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 (*Revised TM 3/8/11 5.4.B, C, D, E, F, G, H, and I removed; Revised – TM 3/10/20, Art. No. 2, Divided D into D1 and D2, Revised D2 and Added D3*)

- 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.

Chapter I - Town Charter (Cont'd)

ARTICLE 5 - Finance (Cont'd)

Section 5.4. Final Date for Budget Adoption (Cont'd)

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 official ballot session. Warrant articles may be amended at the deliberative 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 warrant articles to be voted on by official ballot.

D. Section 5.4. Final Date for Budget Adoption

- 1. The official 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 deliberative 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.**
- 2. In addition to acting on 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) as described in Section 5.4.D.3 below. In the event that the proposed Operating Budget and Default Budget receive an equal number of votes, the Default Budget shall be considered approved.**
- 3. "Operating Budget" means "budget" as defined in RSA 32:3, III exclusive of "special warrant articles" and exclusive of all other appropriations voted separately.**

"Default Budget" means the amount calculated by starting with the amount of the appropriations contained in the operating

Chapter I - Town Charter (Cont'd)

budget authorized for the previous fiscal year, reduced and increased as the case may be by: 1) debt service, 2) contracts previously incurred, 3) salary and other related employee costs (benefits, taxes) previously incurred, and 4) other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the operating budget. For the purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the Town Council.

Instead of being an actual budget, the "Default Budget" is the amount that will be raised if the proposed Operating Budget is defeated. If the Default Budget is adopted because of the defeat of the proposed Operating Budget, the amount raised and appropriated may be expended for any purpose contained in the defeated proposed Operating Budget. The total amount available for expenditure when operating under the Default Budget will not exceed the default amount plus the amount appropriated by separate and special warrant articles except as otherwise provided by laws such as, but not limited to, RSA 32:9-11.

For the purposes of this Section 5.4.D.3, "previously incurred" means on or before the Deliberative Session at which the default budget is presented to voters.

The Default Budget may be amended by the Town Council based on relevant new information at any time before ballots are printed.

- E. Voters at the official ballot session shall follow the procedures set forth in State Law including all requirements pertaining to absentee voting, polling place, and polling hours.
- F. Votes taken on the official ballot shall be subject to recount as set forth in State Law.
- G. Votes taken on bonds or notes at the official ballot 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 deliberative session and official ballot session, if required. The deliberative and official ballot sessions shall conform to state Statutes and applicable provisions of this Charter.*

Chapter I - Town Charter (Cont'd)

ARTICLE 5 - Finance (Cont'd)

Section 5.5. Capital Improvements Plan

- A. Capital ~~Planning~~ **Improvements Program** Committee (**Revised - TM 4/14/98, 3/08/05 Article No. 101**)

In accordance with RSA 674:5, there is established a Capital ~~Planning~~ Improvements Program Committee consisting of an odd number of ***voting*** members and comprised as follows:

1. One (1) member named and appointed by and from the Town Council;
2. One (1) member named and ~~appointed~~ **nominated** by and from the School Board;
3. One (1) member named and ~~appointed~~ **nominated** by and from the Budget Committee;
4. ~~One (1)~~ **Two (2)** members named and ~~appointed~~ **nominated** by and from the Planning Board;

Pursuant to RSA 674:5, the Town Council is required to approve nominations to the Committee; should the nominating body fail to nominate a member within thirty (30) days of a vacancy or expiration of a term, the Council shall appoint an individual knowledgeable in that particular field.

The following staff members shall provide on-going support to the Committee's efforts as determined and required by the Committee: (Other staff shall provide information and support to the process as requested by the Planning Board.)

1. The ***Town's Chief Financial Officer*** ~~Town Finance Director~~
2. The School District Business Administrator ***'s Chief Financial Officer***
3. The Town Planner

- B. The Capital ~~Planning~~ **Improvements Program** Committee shall meet not less than ~~twelve (12)~~ six times per year ***to fulfill its charge as set forth by RSA 674:5-8, the provisions of this Section and as directed by the Planning Board.*** ~~and~~ ***The Committee shall review the recommendations of the Master Plan and*** prepare a Capital Improvements Plan, which Plan shall consist of:

Chapter I - Town Charter (Cont'd)

1. A list **and recommended prioritization** of all capital improvements, including major replacements which are proposed to be undertaken ~~during the~~ **over a period of at least the** next six (6) fiscal years, including, but not limited to; equipment, sewer and water mains or facilities, roads, sidewalks, bicycle paths or lanes, public open spaces, recreation lands, school buildings, new police and/or fire stations and other public facilities and major items of equipment, with appropriate supporting information at the necessity for such improvements. **Capital Improvements shall be further defined as community improvements which are typically required to provide a public benefit or purpose.**
 2. Cost estimates, methods of financing, and recommended time schedule for each such improvement; and
 3. The estimated annual costs of operating and maintaining the facilities to be replaced, constructed, or acquired.
- C. The Capital ~~Planning~~ **Improvements Program** Committee shall submit a Capital Improvements Plan to the **Planning Board, which shall hold a public hearing on the proposed Plan. After the public hearing, the Planning Board shall finalize its recommendations, adopt a plan and forward the plan to the** Council and the School Board for consideration and action as the Council **and School Board** shall direct.
- D. ~~The Capital Improvement Plan (CIP) prepared and submitted by the Capital Planning Committee shall be, in addition to and not be deemed in derogation of, the Capital Improvements Program prepared by the Planning Board pursuant to statute.~~

Section 5.6. Lapse of Appropriations

All appropriations shall lapse at the end of the fiscal year and any unexpended portion thereof shall not be expended without further appropriation, except as provided in RSA 32:7 as the same may be amended from time to time.

Chapter I - Town Charter (Cont'd)

Section 5.7. Treasurer

There shall be a Town Treasurer (hereinafter called "Treasurer") who shall have all the powers and duties granted by this Charter and State Law. The Treasurer shall be elected on an at-large basis to a term of three (3) years at the Town Election. Vacancies in the office of Treasurer shall be filled pursuant to State Law.

Section 5.8. Advisory Budget Committee

There shall be an Advisory Budget Committee elected on an at-large basis to staggered three (3) year terms, to consist of seven (7) members.

Chapter I - Town Charter (Cont'd)

ARTICLE 6 - Conduct of Officials

Section 6.1. Conditions for Holding Office

- A. Any person while holding a town office, convicted of a Class A Felony in New Hampshire or its equivalent under the law of any other state or federal law shall forfeit such office.
- B. No employee of the town shall be eligible to serve as a Councilor.
- C. Any person elected to a town office, or trusteeship while presently holding membership in another such Town office, board, commission, or trusteeship shall immediately forfeit that office held prior to such election.
- D. Except as otherwise provided by this Charter, no department head nor regular employee of the town shall be appointed to a town office, board, or commission.
- E. The Zoning Board of Adjustment shall not have any members who also serve on the Planning Board, Conservation Commission or Historic District Commission.

Section 6.2. Conflicts of Interest

- A. Any elected or appointed officer or employee of the Town who has a financial interest, direct or indirect, in any planned or existing contract, job, work or service to be performed for the Town or voluntary sale to the Town of any land, materials, supplies, equipment or other property shall make full disclosure of such interest to the Council and Manager prior to the Town's deliberating on any such matter or transaction.
- B. The person so financially interested in such matters or transactions shall not vote or advise on or otherwise participate in the Town's and Council's consideration of such matter or transaction.

Section 6.3. Disqualification from Decision Making Process

- A. No elected or appointed officer or employee of the Town shall take part in a decision concerning the business of the Town in which that officer or employee or a member of his/her family, directly or indirectly, has a financial or other gainful interest which may affect his/her vote in favor of or against that business, aside from his/her salary as such officer or employee, greater than any other citizen or taxpayer.

Chapter I - Town Charter (Cont'd)

ARTICLE 6 - Conduct of Officials (Cont'd)

Section 6.3. Disqualification from Decision Making Process (Cont'd)

- B. For the purposes of this section, the word "family" shall mean and individual's lineal ascendants, lineal descendants, siblings and offspring an individual's spouse, the spouse's lineal ascendants, lineal descendants, siblings and offspring.

Section 6.4. Private use of Town Property and Personnel

No elected or appointed officer or employee shall devote any Town property or labor to private use except as may be provided by authority of the Council.

Section 6.5. Acceptance of Gifts and Gratuities

No elected or appointed officer or employee of the Town shall solicit or accept any gift or gratuity which could, in any manner, be construed to affect or influence the performance of his official duties.

Section 6.6. Disposition of Fees

No elected or appointed officer or employee of the Town shall collect any fees, salaries or other payments in connection with official duties for personal use, except as provided for by ordinance or State Law.

Section 6.7. Misuse of Information.

No elected or appointed officer or employee of the Town shall utilize or dispense information gained through said office or employment for personal profit or another's personal profit.

Chapter I - Town Charter (Cont'd)

ARTICLE 7 - Citizen Concerns, Initiative Petition, Referendum, Recall

Section 7.1. Initiative Petitions

- A. The registered voters of the Town shall have the power to propose ordinances to the Council.
- B. 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 of a particular measure set forth in the petition and shall be signed by not less than one percent (1%) of the registered voters.

The initiative petition shall include the personal signature and legible name and address of each registered voter and shall be filed with the Clerk as one instrument of endorsement. The 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) days, the Clerk shall transmit the petition and certificate to the 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) days after the certificate has been issued. The validity of any such objection shall be determined by the Council.

- C. The Council shall hold a public hearing within 30 days of the date of certification of any measure proposed in any petition signed by one percent (1%) of the registered voters, unless a question of its legality is raised by a member of the Council. If a question of legality is raised by any councilor, the measure shall be referred to a Town attorney for review. If the measure proposed may be lawfully passed by the Council, the public hearing shall be scheduled within 30 days of the date of the attorney's opinion. If the measure may not be lawfully passed by the Council, it shall be returned to the petitioners with an explanation. The Clerk shall mail notice of the hearing to ten (10) petitioners whose names appear first on each petition at least seven (7) days prior to the hearing. Notice by publication of a summary of contents of the petition at least seven (7) 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.

Chapter I - Town Charter (Cont'd)

ARTICLE 7 - Citizen Concerns, Initiative Petition, Referendum, Recall (Cont'd)

Section 7.1. Initiative Petitions (Cont'd)

D. Following the public hearing, the Council may:

1. pass said measure without alteration
2. deny said measure and refer petitioners to procedures referenced in Section 7.2.

Section 7.2. Referendum Petitions

- A. The registered voters of the Town shall have the power to require reconsideration by the Council of any adopted ordinance.
- B. Referendum Petitions must be filed with the Town Clerk within thirty (30) days after action by the Council on any measure or any part thereof sought to be reconsidered. Referendum petitions must be signed by at least five percent (5%) of the registered voters of the Town. The procedures of Section 7.1. shall apply to referendum petitions.
- C. When a referendum petition is filed with the Clerk, the measure or part thereof sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:
 1. there is a final determination of insufficiency of the petition, or
 2. the filers of the petition withdraw it.
- D. When a referendum petition has been finally determined sufficient, the Council shall submit the referred measure or part thereof protested to the voters of the Town at a special election to be held on a date fixed by the Council. Such special election shall be held no less than thirty (30) nor more than ninety (90) days after the date of the certificate heretofore mentioned; provided that if any election is to occur within one hundred twenty (120) days after the date of said certificate, the Council may, at its discretion, omit the calling of a special election and submit the referred measure or part thereof to the voters at such approaching election.

The ballot used when voting upon a proposed measure Under this section shall state the nature of the referred measure or part thereof protested in terms sufficient to show its substance.

- E. Notwithstanding any other provisions of this Charter, this Article shall not apply to Article 5 of this Charter of any actions taken pursuant thereto.

Chapter I - Town Charter (Cont'd)

ARTICLE 7 - Citizen Concerns, Initiative Petition, Referendum, Recall (Cont'd)

Section 7.3. Petitions and Budgetary Town Meeting

Notwithstanding the provisions of Section 7.1., the voters of the Town shall retain the rights and privileges set forth in RSA 39:3.

Section 7.4. Submission of Proposed Measure to Voters

The Council of its own motion may submit any measure or proposition for repeal or amendment of a measure to the voters at any regular or special town election.

Section 7.5. Measures with Conflicting Provisions

If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

Section 7.6. Recall of Officeholders

Any individual elected official who has completed at least six months of his term of office or has more than six months of his term remaining may be recalled therefrom by the voters as follows:

- A. Ten percent (10%) of the registered voters of the Town may file a request for a recall petition with the Clerk. This request shall include the name of the officer and the grounds for which the recall is sought together with the signature and a legible name and address of each voter.
- B. The Clerk shall verify the names of the voters and promptly issue blank petitions for recall. Each petition shall be addressed to the Council, be dated, include the rounds for recall as stated in the request, the name of the voter to whom it is issued, the signature of the Clerk, and the Town Seal. The recall petitions bearing the signatures and legible names and addresses of at least twenty five percent (25%) of the registered voters of the Town shall be returned to the Clerk within twenty (20) days. The Clerk shall promptly certify the number of voters who signed the petitions.
- C. If the petitions are certified to be sufficient by the Town Clerk, the Clerk shall submit them to the Council together with the Clerk's certification. The Council shall forthwith give written notice of the petition and certification to the officer whose recall is sought. If this officer does not resign within five days after delivery of this notice, the Council shall order a recall election to be held no less than thirty (30) days nor more than sixty (60) days after the date the Clerk certified the petitions. If, however, any other town election is scheduled within ninety (90) days of the date of the certification, the Council shall hold the recall election on the same date as the other town election.

Chapter I - Town Charter (Cont'd)

ARTICLE 7 - Citizen Concerns, Initiative Petition, Referendum, Recall (Cont'd)

Section 7.6. Recall of Officeholders

C. (Cont'd)

The filing of candidates and the conduct of the election shall be in accordance with the provisions of this Charter and the election laws of the State of New Hampshire.

D. The proposition on the ballot shall be "For the recall of" or "Against the recall of (name ofofficer)."

E. If the incumbent is not recalled he/she shall continue in office for the remainder of his/her unexpired term and may not again during that term be subject to recall. If he/she is recalled he/she shall be deemed removed from office on the day after the certification of the recall election and the vacancy filled as provided by this Charter.

F. A separate recall petition shall be required for each elected official who is the subject of a recall; and, each said official's recall shall be voted on as a separate question at the recall election.

Chapter I - Town Charter (Cont'd)

ARTICLE 8 - General Provisions

Section 8.1. Certificate of Election and Appointment

Except as otherwise provided by law, before performing any act under this election or appointment, each person elected shall take and subscribe to an oath to qualify him to enter upon the duties of office. A record of the taking of such oath shall be made by the Clerk. Any oath required by this section may be administered by any officer authorized by law to administer oaths.

Section 8.2. Term Commencement, Notice of Election or Appointment.

- A. Written notice of the election or appointment to any Town office or board shall be mailed to the individual involved by the Manager, within three (3) clear days after the appointment is made or the results of any vote are certified by the Board of Election Officers to the Council.
- B. Unless otherwise set forth in this Charter all elected officials in the Town shall take office within 10 days following their election and shall hold office until their successors are elected and qualified.

Section 8.3. Specific Provisions to Prevail

To the extent that any specific provision contained in this Charter conflicts with any provision expressed in general terms the specific provision shall prevail.

Section 8.4. Severability

The sections of this Charter and the parts hereof are separable. If any portion or section of this Charter or the application thereof to any person or circumstance shall be held invalid by a court or competent jurisdiction, the remainder of the Charter shall not be affected thereby. If a clause, portion of or section of this Charter is so held invalid, then the applicable provisions of State Law, if any shall govern.

Section 8.5. Authentication of Charter

- A. Upon adoption, the official Charter, duly authenticated by affixing the signatures of all members of the Charter Commission and the Board of Selectmen, the Clerk and affixing the Town Seal, shall be filed with the Clerk and remain in the Clerk's office as the official Charter of the Town of Londonderry. At its first meeting, the Council shall affirm the validity of the Town Charter.

Chapter I - Town Charter (Cont'd)

ARTICLE 8 - General Provisions (Cont'd)

Section 8.6. Charter Amendments

- A. Amendments to this Charter may be initiated either by the Council or by initiative petition, public hearing, and voter election pursuant to State Law.
- B. All amendments to this Charter shall be authenticated by the Council and shall be filed with and remain a part of the official Charter

Section 8.7 Violations and Penalties

All willful violations of provisions of this Charter, unless otherwise provided, are hereby declared to be misdemeanors, and all such violations and all violations of town ordinances for which no other punishment is provided shall be punishable by a fine in accord with state statutes.

Section 8.8. Rules and Regulations

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

Section 8.9. Reorganization Plans

Except for those agencies established by this Charter or as otherwise prohibited by State Law, the Council may reorganize, consolidate, or abolish any existing Town agency in whole or in part; establish new Town agencies and prescribe the functions of any Town agencies; provided that such action shall not eliminate the statutory duties of Town officials.

Section 8.10. Proposed Reorganization Plans by the Manager

The Manager may prepare and submit to the Council for its approval proposed reorganization plans which may, subject to applicable law and this Charter, reorganize, consolidate or abolish any Town agency in whole or in part, or establish new Town agencies as are deemed necessary or expedient. Such reorganization plans shall be accompanied by explanatory messages when submitted.

Chapter I - Town Charter (Cont'd)

ARTICLE 8 - General Provisions (Cont'd)

Section 8.11. Indemnification of Town Officers, Board Members, and Employees

The Town shall undertake to indemnify and save harmless all its officers, officials, volunteers, boards, commissions and employees from personal loss and expense. Expenses may include reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of negligent acts or omissions if the indemnified person was acting in the scope of his office or employment and in good faith in accord with the provisions of State Law.

Section 8.12. Prohibition

- A. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to, any Town position or appointed Town administrative office because of age, race, sex, political or religious opinions or affiliations.
- B. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment.
- C. No person who seeks appointment or promotion with respect to any Town position or appointed Town administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.
- D. No person who runs for Town office shall orally, by letter, or otherwise, solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding any compensated appointed Town position.

Section 8.13. Procedures

A. 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 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.

Chapter I - Town Charter (Cont'd)

ARTICLE 8 - General Provisions (Cont'd)

Section 8.13 Procedures (Cont'd)

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 State Law, all meetings of these committees shall be open and public; however, these committees may meet in a closed or executive session as permitted by State Law, as amended.

B. Committee Organization

Each committee shall determine its own rules and order of business unless otherwise provided by the Charter or by law. The agenda and minutes shall be kept as required by State Law, as amended. A chair and secretary shall be elected annually in accord with the committee's rules of procedure.

C. Quorum

A majority of the members of a committee shall constitute a quorum, but a smaller number may adjourn from time to time until a quorum is achieved. No other action taken by a number of members smaller than the quorum shall be valid or binding.

D. Council

The provisions of Section 8.13 shall not apply to the Council to the extent that they are inconsistent with other provisions of this Charter.

Section 8.14. Land Use Ordinances

All land use regulations and ordinances, including the adoption of the zoning ordinances and amendments by referendum, must be adopted pursuant to State Law.

Chapter I - Town Charter (Cont'd)

ARTICLE 9 - Administrative and Judicial Boards

Section 9.1. Administrative Committees, Boards and Commissions

A. Planning Board (**Revised - TM - 4/14/98**)

There shall be a Planning Board, whose powers and duties are provided by State Law. The Planning Board shall consist of nine (9) members, of whom six (6) are appointed and three (3) are ex officio. The six (6) appointed members shall be appointed by the Council for terms of three (3) years, except that initial appointments shall be staggered so that no more than two (2) appointed members shall have terms that expire in a single year. The three (3) ex-officio members shall consist of the Manager, **or his/her designee**, an administrative officer of the Town designated by the Manager, and a Councilor designated by the Council for a one year term. There shall also be three (3) alternate appointed members appointed in the same way as regular appointed members, except no more than one alternate appointed member's term shall expire in a single year.

B. Conservation Commission

There shall be a Conservation Commission consisting of seven (7) members as provided by state statute. Seven (7) of these members shall be appointed by the Council for terms of three (3) years, such terms to be staggered.

C. Other Administrative Committees

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

Section 9.2. Judicial Board

There shall be a Zoning Board of Adjustment appointed by the Council, consisting of five (5) members each serving a three (3) year term and three (3) alternates each serving a three (3) year term. Such terms shall be staggered. The Zoning Board of Adjustment shall have all the powers granted to such boards under State Law.

Section 9.3. Vacancies in Elected Office

Unless otherwise specified in this Charter, or as otherwise provided by State Law, in the event of a vacancy in an elected office, board or commission of the Town, the Council shall fill that vacancy by appointment, such appointment to continue until the next Town election.

Chapter I - Town Charter (Cont'd)

ARTICLE 9 - Administrative and Judicial Boards (Cont'd)

Section 9.4. Vacancies in Appointed Offices

Unless otherwise specified in this Charter or as otherwise provided by State Law, in the event of a vacancy in an appointed office, board or commission, the Council shall fill that vacancy for the balance of the unexpired term.

Section 9.5. Committee Review

At least annually, and more often if town affairs require, the Council shall meet with the chairs of all town committees to review significant actions taken by the committees, projects currently under discussion, and anticipated activity for the coming year.

Chapter I - Town Charter (Cont'd)

ARTICLE 10 - Transitional Provisions

Section 10.1. Continuation of Government

All members of Town agencies, except for those abolished by this Charter, shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred. The Council shall take whatever measures are necessary to effectuate an orderly transition and shall take whatever actions are necessary to enable such transitions in office to comply with the provisions of this Charter.

Section 10.2. Continuation and Compensation of Personnel

- A. Until expressly changed after the effective date of this Charter, the compensation of all officers, department heads and employees of the Town shall be the same as that in effect on July 1, 1996.
- B. Any person holding an office or position in the administrative service of the Town, or any person serving in the employment of the Town shall retain such office or position and shall continue to perform his duties until provisions shall have been made in accordance with the Charter for the performance of the said duties by another person or agency; provided, however, that no person in the permanent full-time service or employment of the Town shall forfeit his pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as is practical.

Section 10.3. Transfer of Records and Property

All records, property, and equipment of any Town agency, the powers and duties of which are assigned in whole or part to another Town agency, shall be transferred forthwith to the Town agency to which such powers and duties are assigned.

Section 10.4. Effect on Obligations, Taxes and Other Legal Acts

All official bonds, recognizance, obligations, contracts and other instruments entered into or executed by or to the Town before its adoption of the Charter; all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the Town, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the Charter; and no legal act done by or in favor of the Town shall be rendered invalid by the adoption of the Charter.

Chapter I - Town Charter (Cont'd)

ARTICLE 10 - Transitional Provisions (Cont'd)

Section 10.5. Effective Date and Interim Budget

- A. This Charter shall take effect July, 1, 1996. Prior to that date, the Selectmen shall prepare for the transition to the new form of government.

Section 10.6. Abolition of Elected Boards and Officials.

The following Town agencies shall be abolished effective on the dates listed herein:

- A. The Board of Selectmen, June 30, 1996.
- B. Sewer Commission, June 30, 1996.
- C. Elected Town Auditors, June 30, 1996.

Section 10.7. Council, Town Clerk-Tax Collector and Moderator

- A. Those Selectmen whose terms have not expired as of June 30, 1996 shall continue in office as Councilors until the expiration of their terms and until their successors are elected and qualified.
- B. The persons holding the following offices as of June 30, 1996 shall continue in those offices until the expiration of their terms and their successors are elected and qualified: Moderator, Treasurer, Clerk-Tax Collector, Supervisors of the Checklist and Trustees of the Trust Fund.

Section 10.8. Other Committees **Revised - TM 3/11/03 to Delete "A" and rename "B" to "A")**

- A. A person presently serving in an office or position, who would be prohibited from holding that office or position by any provision of this Charter, may resign said position or office, or shall continue in said office or position until the expiration of his/her term.

Section 10.9. First Election

All election officers holding office prior to and at the time of the first election held under this Charter shall conduct such election and shall have all the powers granted to them under State Law for such purposes and shall have all the powers that are granted to their successors under this Charter which are necessary to conduct properly such first election.

~~End of Chapter~~