

1 CONWAY CHARTER COMMISSION AGENDA
2 CONWAY TOWN HALL MEETING ROOM
3 CONWAY, NH

4
5 September 27, 2023, at 5:30 PM
6

7 **Attendance**

8
9 The following members were present: Ray Leavitt, Victoria Noel Blake, Mark Guerrigue, Karen
10 Umberger, S. Sands, David Weathers, Thomas Holmes, Harrison Kanzler, and Eliza Grant
11 (Joined at 5:45).

12 **Pledge of Allegiance**

13 Those able stood for the pledge of allegiance.

14 **Approval of Agenda**

15 Approval of the agenda was a consensus.

16 **Approval of Minutes**

17 *K. Umberger motioned to approve the minutes of September 13, 2023, as presented; seconded by*
18 *D. Weathers.*

19 *Vote in favor 8-0*

20 **Input from Conway Board of Selectmen**

21 T. Holmes- we have Ryan Shepherds representing the Selectmen here tonight. In general, the
22 BOS didn't want to influence this Charter Commission or appear to be influencing it or rendering
23 an opinion about their own jobs, so they'd rather not weigh in.

24 R. Shepard- I echo my fellow Selectmen, and I don't want to give an opinion, and I don't feel my
25 opinion is really necessary or needed. I trust in what you are doing I appreciate the work your
26 putting in. I'm just here because I have the evening free and am able to attend the meeting and I
27 like supporting other Boards and Commissions.

28 **Input from Conway Budget Committee**

29 S. Sand- we had a special meeting last week, 9 of the 13 attended and they do have an opinion
30 about what they'd like to see the Charter do. The 9 voted unanimously to recommend to keep
31 the same number of members as currently exists. They also recommend to keep it a Official
32 Budget Committee, not just an advisory Committee. Their reasoning behind that is they feel it's
33 another voice and eyes on the budget and they feel they have a role educating the public

34 through their deliberations at the budget committee. They feel the number is based on a well-
35 represented committee, with more choices and input, and they thought the numbers would go
36 down as the precincts merge. They felt an advisory budget was toothless and had no skin in the
37 game.

38 H. Kanzler- we talked about the council upping the number to disperse the workload a little
39 more, it sounds like the budget committee doesn't want us to reduce their numbers. If the
40 numbers were to be reduced, would it effectively cause them to have a higher workload?

41 S. Sand- I don't think it would increase the workload, cause the subcommittee are not evenly
42 divided anyway.

43 K. Umberger- one of the things that has often caused problems is not having 12 elected
44 members, not being necessarily able to find people that are willing to serve.

45 T. Holmes- I can't ever remember a time when a race went unopposed. And that indicates to me
46 there are not enough people who want to serve on the budget committee to keep it full and
47 functional. I'm neutral on advisory vs regular budget committee. As far as members go, my
48 observation has been, it can often be a dysfunctional committee, because of the number of
49 people on it, and I'd prefer to see it reduced.

50 H. Kanzler- with the loss of a precinct seat, is the plan to switch that to an at large seat or it is
51 just eliminate it?

52 S. Sand- no it will be eliminated.

53 T. Holmes- the statute requires all precincts wholly within the Town to have a seat on the budget
54 committee.

55 **SB-2 / Ballot Town Council comparison**

56 E. Grant- what I did was when I watched the meeting, and I made notes on the meeting and
57 notes on the items you wanted to address at a later time.

58 **Discussion of Town Council Charter Draft**

59 K. Umberger- I looked at Newmarket, Hooksett and our current charter and I kind of
60 incorporated all of this into the draft, so we had something to bring forward, so we had an
61 opportunity to talk about what we liked and didn't like and what we wanted to change.

62 S. Sand- I have looked at a few charters and are using them in comparison, and I think it's a good
63 idea to look at their language and see how it fits into ours.

64 T. Holmes- well hopefully we get through all the must haves then get to the like to have.

65 K. Umberger- I did go through and incorporated the must haves that we voted on. I made a
66 change to article 9.2.

67 M. Guerrigue- is there any way of Karen going back in and noting what was changed so we can
68 see the difference.

69 S. Sand- my understanding is, our purview here is in case we don't vote for a new charter at least
70 we have suggestions, so I think it is nice that we have something that shows the difference. It can
71 be a brand-new document. This I feel is disjointed and hard to follow. There are things that I
72 personally would like to talk about. We can put these side by side and see what changes there
73 are.

74 E. Grant- last meeting we voted yes on at large representation, voted on keeping the same
75 manner of filling vacancies. The powers of nomination, appointment and confirmation were
76 passed over as well as requirements of attendance and quorum. Domicile requirement was a yes
77 vote. Fiscal year the same. We also voted on procedures for issues bonds and notes with a 2
78 million cutoff requiring a 3/5 vote, and the annual municipal election date, which I think we were
79 going to make sure there was no statutory requirement. Bonding of Town officials I think we
80 were going to wait and confirm, and then the requirement of an independent audit of Town
81 financial matters.

82 T. Holmes- I did look into that note, we do not change audit firms every 5 years, but we go out to
83 bid for auditors every 5 years to keep costs under control. So, there is no requirement statutory.

84 K. Umberger- I think what I said in here was at the 10 year point we get a new auditor. I felt that
85 after a 10-year period you tend to become very familiar with each other and end up maybe
86 overlooking things fresh eyes might pick up.

87 T. Holmes- there are advantages of staying with the same auditor with how unique Conway is.

88 H. Kanzler- we just put out an RFP for audit and got only 1 bid and that was the current auditor. I
89 don't love the strong wording of you "must" use someone else because that could end up
90 forcing the Town in a decision not necessarily in the Town's best interest. especially if you get no
91 other bids.

92 H. Kanzler- it is under 4.4.14 Fiscal Affair Town Treasure.

93 K. Umberger- we can just eliminate, "and" a new auditor shall be selected.

94 E. Grant- I will track this in the charter so everyone can see what changes we are making and
95 why.

96 K. Umberger- almost everything is the way we do it now.

97 D. Weathers- to show the public what we're proposing but have a comparison. So, this is now,
98 this is what's recommended somehow identifying the 2 and not just going through what's being
99 recommended. They need to be able to see what was and what's the recommendation.

100 H. Kanzler- I like this idea of the powers and duties of the Town Manager, but it is also essentially
101 the job description. I'm just wondering if it is necessary to codify that in the charter or if it is
102 more pertinent to put out only when you are looking for a new manager.

103 E. Grant- is there an appendix for something like this? I think if we have 1 page job descriptions it
104 can get long.

105 H. Kanzler- if something changes will it need to go through a revision if you are adding tasks.

106 S. Sands- I think this is a nice improvement. I think maybe make the responsibilities statement
107 more general.

108 K. Umberger- I added in M and N. which was recommending to the Council, the person to be the
109 animal control officer because we had nothing in any place that said we could have an animal
110 control officer, and I also added to maintain a Town Engineer on staff at all times because I feel
111 that is extremely important that the Town have a Town Engineer.

112 D. Weathers- again, you've made changes, there are good changes, but we can't distinguish that
113 its new. I agree with what you're saying here, but if somebody picks this up, how do they know
114 that this was a change, or this has been added to?

115 M. Guerrigue- if we are going to mention positions it should just be about the structure of the
116 position and how it relates to other positions. This Charter is going to be around for a long time.
117 We have no idea what positions we could have in the future; it seems a bit unproductive to start
118 listing specific job titles unless it has to do with the structure.

119 S. Sand- I think the Town Clerk and Town Manager need to be mentioned. Maybe if we had a
120 statement like there will be town departments and positions to meet the needs of the Town,
121 something general, I don't think we need to break down those departments and who fills those
122 positions. What we present to the public needs to be fresh, this is what we want and is clear.

123 R. Leavitt- by listing this stuff you're taking away some of the powers of the Council or the
124 Selectmen. There are the ones that really should be writing the job descriptions, and so you
125 should put that in there that the job description is under the Selectmen or the Town Council and
126 not necessarily list them.

127 V. Blake- is this job description on our new and improved website?

128 T. Holmes- they are public records and are available upon request.

129 S. Sand- suggested we eliminate A. through N in the list of job duties of the Town manager and
130 make it a more general statement.

131 E. Grant- for bonding of Town officials are we going to keep it the same for the Treasurer and the
132 Town Clerk. I think the statement should be “may be” bonded.

133 S. Sand- is it fair to say anyone handling funds over a certain amount needs to be bonded?

134 T. Holmes- I think this is a good idea but now you are expanding away from executive, appointed,
135 or elected and assigning it to employees.

136 E. Grant- I think we should also look at the financial impact of bonding employees.

137 H. Kanzler- I think it is reasonable to leave the decision up to the Town Council to decide.

138 S. Sand- I don’t like the language, I think it should say “the Town Council shall determine which
139 Town Officers and employees shall be bonded, upon hiring”.

140 K. Umberger- in article 3 it discusses the vacancies, and that if a vacancy occurs in any Town
141 office, except the Town Council, unless otherwise provided for by statue, the Town Council may
142 appoint someone to serve in that vacancy until the next annual meeting. When a vacancy occurs
143 in the office of the counselor at any time, it shall be filled by appointment until the next regular
144 election, by the Council at its next regular meeting by a vote of four councilors.

145 T. Holmes- it takes a little bit of time to fill positions, what about 30 days? Any objections?
146 hearing none.

147 K. Umberger- so if a vacancy occurs within 90 days of the election the position does not have to
148 be filled.

149 H. Kanzler- I took it to mean that you have to define quorum, which we did and then you just
150 have to also define an attendance requirement, which she did as well.

151 R. Leavitt- I think you are going to find if someone is elected for a position, there’s no
152 requirement that says that they have to show up. I’m pretty sure even State Legislature there is
153 no requirement to show up.

154 S. Sands read from the Town of Hooksett’s charter on attendance of the Council.

155 T. Holmes commented that he’d like to see if that passes legal opinion.

156 H. Kanzler- stated that it is likely that it has already been vetted by 1 or 2 legal attorneys, if it is
157 currently in their charter, and is safe for us to leave it in ours.

158 T. Holmes- it may have been legal at one point in time when the Charter was created and may
159 have changed since then due to law changes.

160 E. Grant- next is powers of nomination appointment and confirmation.

161 H. Kanzler- I think we can put the animal control officer under 4.16- that the Town of Conway
162 will have an animal control officer.

163 E. Grant- maybe the Animal Control Officer should be under article 11 F Police Commission. It
164 says the Police Commission shall appoint police officers' constables and its superior officers. I
165 think adding Animal control under this is appropriate.

166 *S. Sand motioned to include 9.2 Official Ballot Town Council A through G in our Charter; seconded*
167 *by K. Umberger.*

168 *Vote in favor 8-0*

169 Adjournment

170

171 *T. Holmes motioned to adjourn the meeting; seconded by D. Weathers.*

172 *Vote in favor 8-0*

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175

176 Respectfully Submitted,

177 Alicia Jipson

178 Recording Secretary