

1 CONWAY CHARTER COMMISSION AGENDA
2 CONWAY TOWN HALL MEETING ROOM
3 23 MAIN STREET, CONWAY NH
4

5
6 OCTOBER 19, 2023, 5:30 PM
7

8
9 The following members were present: Ray Leavitt, Mark Guerrigue, Eliza Grant, Karen
10 Umberger, S. Sand, David Weathers, and Thomas Holmes and Victoria Noel Blake (arrived at
11 5:49)

12
13 Absent: Harrison Kanzler.

14 **Pledge of Allegiance**

15 Those able stood for the pledge of allegiance.

16 **Approval of Agenda**

17 ***T. Holmes- I'd like to amend the agenda to add the approval of the October 11th Minutes.***

18 ***Vote in favor 7-0.***

19 **Charter Changes**

20 ***K. Umberger motioned to approve section 3.16; seconded by M. Guerrigue.***

21 ***Vote in favor 7-0***

22 S. Sand- in 4.2 I'd like to add to the 2nd sentence "but must be willing to live within a reasonable
23 distance and response time:

24 ***S. Sand motioned to add "but must be willing to live within a reasonable distance and
25 response time; seconded by E. Grant.***

26 R. Leavitt- I think most people feel 30 miles is an appropriate distance. I'd like to make a ***motion***
27 ***to amend it to be within 30 miles; seconded by K. Umberger.***

28 ***S. Sand motioned to amend her motion to be "but must be willing to live within 30 miles";
29 seconded by R. Leavitt.***

30 S. Sand- I think in 4.3 we should change it to 120 days not 90 to give more time.

31 R. Leavitt- why don't we consider making it until such time as a permanent manager is hired,
32 that gives you more flexibility.

33 S. Sand- by not setting a time limit, then you know you might just go along with the Assistant
34 Town Manager. It makes sure you have deadlines to make sure the interviews happen,
35 otherwise it could drag on for years.

36 ***R. Leavitt motioned that the sentence read that the "Assistant Town Manager shall serve at***
37 ***the pleasure of the Council until such time as a permanent Manager is hired"; seconded by M.***
38 ***Guerrigue.***

39 S. Sand- I want to make it clear that they're still the Assistant Manager and not automatically
40 the Town Manager.

41 K. Umberger- ok so it reads- shall appoint the Assistant Town Manager as acting Town Manager
42 to serve at the pleasure of the Council, until such time as a new Manager is hired.

43 M. Guerrigue- in the headers it says Town Manager but in the body, it says manager, we never
44 refer to the Town Manager as manger is there a reason why it is different?

45 T. Holmes- we can after have Karen add Town in from of Manager.

46 4.4- no suggestions or edits.

47 4.5- K. Umberger- I think this should be omitted as it is redundant as we have already appointed
48 an acting Town Manager.

49 T. Holmes- This section is talking about temporary incapacitated, where before was for
50 malfeasant. I think it still needs to be added in.

51 T. Holmes- line 4 should read the Town Council shall appoint the Assistant Manager as acting
52 Manager in the same manner as section 4.1.

53 4.7- no suggestions or edits.

54 4.8- no suggestions or edits.

55 4.9- no suggestions or edits.

56 4.10- we are going to change Deputy to Assistant.

57 4.11- no suggestions or edits.

58 4.12- no suggestions or edits.

59 ***S. Sand motioned to accept articles 4.1 to 4.12 as amended; seconded by D. Weathers.***
60 ***Vote in favor 8-0***

61 At 5:59 pm the Public Hearing opened.

62 T. Holmes read the following statement:

63 Welcome to the second public hearing of the 2023 Conway Charter Commission.

64 On April 11, 2023, the registered voters of Conway approved Article 35 which stated the
65 following: "To see if the Town will vote to establish a CHARTER COMMISSION for the purpose of
66 revising or amending the Municipal Charter." The article passed 1,249 in favor to 258 opposed.

67 On June 13, 2023, a special election was held to seat 9 members of the community to the newly
68 established Charter Commission. The Commission's first meeting was held on July 6th and was
69 called by the Town Clerk for the purpose of electing a chair, vice chair and secretary. The
70 Commission then began a process of familiarizing themselves with the myriad and complicated
71 statutes involved in revising and amending a municipal charter. The statutes can be found in
72 Sections 49 B, C and, D of the New Hampshire State Statutes. These statutes lay out the
73 procedure for developing and adopting a municipal charter. There are three main categories of
74 municipal charters and several sub-categories under each. A town can vote to become a city
75 and can then consider one of two options: a city council form with a manager or an aldermanic
76 form with a mayor. Neither of these options provide for a deliberative session, voter input or a
77 Municipal Budget Committee. After some deliberation, the commission decided that it was not
78 yet time for Conway to become a city. The other two categories were a Town Council form of
79 government with three sub-categories and a Board of Selectmen with four sub-categories.
80 Under the Board of Selectmen category, one option is SB-2, which is our current system. It is
81 important to note that this option is still "on the table" as it is what we have now, and it is our
82 default should a different proposal fail at the ballot box. Of the other three, one is the
83 traditional town meeting which is what we used to have prior to SB-2. We concluded that there
84 was a reason why Conway moved on from it over twenty years ago. As such, we placed the
85 traditional town meeting aside to study the other two options. The commission considered
86 what is known as a "representative town meeting" where people are elected to represent
87 sections of town at a deliberative session. It is similar to the old town meeting form, but these
88 representatives would be obligated to attend. Even though this option is available to all towns,
89 no town has yet to adopt it. When we looked into it, we realized that electing dozens of
90 representatives from amongst the diverse neighborhoods and areas of Conway did not seem
91 practical and for Conway, it would be a logistical nightmare. The final option under the Board of
92 Selectmen category is what is called an "official ballot town meeting". For reasons I'm about to
93 explain, we opted to focus on an almost identical form of government under the Town Council
94 category. Of the Town Council forms we have the following: The "pure town council" form does
95 not allow for a budget committee, nor does it allow for a deliberative session or voter input.
96 The Town Council is imbued with all the powers of a City Council and, as with the city options,
97 we concluded this is not a good fit for Conway at this time. Another Town Council option is the

98 “official budget/budgetary town meeting”. This gives all the powers to the town council save
99 for an annual town meeting to deliberate and vote on the budget. The commission feels these
100 leaves too much power in too few hands and is also not a good fit for Conway at this time.
101 Which brings us to the “official ballot town council”. Reviewing and adopting a new town
102 charter is an infrequent event. Because of this, a Charter Commission must not only develop a
103 charter that meets the current needs of the community but also, as practicable as possible,
104 anticipate Conway’s future needs. The Commission has come around to the idea that the
105 governing body, it be Selectmen or Town Council, may have to grow along with the town. But
106 we discovered that the law limits a Board of Selectmen to a maximum of five members. Looking
107 at Conway’s growth spurts over the last thirty years, we recognize a need to provide the
108 community with some flexibility. The “official ballot town council” is pretty much the same as
109 the “official ballot town meeting” save that it will allow voters to expand its governing body
110 when it deems desirable. This is why the commission had zeroed in on this particular option
111 over the “official ballot town meeting”. At the same time, we recognize that too much change
112 too quickly may cause voters to view the proposal as an overreach and reject it. As of right now,
113 we are working on and will likely recommend the “Official Ballot” option of a Town Council. This
114 is very similar to our current SB-2 form of government whereby Conway will still have a
115 deliberative session and voters will still be able to go to the polls and let their voices be heard.
116 The Town Council may be able to act on certain issues such as non-profit petitions and capital
117 reserve funds and incorporate them into the budget for approval of the voters if they remain
118 relatively unchanged from year to year. The circumstances as to whether or not an expenditure
119 will be sent to the voters will be clearly delineated in the new charter. Certain triggers such as
120 large increases in capital reserve accounts or non-profit requests will mandate voter approval.
121 This option still gives the voters the ultimate say in the budget, zoning articles and major
122 expenditures. It is hoped that fewer warrant articles will encourage voters to come to
123 deliberate the most important parts of the town’s warrant without having to sit through hours
124 of “housekeeping” items that usually pass every year without debate. A shorter ballot may also
125 increase voter turnout although there is really no incentive available to us statutorily to directly
126 achieve that goal.

127 T. Holmes opened the Public Hearing for public comment.

128 John Colbeth- Stacy the RSA for Treasurer is under RSA 669:69. When you are all done what is
129 the warrant article going to look like? You’ve done a lot of work to revise the charter and the
130 charter says council. What happens if it is voted done and all the work you have done?

131 T. Holmes- in talking to the attorney that we hired, the Charter that goes before the voters
132 cannot be amended at the deliberative session. It goes all onto the voters. If the charter fails at
133 the polls, then we are back to square one SB2, and I am personally fine with that as we have
134 gone through the old charter and found ways to modernize it.

135 S. Sand- the changes that we are presenting could also be presented as a list of suggestions to
136 the Selectboard as revisions to the Charter. We would present it to the Selectmen to have them
137 hopefully revise.

138 Jim Umberger- I thank you for the effort you have out in this.

139 Mr. Hounsel- I apologize for a letter I sent that I shouldn't have. It's one thing to be snarky not
140 rude. You guys have done good work fast work and you are to be commended for that. I just
141 don't agree with the work. I am against it. What's frustrating the most about the apathy isn't so
142 much the voter turnout on voting day. It's the participation at the deliberative session. I was
143 also hoping that you would be able to somehow incorporate the school. 73% of all the property
144 taxes raised in Conway goes to the school. We can't solve the apathy issue because the
145 government can't make people care. I don't agree with the 7-member council. 7 members is
146 going to insulate govt. from the people. I'm glad you rejected the representative form of
147 government. As far as managing growth, I don't think you put forth any real rational that how
148 seven will improve the ability to manage growth. You don't have the checks and balance of an
149 engaged public. Whatever it is I'm against it, it doesn't matter what it is or who commenced it,
150 I'm still against it. Your proposition may be good but let one thing be understood, whatever it is
151 I'm against it. A shift like this is too much.

152 Chairman Mary Seavey- I've been a Selectman since 2015, and I challenge you to tell me a time
153 that the Selectmen have ever turned anyone away.

154 S. Sand- when I stopped my term as selectperson, I offered my services to guide a committee
155 on the energy committee and was told that we didn't have time for that. I came before the
156 Selectmen at a special meeting after my term was over and asked and was told we don't have
157 time for it. I also came before the Board with a healthcare report and again basically nothing
158 was done. I wasted 3-4 months, and nobody would discuss it with me. So, I have personal
159 experience, and I know others who have had that personal experience. I also know the Solid
160 Waste Committee has not met since pre covid and by statute its supposed to be meeting on a
161 regular basis.

162 With no further comments from the public T. Holmes called on the press.

163 Damon from Conway Daily Sun- in the section under citizen initiatives would that be giving
164 people more opportunity during the year to make changes.

165 T. Holmes- we haven't discussed this as a commission. I believe it is written to allow the Town
166 Council to make certain decisions that can be petitioned throughout the year.

167 K. Umberger- these would be petitions to the Council they would make the decision whether to
168 accept it or reject it. It would not go to the voters.

169 Damon- does having a town council with this process might expand the subject matter that
170 they're able to address throughout the year?

171 T. Holmes- I can't answer that at this point.

172 M. Guerrigue- to Mark specifically, when I got involved and you and I were 2 people that got
173 this going basically, there were 2 big goals eliminate the deliberative and to get control of the
174 school budget, and neither have happened. So that's personally disappointing. The 2 small
175 goals were to shorten the ballot which I think we've done, and to get better representation
176 geographically, and we determined it's just impractical and difficult to do. I don't see the
177 difference from 5-7 but I think with 7 you get a little bit more opportunity.

178 Mr. Hounsel- I was hoping we could somehow do away with the disappointment of the whole
179 process of SB2 deliberative and we failed to do that. Anyone can show up and it's disappointing
180 that more don't, going to 7 doesn't help. I think you should have term limits. I like to see the
181 young people coming in and serving.

182 T. Holmes- terms limits were ruled as unconstitutional.

183 Mr. Hounsel- what happens to the current charter is it completely replaced? does it go away
184 with Roberts Rules? This sounds like any rules can go.

185 K. Umberger- do you want the statement read into record?

186 R. Leavitt- yes it should be.

187 T. Holmes closed the public hearing and reconvened the regular meeting.

188 T. Holmes- I do believe it is time for Conway to go to a Town Council to allow for flexibility over
189 the next 20 – 30 years. I was also concerned about not going to 7 members, that it was
190 jeopardizing the chance that people would pass this proposal and also the logistics of doing it.

191 E. Grant- what of these changes that we are packaging in this new charter go with our old
192 charter? Because I think my understanding talking to the lawyer was there are some things
193 were talking about. My understanding there are things we can do that as part of SB2 were just
194 not doing it right now.

195 T. Holmes- because of the way that Selectmen Town Meeting SB2 form of government set up,
196 non-profit petitions, the selectmen have no power whatsoever to keep them off the warrant.
197 You go to the town council they could do so with very careful delimited parameters to do so.

198 ***S. Sand motioned to accept 4.13 and 4.14 as amended; seconded by D. Weathers.***
199 ***Vote in favor 8-0***

200 5.0- no suggestions or edits.

201 5.1- no suggestions or edits.

202 5.2- no suggestions or edits.

203 5.3- no suggestions or edits.

204 5.4- no suggestions or edits.

205 5.5- holding for later discussion.

206 5.6- no suggestions or edits.

207 5.7- R. Leavitt motioned to change it to “10 years and it shall refer to and be influenced by the
208 Master Plan”.

209 5.8- no suggestions or edits.

210 5.9- T. Holmes- I have one suggestion that any town insert the word official.

211 5.10- no suggestions or edits.

212 ***R. Leavitt motioned to accept Article 5 with the exception of 5.5, which is on hold; seconded***
213 ***by S. Sand.***
214 ***Vote in favor 8-0***

215 6.1- no suggestions or edits.

216 6.2- no suggestions or edits.

217 6.3- no suggestions or edits.

218 Strike C and D

219 ***D. Weathers motioned to accept Article 6 as amended; seconded by E. Grant.***
220 ***Vote in favor 8-0***

221 7.1- S. Sand- I think we should move B one sentence to section 3.4 and add it at the end.

222 E. Grant I would also strike E if that is a concern.

223 7.2- no suggestions or edits.

224 7.3- no suggestions or edits.

225 7.4- no suggestions or edits.

226 7.5- no suggestions or edits.

227 7.6- no suggestions or edits.

228 7.7- no suggestions or edits.

229 ***E. Grant motioned to accept Article 7 as amended; seconded by K. Umberger.***

230 ***Vote in favor 8-0***

231 **Set November Calendar**

232 T. Holmes- Wednesdays in November are the 1st, 8th, 22nd, 29th.

233 **Old Business**

234 **New Business**

235

236 **Public Comments**

237 **Adjournment**

238

239 ***T. Holmes adjourned the meeting.***

240

241 Respectfully Submitted,

242

243 Alicia Jipson

244 Recording Secretary