

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

5  
6 November 1, 2023, 5:30 PM  
7

8  
9 The following members were present: Ray Leavitt and Victoria Noel Blake, Eliza Grant, Harrison  
10 Kanzler, Karen Umberger, S. Sand, David Weathers, and Thomas Holmes.  
11

12 Absent: Mark Guerrigue.

13 **Pledge of Allegiance**

14 Those able stood for the pledge of allegiance.

15 **Approval of Agenda**

16 ***K. Umberger moved to approve the agenda as presented seconded by S. Sand.***  
17 ***Vote in favor 8-0.***

18 **Approval of Minutes**

19 ***H. Kanzler motioned to approve the October 19<sup>th</sup> minutes as amended; seconded by S. Sand.***  
20 ***Vote in favor 8-0***

21 **Line 130 change done to down, line 128 changes from sun to done, line 99 change these to**  
22 **this.**

23 **Preambles**

24 T. Holmes- Mark Guerrigue had some issues with both preambles. Mr. Housel's version was  
25 trying to interject some religion, morality that he didn't agree with, and he thought Karen's was  
26 a little dry and looked like a business plan.

27 K. Umberger- what I did was copy the current preamble and I changed the too's a little bit, what  
28 I added in particular was 6, reducing the length of the Town Meeting, and I added expanding  
29 the governing body to be more representative as a whole. Those were things I felt were  
30 important going through this process. If you think removing promotes morality and piety, then  
31 we probably should.

33 H. Kanzler- I somewhat agree, the preamble I can take it or leave it. I think Karen's outlines very  
34 specifically why we did it. I think those looking at this in the future can see the why.

35 T. Holmes- there are a few things on this list that I am not ready to codify yet, and I'd like to  
36 come to an agreement on some of these items. Items like reducing the town warrant, I don't  
37 think we can predict that and be held to that.

38 R. Leavitt- I agree, I think reducing the warrant is a goal and does not belong in the preamble.

39 S. Sand- I think if you take out the length of the town warrant and leave to encourage greater  
40 participation.

41 T. Holmes- I'd like to take a shot at combining the 2, make the edits that Stacy just said, and I  
42 think this is the last item we should look at, so I think we should table it.

43 ***H. Kanzler motioned to table the preamble approval; seconded by E. Grant.***

44 ***Vote in favor 8-0***

45 E. Grant- I do think adding something about this being for the common benefit, protection, etc.  
46 of the community is appropriate.

47 S. Sand- I like the last 3 lines as well but can we do more modern language.

48 **Charter Changes**

49

50 Article 11 D

51

52 K. Umberger- we have to remove setting term limits, that is not allowed.

53

54 Discussion was had back and forth in making changes to 11 D Planning Board. Karen Umberger  
55 took notes on what those changes will be and will revise them in the charter draft accordingly.

56

57 11F

58

59 H. Kanzler- I think we mentioned before that the salary should be eliminated so they can make  
60 changes from time to time.

61

62 11 G- no suggestions or edits.

63

64 E. Grant- do we even need G, didn't we already give the Town Council the ability to create  
65 administrative boards and committees? I'd suggest we put G into the end of 3:13. and strike it  
66 off the 2<sup>nd</sup> half of G under 11.

67

68 Discussion was had about when making a recommendation as to when and how often boards  
69 and commissions met with the BOS annually.

70

71 H. Kanzler- suggested the following: at least annually or more often if Town affairs warrant, the  
72 Town Council shall hold a meeting with the chairman of all standing Town committees to review  
73 significant actions taken by the committee's projects currently under discussion and anticipated  
74 activity for the coming year.

75

76 S. Sand- again without a specific date what will happen and what has happened the meeting  
77 won't take place.

78

79 E. Grant- I am noticing that this only mentions committees, should we include boards,  
80 commissions and committees?

81

82 S. Sand- they haven't been elected in the past so we don't know who would want to run.

83

84 T Holmes- I am personally in favor of having a Town Council on the ZBA and then any vacancies  
85 due to absence or illness or just not running it could be filled by the Town Council.

86

87 E. Grant- this section does not include the RSA language like in the Planning Board. I am  
88 wondering if we should add some of that same language in and make it consistent.

89

90 11.3 – 1 suggestion to remove the date April.

91

92 11.4 – add Boards and Committees.

93

94 S. Sand- I'd like to bring up items that have not been brought up. There are Boards and  
95 Committees that I see in other Towns that I don't see here or don't know if they exist here  
96 should we add them?

97

98 S. Sand- Merrimack has an Ethics Committee and they are elected they have a 5-member  
99 committee. Their job is to educate officials, board members, employees of town government  
100 regarding the provisions of the ethics code to provide advice and counsel to officials, board  
101 members and employees regarding ethical issues with which they're confronted and resolve  
102 ethics complaints, which are filed against officials, board members, and employees of town  
103 government. Then they talk about the education needed, how they educate themselves to  
104 make these decisions and how an inquiry is conducted. This might be more than we want to  
105 tackle, but at the same time I don't think it's necessarily a bad idea to have.

106

107 T. Holmes- it is similar to the real estate appraiser's board. Every bone in my body is telling me  
108 this is a bad idea. I believe elected officials will be held accountable to the voters. I'm not in  
109 favor of this.

110

111 S. Sand- I do wish there was a way to encourage the Town Council to invite the school board to a  
112 meeting.

113  
114 V. Blake- can there be wording in there that says the School Board is invited to speak? Or do we  
115 leave it as an open invitation? Or do we throw that invitation into the big giant meeting of  
116 Boards and Committees and say, the School Board shall be invited to this? We could add that  
117 into F.

118  
119 R. Leavitt- I was not here last week, I guess you voted to go back to 6 elected for the Budget  
120 Committee. I don't agree with that I think it should stay at 9. Those 5 have vested interest. I  
121 think the Budget Committee is the people's committee the way I look at it. When you drop it  
122 back to 6 you're diluting their authority to make up a budget.

123  
124 K. Umberger- part of that was if Redstone and East Conway dissolve which I think they are, then  
125 those positions would become elected which brings us up to 8 elected members.

126  
127 T. Holmes- I met with the Library Director this week. And RSA 202 a-6 gives the Library Trustees  
128 operational authority over the library and budgetary authority up until the Town Council or  
129 Selectmen have bottom line authority, but the Library Trustees have control of the buildings and  
130 all the grounds so any attempt to have a quarterly report from the Library Director without the  
131 Library Trustees, express permission to do so would not be good. From the Library Director's  
132 standpoint, he says he's always welcome with the library chairman of the Library Trustee's  
133 permission to answer any invitation by the Selectmen and report before them anything they  
134 want and answer any questions they have. The Finance Director for the Town of Conway reports  
135 quarterly on the library's expenditures. I think this would be redundant and kind of stepping  
136 over the authority of the Library Trustees.

137  
138 K. Umberger- so does it say that the library will be incorporated into the Town's budget?  
139

140 T. Holmes- I didn't look that far.  
141

142 ***H. Kanzler moved to approve article 11 as revised and amended; seconded by K. Umberger.***

143 ***Vote in favor 8-0***

144  
145 Article 12

146  
147 12.1- no suggestions or edits.

148  
149 12.2- H. Kanzler- it does bring up compensation again.

150  
151 T. Holmes- so can we strike the sentences about wages.  
152

153 S. Sand- I think the point is it is an add on to what we had before, that existing personnel will  
154 stay unless it is specifically removed, and I think this is here, so people don't think they have lost  
155 their pay or job.

156  
157 H. Kanzler- I think to her point can we just eliminate some of this language? and change it to be:  
158 compensation of all officers, department heads and employees of the Town shall be the same as  
159 prior to the Charter taking effect.

160  
161 12b- instead of his change it to theirs.

162  
163 12.3- E. Grant this section does not make sense to me and seems a bit confusing, and I think it  
164 needs a rewrite.

165  
166 Discussion was had back and forth on the wording of 12.3. K. Umberger wrote down the new  
167 language that will be in the revised version of the Charter draft.

168  
169 12.4- - no suggestions or edits.

170  
171 12.5- E. Grant- I think this is a lawyer question.

172  
173 T. Holmes- 12.5 we will call it a hold.

174  
175 12.6- S. Sand- I think the BOS should be abolished when the Town Councilors take effect when  
176 they have their first organizational meeting.

177  
178 H. Kanzler- I think we should give this to the lawyer to answer these questions.

179  
180 12.8- on to the lawyer for reconsideration.

181  
182 ***Karen motioned to reconsider the number of members on the Budget Committee; seconded by***  
183 ***E. Grant.***  
184 ***Vote in favor 8-0***

185  
186 T. Holmes- anyone can put a warrant article out to increase or decrease the number of  
187 members on the Budget Committee in any given year.

188  
189 R. Leavitt- 9 to me seems to be a reasonable number and if precincts were eliminated it would  
190 drop back.

191  
192 T. Holmes- as long as I see some opposed races where people can actually run and air their  
193 differences. Our current Budget Committee, anybody can walk on unopposed. I can't remember  
194 the last time that anybody was fighting for a seat. I'll go with 9 elected.

195  
196 H. Kanzler- my concern is that will get us back up to 12 and the higher numbers.

197  
198 T. Holmes- all the at large seats get filled the precincts are empty.  
199  
200 ***R. Leavitt motioned to amend the motion to include 8 elected members on the Budget***  
201 ***Committee; for a total of 13 members; seconded by T. Holmes.***  
202 ***Vote in favor 7-1***

203 **Old Business**

204 S. Sand- can you send out a list of the holds that we have.

205 T. Holmes- 3.5, 3.16, 9.3, 11, 12.5, 12.7, 12.8.

206 E. Grant- we are meeting next week. Are we going to be making more edits?

207 T. Holmes- if we can get through the holds then we are going to have a completed document to  
208 vote on and send it to the lawyer. Then we're going to meet with the lawyer and see if he has  
209 any suggestions and revisions, then we have to vote on that, it then goes to the Town Clerk,  
210 Secretary of State, DRA and the AG's office. Then they have 45 days and if they come back with  
211 any comments, were going to have another meeting, so theoretically November 15<sup>th</sup> we will be  
212 submitting a final edit if we can.

213 K. Umberger- if there is someone that doesn't agree when does a minority report get written?  
214 Does it get written prior to getting to the lawyer?

215 T. Holmes- I think it gets written prior to going to the state officials.

216 K. Umberger- I bring that up because if you think you are going to be opposed to the Charter,  
217 start writing because you won't have a lot of time to send your report to the State.

218  
219 **Public Comments**

220 Damon Conway Daily Sun- I have kept track of the major changes today, and today you have  
221 Selectmen to Town Council, potential to expand beyond 5 members, elected ZBA, 13 member  
222 Budget Committee, ability to bond over 2 million without going to Town Meeting, modern  
223 preamble, annual meeting of the Councils, Chairs, Committees and Boards. Items that have  
224 been on the warrant as capital reserves would be folded into the budget or at least some of  
225 them, and an attendance requirement.

226 **Adjournment**  
227  
228 ***T. Holmes adjourned the meeting.***  
229

230 Respectfully Submitted,  
231  
232 Alicia Jipson  
233 Recording Secretary