

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

5 July 26, 2023, at 5:30 PM
6

7 **Attendance**

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

11 Absent- S. Sands excused (arrived at 5:50)
12

13 **Pledge of allegiance-** those present and able stood for the pledge of allegiance.
14

15 T. Holmes- at the request of a commission we want to codify what constitutes the quorum of
16 this board, it's in Roberts rules, we adopted Roberts rules, however Roberts rules says if there is
17 any bylaws to the contrary, a quorum can be a majority of the voting members, anybody want
18 to make a motion to make that the official rule of the commission?
19

20 ***E. Grant motioned to make it an official rule of the commission that a quorum can be a***
21 ***majority of the voting members; seconded by D. Weathers.***
22

23 ***Roll Call: R. Leavitt; Aye, V. Blake; Aye, M. Guerrigue; Aye, E. Grant; Aye, H. Kanzler; Aye, K.***
24 ***Umberger; Aye, D. Weathers; Aye, T. Holmes; Aye. Vote in favor 8-0.***
25

26 **M. Guerrigue motioned to allow the Chair to speak freely without having to step down;**
27 **seconded by H. Kanzler.**
28

29 **Vote in favor 8-0**
30

31 **1. Natchez Greyes, NHMA presentation and Q&A.**
32

33 N. Greyes- I'm with the municipal association. I'm here to give you an overview of your options
34 for charters. Some things to think about and a couple of ground rules that you need to know for
35 serving any capacity in government. Which is basically the right to know law. So tonight, I'm
36 going to give you an overview of the Charter Options. Law Is Applicable to all charters. This will
37 allow a matter which of these options you choose, if you choose any, some decisions you might
38 want to make. And get some key questions really that lead into decision making process. There
39 are five different types of charters to choose from in addition to that, there's the city form of
40 government, which I don't believe you're considering as well as what you currently have. Which
41 is SB2. As well as traditional town meetings. So, there's about as many options as there are
42 towns in the state of New Hampshire. Option one is pure town council, what I call city like
43 you're basically doing everything a city would do, with one small exception. Except that you're
44 still called the town. So, you elect representatives who serve on the council. That council makes

45 all the decisions for the government. There's no town meeting. You don't have any of that
46 process. If stressed through the town council, the one exception is going to be the Town Clerk
47 would still be elected. Under the city former government there appointed, it's not a big
48 difference. It's a little unclear under the statute right now, but there's some clarification that the
49 Secretary of State asked for and there are a couple of towns that have this form of government.
50 Derry and Durham. I've listed towns throughout this presentation that have these different
51 forms because you may want to reach out to them and asked them what they do. Just because
52 one town sets up their government a way it certainly doesn't mean you can't choose different
53 options for Conway.

54

55 H. Kanzler- If there was reincorporation as a city. Besides obviously having different structural
56 options for the government, does it have any implications with DRA or DOT like kind of higher
57 level than just, you know, how we structure our government? What impact would that
58 potentially have outside or just the structure of government?

59

60 N. Greyes- It won't really have that much impact in terms of your relationship. If you choose a
61 pure town council, because that's really where the difference comes in. Is kind of what
62 authority you're given the governing body. So, when the city is the governing bodies running
63 everything. So, I live in Concord, for example. Whenever I have a problem, I call my city
64 councilor. I say, hey, I want this road paved. I want whatever to happen and they say sure. And
65 they do their thing and let me know obviously that's very different than what you do here with
66 SB2. Basically, under a pure town council form of government, you do the same thing. You're
67 still called the town. I don't. You know why that's a thing? Other than that, it's just the election
68 of the town clerk.

69

70 M. Guerrigue- a town council, Pure town council have a mayor like a city?

71

72 N. Greyes- Um, I have to double check because there are a couple options under cities for how
73 you structure that. You can do either a mayor and council or. Mayor Alderman. On the town
74 council side, no, you wouldn't have a mayor.

75

76 H. Kanzler-So you'd have a chairman like you do with selectmen, you would just be like a more
77 powerful selectboard?

78

79 N. Greyes- If you want to conceptualize it that way, in New Hampshire, most of the cities I think
80 have gone with the City Council option rather than the mayor and Alderman.

81

82 M. Guerrigue- Well, I think the critical question is what Harrison was asking the fundamental
83 difference between being a city and a pure town council. Are you saying there isn't that big of a
84 difference?

85

86 N. Greyes-To be honest, it's mostly in the name and then a couple positions like the mayor.
87 Most town councils, pure town councils still have some sort of manager running things much
88 like cities do, and in town council towns there are certain things that the charter must specify

89 and there is also statutory list of things that the charter can specify. But you can specify really
90 anything you want, as long as it doesn't conflict with other state statues. Essentially, given the
91 town some sort of power it doesn't already have. Granted under the Constitution or the state?
92 So realistically this how this boils down is most of what you're looking at for things that you
93 have to specify in the charter for town council towns is how you work with representation.

94

95 So where are the wards?

96

97 N. Greyes- One thing to note is if you go in this direction, oftentimes when the legislature
98 decides where their representative districts are going to be, they use your wards. They could be
99 theoretically creating their own, but they're not going to do that. They pretty much always use
100 the local determined wards to determine how they're going to divvy that up and maybe they
101 move that around, so you have multiple words feeding into one representative seat.

102

103 M. Guerrigue- So with the Pure town Council you have to have a ward. You can't have all at
104 large council members?

105

106 N. Greyes- No you can't. You get to decide whether you want an at large, whether you want
107 some combination of at large or wards, whether you want boards. Those are all the things that
108 you get to decide. You get to decide if someone new moves to town, how long they have to live
109 there is up to you before they can serve on any sort of board. Residency is just the general
110 requirement, but there's kind of this enhanced local option that you have that you get to
111 determine. Your own municipal election date will mostly just follow kind of the standard
112 calendars. Otherwise, you have to pay for an extra election, so most follow the standard
113 calendars. So, if you have a school district here, you might try matching that up, or you might
114 try doing like carrying it on the November election or something like that. You get to determine
115 all of the additional policies that that go along with that. So, kind of the audit requirements, any
116 sort of additional public hearing requirements. You know council and budget determinations.
117 So, you know if they're going to make some sort of determination as. What the budget going to
118 be? You've adopted that as part of your official ballot committee. Is not necessarily going to
119 apply unless you determine that it should apply as part of the charter process. So, you have a
120 lot of flexibility in returning what your government looks like, realistically, all of these options.
121 That particular town council, because you're turning all of these policies and procedures that
122 are necessary for the town government to function and do essentially what it does now, but in
123 a different form.

124

125 T. Holmes- The third bullet point. Powers of nomination, Appointment and Confirmation. Is that
126 for what? Other members of other boards? Who is going to make the appointment? Is it going
127 to be, you know, a nomination going to have to come from the council itself? Is it going to be?
128 You know the Town manager is going to make a nomination subject to the approval of the
129 council. How exactly is that going to work?

130

131 N. Greyes- For example, I think it was yesterday, could have been the day before there was a
132 decision that came out regarding. Resignations from a select board, and Warner, it was a

133 Superior Court case. And the general rule in New Hampshire is there's no obligation to accept a
134 resignation. So, if you're on the select board, e-mail your town manager and say, hey, I'm
135 resigning, that's effective immediately. Your board doesn't have to take any further action. But
136 what you could do is part of your charter is say you know if someone is going to resign from the
137 council, the council has to vote to accept that resignation at the next council meeting.

138

139 M. Guerrigue- Can the town council pull out other items? Let's say that budget or all nonprofits
140 or anything that. Got put on a ballot that would be voted on by the general. Election?

141

142 N. Greyes- So that's another Pure Council form of government that would be under kind of a
143 modified version and we're going to go through that in a couple of minutes.

144

145 H. Kanzler- similar to the town council, assume you could also have a various boards continue
146 to be voted on at large if you were going to. Go with a warded town council. Would you then
147 also have to use the board? For boards or could you continue to have those at large?

148

149 N. Greyes- No, you continue to have those at large. You're realistically doing as part of the
150 charter is determining all of that. You can mix and match. For example, in Concord, I think we
151 have two counselors who are at large, and then each ward has its own counselor. As I
152 mentioned before, the charter can specify a wide variety of other matters. What happens if a
153 citizen wants something to be considered by the town at large? You know, Is there a citizen
154 initiative option? So, it would basically be like any petition warrant article.
155 If the town's going to purchase something, are we going to have to? Make some sort of bids
156 that occurs that can be sealed bidding.

157

158 N. Greyes- Those are what RFP's look like. All of those things you have to consider as well. And
159 those are all the things that you can include in the charter. It might be a good idea because
160 what you often find is. Before you might have Company, one come in town that could provide. I
161 don't know, Trucks to do an emergency snow plowing. Now you're going to have two or three
162 or four, and there's your public works department wants to line those up for winter and put
163 whatever kind of down payment you need to.

164

165 How's that going to work? Type of process. Do they need to go through to make sure that you
166 know? Oh, of that public money is being accounted for and being used in the best possible
167 manner.

168

169 N. Greyes- The official town council and that goes back to what you were saying earlier, where
170 essentially, it's kind of enhanced SB2 town or city. A city-like version of government where you
171 have a town council that runs most things but there are certain items that are going before the
172 voters on our ballot, much like you do now with SB2. Important is what things go on about
173 versus what is reserved for the Council, and there are some. From different examples It's the
174 budget that ends up going to the voters for. Kind of a final approval. That just seems to be the
175 general trend. Interestingly enough, there's another option that is the budgetary town council,
176 but you really do have this, this is really broad, because it's not just the budget. You might have

177 some sort of cut off with bonding, but what the council can approve that versus one that has to
178 go to the voters. There are multitude of different options, it's just really making that
179 determination what's appropriate.

180

181 T. Holmes- So what about petition warrant articles and a town council that doesn't have a
182 ballot? Would it be the town council that would approve the petitions?

183

184 N. Greyes- So this would again be something where you would want to look at something like
185 those petitions' articles, this isn't coming up with some sort of referendum. How does that
186 work? How do spell that out? Do we follow what the current statue says?

187

188 T. Holmes- So as a follow up. If we have a ballot for the town council what we retain the
189 petition we're not list to be approved by the town council, then with the bottom line budget
190 include the petition articles that go before the voters.

191

192 N. Greyes- You could have a deliberative session. And in fact, most of the statue requirement
193 just lead you in the direction of essentially deliberative session. You know after you have that
194 you would then be voting on it on an official ballot because you need to have the final approval.
195 Or that kind of write up of what that budget is. So, it would still be a two-part process for the
196 budgetary side of things occurring in one meeting where we split into two meetings. And you
197 have to determine what the majority vote is to. Some other strange requirements, because
198 that's true, that has gone down to 3/5 from 2/3 for basically everything else, so it's still an
199 option under the charter status, and you have to determine what is the process for special
200 elections, any kind of transfer funds between departments, et cetera, because. The provisions
201 of Chapter 32 don't necessarily apply to your municipality any more or unless you adopt them.
202 But the way that the statues are in it really encourages you basically to adopt that as well.
203 Which is the budgetary statue. The next option which is. Called the official budget Town
204 meeting and. And it's the only budget that's voted on by the town meeting except for. To other
205 options, which is what Bedford does, which is bond issues, and changes to land use ordinances.
206 Everything else is controlled by the governing body, so this is really. Because your favorite
207 option is option one. There's only three possible things you can vote on a town meeting, rather
208 than basically anything you want to. I don't know why it's divided up like this or why they didn't
209 just change this, and usually very soon, that what happened without having done research, is
210 that probably Bedford, another municipality, had adoption. Option 2. They didn't want to have
211 them vote on again, so they added One in.

212

213 And really, the encouragement again is to follow what already exists. Option two is the official
214 ballot town meeting, and that is different because instead of voting on things by ballot, you're
215 not voting on things in open meeting. Town Meeting and they vote at the one session in
216 anyone of the items in the warrant to There's no ballot.

217

218 I'm going to mention defining the default budget in the charter. It might be something that you
219 want to do. It's not just applicable. To anywhere else that you might have the budget voted on
220 by ballot or by the voters. It's something that Londonderry has done, and Londonderry did that

221 in response to the changes in 2018 at the legislator as to what a default budget is. And I
222 mentioned that because if you don't define the term default budget or you don't define other
223 terms that are used in statute. That you are allowed to define through the charter process.
224 When the legislature changes what those terms mean, you'll be subject to those changes. So
225 what Londonderry found is that when those changes were enacted, what ended up happening.
226 Is the way they had traditionally calculated default budget. And how that whole process worked
227 was very different and it made it very difficult for them to calculate the budget. That would
228 work for Londonderry. So just a history lesson, just to give you some background as to. Why
229 might you want to define this? The term default budget originally came about in 1995, was
230 clarified in 2004. There have been a number of court cases that eventually accumulated in 2018
231 changes about how that calculation occurred. Tom knows very well as those of you who aren't
232 necessarily involved in that may not know the default budget essentially last year's budget with
233 some changes. Those include one-time expenditures, any sort of reductions and or. Eliminated
234 positions as well as any kind of increases that are. They were already disclosed to the voters
235 and approved by the voters. So, union contracts, those kinds of things doesn't include things
236 that you know are going to go up but you haven't gotten prior approval for. For example,
237 electric rates go up in winter, but unless your voter approves some sort of increase, you don't
238 get extra money for that. So, your town government has to shift money around, which goes
239 back to part of what you're doing in this charter process is weaning out if you're going to do a
240 charter. And you pick one of the options where you have to determine how transfers are made
241 between departments, you may want to consider giving the town manager. Whoever is kind of
242 the administrative head of the municipality, the options are making recommendations to
243 whoever can approve the transfer. So, if you have a council, make a recommendation to the
244 council about transfer between departments. So that you don't end up in a situation where salt
245 has gone up. But our assets have gone up by 10% this year. You're no longer able to pave roads,
246 but meanwhile you end up with extra money in another department because they didn't have
247 the expenses that they anticipated. That's something included in the statute now, but it's not
248 something you necessarily transfer over in Charter government. If you decide to recommend
249 the Charter, just consider any of the terms that rely on statutory definitions. If you like those
250 definitions, you may want to just pull those out the statute. Include those in your own
251 definitional section so that you know from here on out you'll be clear on what those mean. The
252 next option is a traditional town meeting with representatives. What the Charter is going to do
253 here is to figure out, have someone come become a representative with their qualifications for
254 officer, which they're going to be certainly statutory minimums, they have to be over 18. They
255 have to be eligible to vote in the state and New Hampshire. But you can determine, you know,
256 do you have to live in the town for a few months' etcetera. Basically, what happens is you'll
257 have words or some sort of dividing of the town or perhaps at large and elect some people to
258 go to basically traditional town meeting and they will go to traditional timing turn everything
259 that happens as usual traditional town meeting. So basically, you have your own mini legislature
260 if you want to go that way.

261

262 H. Kanzler- And those are those representatives are the charter will determine how often
263 they're elected.

264

265 N. Greyes- Yes. How often they're elected, their tenure, where they come from, what happens
266 if one of them has resigned or moves away, etcetera, you have to turn all of that. So, there are
267 some rules. Also, for all charters There's no home rule in state in New Hampshire. You so you
268 can't just, you know, give your town council the authority to regulate smoking, for instance,
269 because this is already regulated by the state level. You obviously can't conflict with any kind of
270 state statute. Figured out from what I just said, and you can't go past the authority granted to
271 you by the state. In short, you can do what the state has allowed you to do, and nothing more.

272
273 So, you can't change your retirement system contributions. If you have employees in their
274 retirement system, which you do, you can't impose term limits and you can't just take over the
275 school district. Those are all the things you can't do. You can add things like a tax cap if you
276 desire. That is usually difficult going forward for towns to figure out their budgets after a few
277 years, so consider that carefully if you decide to fill that direction.

278
279 H. Kanzler- You can't force, like the school district, to fold into the town or city. Does that
280 pertain to all districts within the town or city? So, if we have various precincts, can those be
281 folded in and made part of the town or do those also have?

282
283 N. Greyes- The villages exist separately from the towns. There's a process whereby they could
284 vote to dissolve, and they would. Become part of the town with the charter Can't do that. But
285 the charter I guess the charter could contemplate would exclude that. I'd have to double check.
286 So, what happens for district is able to dissolve and assign. As they voted to create themselves,
287 they would vote to dissolve. You can't exclude them from doing that. You can't prevent them
288 from doing that. As long as they follow the statue process. So, if you're a problematic district.
289 Data centers, and there's nothing you can do to stop that. If you choose a town council form,
290 town councilors can't come in and interfere with the process of government on their own,
291 they'd have to do it as a quorum of the body. You can also include a provision related to what
292 happens if you enact a charter and you realize it's not working out.

293
294 You want to change to something else. How does that work? You can in front of the transition
295 provision. You have to be careful about that because there's quite a lot of back and forth with
296 the Department of Justice, it, gets very complicated if you do decide to include some sort of
297 transition provision. That you reach out to town councils or get approval to reach out to town
298 council to have them work on drafting something for you at your direction. Just starting it
299 complicated at the ag's office, does like to get involved in that? So, I'm looking at all of these
300 options that you have. This is really kind of a broad grant of power you've been given. I really
301 think there are probably 2 key questions that you want to ask. As a Commission that might help
302 guide you towards your choice to make. The first one is how much authority should be granted.
303 The governing body. Do you want a governing body with a lot of authority? In which case you're
304 probably looking more in the direction of Things run by town council? Or do you want them to
305 have less authority, in which case you're going to put more on a ballot? Or more at some sort of
306 town meeting. You probably have some idea of what that should look like based on the
307 discussion that happened prior to the vote that caused you all to exist to be in this room with
308 me today because there are probably some problems that came up at the local level that

309 needed solutions. And your current form of government just isn't a good option for solving
310 problems and that's why you're here. And the second question is what should the budget
311 process look like? As you noticed from what we've gone through this evening. A lot of it's about
312 the budget process, what that looks like, how that's disclosed to the people in the town. Do
313 they get to vote? Do they get to have public comment? What exactly happened and who should
314 determine what that budget is, that's ultimately going to be, should it go back to the
315 townspeople in some form or that that's on a ballot, whether that's, you know, at some open
316 meeting or should that be turned by a vote of the council after a recommendation of a budget
317 committee or something like that? As you figured out, you have a lot of flexibility here, and it's
318 really possible for you to modify anything that you currently have, or even fold the things that
319 you already have, such as budget committees. I know that's a hot topic. When you look at that
320 kind of budget process, one of the things to consider is budget committee, whether you want
321 to have one, whether you want to have none. Is that going to be an official budget committee?
322 As you currently have? Or is it going to be some sort of advisory committee like a fiscal
323 committee or something like that, where they don't necessarily have the same powers and
324 authorities as the current one? But they provide some sort of guidance to the Council's. They
325 look at adopting a budget as well, as far as the school district goes, because Tom let me know
326 that his question was going to come up. The town can adopt an official budget committee, as
327 can school district. We are considering as part of your committee is just what's going to happen
328 with the budget with the town. Now if you as a town adopt A budget committee, that would
329 also apply to the school, but if you choose not to, then there wouldn't be a budget committee
330 that oversaw the school unless the school adopted their own budget committee. And one of
331 the things that you can do, of course, under your charter, is adopt the official Budget
332 Committee. And that would mean that the Budget Committee still oversaw what the school
333 does, much like yours does now. Since few different ways try to communities have integrated
334 budget committees. You have flexibility to determine. How that relationship 's going to work as
335 well as what the relationship is between, you know, your governing body and your voters.
336 Anyone have any questions about charters?

337

338 M. Guerrigue- So I mean we did identify some of the issues in that you see that's why we're
339 here and two of them are related, one of them is the SB2 deliberative session in the school
340 budget.

341

342 N. Greyes- So I think people in general school budget aside, aren't happy with SB2 with the
343 Deliberative session, because a few people can dominate it and change the ballot. At the same
344 time, typically what's happened in our town over the last couple of years is we get to the
345 deliberative and the Budget Committee is being overruled by the few people from the school
346 world. We're basically undermining their budget committees' cuts.

347

348 Can a budget committee with authority under one, for instance, have authority over the
349 school?

350

351 N. Greyes- You could choose option Three, where you have people like you do go to the, on
352 which case you wouldn't have what you have now, which is the people who care are going to

353 show up one side or the other. They're going to show up for that. So, if you have a budget
354 committee. Just from the beginning decided to cut something from school, budget. Parents got
355 angry and showed up and said no. Story line overruled the recommendation of the Budget
356 Committee essentially to the voters, then the Budget Committee, people supported the Budget
357 Committee didn't show up, right. So that's kind of what the dynamic you would have now.

358
359 I guess you might have the opposite to where the budget committee recommends more money
360 and you know that, but the only real way to overcome that is, is if you have some sort of
361 representative making the decision. Right. Whether that's a town council, whether that's a rep
362 going to the town meeting because when those people are voted in year before, I mean it could
363 be that one of the platform issues is what more or less money for this, you know, this is not a
364 case that. You're going to do that, but I do want to know that what we're talking about here are
365 the Charter Commission. The municipal budget there's a difference than the school, you're not
366 going to be changing what the school does. So, if the school's SB-2, it's going to stay SB2. It's not
367 going to change just because you change. The only relationship to them is going to be do we
368 have a budget committee that's going to look at and make recommendations about what their
369 budget is to the voters and that during the SB2 vote. It's not going to change their process
370 because they're a separate form of government. They're separate governments, I should say.

371

372 J. Colbath- Are you going to allow questions from the audience?

373

374 N. Greyes- I'm going to cover a little about the right to know law because we're obviously here
375 at a meeting and the right to Know applause applies. I just want to make sure everyone's on the
376 same page. I know Tom has been doing this for a long time, so he's well aware of it, but some of
377 you may have some questions at some point in time of what he's doing and why he's doing it.
378 So, to make sure you know, I'm going to give you a little overview. So, the right to know law
379 comes from the Constitution and the kind of default position on the right to know is Everything
380 the government does is public. There are exceptions, which means there are things government
381 can keep out of the public eye, but there's nothing that requires the government to do so. For
382 our purpose, you aren't really dealing with the records too much. Most of these are going to
383 come to you via your chair. What you're really concerned about is meetings. You're in a public
384 meeting with a quorum meeting. More than half of you are here. You're a public body because
385 you've been elected, and I want to mention that if for some reason you Create a subcommittee
386 that's the committee is also a public body. You cannot get around the right to know law by
387 creating something else if for whatever reason you decide to appoint one member of your
388 committee and a whole bunch of members of the public to something. That is like a public
389 body. You're meeting to talk about things over which you have jurisdiction, controls, revision,
390 etcetera. So, if you decide to go out for dinner and you don't talk about the charter Commission
391 or charters, you're good. If you do, then you're in trouble. Determine what your quorum is
392 going to be. Keep in mind that anything you write down is a government record, unless
393 something else applies to any personal note you take, that you never reference in the meeting
394 or never tell anyone about. Those are yours, those aren't governmental records, but any notes
395 you take for the purpose of the Charter Commission. So, for example, if you take notes and
396 then someone comes in with minutes and then you discussed the minutes and somebody says,

397 well, that's not what I wrote down. You've now introduced your notes into the public record.
398 Those have now become public records as well. Be careful when you're talking. Be any kind of
399 electronic media or should just not talking about Charter business except in this room that's the
400 meeting has been convened. Particularly when you're using e-mail, there is a. Don't send an e-
401 mail to all of your members. You obviously have a process your information is going to get
402 distributed to. You will electronically in advance of meetings, through whatever process the
403 town of Conway uses. And that's not going to result in all of you seeing each other 's e-mail
404 addresses. When sending meeting minutes out, send them blind. CC . Everyone doesn't reply
405 all. The other person who's going to receive that is you. So, unless it's less than a quorum and
406 you will tell them not to talk about anything, including corrections to the minutes until the
407 meeting happens.

408
409 V. Blake- So this is where I'm going to have questions because my understanding is that we can
410 ask for input from the voters or anyone that's a resident, correct me if I'm wrong, but I showed
411 my e-mail address if people had something that they wanted brought up so that we are aware
412 of it, or something more people than just us. So, is that inappropriate for people to ask
413 questions through e-mail?

414
415 N. Greyes- The public meetings discuss that here, where everyone's recorded in closed caption
416 under thing socially fine. What's not fine is if you get the e-mail from the public and then e-mail
417 that everyone in the community asked for feedback and then send it back to the original
418 member of the public.

419
420 T. Holmes- Several of the members are using private emails in the event of a 91 A request. Is
421 there a possible way it Could reach banner commissions business to get their private emails.

422
423 N. Greyes- You should create a separate e-mail address for town business. So, if there's 91
424 request you get. You can give the password over to the town official in charge of a 91 A request
425 and say here it is and you don't have to worry about any personal emails or anything like that
426 because it's totally separate, and I think that's the right approach. It keeps time, business,
427 public business, separate from her personal life.

428
429 V. Blake- if I am allowed to answer an e-mail to someone.

430
431 N. Greyes- You can answer the public. So again, e-mail, phone, Facebook, Twitter, anything that
432 social media, it all qualifies. So public meetings. You're going to have public notice. You're going
433 to open it to the public. They're here. You're going to have minutes ever say they're being
434 taking those. That has been discussed in a public meeting is going to be posted in advance.
435 Presumably you're sure is in charge of this, but just so there's you know, they're going to be
436 posted in two public places when I would frame the website of the municipality. That's true in
437 public places, unless you have some more restrictive rule. An agenda is not required under the
438 Right to Know law. Again, meetings are open to the public. The public can come. They can
439 record. You have this all set up already, so they don't need to come in and have their own
440 reporting devices. Importantly, you can't vote via secret ballot. So, when you turn that, if any

441 charter you want to recommend, you can't have a secret ballot vote on that. You can take
442 public comment. Presumably have rules in place about that already. You don't have to take
443 public comment. You were aware that their government records. Does anyone else have any
444 questions on that? When you are here, only you on the board have the right to speak. The
445 public has to be invited to speak. Basically, they can say whatever they want to you. Hopefully
446 they're all nice people and polite, but that's not always the case. But they can yell at you.
447 Hopefully they won't. But they can and as far as what the rules are, the most important rule is
448 that there'll be a time limit that will be strictly enforced by the chair, and so they'll be two
449 minutes, 3 minutes, whatever it is. When there's public comment, and that's basically one
450 limitation. On what they can have. You can't require people to say anything because you are
451 the government. Basically, time limits are the one rule you can enforce. There's three strikes
452 rule basically for certain comments but that's really hard to enforce and inevitably results in
453 lawsuit.

454
455 T. Holmes. In the event we have statutory required two public hearings, can you impose those
456 time limits on the public hearings of 2 minutes per speaker?

457
458 N. Greyes- Yes. The statute does not specify how long someone has to speak. So you can set the
459 Rules of the committee. It sounds like you're going to have a transfer basically anyway. Any kind
460 of final decision that you make and the names of any members who made motion or second,
461 any motion. That's why Tom has been mentioning those minutes are available within five
462 business days. It doesn't mean they're final minutes, meaning these minimum requirements are
463 available obviously you have a process where you're proving.

464
465 Any questions, I'll open it up to the commissioners, then the public.

466
467 M. Guerrigue- Just move on to the deliberative session. Even though we've mentioned the
468 school's budget. It's not about the school's budget. I mean, everybody knows that the problem
469 with the deliberative session is a small group of people who deprive the greater voting voters at
470 the ballot, which seems contrary to the whole idea of why we even have an SB2. So other
471 towns have other towns. I mean, we can't be the only town that has this challenge with SB2 and
472 with the deliberative session and if so, what have they done about it?

473
474 N. Greyes- Have they gone to the extent of actually changing our charter or change that so
475 you're not the only municipal looking at a charter? Um, Salem just adopted one, and I think
476 there are two or three other ones who are actively looking at this. Point in time. One of the
477 biggest Issues. We're looking at the charter, which is what you have a budget that's proposed
478 by either your budget committee or by your select board. You go to the deliberative session,
479 they generally speaking, it's the people who don't like one of the items are the ones you show
480 up in force. And the people who do like it, who may be a majority, don't show up, and then the
481 end result is you're not quite sure if the budget that comes out of the session is what's
482 supported by the majority of the town overall. Or if it's just a majority of the people who were
483 upset by something in that budget, and at the end result is the voters get to make this choice
484 between either essentially last year's budget, which may have some issues, or may not, and

485 what is proposed, which may not be something they like at all, or maybe something they say,
486 well, there's stuff that I like, There's stuff that I don't like and what I like, what I don't. And
487 there is a good solution for that. I don't really have a silver bullet for you.

488
489 The only silver bullet would be to go to a pure town council and have a not have a deliberative
490 session.

491
492 You could do that if you wanted. I can't make a recommendation to that, but I mean that's the
493 option.

494
495 Mr. Webs- Is this group you're concerned that as example you just gave us an a minority of
496 people showing up at the deliberative session changing something? Is that the biggest concern
497 or is it the fact that not that many people participate either in the deliberative or come out to
498 vote. I mean, there's a difference. I think I can't remember the last time meeting or deliberative
499 session I did not attend. And I understand what you're saying that a minority can make a
500 change at that meeting. But does it happen that often or is it the fact that people do not
501 participate either in the deliberative or come out to vote and then you get the other? Example
502 saying, well, some of the voters were not informed, they didn't understand the questions on
503 the ballot was too long.

504 Is that the case or I think the presentation of the material before the voters is out there
505 between multitude being discussed on the TV, at our meetings, on the paper? And for them,
506 the average person would have to say I don't understand this. I don't know what else we can
507 do, and I'm concerned that if we get rid of the form of the deliberative session that I'm not
508 going to have a say and then I want to be able to have a say. And I don't know if the problem is
509 that severe. I'd like to see a bigger participation, a question about that at all, whether it's at the
510 deliberative or the voters. And I don't know how you do that, but to make a change.

511
512 V. Blake-. Is there a minimum requirement? Is there a population piece to that, that you have to
513 have a certain number in? Equally.

514
515 N.Greyes- There's no minimum population requirement for any of those options.

516
517 R. Leavitt- One of the interesting things I saw in the PowerPoint presentation was on the SB2.
518 You stated that there have been some amendments towards SB2 presented to the legislature
519 or house and it hasn't gone anywhere. Is it the case that the towns haven't gotten behind it?
520 Are they just not interested in changing legislators?

521
522 N.Greyes- So my understanding of how SB2 came about is that because there was a recognition
523 the legislator that we needed something? Between the traditional town meeting where
524 everybody showed up in one building to vote on everything and basically city government
525 where you have a number of elected reps who make all those decisions. And the difficulty with
526 kind of choices, there are tradeoffs, right? So, I think one of the things you have to decide is. If
527 we like what we do now, but maybe we think our warrant is too long, is there a way we could

528 figure out how to adopt A charter that trims that down? Or do we want to do something else
529 altogether?

530

531 K. Umberger. I believe I submitted five changes to the default budget and not one of them
532 passed muster. They didn't like any of them as a result Municipal and county affairs people
533 voted no. And I did these five years in a row, and I said I've had it, I'm not going to do anymore.
534 And that's basically. What's been going on and why has nothing changed?

535

536 S. Sand- Some of the things I've heard concern and trying to find a way for these choices to fit
537 where attendance at the deliberative you know a certain faction changing things from you after
538 all the work's been done by committees and selection and stuff. And coming in and changing
539 things at the last minute. I know one of the issues for attendance. At the in person is we hold
540 that on week nine people are working. You know we have the same week as the schools going
541 on for two nights late into the night and such difficult for people to attend and participate in
542 things. Is there any form of this where you have like a ballot delivered of you know, it's like
543 almost like this is our preference and then the final vote? Type thing where you can actually put
544 on paper or something. Is there anything like that?

545

546 N. Greyes- Seems like your questions. Have been kind of getting to the point how? Do we
547 improve attendance if that's possible? Not aware. I'm a data person, but I'm not aware of
548 anyone who has done any kind of data analytics on what works best in terms of getting
549 participation. Appears through the case that when people have a strong. Emotional response.
550 They're going to come out and vote one way or another.

551

552 H. Kanzler- Under the official budget town meeting form. Would that be a town council, not a
553 select board? Under that system, a budget is voted on by the governing body and that can also
554 be allowed for land use and zoning regulations to be voted. Can we actually petition to basically
555 have differences or amend any of those systems in some way? Whether or not we are allowed
556 to is a different story. Is it possible to go to a system like the official budget town meeting and
557 then have a deliberative petition to allow to have a delivery session on those items?

558

559 N. Greyes- I think probably what you'd want in that case is the official ballot town council. So,
560 you could basically decide as part of the charter what goes to the ballot versus what's done by
561 the council.

562

563 H. Kanzler—we could then go potentially go rogue and have a deliberative session on x.y.z and
564 then it'd be up to the AG's office. It was mentioned that we don't want to lose our voice at the
565 deliberative session.

566

567 J. Colbath- As you know, I'm a current selectman in Conway and I've been serving for nine
568 years, and from day one I did start and have a town official only e-mail account and have never
569 mixed my current personal along with the public stuff. I have three questions for you, Matt, The
570 first one is just for Natch How does a town become a city? Is it by acclamation? Is it a legislative
571 act? Is it a vote of the members?

572

573 N. Greyes- I believe it's a vote of the legislative body.

574

575 J. Colbath - the official ballot town council both budget and non-budget items are placed on the
576 official ballot and the only matter voted on by official ballot is the budget, and Hooksett and
577 London area, Merrimack and new market have that system, can the voters at that meeting
578 modify the budget?

579

580 N. Greyes- I think they have in Hooksett. I think they modify as a result of the deliberative
581 session.

582

583 J. Colbeth - so if they have like a town council and then a budget committee of some kind who
584 does all this budget work, then at this deliberative meeting the proletariat can modify the
585 budget and it gets voted then and there?

586

587 N. Greyes- no at a subsequent.

588

589 J. Colbeth - Just as in comment a lot of people going into Charter Commission felt that they
590 were voting on something that would address the town and the school.

591

592 T. Holmes- I just looked it up a town has to petition Legislator to become a city.

593

594 L. Inkel- in option 1 it is almost like SB2 like is that how I understand it, where they could take
595 comments?

596

597 N. Greyes- So it would be in these kind of scenarios. You'd probably have a situation where you
598 would want to have public input during that budget process for example in Concord what they
599 do is they advertise when they're going to have the budget hearing so that the public comes,
600 has comment and input there, even though it's the City Council that votes on that.

601

602 L. Inkel- yes, I think we should have more attendance. So trying to understand that if there are
603 PH on the articles, and not making changes and make it advisory. My next question, would you
604 still have members being voted on the ballot?

605

606 N. Greyes- that would be rules in your charter rules.

607

608 Louise K- the TC/TC must still be elected, could you still combine the position, or would the tax
609 collector have to be appointed?

610

611 N. Greyes- I think that it's not specified for combined but I assume it's still elected.

612

613 J. Colbath- I was on the budget committee and we always held public hearings for the public
614 and have the budget explained, ask questions and get clarifications before we go to the
615 deliberative meetings for both the school budget and the town budget.

616

617 H. Kanzler—Any system where you have a council that has authority to make changes, they're
618 allowed to enact those essentially immediately if they so choose. It gives a bit more agility to
619 the community to adapt and change the things that are happening. If we went with the system
620 that way as opposed to waiting for an annual vote on everything.

621

622 N. Greyes- It's a little more nimble in that sense. Because you don't have to wait. So, if there's
623 some sort of emergency or unexpected event that comes up you need a response that would
624 require the legislative body to make and take an action. Under that authority that was given to
625 the Council. They would have the ability to respond. So often where this often comes up, quite
626 frankly most frequently, is when the legislature changes something that requires adoption. You
627 know, at the local level, usually the council towns will just go ahead and do that adoption or
628 non-adoption or whatever they want to do within a couple meetings. Where the other
629 municipalities will have to wait for their annual meeting.

630

631 Conway Daily Sun- I know we are not a home rule state, but the charter says this is a home rule
632 charter.

633

634 N. Greyes- it does use the term home rule under 46, which is where you adopt the charter, but
635 we're not really a home rule state.

636

637 Conway Daily Sun-was wondering if we might lose some grandfathering. In terms of special
638 powers.

639

640 N. Greyes- -is a provision under 47:17 which is the city status. authority granted to town council
641 towns where they essentially have the option to adopt any ordinance that isn't contrary to the
642 Constitution or other statute.

643

644 Conway Daily Sun-The reason why I was going down this route, there's been a lot of talk in this
645 town about gambling and casinos and all that, and there was there's language in here, the
646 charter is to protect from social evils, including gambling and liquor, drugs and prostitution. But
647 it's not my understanding that the state. Basically said, in terms of charitable gaming, the state
648 has authority on where those go and the town really can't say no despite whichever is in the
649 charter.

650

651 N. Greyes- If the state takes over some authority that existed at one point in time with
652 municipalities, and it takes it over and there's nothing we can do about it.

653

654 M. Guerrigue- just seems like 1A is kind of the most obvious alternative for us because it allows
655 a lot of flexibility with what goes on the ballot and all that. So, in a nutshell with 1A when you
656 have town Councilman. They will have a little more authority in doing things quicker than
657 waiting for the end of the year, but beyond that, what's the difference? And if you can't change

658 the deliberative, what's the difference between general terms between 1A and what we're
659 doing now?

660 N. Greyes- you will be granting more authority vs waiting.

661

662 K. Umberger- the thing with 1a as an example you could give the TC the ability to approve any
663 purchases up to \$200,000 and not have to have it on the ballot. These are things that we can
664 address in the town charter, and they would never go to the deliberative session.

665

666 V. Blake- term limits- can we set them?

667

668 N. Greyes- no you cannot set term limits.

669

670 T. Holmes- We are scratching over the minutes as they are not ready yet.

671

672 T. Holmes- We will discuss the budget now. We have seen 1 bill from the recording secretary,
673 NHMA's bill for being here tonight is \$550, and we have not gotten a bill from Valley Vision yet.

674

675 K. Umberger- I'll send the budget to Alicia for her to include in the minutes.

676

677 T. Holmes- discussion of the contact list for members and non-members. This is a 2-fold
678 request. Our secretary has requested everybody's phone numbers. It is voluntary if you want to
679 give that. When we cancelled our first meeting, somebody showed up here to go to the
680 meeting. They were a little upset about it. To whoever wants to be on e-mail us from the public
681 who want to be notified of our goings and as far as cancellations and so forth, please see
682 Secretary Karen for that and give her your contact information. We'll make sure you're
683 contacted ahead of time. Any questions or comments?

684 We had a suggestion from one of the members to start discussing the dates for the statutory
685 public meetings. So, if you have a calendar, there's one meeting where the public gives us input
686 as to what they'd like to see. So that's probably earlier, the earlier the better, although
687 probably not at the next meeting because we have the attorney coming in, unless you want
688 another long one like this? It's up to you. Michael Courtney is coming in. On this 2nd and then
689 we have no agenda as yet for the 9th. Anybody want to make a motion to have a public
690 meeting on the 9th?

691

692 S. Sands- I am not available on the 9th, so my motion would be to make the public hearing for
693 the 23rd.

694

695 ***S. Sands motioned to hold a Public Hearing on August 23rd; seconded by R. Levitt.***

696

697 ***Roll Call: R. Leavitt; Aye, V. Blake; Aye, M. Guerrigue; Nay, E. Grant; Aye, H. Kanzler; Nay, K.***
698 ***Umberger; Aye, S. Sands; Aye, D. Weathers; Aye, T. Holmes; Aye. Vote in favor 7-2.***

699

700 K. Umberger- So what is the goal of the public hearing?

701

702 T. Holmes- where members of the public are specifically invited to come into our Commission
703 and let us know what they'd see like to see coming out of the Commission.

704

705 K. Umberger-So this is like a preliminary let us hear what you want to say.

706

707 H. Kanzler- is the chair or generally the commissions belief that we should provide some sort of
708 presentation at the beginning of the hearing so that folks who have not attended such a
709 meeting as the one we had today have. Any idea what we're talking about?

710

711 T. Holmes- Volume setting. Is a public hearing is more from them to us, not from us to them,
712 although we're welcome to answer their questions if they have any.

713

714 M. Guerrigue- I'm just worried about. The time frame of waiting until the August date. I think
715 we have to wrap this up within a few months. I think it's important. To hear from the public
716 before we get too far into it, and I think we should have it before.

717

718 R. Leavitt- I was On the Board of Selectman, back in the day when we went from three
719 selectman to five, I don't recall that we had a charter Commission back then, although people
720 tell me we did. If in fact we did have a charter Commission, I would like to get copies of those
721 minutes of that in their thought process because I think it might be helpful because I do
722 remember as a Board of selectman that we did talk about representative to Town meeting and
723 the different forms of government. Like I said, I don't remember that we actually formed the
724 Commission. Obviously, we did have a vote to go from three to five and we had to have public
725 hearings and all that, but I would like to see if in fact we did have a Commission back then.

726

727 T. Holmes- You may be right. I'm starting to read about the difference between revision and
728 amendment and the statues. And I'm pretty sure that unless you're changing the underlying
729 structure of the government, you don't have to have a charter Commission. But if you just want
730 to change the number of selectmen, I think you could, I'm pretty sure. That's what we did. I
731 want clarification because I don't remember us having a charter Commission. I remember us
732 having three Selectmen. I think it was like 1991, maybe give or take. You might be able to check
733 the time reports for those couple of years.

734

735 H. Kanzler- I would propose establishing our meetings sooner than later so we are prepared,
736 and all can make the appropriate schedule changes.

737

738 ***K. Umberger moved to discuss and fill out the September calendar seconded by H. Kanzler.***

739

740 ***Vote in favor 9-0***

741

742 D. Weathers says Thursdays work best for him.

743 S. Sands says Thursday doesn't work for her Wednesday is better.

744

745 ***R. Leavitt motioned that we meet on Wednesdays in September; seconded by M. Guerrigue.***

746

747 ***Roll Call: R. Leavitt; Aye, V. Blake; Aye, M. Guerrigue; Aye, E. Grant; Aye, H. Kanzler; Aye, K.***
748 ***Umberger; Aye, S. Sands; Nay, D. Weathers; Abstained, T. Holmes; Aye. Vote in favor 7-1-1.***

749

750 ***T. Holmes motioned that we hold an extra meeting on Thursday September 21st; seconded by***
751 ***H. Kanzler.***

752

753 ***Roll Call: R. Leavitt; Aye, V. Blake; Abstained, M. Guerrigue; Aye, E. Grant; Aye, H. Kanzler;***
754 ***Nay, K. Umberger; Aye, S. Sands; Nay, D. Weathers; Aye, T. Holmes; Aye. Vote in favor 7-1-1***

755

756 K. Umberger- some corrections from the recording secretary are to state your name clear for
757 the record. She asked that we do a roll call at the beginning of the meeting, so she knows who's
758 there for attendance. If someone leaves the meeting, we record the time they left so it is
759 reflected in the minutes.

760

761 H. Kanzler- Is it the intent that the public hearing will occur here?

762

763 T. Holmes- that is always the question as we never know how many will show up.

764

765 R. Leavitt- I did leave early last time, but I did watch you folks on Valley Vision TV and the Blue
766 Sky issue. I guess the interesting thing is that it's not the government is broke, it's the voters
767 that are broke because they're not showing up to deliver it.

768

769 **Adjournment**

770

771 ***H. Kanzler motioned to adjourn the meeting; seconded by D. Weathers.***

772

773 ***Vote in favor 9-0***

774

775

776 Respectfully Submitted,

777 Alicia Jipson

778 Recording Secretary