

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

5 August 30, 2023, at 5:30 PM  
6

7 **Attendance**  
8

9 The following members were present: Ray Leavitt, Victoria Noel Blake, Mark Guerrigue, E. Grant,  
10 Harrison Kanzler, Karen Umberger, S. Sands, David Weathers and Thomas Holmes.  
11

12 **Pledge of Allegiance**  
13

14 Those present and able stood for the pledge of allegiance.  
15

16 **Approval of Agenda**  
17

18 **X motioned to approve the agenda as presented; seconded by x**  
19

20 Vote in favor 9-0  
21

22 T. Holmes- as we discussed in the last meeting, we are going to open it up with the discussion on  
23 the current Conway Charter.  
24

25 M. Guerrigue- is it possible that we may change to the existing charter and not recommend  
26 something bigger than that?  
27

28 T. Holmes- Yes.  
29

30 M. Guerrigue- so we can change these, we can work on the existing charter separate from what  
31 our main charge was.  
32

33 K. Umberger- I have in front of you some questions if we could go over them. Should animal  
34 control be under the Commission? I didn't see it under the Police Commission.  
35

36 E. Grant- or under public safety?  
37

38 R. Leavitt- isn't animal control a state statute? I think it is like a public health officer you are  
39 required to, have it? It may come under the appointment of the BOS.  
40

41 K. Umberger- under moderator I thought we should include federal elections. Under the Budget  
42 committee I did not make changes to that as we discussed inviting the budget committee in for  
43 review. Next under Commissions and Boards, is there currently a Schuler Park Commission and a  
44 Washington Street Park Commission?

45 T. Holmes- first I have heard of it. Mr. Eastman would like it to stay under the purview of the Rec  
46 Department duties without outside interference in the maintenance and the special events and  
47 so forth.

48

49 ***T. Holmes motioned to strike Washington Street Park Commission from the current Charter;***  
50 ***seconded by D. Weathers.***

51

52 ***Vote in favor 9-0***

53

54 K. Umberger- on the Conservation Commission it looks like they don't require them to take  
55 minutes.

56

57 T. Holmes- I believe it is a legal requirement that all public boards and Commissions take  
58 minutes. I asked Mr. Weathers and they do take minutes.

59

60 K. Umberger- under Police Commission, says they have the authority to remove any officer for  
61 just cause. We just had new legislation come out and I suggest a change to reflect the new  
62 statute dealing with that. I suggest before we vote on this, we send it over to the Police Chief, so  
63 that what we are saying is appropriate.

64

65 S. Sands- does this statute say they cannot remove an officer until they go before this review?

66

67 D. Weathers- they are placed on administrative leave while this is reviewed, and no final  
68 termination would occur until it's been reviewed.

69

70 K. Umberger- compensation and retirement- I'm not sure when this was written, I felt we should  
71 recognize that we have Union Contracts, and that the voters approve the Union Contracts, and  
72 the non-union employees shall be established by the BOS.

73

74 T. Holmes- I am suggesting that it is ok as is.

75

76 K. Umberger- under the Conway code I am suggesting that we add that the BOS shall provide  
77 online availability of the Conway Code for easier access for the public. They do that already, but I  
78 thought it should be recognized as an option.

79

80 S. Sands- I think online is the wrong term as that is ever changing, maybe digitally is better.

81

82

83 ***K. Umberger motioned adding under the Conway Code that the BOS shall provide digitally, or for***  
84 ***purchase at a reasonable price, the Conway Code for easier access for the public; seconded by V.***  
85 ***Blake.***

86

87 ***Vote in favor 9-0***

88

89 K. Umberger- under 11, it seemed to only refer to real estate, so I suggested that we add to it,  
90 the Town may accept donations of money or non-real estate property from individuals or  
91 organizations for the betterment of the Conway Recreation Department, the Library, the Police  
92 Department, or any other entity designated by the donor.

93

94 R. Leavitt- I believe that's already an established state requirement, in that we can accept  
95 donations of all sorts, you are just required to hold a Public Hearing via the BOS to accept them,  
96 so I don't think that you really need to put anything in.

97

98 K. Umberger- under precincts, as you are aware the Intervale Precinct has dissolved, and the  
99 Redstone Fire District is also going to dissolve.

100

101 *T. Holmes motioned to strike the Intervale Lighting Precinct; seconded by M. Guerrigue.*

102

103 *Vote in favor 9-0*

104

105 H. Kanzler- do we want to consider language that essentially states that should something  
106 dissolve it loses any rights that it would have had under the provisions herein.

107

108 T. Holmes- here's why I don't think its necessary. I think these falls under the terms of revisions,  
109 not an amendment, and we could strike that at any time.

110

111 K. Umberger- should we mention the Solid Waste Management District?

112

113 T. Holmes- I don't know, it does span over 3 districts.

114

115 K. Umberger- I mention it as they are to have influence on our Solid Waste Management for the  
116 3 towns.

117

118 T. Holmes- it is a huge powerful Commission, it is a major part of the towns budget and revenue,  
119 and the fact that it is not a part of the Commission is a glaring omission.

120

121 R. Leavitt- I think in history in order for it to be included in the Charter it had to reside in the  
122 boundaries of Conway, but I could be wrong.

123

124 S. Sands- one way to deal with that is to include the district in there, and if it is outside the  
125 district then we can add that comment in there.

126

127 R. Leavitt- the requirement for the Police Commission is a 5-year minimum before you can run  
128 for the office, why don't we have the same for the BOS? Have a minimum requirement.

129

130 H. Kanzler- in all that we voted on; we are voting on making recommendations to the BOS who  
131 would then choose which ones would go on a warrant article. I am looking at part 2 #5. One of  
132 the pieces that have been talked about is the length of the items on the warrant article, and it

133 says that the BOS shall be consistent with legal requirements and if deemed appropriate by them  
134 consolidate warrant articles to be acted on by the legislative body. Can you consolidate warrant  
135 articles?  
136

137 T. Holmes- I read that the BOS has the power to consolidate warrant articles as they deem  
138 appropriate, and that can be done for CRF, but I don't think it would be wise for a petitioned  
139 warrant article to be placed together.  
140

141 H. Kanzler- in the same section we discussed floating 7 Selectmen and see if that is something  
142 that can get by. We also talked about having that rep from different districts from the town, but  
143 it has to be done by the population.  
144

145 T. Holmes-I did find an RSA that allows for 3-5 BOS, anything more would be a Town Council.  
146

147 ***S. Sands motioned to recommend to the Selectmen to review their meeting times to make it more***  
148 ***accessible to the general public; seconded by x.***  
149

150 ***Motion passes 5-4***  
151

152 H. Kanzler- under Commission and Boards I was going to ask to add a Housing Commission, but I  
153 can do that at any time.  
154

155 K. Umberger- if we are going to suggest an action, I think we should do it as a group, vs as  
156 individuals.  
157

158 E. Grant- I'd be interested in having a discussion on having the ZBA as an Elected Board. I have  
159 read the RSA on it. I personally don't know why the ZBA is appointed and not elected.  
160

161 H. Kanzler- I think another portion to consider is to add that ZBA and PB attend training  
162 respective to those disciplines.  
163

164 T. Holmes- I don't think you can do that.  
165

166 M. Guerrigue- the ZBA has changed a lot over the last 20 years.  
167

168 Rebecca Gardner- a while ago I went to the Town about a business line where the Boards and  
169 Commissions had a job description for those who wanted to run had a better idea of what the  
170 job entails.  
171

172 S. Sands- wouldn't the master plan have some sort of population distribution map in it?  
173

174 E. Grant- I think the **ESIE group** has something they can put together easily.  
175

176 T. Holmes- my first thought was to find someone who did the local census.

177 Jackie Scoletti- I'm looking at section 17 I know the structure of the precincts and the district are  
178 in transition right now. I would suggest that maybe rather than having East Conway Fire District,  
179 Center Conway Fire District, that we combine Easy Conway Fire District, Conway Fire District and  
180 Redstone Fire District, putting those all, lumping them together since that's the structure of that.

181

182 T. Holmes-we had the discussion earlier tonight that we are not going to do that until the deals  
183 are done and they are a sure thing.

184

185 T. Holmes- I wanted to add verbiage should any Village district or precinct dissolve or cease to  
186 exist that seat shall become at large regardless of what we do with the budget committee.

187

188 K. Umberger- when 3 precincts merge into 1, it becomes 1 person and one seat, so I don't think  
189 this would be necessary.

190

191 Jim Leafver- there are 17 members on the Budget Committee. 12 which are elected at large four  
192 per year, so they rotate four out every year, potentially. There are 3 precincts, 2 of which have  
193 not filled the positions for many years. There are also 2 members, 1 from the school board, 1  
194 from BOS. I'd recommend and as I've said I am not representing the Budget Committee, I  
195 recommend going to 11, 9 elected and 1 for BOS and 1 for school board. The precincts under the  
196 situation would be not given any seats. You can't do that, however under RSA 32, as we  
197 discussed the other day, they have to have seats sit there vacant. There is a flaw in RSA 32 which  
198 should be addressed through this Commission, I believe to our elected representatives.

199

200 T. Holmes- in regard to the housing Commission did you note the fact that the housing  
201 Commission in NH is limited to 50 total units in sponsoring in this community? I don't know how  
202 far back that goes 1979? I think they have gone over 50 already. I don't know why they put a  
203 ceiling on that at all given the state we are at now. Maybe we consider addressing that at a later  
204 date.

205

206 E. Grant- if NH Housing Commission is a reference to NFA, that's not how they refer to  
207 themselves, and then it probably should be updated. So much of this falls under the Planning  
208 Board, so I would almost say that it doesn't even need to be in here.

209

210 T. Holmes- a little further research and we will make a decision at a further meeting.

211

## 212 **Budget Committee Override**

213

214 R. Leavitt- I think re looking at SB2 and whatever that would entail. I guess going through the  
215 whole process and like eliminating the representative Town Meeting and City Council. I'm  
216 starting to get down to the point where I am looking at various forms of Town Council and I'm  
217 kind of in my mind eliminating some of them as well. People want to have more control of their  
218 government, meaning involvement. Which tends to say they don't want to move in the direction  
219 of the town council because that's removing some of the authority, and in that line the school

220 board is kind of like a town council because they control everything, and the only thing you get  
221 to vote on is the budget.

222

223 M. Guerrigue - maybe it's time to revisit SB2, who knows what we are going to, and we work  
224 legislatively to get the changes made that we need to.

225

226 H. Kanzler- I feel like we are cherry picking authority. You are both making and fighting against  
227 your own arguments in the sense that you want to give more authority to a smaller group or  
228 people, and you're ok when it comes to the Budget Committee, but not when it comes to the  
229 Town itself.

230

231 S. Sands- I was thinking the same, that we can't have a Town Council because it's less  
232 representative of the public. Getting things changed at the Legislature as we all know is really  
233 difficult. I myself am not ready to say no to the Town Council, I believe there are a lot of Towns  
234 that operate very well with the Town Council. Everyone says the Town Council ends up having all  
235 the power, but our BOS have a lot of power as well and they are a representative body as well.

236

237 K. Umberger- I know several people that are not opposed to a Town Council. But I think we need  
238 some sort of proposal from them so that we have something to look at other than just saying "TC  
239 is a good idea".

240

241 E. Grant- I like that we have trimmed down and eliminated our scope. So, I think making a new  
242 paired down chart would be good. I feel like we need to refocus. Look at what is left, and we  
243 need to look at it based on the feedback we've gotten, what is left that really could be workable  
244 for the people of Conway. I've really been leaning towards trying to figure out how to make SB2  
245 work better for us, because I do think there's a lot of direct voter control that is very important. I  
246 also think we should explore some sort of TC option that would allow us to determine that voters  
247 are going to retain control of this very big list of things.

248

249 Mark Guerrigue- I found an article written from 1991 from the Charter Commission and they  
250 discussed if Conway needs a new system and their top 3 issues were voter participation, length  
251 and complexity of Town Meeting, and too much separation amongst town and many government  
252 entities. They did a survey 30 years ago and received 1,300 responses and 59% people wanted to  
253 keep the town meeting system and 39% wanted a Town Council. In 1990 there were probably  
254 800 people that showed up at the town meeting.

255

256 T. Holmes- I wasn't crazy about mayoral, but most of the Town Council stuff we voted not to do.  
257 If there was a way to give a Town Council which would remove the limitations on the number of  
258 Selectmen or whatever, but give maximum power to the voters, SB2 where you would have a  
259 deliberative session over the budget. There's no way I think the voters are going to vote to  
260 eliminate our Budget Committee. So, I am basically at the status quo with some improvements in  
261 modernization or the Town Council with a voting day as well as a deliberative session. We have  
262 covered a lot of ground so I will open it up to public comment.

263

264 Sean Colbath- kudos for all of you serving and all you do. Thank you to Stacy Sands for finishing a  
265 long run as a lead actress in a powerful play. Thank you for serving our community. I'm finishing  
266 my 9<sup>th</sup> year as a Selectman, and I agree with Mr. Weathers I have never had a complaint about  
267 the time the Selectmen meet. In defense of the ZBA the scope of the ZBA is very narrow in what  
268 they do.

269  
270 Rebecca Gardner- how are you going to present this to the public?

271  
272 T. Holmes- the Commission has to have another Public Hearing, in which we put our proposal  
273 out to the public. We'll also do it to the Selectmen, and it also has to be submitted to the AG's  
274 office, then it goes to the voters and Secretary of State

275

276

277 Adjournment

278

279 *T. Holmes motioned to adjourn the meeting.*

280

281

282

283 Respectfully Submitted,

284 Alicia Jipson

285 Recording Secretary