

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

4
5 September 13, 2023, at 5:30 PM
6

7 **Attendance**

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

11
12 Absent- Eliza Grant and Harrison Kanzler.
13

14 **Pledge of Allegiance**

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16 Those present and able stood for the pledge of allegiance.
17

18 T. Holmes- Mr. Burnell contacted me this AM and said he's been doing some research on the
19 previous Charter Commission and he'd like to do a presentation tonight so we will call that #4a
20 after approval of the minutes.

21 **Approval of Agenda**

22 *T. Holmes motioned to approve the agenda as amended seconded by D. Weathers.*
23 *Vote in favor 7-0*

24 **Approval of Minutes 8/23/2023 and 9/06/2023**

25 *K. Umberger motioned to approve the minutes of August 30, 2023, as presented; seconded by R.*
26 *Leavitt.*
27 *Vote in favor 7-0*

28 *R. Leavitt motioned to approve the minutes of September 6, 2023, as presented; seconded by D.*
29 *Weathers.*
30 *Vote in favor 7-0*

31 **Past Charter Commission discussion with Mr. Burnell**

32 Mr. Burnell- Gave his accounts of the Charter Commission from 1989 and up. He gave his
33 personal accounts of topics discussed, Town Meetings, attendance and changes. For the full
34 account of Mr. Burnell's thoughts the video is available at Valley Vison.

35 T. Holmes- I don't think by law we are allowed to appoint Charter Commissions anymore. We are
36 all elected now.

37 S. Sand- I think you said at 1 point there were over 68 elected officials, do you know how many
38 there are now?

39 T. Holmes- over 100, I did a report for the Rotary, and I think we came up with 114.

40 M. Guerrigue- in 92 or 93 we did go to a Saturday Town Meeting and I think 450 or 700 people
41 turned out and you are trying to find something in there and it never worked, so the question is
42 what do you think we should do?

43 Mr. Burnell- I think we are ready for a Town Council. It's the next step up that we have, we have
44 tweaked and tweaked. People are overwhelmed by 60 or so articles on the warrant that they
45 feel they don't need to bother with. They are overwhelmed and I think it is the next step.

46 M. Guerrigue- you have been Moderator forever on both sides what do you think about that
47 balance between losing that pure democracy and in essence consolidating more power to a
48 council.

49 Mr. Burnell- I'm not afraid of it. We tried to compromise with a budgetary Town Meeting so
50 special articles could get in there and the Town could still control the purse strings.

51 M. Guerrigue- there has been discussion on increasing the Selectmen from 5-7.

52 Mr. Burnell- I don't think that is an unmanageable number. Any more than 9 seems too much.

53 R. Leavitt- do you think SB2 was an improvement?

54 Mr. Burnell- I think it held a promise, but I don't think it held up to it. I think it made Town
55 Meeting more effective, but it seems people are not informing themselves correctly.

56 S. Sand- What I find interesting is that the vote to form a Charter Commission the 2nd time was
57 the same vote as the vote not to have a Town Council, you came up with this alternative and
58 they voted against it.

59 Mr. Burnell- if you don't present some kind of alternative, then you know why are you here. We
60 can change the charter by amendment, which we have done over the years.

61 Discussion of RSA 49:D-3 I-a

62 T. Holmes- Eliza who is not here with us tonight created a chart of things that must and things
63 that may.

64 Items that MUST be included

65 T. Holmes- one of the items we must decide is whether we want at large or district
66 representation. I myself would argue for at large, does anybody want to argue for Districts?

67 S. Sand- people were feeling not evenly represented, and that's why I would at least consider it. I
68 would say that 3 out of 7 are not evenly represented. I think it gives some representation and
69 some input. I think it has its purpose. I'm not opposed to at large either.

70 R. Leavitt- are there specific things they feel they are not represented in?

71 S. Sand- it's mostly coming from North Conway and they don't get that part of Town and how
72 important it is. People feel they don't get a say in matters. The perception is if you live in Conway
73 Village your focus is on that area only.

74 K. Umberger- I think it was interesting how they divided up the Town. I don't think our
75 population now is the same. What I would recommend is that we initially go at large. And if they
76 want us to go into separate Districts then we can look at that later, I think our non-precinct side
77 of life is much larger. Trying to divide out the non-precinct.

78 T. Holmes- I would support Karen in trying to figure out the population of the towns. If we pass a
79 Charter with at large I believe going to District representation would not need another Charter
80 Commission, that would be a revision of the same underlying form of government, so that it
81 wouldn't be constrained from doing that in the future.

82 D. Weathers- a question at the BOS meeting the other day was asked if they felt they needed to
83 increase to 7 BOS, and nobody felt that what they had for responsibilities were overwhelming
84 and couldn't handle it. There wasn't any type of unanimous opinion on increasing.

85 T. Holmes- my hopes would be it would open up more seats from North Conway.

86 D. Weathers- it goes back and forth.

87 V. Blake- I think it is actually solidifying the decisions that are made, because everybody does
88 have a voice at that point.

89 S. Sand- obviously the BOS feel they can handle the job because they ran for it. Maybe some
90 people don't run because they feel they can't handle the time commitment, and if it is split
91 among more people spreading the load.

92 D. Weathers- how do you establish where the districts would be?

93 T. Holmes- it is based on population; it has nothing to do with precinct lines.

94 R. Leavitt- I will go on record to be in favor of at large.

95 V. Blake- I feel like it would eliminate the chatter, if they had someone to vent to, and that
96 person can bring it to the others' attention.

97 M. Guerrigue- I ask you to reconsider not voting tonight due to 2 members being absent, we will
98 probably have someone missing, and to keep pushing items off doesn't make sense. We have 7
99 we should be able to vote. 2nd how do you prove the negative and why shouldn't we have a 7-
100 council board. 3rd I think districts are messy.

101 ***K. Umberger motioned that when preparing the Town Charter for a Town Council we will put in***
102 ***the Charter that all Council members will be elected at large; seconded by Leavitt.***

103 ***Vote in favor 6-1***

104 ***S. Sand motioned that we recommend a Council of seven members; seconded by R. Leavitt***

105 ***Vote in favor 7-0***

106 T. Holmes- I just want to make the suggestion that I believe it is the same as Selectmen and I
107 believe it would be a revision not a new Charter Commission because it wouldn't change the
108 underlying form of government.

109 R. Leavitt- I think we need to do a comparison.

110 V. Blake- does it make sense to have a subcommittee to do a side-by-side comparison?

111 S. Sand- I think before that we need to go through the must haves. Then the may haves.

112 T. Holmes- the manner of covering vacancies is covered in our existing charter. In section 7 when
113 a vacancy occurs in any town office, unless otherwise provided for by statute the BOS may
114 appoint someone to serve in the vacancy until the next annual meeting. When a vacancy occurs
115 on the BOS may appoint a replacement according to the method used in filling other vacancies.
116 The person so appointed shall serve until the next annual town meeting when the voters of the
117 town shall then elect a town councilor to serve for the balance of the unexpired term if
118 applicable. Does anyone find anything wrong with that language? Besides changing the language
119 of the town council?

120 ***D. Weathers motioned to accept the wording except changing Selectman to Town Councilors;***
121 ***seconded by R. Leavitt.***

122 ***Vote in favor 7-0***

123 T. Holmes- next let's discuss attendance and quorum.

124 K. Umberger- we don't have anything in the charter that says things like if you miss 5 meetings in
125 a row then you are automatically ousted.

126 T. Holmes- I wouldn't say automatically, but I'd say some discretion is left to the Board.

127 R. Leavitt- I think under state statute, unless there is a provision to allow you to remove someone.
128 If they get elected, they are elected until the term expires no matter what.

129 S. Sand- I've spent some time this week reading other charters, and there are charters out there
130 that say things like, if you miss more than 3 meetings in a row, unexcused, then the Council has
131 the right to address it. If you miss half the meetings in the year without presenting it to the
132 council, then they can vote to remove them. So, I have seen that language in charters.

133 T. Holmes- we can skip over the attendance and quorum and think about it. We can set a
134 domicile or eligibility requirement of residency for up to one year, but no more than 1 year
135 according to the statute. Does anyone want to set a time?

136 K. Umberger- I think it is a good idea. 1- year.

137 S. Sand- I was going to suggest less. People are paying attention and they may not be living here
138 1 day and then they move across the border and now they are eligible to participate, and just
139 because they haven't lived here more than a year doesn't mean they aren't up to date on things,
140 so I propose a lesser amount of time. I've seen 90 days in a number of Charters and as little as 30
141 days. If someone is qualified, they should be able to show that in their campaign.

142 K. Umberger- I think it should probably be at least 3 months before you can sign up. If you sign
143 up and there is 30 days between sign up does that count?

144 T. Holmes- I'm a little surprised that there's a feeling for less than a year. I'm not strongly feeling
145 one way or another. I think Stacey makes a good point. I don't think newcomers will get the
146 votes and I think it is an uphill climb unless you are well known.

147 ***K. Umberger motioned to set the residency requirement at 1 year; seconded by D. Weathers.***

148 ***Vote in favor 5-2***

149 T. Holmes- any feeling on changing our fiscal year from January through December 31st to July
150 through June 30th? No motions given.

151 T. Holmes- preparation of annual budget section 7 part 1 says that all money articles along with
152 the town budget are subject to review and recommendation to the budget committee that's
153 under the title budget prep, but doesn't really address budget prep. What happens now is
154 department heads submit their budget to the Town Manager, they negotiate, then the Town
155 Manager submits his budget to the Selectmen. They review and negotiate. The department

156 heads make presentation to the Selectmen as well, then it goes to the Budget Committee where
157 department heads make their presentations to the budget committee and its not so much of a
158 negotiation as the budget committee has some issues with something, or rather they approach
159 the Selectmen and try and work out a compromise.

160 D. Weathers- isn't it procedure now that it says recommended by the Selectboard and if the
161 Budget Committee disagree that's what appears on the ballot recommendation.

162 S. Sand- in the New Market Charter section 5.2 has some good language that makes it more clear
163 and has a timeline.

164 K. Umberger- Tom are you going to designate Stacey to come back with those changes for us?

165 T. Holmes- yes please just give us some sample verbiage. I don't think we will get through the
166 may haves tonight. Were lucky to get through the must haves.

167 *K. Umberger motioned to authorize bonding authority to the Town Council will be up to \$2 million*
168 *requiring a super majority to pass; seconded by S. Sand.*

169 *Vote in favor 7-0*

170 *K. Umberger motioned that 3/5 vote required by the voters on Bond Articles; seconded by R.*
171 *Leavitt.*

172 *Vote in favor- 6-1*

173 *S. Sand motioned that we include in our Charter bonding of the Town Clerk and the Treasurer;*
174 *seconded by D. Weathers.*

175 *Vote in favor 7-0*

176 T. Holmes- requirement for independent audits, that is a yes.

177 K. Umberger- I think it says in an ordinance that every 5 years we go out and look for an auditor.

178 R. Leavitt- the TC/TC is a big business, and my feeling is that position should be hired by the BOS,
179 so they don't have to come up for election every 3 years. I find it a tough position for them to
180 have to run every three years. It should be one that is appointed vs elected.

181 K. Umberger- everything that I have read only a City can appoint a TC/TC.

182 **Old Business**

183 K. Umberger- we need to figure out when we are going to invite the Selectmen and the Budget
184 Committee.

185 T. Holmes- I think they can send a Budget rep and a Selectmens rep so that they don't have a
186 majority and have a meeting. I'll ask that they assign 1-2 members to represent and come to the
187 meeting on September 27th. I want to set the October calendar, we can keep it on Wednesdays
188 for the 11th ,19th ,25th , November 1st.

189 **New Business**

190 M. Guerrigue- when I was looking through the definition of all the forms of government under
191 SB2 not surprisingly it says its going to amend it at the first session, also known as a deliberative
192 Session, but all the rest of the Town Council definitions there's no mention of the deliberative
193 session. Is that something we want to pursue to not eliminate, it's almost like by default its not
194 mentioned in the TC. So maybe if we just don't include it, who's going to stop us?

195 K. Umberger- the place it's mentioned is in RSA 32 which deals with the budget committee. And
196 that's where the requirement of the Deliberative Session comes in, it's not something the
197 Selectmen or Town Council have authority over. It's the budget committee bringing in the
198 budget to the Town at the deliberative Session.

199 **Public Comments**

200 Conway Sun- Could you get rid of the Budget Committee and the Deliberative Session?

201 T. Holmes- there is no requirement for the Budget Committee, there's no requirement if we go
202 Town Council but the school is going to need one and they are not changing.

203 **Adjournment**

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

206 *Vote in favor 7-0*

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210 Respectfully Submitted,

211 Alicia Jipson

212 Recording Secretary