

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

5
6 OCTOBER 11, 2023, 5:30 PM
7

8
9 The following members were present: Ray Leavitt, Mark Guerrigue, Karen Umberger, S. Sand,
10 David Weathers, Thomas Holmes, Eliza Grant and Harrison Kanzler (arrived at 5:40)
11

12 Absent: Victoria Noel Blake

13 **Pledge of Allegiance**

14 Those able stood for the pledge of allegiance.

15 **Approval of Agenda**

16 **T. Holmes** motioned to approve the agenda as amended to include the approval of the
17 September 27th Minutes.

18 **Approval of Minutes**

19 ***K. Umberger motioned to approve the minutes of September 27, 2023, as amended; seconded***
20 ***by R. Leavitt.***

21 ***Line 9 Correct Sands to Sand***
22 ***Line 45 opposed vs unopposed.***

23
24 ***Vote in favor 6-0-1***

25 **Discussion of Town Council Charter Draft**

26 S. Sand- I've done a lot of comparison and I'd like another week to go through it some more, I
27 don't want to rush it. I don't feel comfortable going through it all tonight.

28 E. Grant- there's a couple places that say different things, and I want to make sure that nothing
29 is missing and nothing conflicts.

30 T. Holmes- does anyone have any suggested amendment to article 1 as written?

31 S. Sand- when it says incorporation, I think it would be nice to show when to have the date that
32 Conway was incorporated in the first section there, add the year 1765.

33 S. Sand- other towns include the RSA 49: D 3, which shows what type of form of government.
34 Some also include the term in a appendix.

35 T. Holmes- why don't we hold off until we have this document complete and then if there's
36 some terms that we might feel the public would be misunderstood, we can make sure they're
37 defined.

38 ***K. Umberger motioned to accept Article 1 as amended; seconded by S. Sand.***

39 ***Vote in favor 8-0***

40 Article 2

41 S. Sand- Under article 2.3 C add "the Supervisors shall elect a Chairman within 30 days of the
42 Annual Town Meeting".

43 E. Grant- I think we should add a 2.6 about qualifications for holding office. I think we need to
44 make a determination if that's council specific or not.

45 T. Holmes- can we be stricter than the statute?

46 H. Kanzler- the only thing we can't be stricter on is setting term limits.

47 ***S. Sand motioned that we take 10.1, 10.2 and move them to section 2 of our charter and label
48 then now 2.6 and 2.7 just exactly as they're written and add 2.8 that includes general
49 qualifications of office; seconded by H. Kanzler.***

50 ***Vote in favor 8-0***

51 Article 3

52 T. Holmes- can we be stricter than the statute?

53 H. Kanzler- the only thing we can't be stricter on is setting term limits.

54 ***T. Holmes motioned to change 3.3 to remove the wording "in January"; seconded by D.
55 Weathers.***

56 ***Vote in favor 8-0***

57 ***S. Sand moved to strike the last sentence of 3.2; seconded by E. Grant.***

58 ***All in favor 8-0***

59 ***S. Sand motioned to change 3.2 to read the “Council within 10 days of the Annual Town***
60 ***Election”***; seconded by H. Kanzler.

61 ***Vote in favor 8-0***

62 ***H. Kanzler motioned to accept Article 3.2 as amended; seconded by D. Weathers.***

63 ***Vote in favor 8-0***

64 S. Sand- in section 3.4, I think we should add that a councilor cannot work for the town for up
65 to 1-year before or after their terms. The reasoning behind that I think is that councilor might
66 have a leg up on the job and apply for it after resigning from council.

67 T. Holmes- I can see where this is a good idea, but you want to give the town the ability to hire
68 the best person available for a job.

69 K. Umberger- can we make it 6 months?

70 D. Weathers- if someone is qualified why make them wait 6 months?

71 S. Sand- they are creating that position, and they are budgeting for that position and still has to
72 be approved and they already know the Town Council or the Town Administrator.

73 H. Kanzler- I wasn't here for the 1 years residency vote, but I would suggest that the 2
74 arguments you both made are the exact same. There is a checks and balance, and they are
75 going to be voted in by the people, and I don't see the point in the 1 year requirement.

76 R. Leavitt- when you go to election, it's not an inside job what Stacy is saying it could be a case
77 you know that you are rubbing elbows with the guy sitting next to you and say hey I want a job.
78 Where at the elections it is broader.

79 ***K. Umberger moved for reconsideration the residency requirement. With no second being had***
80 ***the reconsideration motion fails.***

81 ***S. Sand motioned to strike “or is guilty of public conduct the result of which would bring loss***
82 ***of respect for the Council or the Town of Conway” from 3.4; seconded by T. Holmes.***

83 ***All in favor 8-0***

84 ***D. Weathers motioned to accept 3.4 as amended; seconded by M. Guerrigue.***

85 ***Vote in favor 8-0***

86 M. Guerrigue- I think we need to clean up the language in 3.5, it seems redundant.

87 Discussion was had back and forth on the correct verbiage of the language in 3.5 and it was
88 determined to bring it up again at the next meeting.

89 S. Sand- is 30 days enough time for them to find a replacement?

90 ***S. Sand motioned we change the 30 days to 45 days to fill a vacancy; seconded by H Kanzler.***

91 ***Vote in favor 7-1***

92 R. Leavitt- do we really want to put a salary in there? The salary amount could change.

93 ***R. Leavitt motioned to change 3.6 to say “the Council shall receive compensation as approved
94 by the Legislative body; seconded by D. Weathers.***

95 ***Vote in favor 8.0***

96 T. Holmes- in 3.7 I have some grammar corrections.

97 D. Weathers- under D is it necessary to give a reason why you are abstaining?

98 K. Umberger- I personally think if you are a council member you should explain why you are
99 abstaining.

100 ***D. Weathers motioned to strike “and give a reason for abstaining” from 3.7; seconded by E.
101 Grant.***

102 ***Vote in favor 5-3***

103 ***H. Kanzler motioned to approve 3.7 as amended; seconded by D. Weathers.***

104 ***Vote in favor 8-0***

105 S. Sand- I think we should look at the language of the ordinances.

106 E. Grant- I took this section talking more about ordinances that the council has control over.
107 And I think zoning is not meant for here as zoning goes to the voters and there’s and entirely
108 different section for zoning adoption and petition articles.

109 ***E. Grant motioned to change the word referendum to Official Ballot in section 3.8; seconded
110 by D. Weathers.***

111 ***Vote in favor 7-1***

112 S. Sand- this is talking about town council created ordinances.

113 K. Umberger-This needs to be under town council business.

114 ***E. Grant amended the previous motion to say “every adopted ordinance shall take effect upon***
115 ***passage and publication”;*** ***seconded by D. Weathers.***

116 ***Vote in favor 7-1***

117 E. Grant- do all our ordinance all read the Town of Conway ordains? In Zoning, site land
118 ordinances, and subdivisions don’t. I feel like that is an odd addition.

119 ***E. Grant motioned striking “The enacting clause shall be “The Town of Conway ordains.....” in***
120 ***3.8 ; seconded by S. Sand.***

121 ***All in favor 8-0***

122 M. Guerrigue- I think we should revise the word any newspaper noticing as it seems archaic.
123 Maybe it should be something like a widely circulated local media publication.

124 E. Grant- a lot of state level organizations that have very specific newspaper noticing
125 requirements, there is very strong noticing requirements.

126 ***M. Guerrigue motioned changing “any newspaper” to “general circulation” in 3.8 C; seconded***
127 ***by D. Weathers.***

128 ***Vote in favor 8-0***

129 ***H. Kanzler motioned to approve 3.8 as amended; seconded by D. Weathers.***

130 ***Vote in favor 8-0***

131 ***S. Sand motioned we accept 3.9 as written; seconded by H. Kanzler.***

132 ***Vote in favor 8-0***

133 S. Sand- in section 3.10 other towns just reads RSA 32 vs RSA:32-11. I suggest we remove :11.

134 ***S. Sand motioned to amend 3.10 to read RSA:32 and remove :11; seconded by D. Weathers.***

135 ***Vote in favor 8-0***

136 S. Sand- in 3.11 I think this should be more than yearly. I move that we change it to 10 years.

137 ***S. Sands motioned that we move 3.11 to read that “The Town Council, at least every 10 years***
138 ***thereafter, shall have prepared a revision or codification of the ordinances of the town which***
139 ***are appropriate for continuation as local laws of the Town.”;*** ***seconded by E. Grant.***

140 **Vote fails 1-7**

141 H. Kanzler- given the speed that things come up I'd say 5 years.

142 ***K. Umberger motioned that we move 3.11 to read that "The Town Council, at least every 5***
143 ***years thereafter, shall have prepared a revision or codification of the ordinances of the town***
144 ***which are appropriate for continuation as local laws of the Town.";*** ***seconded by H. Kanzler.***

145 **Vote in favor 7-1**

146 ***R. Leavitt motioned to accept 3.12 as written; seconded by D. Weathers.***

147 **Vote in favor 8-0**

148 ***T. Holmes motioned to insert "of this document" into section 3.13 after the wording 9.2;***
149 ***seconded by S. Sand.***

150 **Vote in favor 8-0**

151 ***K. Umberger motioned to accept 3.13 as written; seconded by R. Leavitt.***

152 ***S. Sand motioned to accept 3.14 as written; seconded by R. Leavitt.***

153 ***S. Sand motioned to accept 3.15 as written; seconded by H. Kanzler.***

154 R. Leavitt- our 2nd Public Hearing is on the 19th, and we will have fulfilled our obligations, but
155 how do we have a public hearing without us having this document out to the public?

156 K. Umberger- I will try and get all of the changes that have been recommended tonight. The
157 people need to have something to look at before we have the Public Hearing.

158 R. Leavitt- I'm comfortable with you presenting the draft.

159 **Public Comments**

160 J. Colbeth- I am in awe of what you are all doing. In general, I think the public is confused in
161 what you are doing. Most are visual learners and need to see along with what you are
162 discussing. I think you have done a lot of work outside the committee. I do have an opinion on
163 this. I think your final product should be short and sweet and to the point.

164 M. Guerrigue- why didn't the BOS offer up their opinion on this?

165 J. Colbeth- I think it's an individual basis. I don't want to offer an opinion to add fodder to the
166 local press who will take me to task in the press, which happens often. I made a disclaimer last

167 night at the Selectman meeting and I want to do it again related to the ZBA, and you published
168 something in the paper today that Mr. Agnos would be on the 28th for a rehearing related to
169 the decision for charitable gambling. That is not true. What will happen is by State Statue that
170 the organization has asked for a rehearing. Rehearing's are granted based on technical error or
171 evidence that's available today that wasn't available at the time of the hearing. The Board will
172 deliberate in public based on the information that's been submitted by the applicant, but it will
173 not be a public hearing. It will not be open to the public; they will not accept public comment.
174 They will deliberate based on the fact was there was a technical error made or was there
175 evidence available that wasn't at the time.

176 J. McQueeney- you guys have done more than what I think was going to come out of this. What's
177 happening in the Town right now between the Master Plan and all the rules that are coming
178 out, all the definitions, people are confused. I have to refer to my notes. The more you can
179 show people the better off they'll be.

180 **Adjournment**

181

182 ***M. Guerrigue- motioned to adjourn the meeting; seconded by T. Holmes***

183

184

185 Respectfully Submitted,
186 Alicia Jipson
187 Recording Secretary