

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

5 August 2, 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.
12

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

15 ***K. Umberger motioned to approve the agenda as written; seconded by H. Kanzler.***
16

17 ***Vote in favor 8-0***
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19 ***R. Leavitt motioned to approve the minutes of 7/6/23 as amended seconded by E. Grant.***
20

21 T. Holmes- I noticed the heading of where we are meeting is wrong, we are not meeting in
22 Kennet High School. I also believe that S. Sand did not vote for herself as vice chair so I have it
23 as an abstention for a vote of 8-0-1. On page 2 K. Umberger did not vote for herself so vote
24 would be 8-0-1.
25

26 ***Vote in favor 8-0***
27

28 Michael Courtney from Upton and Hatfield-
29

30 What are you looking at? What are your goals? I've read the warrant; I've read your charter. I
31 understand it is hard for municipalities to get turnout at meetings. A lot of towns when you are
32 an SB2 town with very little turnout at the deliberative. I know NHMA was here giving advice, I
33 am not sure there is any silver bullet of which way to go.
34

35 M. Guerrigue - we thought you'd be here to talk about City Charters. We all probably have our
36 own reasons for looking at this. I think in general the focus is the deliberative sessions, some
37 people would like to see a 2nd set of eyes on the school budget, the ballot is lengthy with 50
38 articles.
39

40 M. Courtney- yes 50 articles are lengthy. The CBA articles have to be there, the zoning has to be
41 there. The changes to the veteran's credit had to be there, the CRF those if you are not
42 changing could be all in one, but there is also a risk there. We represent Bedford and they have
43 the open town budgetary town meeting, they are also looking at their carter to possibly go to
44 SB2.

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T. Holmes- if we went that route would it have to be approved by the legislature?

M. Courtney- no RSA:49-c used to be that way, can be adopted, we would revise the charter to make it a city. There are some benefits of having a City Council, Mayor, and Manager.

M. Guerrigue – if you could talk about how a city form of government could work here. But how could it work with the system that we already have?

M. Courtney- With the city structure you are more mobile in what you do. You don't have the budget committee, you don't have the hearings, or the 10% rule, it's not limited to the ultimate vote. You vote in the alderman or reps to make the decisions; you can do that with a town council form of government. A city gives you a little more flexibility. RSA:49 b,c,d allow towns as home rule ability. If you wanted to bring that within, you'd be violating the statute. If you wanted to go outside like Portsmouth, you'd have to get the legislature involved. You can't make the school district a department of Conway.

H. Kanzler- I think the question is if we were to reincorporate as a city, could we then reassess our precincts as well as part of that process, or would everything in our current charter as being a separate corporate body have to remain separate?

M. Courtney- no I believe the statute allows you to reincorporate. You'd just be a new power.

D. Weathers- would the precincts have to go along with it automatically?

M. Courtney- the town would vote as a whole.

K. Umberger- we have 2 precincts that were created by by legislature. We have presents inside precincts.

M. Courtney- if the legislature created the precincts that may be an issue. You could rescind your charter completely and go back to the old form. You have a lot of options. If you are going to become a City, I believe that is a revision and not an amendment of your charter and that has certain limitations.

T. Holmes- can you give examples of what are revisions vs amendments.

M. Courtney- revisions are if you are changing the municipalities form of government. RSA 49: b4d. from the following: Traditional Town Meeting, official ballot town meeting, town council, official ballot town council, budgetary town council, representative town meeting, city under mayor/alderman plan, city under council/manager plan. What you may think about doing if you really change those things, it is a revision and not an amendment and a different process.

88 T. Holmes- can an amendment be changing the # of Selectmen? Changing the makeup of the
89 budget committee? Do you need a charter commission for those things?
90
91 M. Courtney- I don't believe so because that's not listed in the RSA and I think we would argue
92 that the statute is plain, I think that would be an amendment.
93 H. Kanzler- the discussion between city and town is there any difference as part as the state is
94 concerned?
95
96 M. Courtney- we have to follow the parameters; I've never seen the state or DOT treat a city
97 any different. I can ask DRA, but I don't think they will give me an answer.
98
99 H. Kanzler- it seems the pure town council is pretty similar to a city council and the systems if
100 we were looking to switch to a city system.
101
102 M. Courtney- I think a town council is a good option for your population for your population.
103 Salem moved to the Town Council because they got too big. To go to a city, I think the TC form of
104 govt can get you where you need to go.
105
106 T. Holmes- if we were able to go to a pure TC form of govt, we wouldn't have a budget
107 committee, but the school still would, correct?
108
109 M. Guerrigue- to go back to the TC option, option 3 (representative) no one has, they all include
110 a deliberative town meeting.
111
112 T. Holmes- if we had a budgetary TC the budget committee would remain in place overseeing
113 the town and the school and we would have an annual meeting to discuss the budget and from
114 that point we would narrow down the articles and incorporate certain things into the TC
115 authority.
116
117 M. Courtney- that is like Bedford the open budgetary Mtg where the TC deals with everything
118 throughout the year. The question is can we have a pure TC with no annual meeting on that.
119
120 T. Holmes- if we have issues with people attending a Town meeting how can we get
121 representatives from the districts to attend nightly meetings.
122
123 M. Courtney- that's the hardest task all around. Towns are struggling to get employees all over.
124
125 R. Leavitt- my point I want to make is a reps town meeting would be along the same lines as a
126 budget committee, I don't see a lot of people jumping to fill those seats. I think before we have
127 a hearing or a listening session that we hear from all here if the current system that we have
128 besides the deliberative session is an issue. The form of govt that we have now is not an issue
129 and is responsive. I think it would be a good starting position to discuss if the system we have
130 now is working or not.
131

132 M. Courtney- how many show up to the deliberative session?
133
134 T. Holmes- about 100 and goes down, and a lot of that is staff.
135
136 K. Umberger- I do have a question about selectmen, can we give them more power than they
137 have statutorily? Like the CRF can we give the Selectmen authority to approve the CRF without
138 a Town Meeting vote?
139
140 T. Holmes- I could see the CRF being incorporated into the budget. You still have the town
141 meeting to discuss just the budget, and if there was CRF that they wanted to cut, they would
142 not be bound to cut it. As far as selectmen I am not sure their powers can be extended.
143
144 M. Courtney- that's a good question, my understanding was you cannot go outside of the
145 bounds of the statue. My thought was if you want to have the selectmen approve CRF and raise
146 bonds, you really need to be a town council. CRF is a special warrant article so what we have on
147 the warrant they have to be separate in some instances.
148
149 K. Umberger- the TC form of govt has more leeway, correct?
150
151 M. Courtney- Yes that is true depending on how your charter is drafted.
152
153 M. Guerrigue- to clarify the city structure, if we became a city does that automatically means
154 the council has control of the school budget?
155
156 M. Courtney- no I do not believe so the legal cases say no, you can change your form of govt
157 but you cannot add to it. Adding the school would be going outside of that. The case states that
158 we would need special legislation to give control, because the school district is a separate
159 entity. Is there any reason why you would want to have oversight over the school system?
160
161 M. Guerrigue- not really a rift, but this goes back to the budget committees and deliberatives.
162 They work on cuts, we get to the deliberative, and they restore those cuts and the voters do
163 not get a choice. I think the idea of having the school under the city ot town council prevents
164 those things from happening.
165
166 M. Courtney- the issue is then you need to have better voter turnout. Having the voters turnout
167 is how you get things passed. When I go to these meetings, there are many small towns where
168 everyone shows up. SB2 kind of killed town meetings. Do you have large enough facilities to
169 hold a traditional town meeting?
170
171 R. Leavitt- the town is made up of many transient people who do not have ownership. They
172 don't have the buy in to the town, I think that where we lose the drive to go to these meetings.
173 I don't think you are going to change that.
174
175 D. Weathers- in your observation is there 1 way that seems to have a better turnout?

176

177 M. Courtney- the smaller towns that have an open town meeting work best and have better
178 turnouts.

179

180 M. Guerrigue- I realize you have to be a certain population to be a city, and I think we all agree
181 that going back to a traditional town meeting is not going to work. Where in how towns and
182 city's advance, what do you think we should do now?

183

184 M. Courtney- the higher your population gets is to move to a town council, that way there is
185 more flexibility. I am not hearing that your selectmen are not working, you are just looking to
186 have more show up at the deliberative and town meeting. I'm not hearing that your form of
187 govt is not working. Eventually the TC form of govt is the way to go.

188

189 T. Holmes- exploring the budgetary town council, there is still a town council that gives more
190 power than the selectmen have gives the voters the power to still weigh in on the budget, and
191 the items in the charter like zoning, CRF, bond articles. #1 problem is the attendance and length
192 of the ballot, and the budgetary TC we might be able to shorten that.

193

194 M. Courtney- look at Bedford last year it was like 3-5 warrant articles. I believe Beford or Salem
195 has the power in the charter that the TC can call a meeting to decide that issue on referendum.

196

197 H. Kanzler- I wanted to get clarification on the official ballot town council and official budget
198 town meeting. I want clarification on that system, I know the charter determines what goes and
199 doesn't go on the ballot, I presume under that model we would still have a budget committee
200 and there would still be a deliberative session and how it appears on the ballot?

201

202 M. Courtney- if you provide that in your charter, you could but you do not have to.

203

204 T. Holmes- there are 2 types of budget committee, advisory and true form. If we wanted to
205 make it advisory is that a revision or an amendment?

206

207 M. Courtney- that is an amendment changing the budget committee type.

208

209 K. Umberger- each of the precincts hold a special town meeting, the feedback that I hear from
210 them is why can't they get absentee ballots and take care of business. Where I am from if there
211 is nothing controversial going on then you have little show up, more when there are
212 controversial items.

213

214 M. Guerrigue- I was one who went out and got the signatures for this. What I heard was the
215 school budget is out of control and they were unhappy with the decision the selectmen were
216 making. When I was gathering signatures, I thought that the school would be a part of what we
217 would be changing but it seems that is not true.

218

219 M. Courtney- when everyone looks at their tax bill, they see the difference between the school
220 and the town bill. But I don't see the reason you have presented as reason to change your form
221 of govt.

222
223 T. Holmes- the people I spoke to don't see what is wrong with SB2 and are leaning towards the
224 status quo.

225
226 R. Leavitt- I agree most people I have talked to don't see a big issue with what we are doing.
227 The big take that I got was the ability to go and do the ballot and they didn't want to do the
228 deliberative. From the standpoint of people making an actual say on the budget I'd say is a
229 success. I'm really interested in what Peterborough does.

230
231 T. Holmes- I will open up public comment for any questions to the attorney.

232
233 Quintin Lewis from center Conway- I hear a lot of people interested in high efficiency
234 government. Representative govt gets messy. In terms of SB2 we lost that input from people at
235 the traditional town meeting.

236
237 Bill Marvel South Conway- I am reluctant to take up legal's time, I don't understand why it's not
238 quite possible for us to go back to a traditional town meeting. Are you saying that it is just
239 impractical?

240
241 T. Holmes- before we go back to what we don't like we need to be sure it is not working.
242 Traditional Town meeting was not working and that's why we went to SB2.

243
244 K. Umberger- when we first made the switch there was more attendance at the deliberative
245 and has dwindled down over time.

246
247 Bill Marvel South Conway- if we can't get ahold of the school then I don't see the sense in any
248 change.

249
250 Louise Inkel Conway- I'm looking for clarification we spoke of the advisory and official budget
251 committee. Is advisory an option for us under SB2? If we made an amendment to go to advisory
252 it would also be advisory for the school too?

253
254 M. Courtney- I don't have that info on me but I can email the chair a response.

255
256 Damon Conway Daily Sun- for as long as I've been around the town has always put out budgets
257 that everyone agrees on and chooses. If you had a situation where the city council is overseeing
258 both, you could have a situation where the school overwhelms the town block, and you could
259 lose the conservative voice. There would be nothing stopping a dedicated voting block from
260 over running one or the other.

261
262 H. Kanzler- it is my understanding that we cannot fold the school in no matter what we do.

263
264 V. Blake- have you worked with any towns and worked with them in doing a deep dive in what
265 is or what is not working. Rather than change, but more so update on a significant level.
266
267 M. Courtney- I think all towns are trying to make it better, and a lot are doing a deep dive.
268
269 Mary Seavey- that is the job of the master plan. We look at the ordinance and evaluate what
270 needs to be changed and work on that.
271
272 M. Courtney- changing the charter is not a usual thing but changing it by pieces is.
273
274 V. Blake- I don't think people understand how the govt works, they are just complaining.
275
276 E. Grant- were talking about revisions and that would be a departure from SB2. If we talk about
277 amendments meaning we want to stay with SB2 but want to make other changes, there is not a
278 strict timeline because that process does not have to go through a charter commission.
279
280 M. Courtney- your article was to establish a charter commission for the purpose of revising or
281 amending the charter, you have a year to do revision and statute allows an additional year if
282 you are amending and the amendments don't necessary need a charter commission to do that.
283
284 E. Grant- I am not convinced that we need to depart from SB2, we were trying to be aggressive
285 with our timetable, and it might not be as strict as we thought.
286
287 T. Holmes- does anyone see the 2 city options as viable right now. Do we see the town going in
288 that direction right now?
289
290 R. Leavitt- I don't see us going that way.
291
292 K. Umberger- I don't see it either.
293
294 E. Grant- I don't see it either.
295
296 M. Guerrigue- it's always about tradeoffs. Getting the school budget with another set of eyes
297 on it. Even if we were a city, we still wouldn't get the school under it.
298
299 T. Holmes- I was quoted in the paper for saying that I wasn't in favor of a mayoral form of
300 government, and this is why. I worked for on in the city of Beverley and one of the dynamics
301 that occurred ,the mayor ran every 2 years and 9 alderman, and the alderman always wanted
302 to run for mayor, and they would always be battling the mayor trying to make him look bad and
303 themselves look better because they planned on running against him, and I found that the town
304 was being governed more politically than professionally. When you have the administrative
305 management done by politicians who come and go every 2 years you don't get the historical

306 perspective of a town manager and it swings in the wind politically with how towns are
307 governed.

308
309 M. Guerrigue- one of the things that I thought might be considered here is having a
310 representative form of government.

311
312 T. Holmes- I know you have concerns about representation from North Conway precinct, why
313 don't people step up to run for office?

314
315 D. Weathers- when I first came there 3 of the 5 at that time were from north Conway and it has
316 gone back and forth, and it changed with time with people's interests. I think you should be
317 representing the town and not an area.

318
319 K. Umberger- when I was a selectman a while ago, I think I was the only one from North
320 Conway, and most was primarily from Conway.

321
322 T. Holmes- the census went down, maybe there is a smaller pool in North Conway.

323
324 K. Umberger- I wrote down some thoughts to help us wrap our heads around what the options
325 are, then I found it interesting that we got the info from Mark who thought the rep town
326 meeting was the way to go. I tended to take into consideration the conversations that we have
327 had about the representatives from the town. I think we need to think about moving forward,
328 we've collected good information. What I am hearing from tonight is what we have is fine.

329
330 H. Kanzler- it is incumbent upon this group that is more than do nothing. We at least owe it to
331 the large majority who wanted to see change. I think we must at minimum propose something
332 whether we recommend it. We owe it to the people to put something out there to vote on.
333 With that in mind for me personally rep town govt is out, I think that is a step back. Proactivity
334 and looking forward is what we need to do. Population growth is projected across NH. Do we
335 need it now I do not know? I think that to me the official ballot TC and official budget town
336 meeting seem to tick a lot of boxes that we think are of interest. I don't think long meetings are
337 the way, but I think allowing those to have a voice is. Having the opportunity to have our voice
338 heard via a ballot is better, I do see an interest in change out there. This commission was
339 approved overwhelmingly.

340
341 E. Grant- when I read what Karen wrote I felt it was interesting that you were in favor of the
342 reps form of govt. I would be interested in your impression if that would work well in a Town. I
343 don't want to be a test and be the first to try.

344
345 K. Umberger- I was not in favor of that option at all, I was just reacting to the various forms of
346 govt and if that was the choice then what I might be looking at, but I do not agree with that
347 form of govt. I am torn between the official ballot town council and the SB2 what we have
348 today, and I'd change it to a budgetary town council.

349

350 V. Blake- I feel like people don't see us as one. They are focused on their area only. If there was
351 a way to make it a bigger umbrella so we all felt like we were on the same team, I think there is
352 a disconnect. A lot of people look at it like precincts vs Conway as a whole. There is a different
353 vibe in all the neighborhoods. I think we need to break things down in laymans terms and make
354 those know how it really works. I am still learning my 2 cents is does not feel like 1 town.
355

356 R. Leavitt- I am intrigued with SB2 like, I don't like sb2 as it stands now, if I were to change it
357 would be the town council with a ballot, because it still allows input, but I am not 100% sold.
358

359 D. Weathers- I don't like hearing that there are different sections of town, I am in a non-
360 precinct area, I vote for what I feel is good for the town I know there is an attitude of some in
361 the town and how I get them to look at the broader picture, I don't know. We rely on the
362 tourists, and the absentee landowners, I still want to have a vote, I'd like to see bigger
363 participation in voting. In the past voting seemed more personal.
364

365 V. Blake- what I said was not a slight on how it has been done, what I am saying is what I am
366 hearing from the voters, if it is not in their area they are not interested.
367

368 M. Guerrigue- unless we can get control of the school budget, and I hate to be the anti-school
369 person, but I think it's not worth doing anything. 1a is a good option. I think the town ends up
370 having to make up for the school budget because so much is spent on the school budget and
371 the town tries to compensate for that.
372

373 T. Holmes- There's nothing we can do about the school, but what can we do about the ballot.
374 The rep town meeting, I think it may turn into the same issue we currently have. I am in favor of
375 making the budget committee more functional.
376

377 H. Kanzler- I'd like to think moving forward we can work on the things we can change. We
378 cannot do anything about getting more attendance at the deliberative. We can't change the
379 minds and the will of the people and get them to show up.
380

381 E. Grant- thinking about what I am hearing and what I see for materials, and do we want to
382 entertain a town council vs a board of selectmen. I am trying to think about what voters want
383 and what represents the voters. I'm getting feedback that a town council scares them and is
384 others hearing the same?
385

386 T. Holmes- My impression is the voters will not approve of something that eliminates a budget
387 committee.
388

389 K. Umberger- we don't have any town councils near us to look at, it is a foreign concept to
390 most.
391

392 Damon Conway Daily Sun- can we number these options that you keep throwing them out. It is
393 getting confusing using nick names.

394
395 Quintin Lewis from center Conway- is the hearing going to have any structure to it? Are you
396 going to present anything on this? I'm not sure anyone else knows what these forms of govt
397 are. You guys don't even really know the forms of govt.

398
399 T. Holmes- I think we can have a short presentation beforehand, then limit the comments to 3-
400 4 mins.

401
402 R. Leavitt- under old business when we discussed moving a meeting to September 21st when we
403 will not have a chair or a vice chair. If we don't have any pressing issues just to have the
404 meeting, then I suggest we cancel it.

405
406 K. Umberger- we can cancel the meeting, but I do think we need to recognize that we need to
407 have more meetings.

408
409 **Adjournment**

410
411 ***D. Weathers motioned to adjourn the meeting; seconded by M. Guerrigue.***

412
413 ***Vote in favor 8-0***

414
415
416 Respectfully Submitted,
417 Alicia Jipson
418 Recording Secretary