



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Public Hearing/Workshop Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 19, 2006**
Meeting Time: **6:00pm Please note earlier time**

1. PLEDGE OF ALLEGIANCE

ALL COUNCILORS PRESENT INCLUDING THE CITY MANAGER MIKE JOYAL AND CITY ATTORNEY ALLAN KRANS.

2. PUBLIC HEARING:

A. #07-05/24/06, CHAPTER 22, ETHICS, VARIOUS SECTIONS AND ADDITION SECTION 22-13, ETHICS COMMISSION. SPONSORED BY DEPUTY MAYOR JASON HINDLE.

THE MAYOR REMINDED FOLKS OF THE 90TH ANNIVERSARY OF THE WOODMAN INSTITUTE ON SAT JULY 22ND AND HE WILL BE HOSTING COFFEE WITH THE MAYOR AT CAFÉ ON THE CORNER ON SAT AT 9 AM.

TONIGHT WE HAVE THE FOMATION OF THE ETHICS COMMISSION AND HE OPENED THE PH. THEN THEY WILL GO INTO DISCUSSION WITH THE MOST RECENT DRAFT NUMBER 10 OF JULY 11TH.

ED BLEILER OF 28 ISAAC CIRCLE THIS MEETING IS ILLEGAL AND CAN BE CHALLENGED AND THIS NEEDS TO START AT 7 PM UNLESS THERE IS A 2/3 VOTE OF THE COUNCIL. HE READ A LETER THAT HAD BEEN SENT TO HINDLE CONCERNING THE HEAVY SPENDING THAT HAS OCCURRED IN DOVER OVER THE LAST 15 YEARS. HE ALSO EXPRESSED CONCERNS ABOUT THE USE OF THE CONFIDENTIAL STAMP WITH REGARDS TO CORRESPONDENCE TO THE COUNCIL. HE THINKS THIS ORDINANCE IS TILTED. HE ALSO THINKS THIS ORDINANCE VIOLATES SEVERAL LAWS INCLUDING STATE LAWS. HE WOULD LIKE ANOTHER OPINION FROM ANOTHER ATTORNEY BESIDES ALLAN KRANS. HE LISTED 7 REASONS THAT HE IS OPPOSED TO THIS ORDINANCE INCLUDING THE DEPARTMENT HEADS CONTRACTS.. HE URGED THEM TO HIRE HIS ATTORNEY FOR \$1000 TO EXPEND FOR ANOTHER OPINION ON THIS ORDINANCE.

PHYLLIS WOODS OF 1 BARRY STREET STATED SHE HAS A NUMBER OF SUGGESTIONS FOR THE ORDINANCE, THEY ARE CONSTRUCTIVE CRITICISM. SHE HAS 3 PARTS INCLUDING A POLICY ON THE PRINCIPLES OF PUBLIC SERVICE. IN ADDITION, ETHICAL CHANGES WHICH SHE WILL GIVE TO HINDLE AND SHE WOULD LIKE TO SEE THE DEFINITIONS PUT AT THE BEGINNING. ALSO SHE WOULD LIKE TO DELETE PENALTIES FOR REMEDIES AND SHE WOULD LIKE TO SEE SECTION N MOVED TO THE END. SHE CONTINUED WITH MULTIPLE CHANGES. DEDE ASKED HER IF SHE WANTED TO DELETE SECTION 22-3, SHE STATED SHE HAD A HANDOUT FOR THEM ON A REVISION OF THE ENTIRE ORDINANCE THAT SHE WOULD LIKE THEM TO CONSIDER. SHE PROCEEDED TO GO THRU HER SEVERAL PROPOSED REVISIONS.

MARY HEBBARD OF 97 SPRUCE LANE DID NOT GIVE A HANDOUT TO CLERK. SHE ADDED SEVERAL PROPOSALS TO THE PROPOSED ORDINANCE.



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DON MEDBERY OF 3 COVERED BRIDGE LANE STATED FIRST OF ALL HE IS URGING PEOPLE IN TV LAND TO ATTEND SPEAK OUT DOVER SESSIONS TO ADDRESS THEIR CONCERNS OF THE CITY WITH THE PLANNING BOARD. HE KNOWS THAT THE ETHICS COMMITTEE IS VERY IMPORTANT AND HE ALSO KNOWS IN TALKING TO MANY RESIDENTS AND HE HAS FOUND OUT THAT THERE HAVE BEEN MANY ETHICS VIOLATIONS HERE IN THE CITY. ONE IS ABOUT CITY EMPLOYEES THAT WERE STEALING AND WERE CAUGHT AND ONE WAS 5 OR 6 MONTHS SHORT OF THEIR RETIREMENT AND THEN THOSE PEOPLE WERE BROUGHT BACK AND PUT ON THE PAYROLL FOR THE 5 OR 6 MONTHS NEEDED AND THEN WERE LET GO. HE HAS MANY MANY, MORE VIOLATIONS. ON PAGE 3 WHEN HE READS IT, IT IS EVIDENT THAT THE CITY IS IN A RIGHT TO KNOW LAWSUIT. HE REFERRED TO A PARTICULAR CITIZEN THAT HAD GIVEN THEM INFORMATION. HE IS OFFENDED BY THIS SECTION. HE COMPLIMENTED THE TWO LADIES HERE TONIGHT; THEY COVERED ALL HIS CONCERNS. IN C ON PAGE 6 WHERE IT STATES EACH COMMISSIONER WILL HAVE EXPERIENCE, HE SAYS NO TO THIS, AS IT IS AN INSULT TO DOVER CITIZENS. THIS WORK IS DONE BY JURYS ALL OVER THE COUNTRY NOT BY LAWYERS. HE DOES NOT WANT THEM TO UNDERESTIMATE THE ABILITY OF THE CITIZENS. HE ALSO WANTS TO STICK WITH CURRENT VIOLATIONS AND PURSUE THEM WITHOUT MALICE. HE COMMENDED HINDLE AND ATTORNEY KRANS FOR PREPARING THIS DOCUMENT BUT IT IS UP TO THE COUNCIL TO CONCLUDE THAT THIS DOCUMENT IS WORTH ALL THE TIME.

SEEING NO ONE ELSE WISHING TO SPEAK THE MAYOR CLOSED THE PUBLIC HEARING.

3. DISCUSSION RE:

A. #07-05/24/06, CHAPTER 22, ETHICS, VARIOUS SECTIONS AND ADDITION SECTION 22-13, ETHICS COMMISSION. SPONSORED BY DEPUTY MAYOR JASON HINDLE.

HINDLE EXPLAINED THAT MR BLEILER HAD MADE SOME COMMENTS THAT HE WANTED TO ADDRESS. THIS ISSUE STARTED THE DAY AFTER THE ELECTION FOR HIM WHEN SO MANY OF OUR CITIZENS CAME OUT AND VOTED FOR THE CHARTER COMMISSION.

HE PROCEEDED TO GIVE THE HISTORY OF THE STEPS TAKEN TO CREATE THIS PROPOSED ORDINANCE AND ALL THE RESEARCH THAT HE HAS DONE WITH REGARD TO THIS ORDINANCE. HE EXPRESSED HIS APPRECIATION TO ALL THOSE INVOLVED. HE IS NOT MARRIED TO THIS DOCUMENT; HE IS WILLING TO START ANEW IF NEEDED. IN ADDITION ONCE THE ORDINANCE IS ADOPTED THE ETHICS COMMITTEE WILL NEED TIME TO GO THROUGH A TRAINING PERIOD AND HAVE A PUBLIC FEEDBACK PERIOD AS THEY WILL BE THE KEEPER OF THIS ORDINANCE AND THEY WILL BE CHARGED WITH BRINGING ANY TWEAKING OR ANY ADDITIONS TO THIS ORDINANCE.

HE WOULD LIKE THE ENTIRE COUNCIL TO HAVE A SAY IN THE VOTE OF WHO WILL SIGN UP FOR THE COMMISSION. THEN THEY COULD VOTE FROM THE APPLICATIONS.

ALSO, HE DID NOT RECEIVE A LETTER FROM ED BLEILER AND HE EXPLAINED HE CANNOT PARTICIPATE IN ANY POLITICAL ACTIVITY OR HE WILL LOSE HIS JOB. HE IS LOOKING FORWARD TO RECEIVING DIRECTION FROM THE COUNCIL TONIGHT.

KEYS ASKS IF THIS MEETING IS LEGAL AS BLEILER HAD ISSUES WITH IT.



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DEDE THINKS ONE OF THE MOST CONTENTIOUS ISSUES IS THAT THE ETHICS BODY IS THE ONE THAT MUST COME UP WITH THE PROOF. HE THINKS THIS IS ODD, THE BURDEN OF PROOF SHOULD NOT BE ON THE ETHICS COMMISSION.

CHENEY THANKED HINDLE AND ATTORNEY KRANS AND THANKED THE PUBLIC FOR THEIR HARD WORK. SHE WOULD LIKE TO GO OVER THIS SECTION-BY-SECTION.

SCOTT ECHOED THE COMMENTS OF CHENEY; HE REALIZES HINDLE AND KRANS PUT A LOT OF WORK INTO THIS ORDINANCE BEFORE TONIGHT. HE ALSO THANKED THE PEOPLE THAT SPOKE TONIGHT.

THE MAYOR WOULD LIKE TO START WITH THE DRAFT THAT WAS ATTACHED TO THE AGENDA.

CHENEY WANTS THE WORD DEFINITION MOVED TO THE FRONT. ALSO ARTICLE 3 DISCIPLINARY ACTION SHOULD BE REMOVED AS IT IS NO LONGER APPLICABLE.

KEYS WANTS TO SUGGEST THAT THESE COPIES OF THE ORDINANCE BE PRINTED AND PUT IN THE CLERKS OFFICE FOR THE PUBLIC TO VIEW. CHENEY WANTS TO TAKE WHAT WE HAVE HERE AND WORK FROM THIS.

THE MAYOR IS ALSO HOPING FOR THE COUNCIL TO MAKE REVISIONS AND LOOK AT PHYLLIS WOODS AND MARY HEBBARD'S SUGGESTED AMENDMENTS AS WELL.

22-11 SHOULD BE 22-1, HE IS LOOKING FOR CONSENSUS; HINDLE SAYS THERE ARE A NUMBER OF KEY AREAS: THE LAW SUIT, THE GIFTS, THE SCREENING PROCESS, THE ADVISORY, REFERRALS, AND CLEAR AND CONVINCING EVIDENCE CLAUSE. WE CAN CLEAN IT UP AND MAKE IT MORE USER FRIENDLY. IN ADDITION HE WOULD LIKE TO DEBATE IT AS SOON AS THE ETHICS COMMISSION IS FORMED OR DO WE SET A POLICY WHEREBY WHEN THE COMMISSION IS FORMED OR AT SOME SPECIFIED TIME BEFORE.

SCOTT LIKES WOOD'S SHEET THAT SHE HANDED OUT WITH THE 3 POINTS. HINDLE THINKS THE COMMISSION WILL SET ITS OWN BY LAWS MUCH LIKE THE COUNCIL DOES.

THE MAYOR STATED THEY WILL FOCUS ON WHAT THE CITY ATTORNEY SUGGESTED. HE LISTED THE TOPICS AGAIN.

CHENEY THINKS THIS MAKES SENSE. SHE WANTS TO TAKE OUT 22-13, SHE THINKS THEY SHOULD ONLY HAVE THE EXPERIENCE OF LIFE.

ATTORNEY KRANS WANTS TO BE ALLOWED TO BRING REVISION #11 INCORPORATING ALL THE COMMENTS THAT HAVE BEEN MADE TONIGHT.

THE MAYOR AGREES IF WE COULD JUST MAKE SOME EDITS AND BRING IT BACK TO THE COUNCIL. HINDLE NOTED A COMMENT OF MARY HEBBARD THAT HAD A CONCERN ABOUT THE COMMISSIONS BUDGET; THIS WILL BE PART OF THE COMMISSIONERS OWN RULES.

THE MAYOR LISTED OFF THE ARTICLE STARTING WITH 22-3. SCOTT SAYS JUST BECAUSE A PERSON IS ELECTED TO COUNCIL DOES NOT MEAN HE GIVES UP HIS CONSTITUTIONAL RIGHTS. HINDLE THINKS WE ARE JUST BEING A LITTLE MORE WELL DEFINED. KRANS CLARIFIED THE INTENT HERE, IT IS TO CLEARLY STATE AND GIVE THEM A CHOICE. DEDE



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ASKED IS THERE ANY BASIS FOR 22-3 TO BE HERE IN NH RSA. KRANS SAYS THIS IS A CHOICE THE CITY COUNCIL HAS OR THEY CAN CHOOSE TO LET ALL PEOPLE INVOLVED IN A LAWSUIT WITH THE CITY TO SIT ON A BOARD. HINDLE NOTED AS IT CURRENTLY STATES IN OUR CODE AND READ A PORTION OF 22-3. CHENEY AND SCOTT THINK THERE WILL BE A COURT CHALLENGE.

TREFETHEN AGREES WITH SCOTT THAT WE ARE HERE TO ACT ON BEHALF OF THE CITIZENS BUT THERE ARE A NUMBER OF WAYS YOU CAN AFFECT THAT ACTION THAT DO NOT INVOLVE THE COURT. YOU CAN USE THE TOOLS AT HAND TO TRY TO FORM A MAJORITY TO DEAL WITH THE SITUATION.

THIS HAS BEEN POLICY FOR SOMETIME IN THE CITY; YOU CAN BE PARTY TO A LAWSUIT OR YOU CAN BE ON THE COUNCIL. SCOTT DISAGREES WITH THIS OPINION. TREFETHEN SAYS ALL IT WOULD HAVE REQUIRED IS THE VOTE OF 5 COUNCILORS. JOYAL ADDED THE ONLY INFO EVER DISPUTED WAS THE RELEASE OF NAMES AND THE WHOLE ISSUE IS CLEARLY DEFINED BY POSITION. SCOTT DISAGREES WITH THIS ASSUMPTION. CHENEY WOULD LIKE TO ADDRESS THE ISSUE BROUGHT UP AS WE DO NEED TO LOOK AT THIS BECAUSE WE DON'T WANT TO SPEND MORE OF THE TAXPAYER'S MONEY.

DEDE IS AMBIVALENT ABOUT 22-3. HE SUGGESTS BASED ON THE TIME PERIOD THAT SCOTT HAS SINCE ASKED FOR HAS BEEN GRANTED; HE KNOWS OF NO ONE THAT HAS BEEN DENIED INFORMATION.

SCOTT DISAGREES AS HE HAS ASKED THE CITY MANAGER TO PROVIDE THE NAMES AND AMOUNT IN THE SEVERANCE PAY THAT HAS NOT BEEN REVEALED. THE MAYOR AGREES WITH TREFETHEN THAT WE AS COUNCILORS HAVE OTHER WAYS TO EFFECT CHANGE. HE IS NOT IN FAVOR OF PEOPLE SERVING IF THEY ARE INVOLVED IN A LAWSUIT WITH THE CITY.

TURNER COMMENTED IF SOMETHING COMES UP IN THE FUTURE WE COULD CHANGE THIS SECTION. SCOTT WANTS TO HIRE A CONSTITUTIONAL LAWYER TO RESOLVE THIS PROBLEM. CONSENSUS VOTE TO KEEP THIS SECTION OR REMOVE IT, FOR REMOVING WERE CHENEY AND SCOTT ALL OTHERS WANT TO KEEP IT ACCEPT KEAYS AS HE DOES NOT WANT TO REVEAL HIS VOTE NOW.

22-4 TURNER THINKS THE PERSON SHOULD NEED TO LEAVE THE ROOM. THE MAYOR AGREED A PERSON SHOULD BE REMOVED FROM THE ROOM.

22-6 GIFTS, TREFETHEN SUGGESTS \$25. AS AN AMOUNT AND SOME LANGUAGE ABOUT CUMULATIVE; DISCUSSION ENSUED. THE MAYOR AGREES THERE SHOULD BE A CUMULATIVE NUMBER AND PERHAPS \$25. - \$100 PER YEAR. DEDE DOES NOT BELIEVE WE NEED A LIST. TURNER SAYS NOTHING UNDER A GIFT. HE THINKS CAMPAIGN DONATIONS SHOULD BE THE EXCEPTION.

22-7 NO CHANGE

22-8 NO CHANGE

22-9 NO CHANGE

22-10 CHENEY HAS A HOUSKEEPING MATTER WE USE THE WORD OFFICIAL; AND THE CORRECT VERBIAGE IS APPOINTED OFFICER, NO ELECTED OFFICER OR APPOINTED OFFICIAL; SHE WOULD LIKE THIS LANGUAGE CLEANED UP.



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TREFETHEN SAYS THE DEFINITION OF ELECTED OFFICIAL MEANS WARD OFFICIALS; THIS SECTION IS GETTING SPECIFIC IN THAT THE EMPLOYMENT PROHIBITION ONLY INCLUDES CITY COUNCILORS. CHENEY NOTED HEBBARD BROUGHT FORWARD "EXCEPT FOR WARD ELECTION OFFICIALS". SHE THINKS THIS REFERS TO THE HIRING OF ATTORNEY KRANS AS WELL. THIS SECTION CLARIFIES WHO IS A CITY OFFICIAL AND WHO IS AN EMPLOYEE; THE INTENT WAS THE 9 OF US.

DEDE THINKS MARY'S EXCEPTION WAS GOOD AND THERE MAY BE OTHER TEMPORARY POSITIONS WHICH WOULD INCLUDE CHARTER COMMISSION EMPLOYEES AS WELL AS WARD OFFICIALS.

TREFETHEN ASKED ARE THERE MANY POSITIONS THAT HAVE SEVERAL DAYS THEY WORK SUCH AS THE SUPERVISORS OF THE CHECKLIST.

22-11 ON PAGE 5 THE TERM FAMILY SAYS THE MAYOR. TREFETHEN SAYS JUST BECAUSE YOU HAVE A PERSON THAT MEETS THAT CRITERIA DOES NOT AUTOMATICALLY MEAN YOU HAVE A CONFLICT; HE REFERRED TO THE LIBERTY MUTUAL ISSUE AS HIS WIFE IS AN EMPLOYEE THERE.

22-12 CIOTTIE SAYS IT IS THE SAME AS 22-16 AND REDUNDANT. KRANS OBJECTS AS ETHICAL STANDARDS OF EMPLOYEES TO THE EXTENT THAT ONLY THE CITY MANAGER CAN TAKE ACTION AGAINST AN EMPLOYEE. DEDE WOULD LIKE TO ADD EMPLOYEES.

THE ATTORNEY WILL AMEND THIS SECTION. SCOTT DISAGREES AND REFERENCES PHYLLIS WOODS COMMENTS. THE MAYOR WANTS KRANS TO CHECK TO SEE IF THIS LANGUAGE IS STATED ANYWHERE ELSE AND GET BACK TO THEM.

22-13 VERBIAGE TO BE CHANGED IN 'A'. CIOTTI WOULD LIKE TO INCLUDE ALTERNATES IN THIS SECTION. DISCUSSION ENSUED ABOUT LANGUAGE IN TERM LIMITS AND WHO AND HOW LONG A CHAIR WOULD SERVE.

ITEM C.EXPERIENCE - TREFETHEN AGREES WE SHOULD STRIKE 'C'.

D NO CHANGE

E NO MORE THAN 2 TERMS.

F DEDE THINKS THERE SHOULD BE COMPENSATION FOR SOME OF THE BOARDS BUT HE WILL LET IT REST FOR NOW.

22-14, LANGUAGE WILL BE CLEARED UP. UNDER 'C' ETHICS COMMISSION REPRESENTATIVE; THIS WILL INCLUDE AN ALTERNATE. SCOTT WANTS TO ADD THE CITY MANAGER UNDER ITEM 'A'. KRANS SAYS THE WAY THIS IS DRAFTED THE CITY MANAGER WOULD NOT BE SUBJECT TO THE ETHICS COMMISSION. IF THERE ARE COUNCILORS THAT WANT TO CHANGE THIS THERE IS A PROCESS THEY MUST GO THROUGH.

ON PAGE 7 SECTION 'C' DELIBERATIONS SHOULD BE CLEARED UP.

TREFETHEN NOTED ONE OF THE COMMENTS ON PHYLLIS WOODS PROPOSAL ON SECTION 'H' HE DOES NOT AGREE WITH. THEY ALL CONCURRED WITH TREFETHEN.

THE MAYOR WANTS TO PROVIDE INFORMATION AS OPPOSED TO THE WORD EDUCATION. DEDE DISAGREES AND SAYS UNDER 'E' HE THINKS TRAINING COURSES SHOULD CONTINUE TO



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BE PROVIDED AND THE TAPES SHOULD BE TELEVISED. CHENEY WANTS TO KNOW IF SOMEONE WAS NOT SURE WHOM THEY WOULD GO TO. HINDLE SAYS A PERSON WOULD NEED TO BRING CLEAR FACT ON A VIOLATION.

THE MAYOR ASKED WHERE A COUNCILOR WOULD GO IF THEY WERE NOT SURE ABOUT A VIOLATION. KRANS SAYS THEY WOULD CONTACT THEIR COUNCILOR OR GO THROUGH THE CITY MANAGER TO GAIN ACCESS TO THE CITY ATTORNEY. DISCUSSIONS ENSUED AS TO WHAT TO PUT IN THE FORM FOR LANGUAGE. SCOTT WAS IN FAVOR OF WOOD'S SUGGESTION IN ITEM 'H'.

TURNER ASKED IF WE HAVE A NEW FORM. HE WOULD LIKE A DEFINITION ON THE FORM. SCOTT IS THE ONLY ONE IN FAVOR AND KEAYS IS NOT VOTING BY CONSENSUS SO THE VOTE FAILED 1-7.

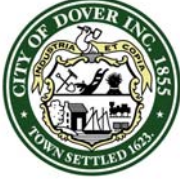
22-15 TURNER THINKS UNDER 'A' ON FILING A COMPLAINT THIS SHOULD BE OPENED UP MORE TO PERHAPS NOT TO LIMIT THE CITIZENS OF DOVER. KRANS WILL LOOK AT THIS BUT HE GIVES AN EXAMPLE. DISCUSSION ENSUED ABOUT THE SUBJECT OF BIDDERS OR VENDORS IN THIS INSTANCE; CONSENSUS WAS TO LOOK AT THIS. TREFETHEN AGREES IF THE PERSON HAS A LEGITIMATE COMPLAINT WITH THE CITY; HE SHOULD BE ALLOWED A COMPLAINT.

SCOTT WANTS TO GO BACK UNDER 22-14 A AND MAKE THIS HAVE A PENALTY FOR FALSE STATEMENTS. DEDE IS IN DISAGREEMENT AND DOES NOT THINK THIS IS THE PLACE FOR THIS.

22-15 CIOTTI HAS A CLARIFICATION ON 'B' THAT ALLEGED FACTS SHOULD NOT BE INCLUDED BUT PROVIDE FACTS SHOULD BE USED. TURNER DISAGREES IN THE SAME PARAGRAPH WITH THE LONGER OR SHOULD IT BE SHORTER OF THE CITY COUNCIL TERM. TREFETHEN THINKS THIS SHOULD HAVE TWO CLASSIFICATIONS, COUNCILORS AND EMPLOYEES. SCOTT WANTS THE CITY MANAGER ADDED INTO THIS ALSO. KRANS NOTED THE CITY MANAGER IS UNLIMITED AS THERE IS NO LIMIT ON THE CITY MANAGER. DISCUSSION ENSUED ABOUT REPRIMANDING THE CITY MANAGER IF NECESSARY.

22-15-B ON THE 180 DAYS KRANS CLARIFIED THE TIME. KRANS WILL CLARIFY THE LANGUAGE.

22-15-C THE SCREENING COMMITTEE WILL BE THE ENTIRE BOARD. KRANS SAYS THERE IS A 7 DAY WINDOW; THE INCLUSION OF 8 MEMBERS MAY PRESENT A PROBLEM GETTING ALL 8 TOGETHER. FURTHER DISCUSSION ENSUED. TREFETHEN WANTS THEM TO HAVE A REGULAR SCHEDULED MEETING. AND THEY SHOULD HAVE 2 REGULAR MEETINGS PER MONTH. HINDLE THINKS THIS WILL DEAL WITH THE COMMITTEE'S BYLAWS. DEDE WANTS 7 DAYS FROM THE NEXT REGULARLY SCHEDULED MEETING. DISCUSSION ABOUT FREQUENCY OF THE MEETINGS ENSUED. HINDLE WANTS LANGUAGE WRITTEN TO REFER THE COMPLAINT BACK TO THE PERSON THAT FILED IT IF IT DID NOT QUALIFY AS A LEGITIMATE COMPLAINT. KRANS THINKS CRIMINAL PROBLEMS SHOULD BE RECOGNIZED. KRANS SAYS IF THEY REVEAL A SERIOUS CRIME IT MUST GO TO THE POLICE DEPARTMENT. THE CITY MANAGER CLARIFIED THE INTENT OF WHAT COULD HAPPEN IN THIS INSTANCE. IT WAS DECIDED THE CLERK WOULD NOT HAVE TO MAKE THIS JUDGEMENT. HINDLE SAYS WHEN THEY SIT AROUND AND OPEN THE ENVELOPE IT NEEDS TO BE THEN SENT TO THE APPROPRIATE ENTITY. WE NEED TO PROTECT THE MATTER IF



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IT IS AN EMPLOYEE MATTER OR CRIMINAL MATTER. THE CITY MANAGER POINTED OUT AS CITY MANAGER IF A CITIZEN FEELS STRONG ENOUGH TO FILL OUT AN ETHICS COMPLAINT ABOUT AN EMPLOYEE; THE CITY MANAGER WANTS TO KNOW ABOUT IT. AS HE WANTS TO INVESTIGATE IT HIMSELF. HE DOES NOT WANT AN INDIVIDUAL TURNED AWAY. CHENEY FEELS THE REASON WE HAVE THE ETHICS COMMISSION IS TO EMPOWER THEM.

TREFETHEN CLARIFIED IF SOMEONE WANTS TO REMAIN ANONYMOUS THERE ARE WAYS TO DO THAT, THEY CAN CALL ONE OF US OR CALL THE CITY MANAGER. IF THE PERSON HAS TO ACKNOWLEDGE CERTAIN THINGS ON THE APPLICATION FORM THEY SHOULD ADD TWO QUESTIONS; DO YOU BELIEVE THIS COMPLAINT IS CRIMINAL AND 2ND DOES THIS INVOLVE A CITY EMPLOYEE. KRANS WANTS TO USE A THREE PERSON SCREENING COMMITTEE TO EXPEDITE THIS ASAP. DISCUSSION ENSUED ON THE NUMBER OF THE FIRST RESPONDER COMMITTEE MEMBERS. MORE DISCUSSION CONTINUED ON THE NUMBER IN A COMMITTEE.

CHENEY WANTS KRANS TO LOOK AT REFERRING THE MATTER BACK TO THE PERSON THAT FILED THE VIOLATION. TREFETHEN SAYS IT HAS BEEN STATED THAT COMMON SENSE SHOULD PREVAIL. IN SOME CASES THE PUBLIC MAY NOT KNOW THE DIFFERENCE BETWEEN A CRIMINAL VIOLATION AND AN ETHICAL VIOLATION.

THERE WAS NO CONSENSUS ON HOW TO DISBURSE OF A COMPLAINT IF IT IS DETERMINED TO BE A CRIMINAL OR AN EMPLOYEE MATTER. CONSENSUS ON RETURNING AN ETHICS COMPLAINT TO HAVE THEM TURN IT BACK AND REDIRECT IT. MOTION FAILED WITH ONLY 2 IN FAVOR INCLUDING CHENEY AND SCOTT AND 5 AGAINST WITH KEAYS NOT VOTING.

DISCUSSION ON FRIVOLOUS CONTINUED ON AND ON. IT WAS AGREED TO LEAVE ITEM 7 AS IS. DISCUSSION ENSUED ON PAGE 9 ITEM G – AND CUMULATIVE. SCOTT THINKS THIS IS VAGUE AND CONFUSING. THE MAYOR ASKED FOR CONSENSUS ON REMOVING CUMULATIVE, IT WAS AGREED UPON. ITEM 'D' THEY WANT TO REMOVE HAND DELIVERY.

DEDE IN SECTION 'J' ON PAGE 10 HE WANTS 'ACTIONABLE' INSTEAD OF TRUE AND NOT TRUE. TREFETHEN STATED ON 'K' ON PAGE 10 CLEAR AND CONVINCING. IT WAS SAID PREPONDERENCE SHOULD BE THE WORD. HE WANTS TO SEE THE DEFINITION OF THE WORDS. CONSENSUS ON CLEAR AND CONVINCING WAS DISCUSSED AGAIN AND AGAIN. SEE PAGE 10.

CHENEY WANTS TO CONSIDER THE HONORABLE PHYLLIS WOODS OPINION ABOUT THE PREPONDERENCE OF EVIDENCE THAT SHE THINKS IS TOO HIGH; WHY WE WOULD NOT GO WITH THAT. CIOTTI SAYS CONVINCING EVIDENCE EVEN THOUGH IT MAY NOT BE CLEAR. HINDLE REITURATED THE ETHICS COMMITTEE WILL WANT AMENDMENTS AS THEY GO ALONG. THERE WILL BE A TWO STEP PROCESS WITH THE INDIVIDUAL ADHERING TO THE LOWER LEVEL.

HINDLE NEEDS CLARIFICATION ON IF WE ARE STARTING WITH A FRESH SLATE OR GOING BACK. TREFETHEN THINKS A NEW SLATE SHOULD BE CLARIFIED. IF YOU INCREASE ETHICAL STANDARDS FOR A COUNCILOR YOU MUST INCLUDE AN EXEMPTION PERIOD. THE MAYOR SAYS THIS IS A ONE TIME GRACE PERIOD, KRANS SAYS WE ARE INCREASING OUR STANDARDS WE WOULD HAVE TO PROVIDE THE PRESENT COUNCIL A GRACE PERIOD. 90 DAYS WAS AGREED UPON FOR A GRACE PERIOD.



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DISCUSSION ON REMOVAL FROM OFFICE OF A CITY COUNCILOR AND CITY MANAGER; HINDLE NOTED THIS IS COVERED UNDER STATE LAW IT IS RSA 49C-13. THE COUNCIL JUST DEALS WITH THE RULES AND REGS OF HOW IT IS ADMINISTERED. THE COUNCIL APPOINTS SO THEY CAN UNAPPOINT STATED KRANS.

HINDLE THANKED EVERYONE FOR ALL THEIR SCRUTINY OF THIS ORDINANCE, THIS IS GOOD. THIS AMOUNT OF DEBATE BY COUNCILORS AND CONSTITUENTS IS NEEDED. HE NEEDS CONTINUED GUIDANCE TO BRING THIS BACK FOR DEBATE. WE HAD SET UP ANOTHER PUBLIC HEARING FOR NEXT WEEK; HE WOULD LIKE IT BROUGHT BACK IN LATE AUGUST FOR FURTHER REVIEW WITH ADOPTION IN SEPTEMBER. TREFETHEN ASKED DO WE WANT TO GO FORWARD WITH THE PUBLIC HEARING THAT WE HAD SCHEDULED FOR NEXT WEEK OR WILL THERE BE NO PUBLIC HEARING AND WILL THIS BE BROUGHT FORWARD IN THE AUGUST MEETINGS. SCOTT TOO AGREES THERE SHOULD BE ANOTHER PUBLIC OPPORTUNITY IN AUGUST. TURNER MENTIONED THE COMPLAINT FORM ITSELF. HINDLE SAYS ANY SUGGESTIONS THE COUNCILORS HAVE REGARDING THE FORM SEND THEM TO HIM FOR REVISION.

KEYS REMINDED THE COUNCIL THAT WE HAD AN ETHICS COMMITTEE WHEN HE FIRST CAME ON THE COUNCIL AND IN TWO YEARS THEY HAD TWO CASES AND YOU COULD NOT GET PEOPLE TO SERVE ON THE COMMITTEE. HE APPRECIATES ALL THE WORK THAT HAS BEEN DONE ON IT BUT HE THINKS THEY WILL RUN INTO THE SAME PROBLEM. HE DOES NOT THINK WE WILL GET OUR MONEY BACK ON IT.

ADJOURN

DEDE MOVED SECONDED BY ALL WITH ALL IN FAVOR AT 10:30 PM