

Citizens Forum
EJ Bielec

April 11

I sued the city of Dover nine months ago because I thought the extraordinary contracts the City made with George Wattenkort and Police Chief William Fenniman were illegal.

They were illegal for three reasons,

- a. Neither contract had been presented to nor approved by the City Council, and
- b. According to state statutes municipalities are not authorized to commit money for future years for these kinds of expenditures that were not included in authorized budgets.
- c. The council can only ratify what it is authorized to approve in the first place.

to justify the extraordinary payments and unprecedented conditions offered to these two public servants and the expense to Dover Taxpayers, the City of Dover hired an expensive attorney who has been paid with taxpayer funds over the past 9 months.

He suggested that the council vote to ratify these contracts – long after the fact. This attorney then requested dismissal of the case.

The judge in Superior court has denied the request for dismissal. His 10 page ruling serves as a rebuke to the City of Dover, and those five council members that voted for ratification of these contracts - after the fact.

One of the most important points made by the judge made it clear that the vote of a group of city councilors to ratify an illegal contract after the fact does not make it legal. In fact it raises questions as to the legal knowledge of those councilors that followed the flawed advice of Attorney Broth.

I request that Dover stop pouring more taxpayer money into this lost cause.

This situation has reached national notoriety. The Fenniman contract was the only example cited in a national newspaper – USA TODAY as an example of municipal greed. It takes money away from not only the taxpayer but also from all of the policemen, firemen and city employees who work hard for their pay and who deserve reasonable and not excessive pensions.

It only takes a few people “gaming the system” - to use the words of the Union Leader - to drain the state pension fund. Higher taxes will follow. It only takes a few bad apples to hurt the reputation of all the other public servants.

How much more financial abuse will take place in Dover before our daily newspaper wakes up and starts investigating and reporting what is going on. That newspaper should be on the side of the taxpayer, rather than on the side of the councilors that try to protect the greedy.

Dover should recover payments made to William Fenniman in 2005 and 2006 that resulted from his illegal contract.

The annual pension of over \$135,000 per year was based on large illegal payments in the final two years of service. His pension should also be brought down to a reasonable pension amount that is both fair to him and fair to the taxpayers.

The same approach should be used for the illegal termination pay and excessive health care payments the City of Dover offered to Mr. Wattendorf which could cost the taxpayers over \$400,000 in future years.

What Dover should do is renegotiate these contracts, in a public session with these two individuals. The city should hire an outside attorney, other than Mr. Broth, and who will look after the interest of Dover Taxpayers, to assist in the negotiation.

Please stop the bleeding and join me in recovering these illegal payments for the taxpayers of Dover.

Points on river front

It is amazing what I read in Fosters that city doesn't even have a plot plan of the property they are trying to sell to Dickinson

It seems to me the City doesn't know where they are, where they have been or where they are going.

If you don't know how much land you have how can you sell it.

How do you know if the price is correct if you don't even know what you are selling.

And why would Dover ask the potential buyer to do the survey. That is opening the door to the fox to get into the chicken house. All this together with not even knowing what the cost of the cleanup makes for the impression that a deal is being cooked up without sufficient facts known

We need four things before we sell

1. Total amount of land being sold

2. Total value of the land from two appraisals assuming it is clean

3. Cost of the cleanup.

4. Cost to the taxpayers of the infrastructure.

Without these do not sell our land.

Citizens Forum
Ed Bleiler

Some important phrases from the ruling of Judge Peter Fauver of the Stratford Superior Court on 3/27/2007

Page 8 (regarding Fenniman contract)

The court notes that the Council cannot ratify a violation of the merit plan to make the violation legal.

Page 8

Accordingly, the respondents are not entitled to a summary judgment ruling that the petitioner's claims regarding the Fenniman contract are moot due to ratification.

Page 9 (regarding Wattendorf contract)

Wattendorf would be allowed to retire approximately two and one half years early and would receive certain health insurance benefits until age 65.

---ratification of any future appropriations pursuant to the Wattendorf contract would require a two-thirds vote by the council after a public hearing in accordance with section C6-6/

Accordingly, the respondents are not entitled to a summary judgment ruling that the petitioner's claims as to the Wattendorf contract are moot due to ratification.

Page 10 General legal comments

The court finds section C6-8 of the Charter does not allow the City Manager to circumvent the requirements of section C6-6 of the Charter and enter into multi-year contracts that require new future appropriations without the approval of two-thirds of the council and a public hearing.

The undisputed facts show the requirements of C6-6 were not met with respect to the Fenniman contract and the Wattendorf contract.