

Appointment Committee

Scott Myers, Chair; Doug DeDe & Rick Callaghan present

Others present: Gary Green

Meeting called to order at 6:pm January 7, 2009

Myers: First of three candidates to be interviewed tonight are David Martinelli, Ed Spuler and Shannon Hill.

The first to be interviewed is Sergeant David Martinelli, a Dover police officer seeking appointment to the Recreation Advisory Board. Dave gave some of his background first. Dave's background in coaching and as a coach helped solve a competition problem between teams for players. After Dave's commentary Councilor Callaghan asked if Dave had previously served on any other boards or commissions; answer no. Dave pointed out that as a Police Officer he was somewhat limited and had sought the chief's approval before applying for this position.

Myers pointed out that the budget pressures might impose significant needs to develop more volunteer positions to keep the programs running at full participation. There was then a question as to the meeting schedule and Dave mentioned that there could be meetings missed due to rotating shift assignments. Dave also asked if any other committee members wished to point out additional expectations. None were expressed though Callaghan did mention that people who served on such boards tended to be of a mind to make personal contributions for the betterment of the community. Myers notified that the decisions of the Committee will be announced on the 1/14/09 regular Council meeting.

The next candidate, for the Dover Utility Commission came in, Ed Spuler, a former candidate for City Council in the last election who, because of work related scheduling problems could not make the original meeting scheduled for a possible appointment . Scott Myers made introductions and then asked about Ed's background. Ed mentioned he is a Ward 1 Moderator and is interested in serving, especially since he was contacted after the election to see if he would be willing to serve. Apparently it was Gary Green who called all of the 'defeated' candidates and asked if they would like to serve. This fact came up later in the meeting. Ed mentioned his background in school when he was active in volunteering and how he volunteered once he moved to Dover as well. He indicated he would be able to put the necessary time in, now that UPS busy season was over. Councilor DeDe asked how familiar Ed is with the activities of the DUC. Ed responded he is not yet familiar but he will work at it though he is very familiar with committee responsibilities having served on several in the past. Councilor Callaghan then asked why Ed was interested in the DUC. Ed answered it was Gary Green. Councilor Callaghan stated the most activity had to do with abatement requests, to which Spuler acknowledged he was aware. Mayor Myers added that there were opportunities for continuing education courses that could expand his understanding, paid for by the City. Ed asked about the regular schedule. Green answered the 2nd Monday of each month at 5:30pm with an occasional special change when Holidays or special issues dictated. Ed made mention as to his 'party' affiliation and he was assured that had nothing to do with this appointment.

Mayor Myers then advised that the recommendation would be made public at the next meeting on the 14th of January.

The next applicant, Shannon Hill of 'SIMPLY GREEN', is a candidate for the energy advisory Committee. Mayor Myers gave some of Shannon's background information as we waited for her arrival. Shannon arrived and was introduced around the table. Shannon shared some information on the Simply Green and her involvement with the station. Shannon informed the Committee as to her background in energy and conservation issues throughout her educational and professional life. She stated she was a resident of Dover, and Councilor DeDe asked where she had bought, and it turned out that she purchased the house on her birthday, the 31st of the month and her home is at 31 Hill street, same as her name. Councilor DeDe then followed up and asked if she was aware of what the Dover energy committee had been up to. She is and has attended several meetings and was invited by Eric Stelzer to become a member after she made a presentation to the Committee last year. Councilor Callaghan made the observation that she seemed highly qualified and had no questions except whether she could handle the time commitment to which Shannon responded positively. Mayor Myers advised Shannon that the conclusions of the Committee would become public at the 1/14/09 meeting of the Council.

Mayor Myers brought up the issue of the re-appointment of Rick Hebbard to the Dover Utilities Commission. Myers went on to say that Gary Green had been invited to attend the meeting if he wished to have input on the committee's appointment. Mr Green then spoke after the committee indicated their approval of the address. Before Mr. Green went very far, Councilor Callaghan asked if his remarks were the consensus of the DUC or were they his remarks. Mr. Green remarked that these were his remarks as chair of the DUC and had not asked the DUC members to weigh in on this sensitive issue. Green continued that he had checked the record over the last couple of years. Green indicated that the opinions were taken from the minutes of previous meetings and as an observer of the interaction between the members of the Body. Green said he regretted that Hebbard was not there to hear the remarks, but his impression of a phone conversation with Hebbard the day before was that Hebbard did not intend to be 'here'. Green said that Rick Hebbard had requested that Gary endorse his re-appointment, and that Gary had said that he would not do that. Rick had also asked Gary Green why his endorsement was not forthcoming. Green's response included poor communications with him as chair especially when Hebbard would not be able to attend a meeting, and that he had in fact missed four consecutive meetings. Councilor Callaghan questioned the record as to meetings missed, and it surfaced that one of the meetings was either not counted as a meeting because no quorum had been in attendance or that the meeting was called off because of a Holiday. Green continued that the larger issue was that Rick Hebbard never responded to requests as to why he was missing meetings. Green continued that over his two years on the committee, Hebbard had often been disruptive and had used inappropriate language to the point that fellow members have in the past walked out in anger, however since March he seemed to have regained his composure. Green added that there had been very negative feedback from City Department heads and staff because of Rick Hebbard's intrusive and sometimes abusive attempts to either get information or get things to happen. Also, and very important, is that while committee members are

sworn in and agree to uphold the laws of the City and the State, Rick's attitude was often highly critical of one or both of those whenever those regulations didn't meet with his personal approval. For all of the reasons outlined, Gary Green, Chair of the DUC would not recommend the reappointment of Rick Hebbard.

Councilor DeDe inquired as to Mr. Hebbard's championing the opinion of a citizen who had a water problem in his basement during the public forum at a Council Meeting. DeDe wanted to know if this was the position of the DUC. Green responded that it was not the position of the DUC and Hebbard was differing with the opinion of the DUC in that it had been reviewed and determined to be a matter for the homeowners' policy not the City of Dover DUC.

Councilor DeDe inquired whether the information that he had received that Rick Hebbard went to an applicant's home at night, unannounced, and sought to discuss an application representing the DUC, without any sanction or direction of the body. Green responded that it was the more appropriate approach to have any contact with applicants be with the body as opposed to a single member. Green added that Community Services Dept rep on the DUC, Doug Steele had strongly advised against individual contact.

Callaghan interjected, that '...since March 17th of 2008, everything has been ok?...' Yes, however there are still disruptive issues that impact 'me' as chair more than any other members. Green cited as an example a meeting that Councilor Callaghan had attended where Hebbard was again challenging the position of the City's ordinance as inappropriate even though the by-laws outline the very procedure in use.

Callaghan then asked if there is ever any formal training. Green responded '...not since I was on the board...' Green then talked about his plan for training once there is a complete and stable board.

Mayor Myers then said that since the original subject of this reappointment came up in November '08, he had had contact with members of the DUC and the responses corroborate Mr. Green's comments. Myers went on to say it is the responsibility of the Appointments committee to appoint members who can function as a team, however he went on to say another important issue had to do with an incident of client contact. In this instance an applicant for an abatement Hebbard approached them after dark at their home, un-invited. The contact was upset about this visit and the elderly client's son contacted City Hall and filed a complaint. Myers continued that feedback from members hinted that some would prefer not to serve if this kind of behavioral problem persisted. At this point, Myers indicated he felt it was time to thank Rick for his services and looked for a motion.

Callaghan then said, he '...hears the concerns but is not comfortable with the process we've instituted...'. Callaghan indicated he is not comfortable taking some 'hearsay' evidence and removing someone who's been there since '05. If this is 'truly an issue' we should have an investigation or some kind of a quorum involving DUC members and they (in non-public session) with Hebbard there, have the DUC make some sort of statement that says '...no...' (meaning not to reappoint) then Councilor Callaghan could

support this. Callaghan then indicated that Green was just one person (though Callaghan said he wasn't trying to degrade his opinions). Further, since Hebbard had not violated any attendance rules, and if there were instances of attitudinal problems, they should have been documented. Another concern of Councilor Callaghan is that if the Abatements process is authorized by the (Dover) Code, Callaghan can't understand why Hebbard doesn't accept that. '...If that is a fact and he's been there (on the DUC) that long, he should know that, so where's the problem. Have we not done something we should have to make sure that Board members have all the rules laid in front of them and understand what the rules are and they know what they are supposed to be; I'm just nervous that we haven't done all that yet. I would be supportive of asking the DUC to have that meeting and (then) putting all this reappointment off until then. That way his membership is not jeopardized in any way, his standing stays the same until we select somebody to replace him.

Mayor Myers commented: 'one, we're not removing someone' The term is expired and the issue is an appointment, not a removal. That is not an accurate statement and a misrepresentation. His (Hebbard's) term is expired. Myers added that it would be very awkward to put a volunteer board who are meeting once a month to try to get into a personnel advisory role and take a position against someone, good bad or indifferent on how it turns out that they need to sit next to and partake in meetings after this type of discussion. I (Myers) think the Council's role has the Appointments Committee make a recommendation to the council and the Council ultimately acts on the appointment. Myers indicated he would not be at all supportive of having a board have to go into a non-public session and discuss one of their own. They're not elected, but volunteers and such a 'review' and judgment is more than they signed up for.

Councilor DeDe spoke '... it is the duty of this committee to deal with these appointments in front of us...and I make a motion that we appoint Ed Spuler to a regular position on the DUC. After brief discussion, DeDe withdrew his motion in favor of the more complete motion to appoint Coyle as a regular member, Spuler as a regular member and Ted Mortiner as an alternate.

Gary green spoke and Myers spoke of his motion to appoint Coyle as a regular and Spuler as a regular and Ted Mortiner as an alternate position.

Callaghan said he wouldn't support this. Callaghan again suggested that there be an executive session, so we don't get in trouble. Callaghan said he was uncomfortable with Scott Myers 'putting words in someone's mouth.' Myers said he would speak with Atty Krans to ensure that nothing untoward was occurring. However the motion could go forward at this meeting.

The vote was taken and carried with Callaghan opposed.

Myers then called for a motion to appoint Dave Martinelli to the Rec Advisory Board and Shannon Hill to the Energy Advisory Committee. Callaghan seconded and the vote was unanimous in favor.

Councilor Callaghan had one more issue he wished to discuss and it had to do with a summary of board and commission/committee members he found on the City Website using Google. Everything looks current on this spreadsheet (he can't find it using the City website) but the exception is Hebbard, and '...he's the guy I was looking for...' Doug is supposed to be working on something...

Myers, well Colleen is working on other things, and the discussion trailed off.

DeDe: Motion to Adjourn, 2nd by Callaghan and unanimous to adjourn at 6:59pm.

DRAFT