

Moment of Silence

Pledge of Allegiance

Roll Call; Approval of Agenda

Commissioners Present: Chairman Allan Krans, Vice Chairman Phyllis Woods, David Landry, Charles Mone, Charles Reynolds, Wil Boc, Tom Dunnington, Gary Gilmore.

Krans noted Commissioner Bibber and Gilmore were absent. Boc moved seconded by Woods to approve the agenda with all in favor.

Approval of Minutes – **5/31/2005**

Boc moved seconded by Woods to approve the minutes with all in favor.

Public Hearing: Preliminary Report

Krans stated the Preliminary Report has been forwarded to the three State agencies last Friday, Krans expects to hear from them before the next meeting.

Mary Hebbard of 97 Spruce Lane spoke on C3-6 and C4-6 and salaries on the city council and school board, she has had a discussion with Andy Galt about that; he had said this is a token amount, she would rather see an "honorarium" instead of a "salary". On C5-5 about the powers and duties of the manager and the part that was added "or maybe *required* by the council" it should be "*requested*". Lastly on C6-5 having to do with the budget adoption there was a motion, if total expenditures exceed 3% of the prior approved budget that you would need a 2/3's approval. She does not necessarily agree with that 3% as a spending cap, she would like to see them all come together even if they put it in for just a 2 year term and see how it works.

Dorothy Wagner of 1 Middle Street and a selectman in Ward 4, stated she is very disappointed in the final report, she feels they have failed, the biggest change they should have made is to the ward system; she does not even know the name of her councilor or school board representative. She likes the idea of an all at large council, because the voters would have a few more choices on the ballot. You failed to change the system because of petty bickering (Gilmore arrived at 7:07 p.m.); their change is not mandatory, also who is going to run the orientation. Why not have a how to run for office program and not just for council but the ward positions and school board as well. This might encourage people to get involved in the other boards and commissions as well. One change is C3-11 she does not understand what in this sentence changes how the city is run and what happened to the motion to change all the school board members to run at large, please reconsider how the city council and school board members are elected.

Jack Story, President of the Greater Dover Chamber of Commerce is here one last time to allow voters the opportunity let the voters decide if the all at-large system is good for the citizens; we are doing a disservice by not letting voters know all about them. Potentially when there is a vacant seat there is a costly election that has to occur if the vacancy is in the first year. In the second year the council appoints the councilor. This does not reflect the will of the voters but the will of the council. This could make a difference on a CIP or a budget vote. A ward office holder would not have to give up their seat and that would eliminate a chance that a ward would be without representation on a critical vote. Also eliminating the potential of when the Mayor ran unopposed, this is one of the biggest problems we have now in the last two elections up to 4 wards only had a single person running. In the last 4 elections there were at

least 4 candidates that ran unopposed. In the last two school boards race there was no one that signed up to run for the election. They believe a City Council and School Board elected at large would encourage the council to think about important city issues not only about the

sidewalk in your own ward. One of the biggest problems is we are not getting enough people to sign up for elections as is evidenced by having only one person sign up for a ward. In the charter commission the voters had the opportunity to choose all of them. While it may be a little difficult to have a ward candidate, we don't think this is about candidates running for office. Finally there has been some discussion in that it would be easy for people to stack an all at large council, he made reference to Laconia. He does not feel this would be an issue. Woods agrees with most of what Jack has said and asked about the 11 member compromise, why haven't more people come out earlier in this process. Jack says a letter came from the chamber earlier to all of them; this is a complex issue to solve all the problems and educate the people. Mone understands how Jack feels and the Chamber feels but he does not see a large number of people running at large every other year. There will be the same problem. Jack believes that one of the reasons people don't run for ward races is an incumbent signs up early, he gave examples of prominent people in the community.

Rick Hebbbard stated he has a couple of items on C3-8 D page 15 and the word city attorney he would like the name changed. Krans says he does not necessarily agree. He wants the language cleared up in the end and on C3-9B, C3-10 and C6-13 as well. And on page 31 with regards to the merit plan reference at the bottom of the page 49C was adopted in 1985. This is a typo. He then questioned on page 27 about the grayed out areas. Discussion ensued about how they had previously adopted the model city charter and how the merit plan got into the original charter and where some of the information that Mr. Hebbbard was referring to came from.

Seeing no one else Commissioner Krans closed the public hearing.

6. Discussion: The relationship of Motion #2005-20 (Line item review of budget) with Article C5-8 of the Charter

Krans says the procedure they are scheduled to use is to take a couple of weeks off and then have a final meeting on 6/23/05 and hopefully the three state agencies will have responded. On that date they will be adopting the final version of the charter revision.

Krans stated on C5-8, the no interference clause is open for discussion. This did come up last week at the budget adoption and whether it pertains to personnel matters or not. Reynolds cannot find any relationship whatsoever. He sees no relationship to this; neither does Mone see any relationship. Dunnington says the potential is certainly there, the council has line item veto and that is interference, it is indirect and the council would have a violation of not funding it. Gilmore says the question is whether the council can look at a budget and cut it by \$50,000 for example and know it must result in a person losing their job. In that instance are we interfering with personnel or is this a power the council has. We have to decide; when you do the fiscal analyses in the budget you have to have the power. But in the budget adoption they would have that power. They can't punish a person for some offense. No city councilor can go to any person that works for the city and direct them to do something or not do something. The council cannot interfere with an employee's duties. Discussion ensued about the power inferred in C5-8 by the council. Dunnington feels these are in conflict. The chair would like this cleared up. Mone asked when this will come back from the state attorney general's office; Krans feels we are allowed to do this. Mone does not see anything to do with budgetary restraints; this does not say they have the ability to direct any city employee. Woods is looking for the RSA, also throughout the state city councils have line item authority she continued we are just putting verification on it so there will be no question about it as

they both already exist. There was no motion.

7. Discussion: Minority reports

Krans stated the statute under which they were elected provides for a 1000 words each in a minority report. Boc stated point of order would you be in the minority after we have the vote to accept or reject this if there is a majority that votes for this document, the Preliminary Report the people in the minority is the classification of the minority. Dunnington says there are a couple of controversial items that have not been

adopted in the Preliminary Report. Would it be appropriate for the council to take the at-large issue to the council at a later date. Reynolds says this is different. Woods says what we have got ourselves into is the 2/3 requirement; and there are a number of motions that received of a 5-4 vote, discussion ensued. Krans says we will have a vote in a couple of weeks to vote up or down on the full report. One option is to say you can't write a minority report unless you vote against the full report. Another option is to say we should be writing a minority report on something that got into the report that you are against. Should we be able to write a report on something that didn't get into the report. Discussion ensued about the criteria of the minority report.

Gilmore says a minority report is based on you voting against the package, it has to be based on something in the package that you are against as that is your argument. Boc moved to adopt Gilmore's definition of a minority report. Landry agrees except can anyone regardless if they vote yes to the final package write a minority report. Krans stated Motion #42 *is any person wishing to write a minority report must have voted against the adoption of the final report. Such minority report must contain only issues contained in the final report.* Mone stated where he does not agree with the all at-Large, and in a minority report can a person discuss items that were brought up that were not passed. Gilmore says you cannot vote for what is not there. Mone likes the idea to increase the size of the city council so he would like to write a minority report on this. Landry wants to bring this issue back up again. What happens if we all vote against the final report so do we have to have a final report. Krans stated for clarity sake we have examined the charter thoroughly and he does not think Boc's concern is coming to fruition 7-1, passes with Mone opposed.

8. Discussion: Summaries of changes for the voters

Krans says we have some summaries on the front page he asked if we need to make them longer or clearer. Landry wonders what has happened with the Manchester charter commission. Landry says on many of these explanations people would not need the full charter to understand the summaries. Gilmore thinks they are very good and clear. Reynolds does not have any big issues with it except it is hard to follow.

They took a 5 minute break, Krans called the meeting back to order. They reviewed the Manchester sample ballot at their last charter revision. Mone wants to know is the final report going to be available at the polling place for individuals to review. Dunnington says it should be available but not at the polling place but for educational purposes. Krans wants to have an educational campaign to explain their revisions. He asked the commission to mull the explanations over in the next couple of weeks before the next meeting.

9. New/Old Business

Reynolds moved to amend the Preliminary Report by including the following items C3-1 to

provide a city council of 8 at-large councilors and a mayor and C4-2 and C11-10 to require a periodic review every ten years. Landry seconds the motion. He handed out the amendments to raise this for discussion one more time. Boc says this is an important issue and we have already discussed it. He continued Bibber is not here tonight so he would like to not vote tonight. Also how would it work because we have already sent the Preliminary Report for review. He is not prepared for us to do this now. Reynolds says the chair has said we could make revisions right to the bitter end. Krans agrees with both of them. Dunnington says his only concern is that has just come to us now and we are down a commissioner. He agrees with Boc, we need to have everyone here to talk about it. He wants to table it. Krans is not accepting this motion to be tabled. Gilmore will vote against this but says Reynolds has the right to bring this forward tonight. This would make elections far more costly, he sees no impartial evidence that this is effective. Also this has not been shown to be popular with the public. He feels this would cause our charter to be rejected. Landry agrees with Gilmore that we may be down a person at any given meeting. And we all agreed we can add items right to the bitter end. He likes the all at-large council, it is a real issue and it would be the only real issue on our list. He is strongly in favor of this. Why can't we let the public decide this in November; he will say however given two choices the 11 member city council or the at-large city council; he is more in favor of Gilmore's 11 members. Mone moved to divide the motion into 3 motions Reynolds seconded the motion.

Motion passed on a 6-2 vote with Gilmore and Boc opposed. Gilmore stated on the first motion this one issue would dominate the ballot and can be brought by the city council at any time. It should not be allowed and an excellent example is the Manchester ballot that was passed out and that ballot was voted down by the people of Manchester. Woods understands what Gilmore is saying but she does not envision the city council ever bringing this forward, she believes they were trying to make the whole situation for the citizens of Dover. Almost all of the testimony from the people was to open it up for all people to run even if they are all from the same neighborhood. Today we email and we call she does not even know where her councilor lives. She does not think having nine council people or even 6 with a parochial view it does not benefit the city as a whole. Mone made the motion to divide the question and we are discussing all 3, he can't vote for all three with one motion. He can only vote for the substitute for more city councilors. Vote on the first motion an all at-large council failed on a 3-5 vote with Reynolds, Landry, and Woods in favor. On the #2 motion, the school board all at-large failed on a vote of 3-5 with Boc, Dunnington, Krans in favor. On motion #3 motion passed 6-2 with Krans and Boc opposed on #3.

Mone motioned on C3-1 and C3-3 on a previously submitted motion #2005-38-L to increase the # of councilors in C3-1 to 11 councilors.

Woods asked how can we revote on something we have already voted on. Mone moved seconded by Gilmore. Chairman Krans will allow this motion. Mone stated he received 5 telephone calls on this and 4 of them were in favor of increasing it to make it 4 at-large instead of 2, they were very happy with the substitute motion. Gilmore says this is a compromise and it moves us forward and is certainly in keeping with the other major cities in the state and it will allow those that support to have a greater say in government. Discussion ensued about the 11 councilor motion. Boc is confused on how we get it in the Preliminary Report, we will have to send an amended Preliminary Report to the State for review. Woods does not agree this is a compromise as it gives us 11 positions that we are trying to fill and loses us all the benefits that she sees in having the whole council running at large.

Dunnington says this is going to be too controversial for the voters to pass. We are putting this whole package in jeopardy. Gilmore says this actually passed the commission for a time. Boc moved the question; Krans says the motion is #38 on an 11 member council motion fails on a 4-4

vote with Mone, Reynolds, Gilmore and Landry in favor. Reynolds stated he will not be able to be here on the 23rd.

Gilmore says we have amended the final report to include periodic review.

Krans says now for Reynold's situation for June 23rd, he continued we could change the date or we could allow Reynold's to vote up or down in writing before the meeting so he can go on record with a vote. Boc still stands on his position that we all need to be here to vote. Gilmore says what if the AG and SOS have not responded by the 23rd why don't we put it off a week. Discussion ensued and it was decided they would stick with the 23rd and work on the issue of a new date.

Adjourn

Reynolds moved seconded by Mone to adjourn at 9 p.m. with all in favor.

Submitted by,

Judy Gaouette, City Clerk

[Minutes](#) | [DoverNet/Archives](#) | [2005](#)