

2005 DOVER CHARTER COMMISSION

MINUTES– APRIL 21, 2005 (5:00 - 6:50 P.M.)

CITY HALL CHAMBERS

Moment of Silence

Pledge of Allegiance

Roll Call; Approval of Agenda

Chairman Krans noted Commissioners Reynolds, Dunnington and Gilmore were absent, and Bibber is in the hallway but is here. Boc moved to approve the agenda with Wood seconding the motion with all in favor of agenda.

Motion to Send to Public Hearing an Amendment to C3-6; Motion #2005-35 (Reynolds)

Krans explained he promised Reynolds he would bring this motion forward but no one moved the motion.

Motion to Send to Public Hearing an Amendment to C4-6; Motion #2005-36 (Reynolds)

Mone moved seconded by Woods. It was noted that this would be \$1,000 per year unless changed by ordinance for school board members. Woods asked if both of these motions were brought up before. It was confirmed. Woods asked if it is necessary to put this motion before a public hearing again as it has had ample opportunity for the public to speak on it. Woods seconded by Boc then revised the motion to table both 2005-35 and 2005-36 with all in favor.

Motion to Send to Public Hearing an Amendment to C5-1; Motion #2005-14A (Krans)

Woods moved seconded by Landry to send to a public hearing. It was noted that this motion takes one half of Reynolds motion and revises it then the second paragraph portion of it is new about the city council posting contracts between the city council and city manager for 14 days in advance of entering into any agreement. Boc asked the rationale for Krans thinking. Krans says the last contract with the last city manager was never clear what the contract was. Boc disagrees saying you just had to request a copy of it under the right to know law. Mone agrees with Boc saying he has never seen a contract posted. Landry is not sure of the mechanism but it should be posted. Woods thinks it is a good idea. Bibber cannot support this as the community puts nine councilors in charge of a multi million dollar budget; we know with the charter that we now have they have quite a bit of control already but for us to put this to the public for their opinion, we are just going to create more problems, he entrusts this to the councilors. Boc says sometimes time is of the essence and a person may need to know right away and not be able to wait the 14 day period; timing is important. Mone agrees with Boc. Mone wants to amend the motion to 10 days with no names or salaries to be put on the posting; Landry will second the motion for a friendly amendment. Boc does not think the salary needs to be listed. See amendment: the last line would be "10 days" and "shall not include the salary or name of applicant". Motion to amend passed on 4-2 vote with Bibber and Boc opposed. Gilmore arrived at 5:22 PM and abstained from voting on

this motion. Motion passed as amended by all to a public hearing on 5/5/05.

Motion to Send to Public Hearing an Amendment to C7-2; Motion #2005-22A (Krans)

Woods moved seconded by Gilmore. Krans says Bob Duvall came before them in one of the first meetings and said what the Personal Advisory Board was supposed to do but they had only met once in several years. Krans researched this and would like to extend the period before the merit plan is adopted. Woods wondered if this should not be made a positive vote instead of a veto vote. Gilmore wonders when the 60 day period begins. Krans says it would be whatever day it is sent to the city council and then backtrack to the Personal Advisory Board so this is really a 120 day period. Gilmore asked what type of review will the Personal Advisory Board have to take of the merit plan. Landry asked if there is a simple amendment such as a date or if there is no real change; does the Personal Advisory Board need to see it and does this need to be reviewed annually. Woods thinks this is a key point to know if this is submitted every year. Krans asked Joyal if it gets changed each year or not. Joyal says it has only been changed twice since he has been with the City, once for the family leave act and once for the department head contracts that were passed. Woods says it sounds like this should be a mandatory vote by the council and the plan could become effective upon the positive vote of the council; she would like to add this friendly amendment. Krans says we are only voting on if we want the Personal Advisory Board involved in this or not. Mone will support the motion. Bibber is not sure the Personal Advisory Board is going to have anything to do anyway. Landry says what this accomplished is if there is an amendment the Personal Advisory Board would have to take a look at this. He continued the idea makes sense. Motion was passed by all.

Motion to Send to Public Hearing an Amendment to C7-6; Motion #2005-37 (Krans)

Gilmore moved seconded by Woods to send to a public hearing. Bibber wonders what will the Personal Advisory Board be used for as everyone else is in a union. Mone likes this one. Krans read a portion of this asking if this board had much of a role. Boc says this is really old and this is not utilized. Boc thinks it should be posted for 14 days and then send it to a public hearing.

Landry agrees with Boc that the public could take a look at it. If the Personal Advisory Board stopped taking action were they not precluded from the union contracts. Mone says on two occasions they did the search for the city manager but have not been utilized for hiring for many years. Bibber says when you start off with negotiations it is very clear who can be present at the table. Motion passed on a 5-1 with Bibber opposed.

Motion to Send to Public Hearing an Amendment to C3-1; Motion #2005-38 (Gilmore)

Gilmore moved seconded by Mone to move to a public hearing. Gilmore wants to increase the council from 9 to 11 members. He distributed a yellow handout saying he had spoken with Nashua and Manchester clerk's office on longevity issues and that they have several council members that have served for several years. He says Dover has a large turnover and we have had this discussion before. He brought an old annual report from 1919 when Dover had a board, mayor and alderman comprised of 11 people and also a common council in 1919 and 1920 just to show there is nothing magical about the number nine. Gilmore says the larger number would encourage more people to run and give them a few more eyes to look at things. In the state legislature there are larger committees. Serving on the council is hard and with more people it would give them more knowledge. Bibber says all the rules for a super majority of 6 would have to be changed he continued the more people the harder it is to manage. Landry asks about Concord, Nashua, and Keene, and they discussed the varied cities staggered terms. Landry

asked is the basic point to have more councilors at large. Gilmore says this would be advantageous. Everybody in the city would be voting for a majority of the council. Boc says their job is to recommend changes when something is not working. He does not see where we improve anything by increasing the number of councilors. Sometimes we have a problem getting people to run for nine seats, we will have more trouble. Woods disagrees she says we would have an easier time and this is a real good compromise as some people have called her and recommended this proposal. Gilmore says if you have more open seats, more people will be encouraged to run. He thinks this addresses a problem. Motion passed on a 4-3 vote with Boc, Krans and Bibber opposed.

Motion to Send to Public Hearing an Amendment to C3-3; Motion #2005-39 (Gilmore)

Gilmore moved seconded by Landry to send to a public hearing. Gilmore stated this is brought as a courtesy to the former Mayor Galt. Gilmore says it is not a bad idea to be selected by the council. Boc says this was changed by charter change referendum and there used to be huge problems with this, he does not want to send it back to the voters again. He says the voters have already spoken. Landry stated Andy Galt's message was so there would be harmony among the councilors. Bibber says some of the past appointments by their peers were not harmonious, he thinks this should remain the way it is. Mone will not support this either. Motion failed on a vote of 1-6 with Gilmore in favor.

Motion to Send to Public Hearing an Amendment to C11-4; Motion #2005-40 (Gilmore)

Gilmore moved seconded by Woods to send to a public hearing. Gilmore explained this goes hand in hand with Motion #2005-41 as well. The reason is he was part of the commission on the state legislature to get a state ethics commission. He was disappointed with the city council when they dissolved the former ethics board. This cost a huge amount of money when this failed. When you have complaints they should be able to go before an impartial board. In a city you could be self promoting if you are active here and there should be some type of public fairness. Boc supports this recommendation as he explained the former ethics committee in the city saying at one point they were used as a political tool and someone made an allegation about a person on the day before a city election. It became a very political thing to do. Later he was on a committee to refine the ethics process so he agrees with Gilmore for this and other reasons. He thinks it was ill advised when the ethics committee was disbanded. Mone is also in favor of this but wants a copy of the ethics ordinance before it was dissolved. Mone asked if Gilmore's numbering system is correct, Gilmore says it will number and flow better this way. Gilmore wants everything C-11-4 and after be moved up a number. Gilmore says the title should now be "ethics committee". Woods thanked Gilmore for bringing this forward; she is in favor of this also. He is concerned about the confidentiality clause. Gilmore does not want to address this issue just yet. Boc has additional language that he will bring forward later. Motion passed on a vote of 7-0.

Motion to Send to Public Hearing an Amendment to C11-5-1; Motion #2005-41 (Gilmore)

Gilmore moved seconded by Landry. Gilmore stated this is removal from office language so if you were vacant for extended periods then you could be removed. This would be the only basis the council or school board person could be removed. Woods asked if a councilor violates a provision of the charter, what if they did something very egregious, would it go a different route. Boc says there are some things that are not ethical violations. A person should be able to be censured if they miss several meetings. Gilmore would like it to say if a councilor is vacant for 3 months or more they can be removed. Boc says a councilor can be removed for just cause. Mone asked Krans if this could be C11-11 instead of C11-5. Motion passed on a vote by all.

New/Old Business

Krans says it will be his intention that these matters go to a public hearing on 5/5/05 and only speak to new motions that have been passed here tonight. Krans stated as always we will be polite as possible. Krans reported the results of the survey, there are 8 in number so far and motion 2005-#31 is causing a lot of negative votes and it has to do with the one year residency rule. They will vote on 5/12 and 5/19 on these issues. Landry would like to ask people how they would vote on the package of charter changes. Krans will work on this. Boc says we have been very concerned by what the public says and we have heard from a total of only 30 people. He is not convinced that the public is overwhelmingly in favor of anything. **Landry says for people who have been through the budget process we did not have a big turnout either.** Boc thinks actually the response has been good. When the public is really geared up about an issue, they come out in numbers. He does not feel the public is driven to change this charter; they are happy with the way it is. Gilmore disputes this and feels the public is aware and in favor of the commission. Landry commented of most of the things we have talked about especially the one about the all at large council will provoke people to come out and vote in November.

On May 12th and May 19th when we vote how much time shall we reserve for it. On May 12th 7-10 will that be enough time. On May 12th we want 5 votes to send to legal review and pare down the number of motions. On May 19th they will be requiring 6 votes and work on grammar and placement and this will not affect the vote. He would like to meet at 4:30 PM TO 7 PM Boc will check, Krans will speak with the ZBA, Gilmore wants to meet someplace else instead Krans urged Gilmore to come in with writing with the approved language to be able to vote for it and pass it around. Boc suggested they meet at the back of the room with ZBA in the front of the room Ruth Gorton (ZBA member) says they had the biggest turnout ever for a ZBA meeting the time they had to meet in the conference room. Krans wants to keep the 7-10 PM time slot.

Adjourn

Boc moved seconded by Landry with all in favor of adjourning.

Submitted by,

Judy Gaouette

City Clerk