

2005 DOVER CHARTER COMMISSION

THURSDAY

MINUTES– APRIL 14, 2005 (7:00 P.M.)

CITY COUNCIL CHAMBERS

Moment of Silence

Pledge of Allegiance

Roll Call; Approval of Agenda

Commissioners Present: Chairman Allan Krans, Vice Chair Phyllis Woods, David Landry, Chuck Mone, Charles Reynolds, David Bibber, Wil Boc and Tom Dunnington.

Gary Gilmore arrived at 7:30 p.m.

Reynolds moved to approve the agenda, seconded by Landry. Motion passed on an 8-0 vote.

Public Hearing:

Krans opened the public hearing and stated that he will be taking the motions in order (Clerks Note: He was not going by the previously distributed agenda for 04/14/05 but referred to another document which the Clerk did not receive a copy)

**Motion #10 Ward Boundaries** - *No one spoke*

**Motion #11 At Large Council**

Andrew Galt, 48 Prospect Street, stated he was elected in 1983 at a Special Election to fill a vacancy in Ward 1 and then again another 3 times, serving as Mayor in 1986 and 1987 and was chosen as Mayor by his peers on the Council. He stated he is a product of a system that won't exist if this Motion is adopted. He continued that he is opposed to changing the Ward system as it undermines equal representation and makes it difficult for candidates to knock on their constituents doors during a campaign. He also disagrees with filling vacancies with the next highest vote getter stating that the people didn't elect the second highest vote getter for the position in the first place.

David Scott, 220 Back Road – agrees with Mr. Galt's comments and wants Ward Council government.

Aviva Meyer, 1 Pebble Hill Drive – began by stating that her Ward Councilor never knocked on her door. She is in favor of an at-large Council as she feels that there are areas in the city where people don't want to run for Council and if there are qualified people from other areas they should be able to serve.

Pam Sawyer, 38 Fifth Street – is in favor of Ward Council representation.

Ron Huml, 199 Mast Rd. – stated that no one that he has talked to wants the at-large Council.

Krans asked for comments on Motion #26 at this time as well as they are related issues but people may feel differently about one than the other:

**Motion #26 At Large School Board:**

Rick Hebbard, 97 Spruce Lane - is in favor of Ward Councilors and related a story of trying to speak to various Councilors on a sensitive issue and only received a response from his own Ward Councilor. He feels that the Ward Councilor is more concerned with their own neighborhoods.

Peter Schmidt, 53A Fourth St – agrees with Mr. Galt’s comments and feels that the at-large system works in Portsmouth but Dover is a totally different kind of city than Portsmouth. He stated that the at-large system would turn into a name recognition game or someone with means versus someone with no means. He can’t speak to the school board at-large system as he has never served on the School Board but has been a Councilor.

Ron Huml, speaking on Motion 26 – does want the School Board to be at-large because elderly people have no representation.

Andrew Galt – speaking on Motion 26 – stated the basic difference on this is that there isn’t a school in every ward but there are streets, sewers, etc. in every ward and although the ward boundaries can shift with population, schools stay in the same place.

Schmidt stated that all schools are west of Central Avenue and that if all at-large one area may be more represented than the others.

Hebbard clarified that Garrison School, PCA and St. Mary’s are east of Central Ave and then asked if the School Board can decide how they want to be elected.

Krans stated that there has been no consensus from the School Board/admin thus far.

Aviva Meyer asked if it is possible to have reps from each area that the schools are in.

**Motion #11A – Elections** – *no one spoke*

**Motion #12 – Special Meetings called** – *no one spoke*

**Motion #13 – Appointments made by Mayor/Council**

Peter Schmidt feels the current system with the Appointments Committee works well.

**Motion #14 – Manager’s terms/conditions**

Mary Hebbard, 97 Spruce Lane – stated that if the term "indefinite" can be left out of our Charter. She understands that the State Law specify "indefinite" but if it can be left out of the Charter she thinks it would be less confusing.

Reynolds asked if that is what the attorney advised at the meeting on 04/13/05.

Boc stated that is basically what he said.

Woods stated we can make our own contract with the Manager but "indefinite" is "indefinite".

Discussion ensued.

### **Motion #15 and #16 – both referring to removal of City Manager from Office**

Ron Huml – stated that it needs to be clarified if there are only 5 Councilors present will 3 be able to remove the Manager or if it is supposed to be majority of whole Council.

Peter Schmidt – stated that removal should be for cause although he agrees that the term should be "indefinite" at the will of the Council, removal should be for cause.

### **Motion #17- Powers and duties of City Manager**

Hebbard commented that nothing should go into effect without Council approval for example the Merit Plan.

### **Motion #18 and 18A – Training Program for Councilors – no on spoke**

Motion #19 – Legal Officer

Andrew Galt stated that there needs to be an impartial City Attorney that reports only to the Council and City Manager and feels that the city prosecutor cannot be impartial when they report to a department head as well. He stated whatever form the city attorney is retained, it should be impartial.

David Scott - agrees with Mr. Galt's comments.

Ron Huml – stated there was an article in tonight's paper that explained how the City Attorney had been appointed by Mr. Beecher and was still the Prosecutor.

Parks Christenbury, 98 Cocheco Street – just arrived and spoke on various issues. His main concern is that the Commission keep in mind that they should weigh issues to see if they are important enough to put before the voters or if they are housekeeping issues that can be addressed by the Council at another time. He is also concerned that they not put too many issues out there because if someone is against one issue then everything else fails as well. Finally, he feels that it would be crazy to put the School Board at-large and not the Council as it would be a nightmare to administer elections with that system. However, even though he is unsure of how he will vote, he would like the at-large question put on the ballot even if some of the commissioners have a strong opposition to putting it forward.

### **Motion #20 – Budget Line Item**

Andrew Galt stated he worked through 6 city budgets and did go line by line on some and not line by

line on others. He supports the 2/3 majority vote over a certain increase because the CIP requires 2/3 for passage. He feels that across the board cuts are inappropriate because it affects smaller departments differently than the larger ones. He feels that it is important to go line by line as the Council has to set the direction and feels this is the most fair.

Ron Huml agrees with line item approval but wants to see a Finance Committee.

Dave Scott agrees with Mr. Galt and Mr. Huml.

Peter Schmidt has spent the last 2 years and 4 months on the county government committee and feels the system is too complex. The Council is as close to citizens as we get and feels that the majority of Council should have the right to vote the budget and does not agree with a finance committee because the Council will either rubber stamp their recommendations or end up going over everything again anyway.

RECESS/RECONVENED 8:00 – 8:10 p.m.

### **Motion #21 - Spending Cap and Default Budget**

Aviva Meyer stated that taxes are not inherently bad as they provide services that people want and need. She feels that a 3% spending cap hamstrings future Councils and doesn't take into account emergencies. She bought a house in Dover because it was a progressive city moving forward and feels that the Council should be given the latitude to do what they need to do.

Ron Huml – is in favor of a cap regardless of what the figure ends up being but wants there to be a 2/3 majority vote regardless.

Dave Scott – is in favor of a cap and feels that Dover should be treated as a service company and provide adequate service for what people can afford. The Council should set priorities and with a cap in place there is a possibility to override if necessary.

Rick Hebbard agrees with a cap and feels that it is necessary because Councils don't know how to say no. He stated that when another Charter Commission is formed in the future they can decide if it can be removed.

Dean Trefethen, 9 Danielle Lane – discussed the default budget as he agrees that the City Manager's budget shouldn't become the budget by default without the action of the City Council. Regarding the cap, the Council should do their job regardless and feels that is why we have elections every two years. He agrees with line item authority for the Council but feels they already have that but perhaps haven't used it.

Landry asked about the idea that elections take care of the Councilors who don't do their job and wonders who that comes into play with Ward Council versus the at-large concept.

Trefethen stated he is not in favor of eliminating Ward Councilors.

Discussion ensued regarding the history of budget adoptions.

Pam Sawyer is in favor of a cap and line by line authority. She feels there should be a savings plan for emergencies just like household budgets.

Rick Hebbard stated that a cap gives protection from having new Councilors who don't know what they are doing at first from being swayed by other Councilors.

Ron Huml favors a default budget motion and secondly stated that 56% of the households in Dover make less than \$50,000.

Peter Schmidt addressed the concept of having a spending cap and feels that any amount would be too arbitrary as the Council should be able to act according to circumstances at hand i.e. snow removal budget etc. He stated that he doesn't feel that any Council has been irresponsible since he has lived here.

Landry stated that the amount of the spending cap is somewhat arbitrary, but feels that the concept was important to bring forth for input and is not set in stone.

Krans reminded everyone that there is a survey on line for people to be able to vote for the motions.

### **Motion #22 – Merit/Personnel Plan**

David Scott stated that when the Merit Plan was adopted it removed control of 75% of the budget from the Council of personnel costs/benefits. However the Merit Plan wasn't approved by the Council so he feels they should start over and that the Council should have approval over the top 30 staff people hired.

Discussion ensued.

Dean Trefethen stated that there is a misunderstanding of how many people are actually under the Merit Plan as there are only 12 employees that fall under that document and the rest are in various unions which do have their contracts ratified by the Council.

Boc explained the history of the department heads having formed a union and then disbanding.

### **Motion #24 – powers and duties of Council – *no one spoke***

### **Motion #27 and #29- Future Charter Commission – *no one spoke***

### **Motion #28 – Salary of School Board members**

Peter Schmidt – stated that the School Board has more burden than the City Council with all of the extra committee meetings and student hearings, etc. and therefore should receive at least the same pay as the Council.

David Scott – agrees with Schmidt.

Dean Trefethen – ran for School Board and lost and agrees that their workload is significant and they should be paid more.

Ron Huml – agrees but also feels that the pay should be based on attendance.

Rick Hebbard - feels that this is public service and volunteerism and that if we can't pay people what they are really worth then it should be considered as such.

**Motion #30 – Deputy Mayor – *no one spoke***

**Motion #31 – One year residence requirement (in compliance with State RSA) – *no one spoke***

***RECESS/RECONVENED 9:05 – 9:10***

Chairman Krans opened the floor for general discussion from the public.

Andrew Galt – discussed the election of the Mayor as he feels that it should be chosen by the Council again instead of popularly elected. The Mayor is the leader of the Council and is meant to maintain decorum at the meetings, etc. and having a popularly elected Mayor gives the position the appearance of having more power than it does.

David Scott – discussed having a national audit firm prepare a narrative "blue book" and feels there are a lot of hidden costs with vacation accruals, retirement, health care, etc.

Rick Hebbard – is proud of the Commission for giving people opportunities to speak and have questions answered at the meetings and would like to see the Council have the same kind of format.

***The Public Hearing was then recessed until May 5, 2005.***

Discussion: Articles 4-7 – not addressed

Discussion: Articles 8-11 – not addressed

New/Old Business

Discussion ensued regarding the upcoming schedule of the Commission and how and when to present the package to legal Counsel for review.

Mone moved to change the rules to skip Step # 5 (Legal review – 5 votes required), seconded by Boc.

Motion FAILED on a 4-5 vote, Krans, Mone Boc and Bibber in favor (6 votes required to change rules)

Adjournment

Mone moved to adjourn at 10:00 p.m., seconded by Gilmore. Motion passed unanimously.

Respectfully submitted,

Valerie A. French

Recording Secretary

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