

2005 DOVER CHARTER COMMISSION

MINUTES – APRIL 7, 2005 (7:00 P.M.)

CITY COUNCIL CHAMBERS

Moment of Silence

Pledge of Allegiance

Roll Call; Approval of Agenda

Krans stated let the record show that Commissioner Reynolds and Commissioner Mone are absent. Those present were: Chairman Krans, Vice Chair Woods, Commissioner Landry, Dunnington, Boc Gilmore and Bibber. Krans asked for approval of the agenda with 5 the additional motions from Gilmore and Woods. He asked that these items be put at the end of the agenda. Gilmore moved seconded by Landry to put these items at the end of the agenda and approve the agenda. All were in favor of the motion.

Citizens Forum

Eileen Williams of Autumn Street is concerned about section C6-12; she thinks the city audit should be done by a totally independent and a national firm.

Woods has a point of information as she read her an RSA, on audits for cities and town.

Rick Hebbard of 97 Spruce Lane stated he had to miss part of the last meeting and it is difficult to see who is voting for what by the viewers at home. He has asked the cameraman to be able to see the vote more clearly. He then thanked everyone for putting the information on the website. He also appreciates the commission's work, efforts and flexibility. He also agrees with Mrs. Williams on the audit procedures.

Ray Bardwell of Spur Rd notices on 5-21 Section C6-7 he is wondering about the dialogue on the city manager line. He is hoping the city manager will come to the city council with expenditures and he does not want him to be micromanaged but he wants the council to have some control.

David Scott wants to second what Eileen Williams says about the audit, he added we also need a blue book report; he thinks there is an aberration in the city manager's salary. Next he has been studying the merit plan and he thinks its timing and acceptance is flawed. When 75% of the tax bill goes to pay salaries, this is the plan that controls that and the median family income is about \$45,000. He then mentioned how many city employees are making over \$75,000 and continued the pension plan is a major element of the merit plan and raises the benefit package way up. He then explained the flaws of the merit plan and how it was passed by default. He wants the charter modified to preclude this major flawed document. Bibber states for the record he does not think the city manager committed fraud.

Mary Hebbard of 97 Spruce Lane started out by thanking the charter commission for their politeness. She had had the good fortune of speaking with a retired commissioner recently who had several ideas that she would like brought up and one is to have the finance director made directly accountable to the

city council. She thinks there is an impression that the finance director is accountable to the city manager instead of the city council and this way he would have his finger on the pulse of the budget in

the case of the transfer of funds within the departments. Secondly, she is in favor of keeping the assistant city manager position as it is. She thinks Mike Joyal has done a great job; the level of respect has increased as well as communication; she thinks he would be a great city manager. She then mentioned the ethics committee (see hand out in folder) as she read from it.

Seeing no more speakers, Chairman Krans closed citizen's forum.

Approval of Minutes of 3/31/05 – not available at this time

Krans reminded people that the motions are all on the website and they include the results of their votes. They are also working on a survey on the website so people will be able to vote on what the commission is voting on at the same time. He reminded everyone of the public hearing that will be held next Thursday, April 14th. He invited everyone to come speak next week on any motion that has passed.

6. Motion to Adopt Revised Timeline: **Motion #2005-23A; Motion #2005-23B**

Bibber moved seconded by Boc to accept Plan A. Woods asked about the third date on the plan and was it the commission's intention that we not have any more meetings after that. Krans says not necessarily. Dunnington is confused if we have a preliminary report do we have to send it back to the AG if we change it. He stated the public needs to know when we are discussing the items. Krans wants the report to be published on the 1st of June and then give them one last chance to correct the report. Boc stated we could still amend it then if needed.

Woods stated there is a long time between the publication of their final report and the election. Bibber explained that is why he is for the fast track Plan A and then they can call additional meetings if needed. Kranz says after tonight we will have spent 22 hours on TV. He reviewed and listed who had given input in the form of ideas for motions at citizens forum also in the form of letters and how a lot of these items have become motions. Krans agrees with Bibber that in the middle of summer no one is going to be interested in coming to meetings. Gilmore is concerned it looks like 5/12 will be their last real meeting; he is also concerned with housekeeping issues that he says should be corrected. Krans stated we can do housekeeping right up until the end. Gilmore wants to know how many more meeting we are going to have. Boc states he is in favor of Plan A. He would like to move this along. Bibber mentioned trout season. Woods says there are some things that are not in this timeline. Krans says the timeline just hits the highpoints. Discussion ensued about their individual schedules.

Gilmore stated he is more in favor of plan B. Vote on the motion for Plan A passed on a vote of 4-3 with Gilmore, Woods and Landry opposed.

7. Discussion: *Use of Legal Counsel (at the request of Commissioner Woods)

*Written questions for Legal Counsel

Woods stated the attorneys review will be due by June 6th. She stated this is a real fast track and there has been no input from the legal counsel and funds have been appropriated for this. She wants to do this early next week or right after the public

hearing next week. Dunnington agrees with Woods. He would like their input before they are done. Now is the time to bring them on board so we know that we are doing this right. Boc disagrees as we may not be utilizing him all the time. Bibber wants to know what questions we would be having for him right now. He agrees with Boc; write the questions down if we have any questions. Gilmore agrees with the previous speakers, but he would like the attorney here to the review of all their motions at a workshop. Landry can't imagine why we would not have counsel at a public hearing. He has plenty of questions for an attorney. He will feel very uncomfortable not having the counsel here at one meeting this charter review only occurs once every 12 years. Bibber disagrees; he says this is too much to spend; we do not have any issues to discuss as yet. Boc says everyone wants cuts made in salaries but they still want to spend more money. He will vote no. Dunnington says we should have an attorney speak to us at a workshop only to see if what we are proposing is legal. Let's use the attorney that has been appropriated. Krans says we should spend legal dollars very carefully. And we have a requirement that it takes 5 votes to send it to the attorney.

Discussion ensued about how the city council gave them \$20,000 to use for this purpose. Woods stated it is extremely important that we use the counsel that has been appropriated for us to use.

Gilmore made a motion to hold a workshop with legal counsel prior to the public hearing next week and put certain parameters on the questions for legal counsel, Woods seconded the motion. Gilmore moved to hold a work shop with legal counsel at the earliest opportunity to resolve any issues that are going to a public hearing and to address any question they do not know how to address and to get some clarity. This is the first charter commission in 30 plus years. Bibber does not think we should be able to just spend this money just because it was authorized. He does not think we need an attorney as yet. Gilmore disagrees; Landry wants to move the question. Motion to meet with legal counsel passed on a vote of 4-3 with Bibber, Boc and Krans opposed to meeting with legal counsel. It was decided Krans would set up the meeting with counsel from 5-7 PM on April 14th

8. Motion to Send to Public Hearing an Amendment to [C3-11 \(Krans\) Motion #2005-24](#)

Gilmore moved seconded by Landry to send to a public hearing. Krans says it is his attempt to clearly state what the city council should do and for the council to have supervision of the city manager. Boc stated the previous language gave the council more authority. Krans clarified this is a new additional paragraph. Motion passed on a vote of 7-0

9. Motion to Send to Public Hearing an Amendment to [C6-5 \(Woods\) Motion #2005-25](#)

Woods moved seconded by Landry to send to a public hearing. Woods stated we have had a lot of testimony about the late adoption of the budget. And the notification to teachers of their employment status and if they will not be employed the next school year they need to be notified early if they will be terminated. She stated the original language makes no sense. Bibber asked Joyal for his opinion. Joyal offered a couple of cautions, if we move this date up a month, the entire budget schedule would have to be moved up a month this would mean the school board too would have to move

their schedule up to March 15th and his concern is if there is a brand new school board in office they would only have 6 weeks to work on the budget. Also you cannot adopt the school budget separate from the city budget. Boc asked Woods what is the problem we are trying to solve. Woods read the RSA to Boc. Boc does not think this solves the school department problem. Krans mentioned the upcoming two motions; she would like to combine the next two motions. Vote failed on a vote of 3-4 with Krans, Woods and Landry in favor.

10. Motion to Send to Public Hearing an Amendment to **C6-5 (Krans) Motion #2005-25A**

(at the request of the School Board Chair)

Gilmore moved seconded by Landry to send to a public hearing. Krans says this motion is at the request of the school department chair. Gilmore has a hard time with this motion, Boc agrees, you cannot adopt the school portion of the budget by April 15th; this is not a workable solution to the school board dilemma. Woods wonders if the DRA would have a problem with this. She does not think there has been a precedent set elsewhere. Krans wants to leave this as is. Motion failed on vote of 1-6 with Krans in favor.

11. Motion to Send to Public Hearing an Amendment to **Article IV (Krans) Motion #2005-25B**

Gilmore moved seconded by Landry to send to a public hearing. Krans explained the motion then the motion failed with all opposed.

12. Motion to Send to Public Hearing an Amendment to **C4-2 (Woods) Motion #2005-26**

Woods moved seconded by Gilmore to send to a public hearing. Woods says this is in response to public testimony that has requested the school board shall be all elected at-large. Motion passed with all in favor on a 7-0 vote.

13. Motion to Send to Public Hearing an Amendment to **Article I (Krans) Motion #2005-27**

Gilmore moved seconded by Landry to send to a public hearing for Future Charter Commission Questions. Motion passed on a vote of 6-1, with Boc opposed.

14. Motion to Send to Public Hearing an Amendment to **C4-6 (Krans) Motion #2005-28**

(at the request of the School Board Chair)

Gilmore moved seconded by Dunnington to send to a public hearing. Krans says this motion was at the request of the school board chair to give them a salary of \$1,000 per year. Landry would like to talk about Gilmore's proposal (**Motion # 2005-33**) at this same time also. Motion #28 passed on a vote of 5-2 with Boc and Bibber opposed.

Motion #2005-29 – Periodic review - Woods moved seconded by Landry to send to a public hearing. Gilmore asked if it parallels the State RSA. Motion passed 6-1, with Boc opposed.

No written proposals were submitted prior to the meeting for motions below.

Motion#2005-30 – Selection of Mayor and ~~Mayor Pro Tem~~ Deputy Mayor - Gilmore moved seconded by Landry to send to a public hearing. Gilmore stated this simply renames the mayor pro-tem to deputy mayor. Boc moved to amend by leaving in all the other crossed out language on the motion. Landry seconds the motion to amend to only change the name of the Mayor Pro Tem to Deputy. All were in favor of the amendment and all were in favor of the motion as amended.

Motion #2005-31 – Qualifications of Council members - Gilmore moved seconded by Landry to send to a public hearing. Gilmore stated this changes the language from 2 years to 1 year for residency purposes and Mayor Pro Tem to Deputy Mayor, then discussion ensued about ward councilor and boundaries. Boc moved to amend to leave the stricken language in, Dunnington seconded the motion to leave the one year and to leave the rest of the language alone. Motion to amend passed by all. Main motion passed as amended all.

Motion #2005-32 - Salaries and Compensation - Gilmore moved seconded by Landry to send to a public hearing. Gilmore explained that Concord, Keene and one other city does it this way. He wrote it this way so the sitting council could not get the raise. It only allows the council to increase or decrease the amount. Boc wonders why we need to change this section; Gilmore stated the charter language is very outdated. Krans will vote against this. Dunnington likes the way it is drafted; this is not just a stipend, he thinks they should be compensated appropriately. Bibber does not disagree. Woods says as an example, we have a citizen's legislature trying to keep up with legislation for two years. Their compensation does not reflect the value of their service. She also does not think we compensate people in the armed services appropriately that put their life on the line. She does think their expenses should be compensated though. Dunnington stated people that serve should be fairly compensated according to the economy. Boc does not think the city council would want to deal with this issue. Landry stated this should go to a public hearing. Motion to send to a public hearing fails on a vote of 3-4 with Landry, Dunnington and Gilmore in favor.

Motion #2005-33 – Compensation - Gilmore moved seconded by Woods to send to a public hearing. Gilmore does not see how they will like this Woods stated this is an attempt to bring equalization to the school board. She would also like to put in \$1000 for the school board members; this would send a positive message to the school board members that we value their service. Krans says we changed this item in **Motion #2005-28**. Gary is really concerned about putting these items in a charter. Landry stated this is a conceptual thing only and not a parity. Motion failed on a vote of 3-4 with Dunnington, Gilmore and Landry in favor.

15. Formation of a Committee to Draft the Preliminary Report

Krans wants to look ahead for when we want to draft the report as he has looked at

Manchester's final report. Woods stated we should be incorporating all the little words and changes as well. Woods stated this is an important piece of the process. She would volunteer to work on this committee. She also stated this committee should be meeting with their legal counsel; Krans disagrees saying there should not be counsel for this.

It was decided they will format this committee at a later time.

Formation of a Public Education Committee for the Charter Commission

Krans stated this pertains to a voting guide, he says we need a small committee to explain all these changes to the voters. Gilmore says they should wait on this process as it is too early still.

17. New/Old Business

Krans stated he will arrange to have legal counsel here next Thursday, the 14th at 5 pm.

18 Adjournment

Boc moved seconded by Landry to adjourn at 9:15 PM with all in favor.

Submitted by,

Judy Gaouette, City Clerk

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