

## **Moment of Silence**

## **Pledge of Allegiance**

## **Roll Call; Approval of Agenda**

Krans noted that all 9 charter commission members are present and the agenda is acceptable. Woods moved seconded by Gilmore to approve the agenda with all in favor.

## **Citizens Forum**

**David Scott** wants them to take a look at the city budget, including people costs which is 75% and the other cost is debt service, if we can keep a handle on these then we could manager the taxes. He continued about the gross overpay of different city employees, then added them up and states it comes to over \$565,000 for their salaries without benefits. For this reason in C7-3 he is recommending, he didn't give the clerk a copy. The annual gross pay for the city manager be established by the city council based on similar positions in other communities. He wants to take a look at towns similar in size. Mayor Menino in Boston is only paid about \$100,000 we need to get a handle and put this back in the hands of the city council. As far as the debt is concerned, 5 years ago it was 5 million it is now 75 million dollars. He does not feel most people can afford this escalation. He know every dollar he personally borrows he would have to pay it back and a lot more and so that is why he cannot afford it. He distributed another section with his proposals on long term bonding without giving a copy to the clerk; he continued we must rein in our bonding and our debt. Also he favors the ward representation as it will discourage newcomers by going all at large as only the well known people will be elected.

Landry asked Mr. Scott if he had seen the bonded items that come up each year, what is his plan, would it be to put it on the ballot in November. Mr. Scott stated the taxpayer does not understand the list of items in a CIP; all the taxpayer knows is what is going to hit my pocketbook.

Krans asked about the first point and salaries, Krans read that the charter now says there is a merit plan and this document is approved by the city council. Mr. Scott wonders how we get this escalation in salaries. Reynolds says when the council approved the budget, then that is when all the salaries are approved. Woods pointed out how the raises in merit plan became effective in C-7. Krans explained how the city budget is proposed and processed and passed. He feels all the cities of this equal size have the same mechanism in place. Scott does not feel this method is working very well as no other community in NH has had this sort of increase. Boc feels he is arguing to the wrong body, he should be speaking to the city council as that is who has the ability to put the brakes on spending and that is the elected city council.

Reynolds feels the city council has misinterpreted the city charter in recent years. Up until the last few years the council always had the authority to establish the spending in the city. Mr. Scott stated he used to live in Newton MA under proposition 13 where they had a spending cap. He feels that would help here in Dover. Krans asked where else in NH do they do this. Landry says Derry is comparable to Dover in size but it is a town.

Krans asked about the debt limit concern that Mr. Scott has. Discussion ensued. Krans asked Mr. Scott what he would have been opposed to in the past years bonding situation. Mr. Scott

does not know the answer to this.

Reynolds feels that question is a little difficult to answer without having the document in front of us. Gilmore feels Mr. Scott is talking mostly about towns in NH so this is somewhat moot to discuss this. Mr. Scott wants to know what Gilmore would do to slow down spending that is driving the homeowners out of their homes in Dover

Bibber suggests Mr. Scott should run for council. In order to make a change; the system is in place it is just not used.

Reynolds says everyone runs on the platform of saving money. So he wonders if Mr. Scott would be willing to change his mind and vote for all nine people in an at-large system. Mr. Scott reiterates his position that is in favor of all the wards.

Krans feels there are two things that would help city councilors do a better job, they need to be more specific in how they analyze the budget. And second he wants to make sure they are trained quickly soon after they are elected for when they adopt the budget soon after in the spring, it will be helpful. We need to be clear with our city councils and there will be training. Woods agrees with Krans but also thinks we should take a look at communities who have put a spending cap in their charter, she referred to the City of Franklin and Laconia. She would like to invite these cities to come have a discussion with them. Reynolds wants to add this onto their to do list; he still wants to check on Derry as they have a town council.

**Parks Christenbury** is here to clarify a few things; there are a lot of misconceptions about what the group is, he has been watching the public forum and as a person who has sat on the council three times in recent years, it is the elected city council that makes the decisions. He mentioned the difference in the roles of what the council was most recently and how it was 10 or so years ago. He feels we are now back to where we used to be. He feels the charter has been misinterpreted in recent years. He feels that only 3 or 4 items will pass the voters and they should pick the strongest items after going thru the process of what they feel can be changed. He feels that maybe we should put the ward system to the voters and see if they would like to change it. The bulk of the work that lies before this body works fine, there was bump in the road and that is why we are here tonight with a charter commission. He is hoping more people will get focused on this body as they go forward. He feels they are doing an outstanding job and trusts they will make the right decision.

**Bill McCann** of 20 Fisher St made a couple of comments about the size of the package they plan to present to the voters and that they should be prioritizing their items. He too feels that if they put 8 or 9 items to be voted on as a package that will be voted down.

He suggests that they not address the way school board and city council members are elected, he is in favor of the ward system, he feels the current system works, it is the local school board member that brings the issue to the people. He feels the same way about the city council. He likes the idea of local representation, he does not want to see items like this on the ballot; he is in favor of a democracy and neighborhood representation. If we elected everyone at large, all the council might come from just one neighborhood. He does not want to muddy the waters with issues that have to go to the voters and keep the ward system.

**Rick Hebbard** concurs with the last two speakers however you can have two issues for change and if someone does not like one then they won't vote for either. He agreed about the

reference to C3-2 about bringing a city councilor up to speed quickly after elected. Also everyday they put off having a charter commission public hearing, that is time that is going by and people will become busier and busier and they won't have time to come out and speak. He also wants them to deal with legal situations and the legal attorney. He questioned them about the all information that they receive is and should be made public as he feels all correspondence that is sent in to the commission should be made public and placed on the city website for review, also the charter should be uploaded on the website as it currently is and with a draft version with what the commission has proposed in another color with text to be removed with a strike through it indicating it's proposed removal with a strike thru it so the public can be review it. He reviewed each of the commissioner's ideas saying if we maintain the current manager, mayor, ward style and then call it a day. Then if we simply put together all the ideas that have been expressed and in the event of a vacancy we use the next higher vote getter in the ward and if the next highest is not available or no longer interested, then the council would have the authority to appoint that position. Then democracy would be working with all the people speaking on who they want to represent them; and finally you save the taxpayers money.

**Ron Huml** of 199 Mast Road ward four regarding the election for city council, they want the wards represented, he has only one recommendation for the school board and that is to raise their pay to the council level and to change the system to where they get paid for only the meetings that they attend.

**Jason Hindle** of 84 Silver Street has been watching listening and attending some of these meetings and has heard the recent proposals to keep the current ward system. For his own part he is advocating the Portsmouth system as it is a clean way of doing things. He feels that when a vacancy is created on the council he is not very comfortable in replacing a councilor if one leaves as he feels the people should be the ones choosing. He had the city clerk do research on special elections over the past 15 years; Krams wants to know the difference between a special election and a council appointed councilor. He discussed the debate on ward councilor seats. Currently in our system if the mayor leaves town or office or dies, you would need a special election, and if there is under a year then the council appoints the replacement. As a life long resident and young person, he currently rents and people are very transient so if elected by ward they would have to leave their seat as councilor. He knows of scenarios like this on the school board have happened; he realizes it is up to them what to send to the voters but he hopes that they clarify the role of the leadership of the council. As current mayor pro-tem, people always ask him what that term means; he would like them to clarify the name of the position. At the very least he would like to have the highest vote getter be the mayor or mayor pro tem with the two highest vote getters in the community. Another issue is that we have had this system for decades and people are comfortable with their ward representation. But he feels the council represents the city as a whole. When people contact the city clerk, she directs people to the councilor that is in charge of the sub-committees on the council. His only major concern that is usually addressed locally is with neighborhood zoning. He continued that in Portsmouth when they have neighborhood issues they go to the neighborhood to resolve the issue. He reiterated it leaves a bad taste in his mouth to have to appoint a new councilor. Gilmore asked Hindle if it would not be a daunting task for a young unknown person to run at large, Hindle feels they would just have to make a commitment to running; he gave the Scott Myers example of when Scott ran for Mayor as an unknown opposing incumbent Tom Dunnington and won.

Boc asked under Hindle's system and someone runs for mayor and the second person in line

is a wing-nut and gets elected, then we would be stuck with him.

**Peter Schmidt** commented on the red jackets that were given to the councilors. He addressed a number of issues including the next highest vote getter in line for mayor, it would not be good for Dover but Portsmouth is a much smaller city. He is not in favor of the next in line being mayor. If a councilor has to be replaced with more than a year left in a term, there should be a special election. In his instance, this is how he was elected to the council; this is not a situation that occurs that often. The purpose for this charter commission was to update the charter as it was purported to be out of date. He feels their charge was to update the charter, including a possible tax cap, ward updates even though he feels the ward system works well. The reality is the voters already get to vote for 4 of the elected 9 person council. He feels the system works fine the way it is. He continued on making his point. He suggests to them that if you load it up with lots of changes, you are likely to get the whole thing voted down; do the update and say we recommend a new school board system, just do a fundamental change. He explained the complexities of the various towns vs. city workings. He, as a state representative does not feel this is a good comparison. He is not in favor of a tax cap; he continued the state has to approve any of their changes before it goes to the voter.

**Rick Hebbard second time**, stated what you really ought to do is get rid of the ward boundaries and call it a day like Peter said, if you put more than two issues on the ballot it will make the voters say no.

Seeing no one else wishing to speak, Krans closed the citizen's forum and took a 5 minute break.

Krans called the meeting back to order at 8:40 pm

## **5. Approval of Minutes of 3/10/05**

Krans stated the minutes will be coming much earlier to them and from the city clerk in the future. Boc made a motion to approve the minutes; Landry seconded the motion with all in favor.

## **6. Report of Legal Committee: Motion to Hire Attorney (Commissioner Woods)**

Woods reported that the committee met on Friday, March 18th in the conference room to discuss the four final choices of the committee that were decided upon They were: Peter Laughlin, Dan Wensley, Steve Boltin and John Teague they felt that all were qualified. Two emerged as being the most qualified, Peter Loughlin emerged as the top choice. Mone moved seconded by Reynolds with all in favor of having Attorney Loughlin represent them. Woods moved to hire Attorney Peter J. Loughlin to represent the Dover Charter Commission. Reynolds seconded with all in favor. Boc asked Woods if she would send a note to thank the other attorneys for their interest. Reynolds has had a discussion with Jeff Harrington about the financial arrangement for counsel.

## **Discussion: Article 2; Sections C2-1B Conduct of Elections – definition of "forenoon" (Commissioner Gilmore)**

Gilmore said everything he said previously at the last meeting is wrong. Forenoon does mean before noon. The issue should be in clearer language but it seems OK.

**Discussion: Article 2 (at the request of the City Clerk's Office)**

The City Clerk deferred to Reynolds (see folder for clerks proposal) Reynolds would like to work with the clerk's office; Gilmore too will work some language, they wondered if this was housekeeping Krans asked if Reynolds and Gilmore go through the entire article 2 with the clerks lining out the wording we want to change in article two. It was agreed that we would have a proposal in writing and post the meeting for any work sessions on the proposal and copies will be made of the proposal for the next meeting.

**Review Discussion: Article 3, C3-8, C3-9, C-10, C-11 (at the request of Commissioner Woods)**

Woods has a concern with the brevity of C3-11 verbiage. She would like a much stronger description of the general powers and duties as she has heard again tonight what the role of the city council is (see motion #9 by Woods in folder) She wants the city to retain all the powers that towns have also. Woods moved Gilmore seconded the motion on C-3-11. Boc commends her but he feels the language in the current charter is sufficient and will not convey any more power. He does not feel this is worthy of going to the council/voters. Dunnington too commends Woods but he has a problem as when he goes to an election and if this does not make any sense then the people will vote it down, this is his concern that he is not to confuse the voters. He would be leery of getting more complicated. Woods feels there are many communities that were able to get wording such as this into their charters. She feels this is just one piece of clarifying and having the powers that the city council is authorized to have. This is just a step towards that goal. Landry asked about the wording as he feels the second sentence reiterates the first sentence. Gilmore explained that he does not know whether this gives the council greater ability to act. He thought this is why we retained counsel for this section. He would to pass this off to the legal counsel for a quick read. Dunnington agrees as he does not see the difference from the original. Boc says if we send this to an attorney, it will cost us money. Krans wants it to say the council should look at the budget line by line, but this is too confusing. He wants things clarified. Gilmore clarified we are putting an entire charter before the voters so he disagrees. It is their duty to explain to the people the proposed changes. He does not know if this proposal says the same thing as the original charter. Dunnington says a point of information our final product is going to be a document with these specific changes with an explanation. He agrees there is a consensus that the council needs direction to do its job. Woods feels the voters will be voting on the explanation that is put on the ballot not the actual wording of the charter. Reynolds says he worked under the charter for more than 25 years. Perhaps we should think about this proposal a little longer. Woods asks the members to agree to review "the powers and duties of the city council" to incorporate everything that is in the law. This needs to be approved right now as she does not feel this meets the law of what we should be having in our city charter. Boc read the city of Portsmouth's verbiage. He would like the language that we currently have with an added similar statement saying what the city council has the power to do. Krans says four votes takes this to a public hearing and after that five votes takes it to a legal opinion. The vote should be to go to a public hearing. Boc moved the question, as the chair is interpreting every motion as a motion to go to a public hearing but to legal counsel until we have a further vote.

Boc would like to move the question; Woods now wants to table this item. Gilmore seconded the motion and the vote was unanimous to table.

Gilmore then read his proposal on C3-6 regarding compensation for city councilors.

Gilmore moved seconded by Reynolds to move this to a public hearing. This proposal would not reward sitting councils. And will remove the amount from the charter. Landry asked about the current wording, Reynolds would like to add the \$1000 as a starting point and then allow the council to raise it periodically. Boc feels the language is complicated. Boc asked if we want to make the school board have the same things. Boc wants to say compensation will be set by the city council. Krans won't vote for this because it will cost money. Mone feels this is foolish as the current council does not know how many meetings the next council will have. Reynolds likes a mixture of this he would like the city council to set a certain rate but not lock it in the charter. This language should be set for the council and the school board. Gilmore offered to go back and re-work this. Gilmore moved to table seconded by Woods with all in favor.

Reynolds wants to discuss the upcoming meeting schedule. Krans want to look into the long term and plan our public hearings. We have 3 issues to go to the ph. When do we want our public hearing to be held; Reynold's wants a public hearing to be held on 4/14/2005, Krans would like to meet the 31<sup>st</sup> of March and the first two weeks of April on Thursdays, and also hold a public hearing on 4/14. Krans is concerned with the idea that we are being too thorough. Krans would like to send a lot of things to a public hearing and then sort it out. Reynolds agrees.

#### **Article IV: Schools C4-1 to C4-6**

#### **11. Article V: Administration of Government C5-1 to C5-10**

#### **12. New/Old Business**

#### **Adjournment**

Reynolds moved seconded by all with all in favor to adjourn.

Respectfully submitted,

Judy Gaouette

City Clerk