

**MINUTES OF MEETING**  
**ORGANIZATIONAL MEETING**  
**DOVER CHARTER COMMISSION**  
**TUESDAY**  
**FEBRUARY 1, 2005**  
**CITY COUNCIL CHAMBERS\***  
**7:30 P.M.**

Charter commission members present: Wil Boc, Thomas Dunnington Jr., Gary Gilmore, Allan Krans, David A Landry, Charles J Mone Jr., Charles Reynolds, Phyllis Woods and City Attorney George Wattendorf along with Acting City Manager Mike Joyal. Dave Bibber was absent.

**AGENDA:**

City Clerk, Judy Gaouette called the organizational meeting to order noting that all members had completed their oaths of office form and that all members were present except for David Bibber who has family and business commitments at this time.

**ELECTION OF OFFICERS**

**Chair**

The City Clerk asked for nominations for chair of the charter commission. Boc nominated Allan Krans seconded by Dunnington. There were no other nominations for chair, therefore by a show of hands all were in favor of Krans. The Clerk then turned the meeting over to the new chair.

**Vice Chair**

Krans asked for nominations for vice chair. Boc nominated Landry seconded by Reynolds. Landry then nominated Woods seconded by Dunnington. Seeing no more nominations, Krans closed the nominations. Votes for Landry were one, Boc. Then a vote was taken for Woods for vice chair with all in favor.

**Secretary**

Landry moved to nominate Gilmore for secretary seconded by Reynolds with all in favor.

Krans stated all of them have campaigned to review the charter thoroughly and carefully for the next 6 months and they will be holding a public hearing shortly where the public can come and express their concerns and ideas. He wants to keep all meetings public and some will be televised, he is looking for ideas from everyone, he urged people to come talk to them. He wants every one to be civil and finally he hopes to run this charter commission in an economical fashion to save taxpayers dollars.

Woods moved over by the chairperson. He added that all the minutes put up on the website and in the newspaper as well.

Krans asked if this was an acceptable agenda. Everyone agreed.

### **Adoption of Rules and Regulations**

Reynolds moved to adopt the rules that had been circulated before the meeting with Gilmore seconding the motion for discussion. Woods has a concern with the 2/3 majority vote requirement on 1-C, she feels this is a high bar to have to meet. She continued in the spirit of being open to what is presented at a public hearing, she feels 5 votes out of 9 of the commission, a simple majority, is enough. Boc seconded the motion saying the majority generally rules. If we adopt these rules and then change them it will take a 2/3 majority vote. Mone feels it should be a little more than a simple majority to put it out to the voters. He feels the voters voted for them and if we make changes we should all agree on them. Dunnington goes along with this also as he sees their roll is making changes of the running of the government of the city. People will have to know that we as a commission are in favor of it. Gilmore is speaking to another problem that could arise; a quorum is 5 people and there may be a problem with the simple majority. Krans asked Woods she feels a 2/3 majority as it says 6 votes. She feels there are two issues, and if we have 5 people that vote on an issue there will be some contention. She feels a majority vote undermines the spirit of the commission. We are bringing these changes for the people to vote on.

George pointed out that the RSA says the final report is a majority and that is a simple majority.

Reynolds is following up on commissioner Woods, the question is your amendment for a vote of 5 no matter how many are here. Her amendment is the majority of 5 when 9 people are here or however many are here. Landry now has a question with the clarification, he is comfortable with a minimum of 5 votes; he feels that is workable. This will not work for Boc the rules he agrees with the rules that have been used by the city council.

There has to be clarification according to Mone. Reynolds too has a problem with the amendment as Boc sees it. Landry does not find it nearly as unworkable as the others. With only 5 people present, he feels it could be difficult to pass anything. Mone wants to stay at a 2/3 majority vote. He feels the bar should be at a 2/3 majority vote, Gilmore echoes this because if they were in the state legislature, they use this rule, he feels the higher bar is the better course and that would ensure a greater success. Boc does not feel we have answered George's concern. George says it would say a super majority. Reynolds says point of order he wants to vote on each amendment separately. Krans asked if that was acceptable. Woods would like Commissioner Boc to point out the legal authority for us to require a 2/3 vote. In the normal course of events we would pass a resolution by a simple majority. Boc wants George to

check with the Attorney General's office.

Motion to amend fails on a 4-4 vote with Mone, Gilmore, Dunnington and Krans opposed.

Gilmore has a question on 2-C about the cancellation of meetings.

Reynolds says it is customary to have the chair call a meeting or to have it cancelled by the chair.

Boc made a motion to change 2-G, with Gilmore seconding the motion. Mone wants to set a time limit on the public hearings. Reynolds asked if 6-D is different than a public hearing. Boc feels it is different and that the public should have double opportunities to speak, one in general and one specifically. Gilmore has a question on Boc's intentions. He is confused about the scope of what we are talking about. Is Boc suggesting that every time we have a meeting we open the meeting up for a public hearing. Reynolds pointed out a public hearing is for some concrete proposal that they have come up with but he does not want to get bogged down with this. Boc says Reynolds has clarified this for him. He did not like the idea at City Council meetings that the public was not allowed to speak after some new item that came up during the course of a meeting but he understands the concept now.

George asked if they have provided for a quorum in accordance with Roberts rules.

Woods would like to be able to discuss the quorum issue as you are requiring at least 6 people; she would like that changed to 5.

Mone moved that in order to constitute a quorum you would need 7 people here. Krans says you may want to make it less, Gilmore says to amend it to make 6 members for a quorum, Mone seconded the motion. Boc says we need to think about this, Gilmore speaks and says that is not true to Boc, if 6 members are required to pass an item, we just passed a rule that it takes a 2/3 majority.

Boc sees no sense in requiring 6 people to show up. Motion on the number of people for a quorum fails on a tie vote of 4-4 with Woods, Krans, Dunnington and Boc opposed.

Reynolds moved seconded by Boc to have 5 for a quorum. Gilmore disagrees with this idea as it is going to take 6 people to pass anything. Landry says there is something illogical about having 5 people at the meeting and then they can never vote on the issue.

Reynolds feels we are getting mixed up because we need to settle how many it takes to vote on an item. So if we flip it, it would work.

George wants them to consider tabling this issue, he will check with the (SOS) Secretary of State and get a firm answer. Woods says when she saw this in the rules, she called the SOS on this and there is no statutory rule, Reynolds says it seems to him the Statute spells out some things but it leaves a lot to the commission on how they want to do things.

Boc does not feel this is a huge issue. Boc moved seconded by Mone to keep 1-C as original and add a quorum of 6 under 2-I. Woods says we had rejected any change to 1-C and now we are discussing the requirement for a quorum, she feels the issue of being able to conduct any business with only 6 is wrong; she feels we need to have a quorum of 7 or 8. Dunnington feels

it states under 1-C how many for a quorum, amendment passed on a vote of 5-3, with Woods, Landry and Reynolds opposed.

Boc moved to amend 2-H with Gilmore seconding the motion to say "by the committee", Landry asked is that a 2/3 vote. Krans says 5 will do. Reynolds disputes this. He does not feel we will have a lot of committees on this commission. Dunnington assumes that we as a commission will not vote for who is on the chair. Motion to amend 2-H passed on a vote of 7-1 with Reynolds opposed.

Dunnington moved seconded by Boc on item 3 to delete "upon request" from the fourth line from the bottom under city clerk. Motion passed with all in favor

Boc made a motion on 6-D, to eliminate the 20 minute time limit on citizen's forum with Dunnington seconding the motion. Gilmore asked for wording. Boc wants just citizen's forum at every meeting (with no limit). Mone wants the 20 minutes to stay there and put citizen's forum at the end of the meeting. Boc does not want to stipulate 20 minutes at every meeting. Mone wants to clarify that people should have the opportunity to speak afterwards towards the end of the meeting. Landry wants to make sure he follows this or are we having a lengthy public hearing to kick this off; because we could have 4 people speak for 5 minutes then citizen's form will be over. He also feels we have citizen's forum so people will not have to wait until the end of the meeting to speak but other towns have it at the end of the meeting.

Dunnington feels the purpose and using the term citizen's forum is misleading, the focus should be on whatever the commission will be discussing that night. He feels it has to be limited. Our effectiveness decreases as the evening goes on. Landry agrees this should be on issues that are being discussed that night.

Mone asked George when a general public hearing will be held. Woods was going to bring their attention to 2-G and that a public hearing will be scheduled within 14 days. She stated that is the time for people to speak as long as they want. As far as citizen's forum goes, we will need to control this to 20 or 30 minutes.

Reynolds pointed out while in theory citizens are going to come speak in an orderly fashion; they may have a concern from their last meeting and they should be allowed to speak their mind. Perhaps we could put in citizen's forum for 30 minutes. Boc is worried about the perception of limiting the debate. If a citizen wants to come out and speak until 10 PM, they should be allowed to. Gilmore feels we are confusing citizen's forum and public hearings as they are two very different issues.

Mone wants to know if we are setting up public hearings can we cancel them if necessary. Krans says it is the intention of the chair if someone comes to speak, he does not want to cut them off or limit their input. His tendency is to allow people to speak. Dunnington says so we should leave it open ended. Boc pointed out the rules saying we will adjourn at 10 PM unless otherwise noted. Reynolds feels the chair should have the power to rule. Language on 6-D passed with no time limit with all in favor of this amendment.

Boc moved seconded by Mone to amend 7-D to say "if we all reach a consensus"; Reynolds asks should we amend 7-A also and then we would not need 7-D. On 7-A the intent would be any items that "pertain to charter changes", Boc moved seconded by Dunnington with all in favor of the 7-A change.

Boc moved on 8-A as he wants to eliminate this item and open it up to anyone who wishes to speak, Mone seconded the motion. Dunnington disagrees we are discussing our constitution, he does not want people who are out of town to speak, if we open it up to anyone, we might be surprised at who will come. Mone clarifies, Woods asks the chair if this will be the conduct at public hearings or public forums, if this is addressing public forum, we need to limit it as in 7-A. She would like the opportunity to have other charter commissions from other towns be able to speak. Reynolds respectfully disagrees with Boc and agrees with Dunnington our time should be dedicated to Dover residents; others we will listen to privately and respectfully. Mone feels this has nothing to do with citizen's forum or the public hearing. Boc feels people may have valuable information for us from out of town. Landry can see why we may have people come to tell us how their charter commission worked in their town and where would this fall in the rules. Krans says on 6-F. Landry is trying to understand this. Krans says as chair if a person wants to come and speak about the charter then they will be welcome.

Mone says on 8-A, this is for people that own property in Dover even though they do not live here. But they should designate where they are from. Motion to eliminate 8-A failed with only Mone and Boc in favor on a 2-6 vote. Woods suggests that we deal with the heading "permission required" on #8 as this really refers to citizen's forum unless you mean it to refer to public hearing, she wants to eliminate "permission required". Gilmore says the city council does have a public hearing every time they change or add an ordinance.

Boc moved on 8-D seconded by Gilmore to add at the end of the first line "except at citizen's forum. Dunnington understands but what it means is we can recommend that a person not come to discuss an item after the commission might have voted and approved it. Landry agrees with Dunnington about the public hearing meetings; he wants to leave this item alone. Boc does not agree with Dunnington on having a limit on any of our rules. He wants people to feel they can talk about any item. Mone feels we have already discussed this item so he called the question. Motion to amend failed on a vote of 2-6 with Boc and Krans in favor of the motion.

Boc moved on 8-F to amend to 10 minutes with no second.

Woods asked what is the intent of a person's letter for the record, Krans says if they present it in writing.

Woods then wants clarification on 9-A, Landry seconds her motion to add onto the last sentence after requirement "that amendments shall be submitted in writing" and delete the rest of the sentence after consent. Motion passed on a 7-1 vote with Boc opposed.

Boc motions to amend to add 9-C that says "the commission shall conduct its business at no cost to the taxpayer". Krans seconds the motion. Dunnington will second the motion for discussion. Boc does not know why we need a budget to do this. He feels we can do our business and do it well with no budget. He feels an independent attorney would volunteer their time to review this. He does not want to spend any taxpayer's money. Gilmore hopes we are not talking to the cameras right now because we know counsel will need to review this and they will charge. Secondly there will be money needed to let the voters know what we are voting on. Frugality is incumbent upon us to do our job. The fact that we have been elected; there will be costs as we go forward. Mone feels this rule is unmerited; the clerk will need to pay someone to do the minutes. Dunnington feels the concept is a good one but he feels the voters expect us to do this right. We do need some resources if we need them. He feels we

need a budget but we need the tools to do it. Reynolds thinks he would be hard pressed to not have some independent legal counsel. He does not feel there will be a lot of attorneys volunteering their time. Woods agrees with Reynolds and Dunnington; we have not had a charter revision for 12 or 13 years. She does want some controls on the spending. She is in favor of setting a budget and maximizing. Boc does not agree we need to spend any money. Krans wants to take a vote on adding 9-C; motion fails on a 1-7 vote with only Boc in favor.

Gilmore mentioned schedules, he noted that the ZBA meets in these chambers every month, on the third Thursday.

Gilmore moved on 2-G, Boc seconded the motion to put a period after law and then add "public hearings will be scheduled prior to a vote on any proposed change". Dunnington asked does that mean we would hold a public hearing on a Saturday, only if we have a charter change vote. Reynolds asked Gilmore if it would suffice at some point that any amendments that we advance before the final vote is taken on any proposed change that we hold a public hearing. Dunnington is looking at the proposed timeline.

Boc feels Reynolds intent works for him. We won't take a vote on the final changes as amended without having a public hearing. Gilmore feels we are talking about a process that we have not agreed to as yet. He feels this will be piecemeal fashion. Landry thinks we should have the issues voted on with each proposed change. Reynolds is still trying to understand the process saying and if we get to the final group of amendments, we will have agreed on by a sufficient number and this will become a package and then the public will have a public hearing.

Krans asked Gilmore if it is one of his concerns that we will have a final vote at the end. This should be done and voted on throughout the process and after voting it will become an official change. Krans feels any change will ultimately be voted on. Dunnington clarified we will be looking for citizen concerns at citizen forums every meeting. Gilmore just wants a public hearing on every change. Gilmore explained the difference is at citizen's forum that the proper words are not before them. It is important for the public to see the wording so they can fully appreciate what those words mean. This will not be accomplished thru citizen's form. Boc moved the question, motion failed on a tie vote with Woods, Reynolds, Boc and Dunnington opposed.

Woods moved to change the wording to require that over and above Roberts Rules to allow any vote at any time, Gilmore seconds the motion as the intent is as we go thru the process that we will vote on amendments as we go along. She does hope we will be able to have a public hearing on the revision that the commission finally comes up with. Landry wants clarification on the idea and if 6 months goes by and we have these amendments. Woods feels if in the middle of February we adopt a particular amendment and we then get additional info that we would allow ourselves to be able to re-consider our former action.

Boc is not sure Roberts Rules makes a requirement of taking a vote.

Reynolds says there are a couple of avenues to accommodate that and will be subject to a final consideration as there are a number of ways we can do this. Dunnington agrees that Roberts Rules allows us to do this without an amendment. He feels we are covered. Motion was withdrawn.

Reynolds moved seconded by Mone on 8-F to add "unless extended by the chair". All were in favor of the amendment.

Reynolds moved to adopt the rules as amended seconded by Landry, Krans asked for discussion on all the rules as amended. Woods still has strong reservations about the 2/3 majority and on that provision she will vote against the rules, she feels that is an unusually high bar that has been set. Motion to adopt passed 7-1, Woods opposed.

Krans wants to discuss the public hearing date that is to be held within 14 days. Discussion ensued and Monday, 2/14/2005 at 6 PM in City Hall Auditorium was decided on by all.

### **Discussion of Schedule**

Krans stated Thursday will be the main day with some exceptions, Thursday, February 24th, Gilmore and Dunnington cannot meet on the 24<sup>th</sup>. Wil says it looks like the 1<sup>st</sup> and 3<sup>rd</sup> Thursday there would be no meeting the 24<sup>th</sup>, we have a public hearing scheduled on the 14<sup>th</sup> and the first meeting will be on Thursday the 17<sup>th</sup>. Krans wants them to agree on the 14<sup>th</sup> and 17<sup>th</sup>.

Boc moved to hold the remainder of the agenda on the 17<sup>th</sup> at the beginning of the work shop session. Krans wants a motion to suspend the rules to go past 10 PM. Reynolds wants to know about when we finish a number of revisions does that go as 6, 8 or 10 for the public to vote on. Gilmore moved to suspend the rules for 15 more minutes, Reynolds seconded the motion with all in favor. Reynolds continued it will make a big difference in the package; Boc feels each question should be treated individually.

### **Discussion of Budget**

Krans stated the next item on the agenda is their budget. Krans feels they need to ask the city council promptly for a budget. Dunnington feels we are discussing this in a vacuum not knowing what our needs are. Gilmore feels the resolution mentioned \$20,000 for this and they do not need to spend it all, Reynolds seconds the motion. Landry wants to know how they arrived at the \$20,000 figure. Reynolds says we should spend this as frugally as we can. Woods says we want to set parameters and if we can get all the legal help for \$5,000 or \$10,000 she is sure they will grant us up to \$20,000 but if something unforetold comes along she would like the option to increase this amount. Boc feels the council will ask what we need and we will not know until we make some changes. It will be hard for us to go to the council to ask for money when we do not know what we would need, also he is not really sure we will need counsel. Gilmore asked Mike if they were supposed to go to the council and ask for \$20,000, how that would work. Mike understands a special account will be set up. He is not sure how it will work but he will recommend that they go through the normal purchasing procedures. Mike will make staff available from the City Clerk's Office to take minutes and there will be no photo copy charge. Gilmore says and if we were to retain legal counsel and if we were to publish a booklet, Mike says sure.

Motion to ask for \$20,000 passes on a 7-2 vote with Krans, and Boc opposed. Boc clarified that each amendment will be limited to a single subject and voted on individually per RSA 49B-5.

## **Objectives**

#5 objectives Boc says we have all stated our objective is to review the charter line by line and word by word as a group with the least amount of money they can and see if they wish to offer any amendments. Boc moved seconded by Mone to make that a motion with all in favor.

## **Adjournment**

**Mone moved seconded by all with all in favor at 10:13 pm**

**JUDY GAOUETTE, CITY CLERK**

**\*This meeting was televised on Channel 22**

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