



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, July 29, 2009**
Meeting Time: **7:00 pm**

Present: Mayor Myers, Deputy Mayor Trefethen, Councilors Callaghan, Carrier, Cheney, DeDe, Scott and Weston.

Also Present: City Manager Joyal, City Attorney Krans and City Clerk Lavertu.

Absent: Councilor McCusker

Councilor DeDe led the Pledge of Allegiance.

Mayor Myers said he had an exciting Proclamation to issue tonight to the Dover Attack Softball team. He said they have earned the title of the 2009 12U New England Regional Champions of the Babe Ruth Division, and are going to North Carolina for the Babe Ruth World Series. He congratulated the team on their wonderful achievement. He said fund raising was key, and gave the viewers the mailing and email addresses to donate. He read the Proclamation.

Mayor Myers went over the discussions for the Workshop. He said Councilor Callaghan has indicated that he has a Charter proposal regarding hiring a City Attorney.

1. DISCUSSION ON ORDINANCES FOR BOARD AND COMMISSIONS CHANGES

A. ARENA COMMISSION

Deputy Mayor Trefethen said he was the current City Council liaison to the Arena Commission. He said the impetus for this change was the change in status for the Dover Arena from an Enterprise Fund to the General Fund as part of the Recreation Department. He said the reason for the Council Liaison was because of their financials, but that has been resolved favorably. He spoke of the wording changes regarding the reporting chain. The Commission would first report to the Recreation Department Director, and then he would report to the City Manager. He said it was his opinion that there should not be a Council liaison on the Commission; it was non-voting, and does not change the status of the Arena Commission. He said the members have been doing a great job in managing the Arena, in setting rates, and improving programs.

Mayor Myers said he served on the Arena Commission back in the early 2000's, and did so because he wanted to work to make the Arena a money-making entity. He said it was the Council at that time that added a Council liaison, and that the Arena Commission was originally established in 1978. He said it wasn't a major change and the Arena was in good hands.

Councilor Cheney asked how often the committee met.

Deputy Mayor Trefethen said once a month.

Councilor Cheney asked if the Council had trouble filling this seat.

Deputy Mayor Trefethen said at the beginning of this Council's term Councilor DeDe said he didn't want to sit on the Commission, no other Councilor stepped forward, it was empty for three months, and at that point he took the position.

Councilor Cheney asked about the reporting changes that will occur.

Mayor Myers said the Council lists the Committee Reports in every regular meeting agenda, and with the exception of Councilor DeDe and Deputy Mayor Trefethen it is very rare when there are written reports. He said the Council doesn't do a good enough job with reports.



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He said the Council had asked the City Manager to continue to report on the Arena as if it was a standalone, even though it was absorbed into the General Fund.

B. JOINT FISCAL COMMITTEE (JFC)

Deputy Mayor Trefethen said the Joint Fiscal Committee was established in 2002, and he has been a member for six years. He said other members of the Council are on this Committee and he did talk with them about this issue. He said the original intent of the Committee was to foster better communications between the School Board and the City Council, and that it was created before there was widespread use of emails by the City and the School Board. He said there were ample opportunities for everyone to communicate with each other between required meetings. He said if an issue came up that required a more formal communication it could be arranged at that time. He said when the Joint Fiscal Committee did meet, they discussed things that were already known from television and from reading the minutes. He said the Committee has outlived its usefulness. Mayor Myers mentioned that members of the School Board and the Superintendent were present and asked the Council to give them permission to speak.

Councilor Cheney asked the Council to allow a brief Citizen's Forum after Item 1.

Mayor Myers said he would need a motion.

Councilor Scott made a motion to suspend the rules to allow a Citizen's Forum after Agenda Item 1. and another one at the end of Agenda Item 2.; seconded by Councilor Cheney.

Roll Call Vote: 7/1; Passed. Councilor DeDe was opposed.

Councilor Weston asked the members of the Joint Fiscal Committee that are part of the School Board to speak about their feelings about the Committee going away.

Doris Grady, 43 Long Hill Road, Member of the Joint Fiscal Committee: She said it was her belief that the first paragraph of the Ordinance to disband this Committee indicates why the Council should not do it. She said it was stated that the purpose of this Committee was to facilitate communications about fiscal matters between the City Council and the School Board. She felt the trying times right now should be an issue of importance. She asked why anyone would want to break this major form of communication, which is the foundation of our government. She said prior to the Committee, the Mayor and School Board chair would talk about what would be passed by both parties, and said the Committee eliminated that back door policy. She said this committee allowed the City to be open and honest with the citizens. She said she hopes the Council keeps the Committee intact. She asked if she could speak on the Arena Commission.

Mayor Myers said she could.

Ms. Grady said the Arena was a big part of her heart, and she has heard it get blasted and torn apart. She said the Arena presents a lot more than just financial problems. She said it has a positive effect on Dover businesses. She said all the hotels and restaurants are filled during tournaments. She said this becomes an opportunity for the City to receive reports on the Arena from a Councilor. She asked the Council to consider not removing the Council liaison.



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Councilor DeDe said the reason for establishing the Joint Fiscal Committee had to do with getting together before the budget process started to try to get consistency between the City side and the School side of the budget. He said the tax cap has reduced the discussion to a formula. He said each board can still communicate with each other.

Councilor Weston said she is for communication. She said she read the ordinance that created the Joint Fiscal Committee, and one of the items was for the Committee to meet in February prior to submitting the School budget to the City Council. She said that did not occur. She said she felt the Joint Fiscal Committee should stay as is, because she felt the City needed the communication between the School Department and the City. She said she felt if the members sat down and discussed budget, then issues could be resolved. She said she couldn't put into words how much she is against this ordinance.

Mayor Myers said he has served on the Joint Fiscal Committee for the past four years, and said he didn't choose to serve on the Committee this year because even though the intent was very positive, the results weren't there. He addressed Councilor Weston's comment and said the Council chair was responsible for calling the meeting on the even years, and the School Board was responsible for calling the meeting on the odd years. He said he heard this year that the School budget had been passed, and they didn't see a need for a Joint Fiscal Committee meeting. He said in prior years he has asked the Council for direction to give to the School Board, and the Council has been reluctant to give any kind of consensus. He said one issue was telling elected members of the School Board what to do with the School's budget. He said he didn't know if the three members on the Joint Fiscal Committee received direction from the School Board. He said they would all meet and have some nice discussions, but nothing was binding. He said the Council could schedule a joint workshop with the full School Board.

Councilor Scott said he fully endorsed and agreed with Ms. Grady about the Joint Fiscal Committee and the Arena Commission. He said he disagreed with Deputy Mayor Trefethen and Councilor DeDe to close off these committees. He felt they were important and provided a good forum for discussion. He said he would support these committees and vote against repealing them.

Councilor Callaghan said he spoke on this when it first came up and his concerns were still the same. He said if they are not working, then they should be fixed. He said these committees weren't even notified. He said one member decided to abolish them because they didn't feel it was working. He said the decision to disband should come from the Committee if they feel their efforts are in vain. He said when he was elected he wanted to be on the Joint Fiscal Committee. He didn't feel they needed to be empowered. He also felt it would look funny if there is no formal connection between the Council and the School Board. He said they can discuss issues and report back to their respective Boards.

Councilor Weston asked who the chairman was for the Joint Fiscal Committee this year. Mayor Myers said it was Deputy Mayor Trefethen for the even year.

Marjorie Fisher, 23 Hillcrest Drive, Chairperson for the School Board: She said she didn't know if they had a chairperson for the School Board's side, but that they worked together. She said she felt the Committee could work, and felt all six of them should sit down at the next Joint Fiscal Committee meeting and try to work on it. She felt it was a



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good idea when it started, but felt they got out of the realm of what they should be doing, and should all try to work on it.

Councilor Weston asked Ms. Fisher about having a meeting in February.

Ms. Fisher said they did have a meeting in April.

Councilor Weston said they missed it, and it would have been a prime opportunity to meet in February. She asked Ms. Fisher if she canvassed the other members when this Ordinance came forward.

Ms. Fisher said the Joint Fiscal Committee members want to continue. She said they did realize that it's not working right, and they want to work on it.

Councilor Weston asked if the School Department wanted to keep it and revitalize it.

Ms. Fisher said that was correct.

Mayor Myers asked Mr. Huml if he wished to speak on behalf of the Arena Commission.

Ronald Huml, 199 Mast Road, Member of Arena Commission: He said the Arena Commission made a profit last year. This year it is estimated that the Arena will be \$75,000 short of the bond payment, but under the accrual method would have shown a profit. He said he appreciated Deputy Mayor Trefethen's participation on the Arena Commission. He did agree that the Arena came under the Recreation Department now, and if the Arena came up with a shortfall it has be made up by the Recreation Department. He recommended that Councilor Carrier represent the Council in speaking about the Arena under the Recreation Advisory Board.

Deputy Mayor Trefethen asked Mr. Huml what would be done differently if he wasn't sitting in on the meetings as the Council's liaison.

Mr. Huml said the Councilor liaison for the Recreation Advisory Board could report to the Council.

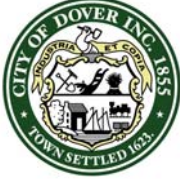
Deputy Mayor Trefethen said the Arena Commission is doing a wonderful job, and he didn't feel he was contributing to that.

Mr. Huml said the Deputy Mayor did relay the information to the Council. He requested that the Council do away with the \$2.3 million debt for the Arena, because it will never be paid. He said it showed no purpose to have that debt show every month on the report of the Arena.

Councilor DeDe said he did serve as Council liaison to the Arena Commission before the Deputy Mayor. He said he found it educational, but he agreed with Deputy Mayor Trefethen that a Councilor doesn't make a lot of contributions. He said the City Manager's Report includes all the financial reports on the Arena and reports on participants for the Arena. He said he understood the rationale on the recommendation for this Committee. He recommended that people look up on the website to see which Councilors serve on which committees before they make a decision.

C. TRANSPORTATION ADVISORY COMMISSION (TAC)

Deputy Mayor Trefethen said this Commission was relatively new, being established in 2001 to have planning and public safety done without politics. He said he had no complaints about this Commission, but he was struck by the fact that the majority of the work was done



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by the staff. The members go to the meetings, hear the reports from the staff, and make the decision of what to recommend to the City Council. He felt this could be streamlined by having all of the work done by staff, who would then make recommendations to the Council. He said the Police Chief has the power to make changes in case of an emergency. He spoke on the issue of parking on Durham Road last winter, and a constituent who called him about it. He said he brought it to the Police Chief who made an emergency decision on it, and then brought it to TAC, where it was then brought to the City Council. He said the Council should review all boards and commissions. Some are statutory, and the intent of these three proposals is to generate discussions. He said he didn't like the characterization that he was doing this alone, and asked that the Council not make this personal. He said he has talked with the City Manager and department heads, with staff members that serve on this Commission, and no one has said that the City needs a Transportation Advisory Commission. He said there were other ways to get the work accomplished, and they were willing to do it the other way.

Councilor Callaghan said he didn't disagree that the City could live without this Commission. He said it was interesting that there were three staff members on the Commission, and he didn't know how that could be remedied. He said these were volunteers that feel empowered to assist the City, and it helps the Council's relationship with the citizens by giving them a voice. He said to admit that they are doing a good job, and then take it away is not fair to them. He said the City could live without them, but he felt their value outweighs having it dissolved.

Councilor Weston said she is the Councilor representative and Chairperson for the Transportation Advisory Commission. She said she did extensive research on this Commission when she saw the Ordinance. She first wanted to correct the Deputy Mayor; a constituent also called her about Durham Road last winter, and through the Police Representative, Marn Speidel, it was then brought to the Police Department to do an emergency no parking zone. She said it was also brought up that TAC was brought about by the 2000 Transportation Master Plan, but in reality there was a Parking and Safety Committee, which had similar responsibilities. She read Page 15 of the Master Plan regarding the creation of TAC. She said it was created for a well-rounded discussion, with a representative from the Police Department, Planning Department, a City Engineer, and a Coast Representative. She said to take the citizens off this Board was going against the Master Plan. She said TAC was designed to help or aid the staff with making recommendations to the Council. She said they would depend upon the staff, but it wasn't their decision. She said they all had votes, and sometimes their decisions were overridden. She said TAC has been very instrumental with the Transportation Improvement Program (TIP). She said on May 18, 2009, TAC had a meeting with Strafford Regional Planners about what was important in Dover and the region. She said TAC is Dover's voice to the State, and that would go away without the Commission. She said TAC is now beginning the next Master Plan. She said TAC also works with the Schools, addressing sidewalks and crosswalks. She went over the issues TAC has dealt with. She said if the Council eliminates TAC, they are eliminating citizens. She said the City's staffs are overburdened, and she didn't know who would do the Master Plan. She hasn't received any feedback from the staff that they are in favor of eliminating TAC.



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Councilor Cheney said she was surprised to see this Ordinance to eliminate TAC. She said citizens want to represent their priorities. She said this was one committee that she would support keeping.

Councilor Carrier said committees, boards, and commissions are a group of volunteers, and if one thing is reported to the one of the City's departments, then they have done their job. He said these were watchdog committees that help the City, and he is all for that.

Councilor Weston said they are meeting on Monday with a Mr. Pecchi in Durham regarding traffic calming. She said they were going on their own time and it wasn't mandatory. She said she knew of one staff member who would be going, one that couldn't go, and didn't know about the other. She said the dedication on TAC is unbelievable. She said TAC is needed, and it would really be a shame to lose something that works so well.

Councilor Callaghan said with the amount of work and brainstorming that TAC provides, he felt in the long run it would cost the City more in staff time.

Deputy Mayor Trefethen said this was not a personal action on his part, as he suspects others have taken it. He said members of TAC have done a wonderful job. He said he agreed with Councilor Carrier that it was great to have people tell the City about things that the staff didn't see. He said the question was not the commitment, work ethic or the value of TAC members or the chairperson. He said the staff is doing this work for the most part now, and the staff can continue to do the work. He said there is perhaps a better way of doing this or a different way of doing this, but it has nothing to do with how well anyone has been working on the committee. He said the idea of a personal vendetta is false, and he doesn't know how else to say it.

Councilor Weston said before she would bring forward an ordinance to dismantle a committee she would have looked for a better way. She felt the City had to have a replacement for something before it got rid of it. She said she did take it personally, but she also researched it and really found out how important it is. She reiterated that she has not found a staff member that feels this committee should be dismantled. She also felt that TAC was essential on the Master Plan update, and an essential committee within the City.

Councilor DeDe said he took the time to contact representatives from the City, and said the City position is neutral. He said if TAC is dismantled the City will continue to deal with problems. He spoke of his position on the Conservation Commission, and if some members who have a narrow view, and he said that was one of the dangers. He said he was neutral himself on this issue.

Deputy Mayor Trefethen said he will confirm that the City representatives' opinions are neutral on this issue.

Mayor Myers asked the Council if there was any additional discussion about board and commission changes.

Councilor Callaghan said he has heard from time to time that people would like to see term limits. He said he could see the advantages and disadvantages to it. He wanted to throw it out to the Council as an idea.

Councilor Carrier said it was a valid point for some of the boards and commissions, because it can get very stale, and another set of eyes is good. He said sometimes a board or commission has someone that they wouldn't know what to do without.



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Councilor Cheney said she had heard from different board and commission members saying that they could be a better chair, or run the meeting better, than someone who has been doing it for years. She had heard more about term limits on chair seats.

Mayor Myers said he believed all boards and commissions elect the chair annually.

Councilor DeDe said they do elect a chair annually, but there was a tremendous amount of pressure to re-elect the chair, and term limits would eliminate that. He said he would be in favor of term limits.

Deputy Mayor Trefethen said he was on the Zoning Board of Adjustment for 16 years, and was the chair for 7 years. He said setting terms limits can be difficult, and felt it would be better to set term limits in the appointments process.

Councilor Callaghan said he has been listening to the Council. His only concern with the Deputy Mayor's idea with the Appointments Committee, basically setting a term limit, is that it has too much of a possibility to become personal, making the decision on a person-by-person basis.

Mayor Myers said maybe there should be a term limit on the chair, and not on the committee. He said they have lots of openings on the boards and commissions, and the City Clerk maintains the full list of openings, and applications to apply for a position on one of the boards or commissions.

Mayor Myers opened the Citizen's Forum for the Boards and Commissions.

Mary Hebbard, 97 Spruce Lane: She spoke to Deputy Mayor Trefethen, and said that the frustration he has been feeling from the other Councilors and the public is because they don't understand why these three committees were pulled out or given scrutiny at this time. She said it could have been brought up during Council Matters of Interest or a workshop proposed to discuss the boards and commissions. She said she didn't object to the amendment to the Arena Commission. She suggested a wording change to 7 members; 5 regular members and 2 alternates. She suggested clarification in Section C that the Recreation Department reports to the City Manager, and he would then report to the Council, or to just eliminate it entirely. She said she agreed with the reasoning that there were historical problems on the Commission, and that was why there was a Council liaison. She said it was stated that there was a Council liaison because it was an Enterprise Fund. If that was true, then there should be a Council liaison on the Dover Utilities Commission, which is involved in the Water/Sewer Enterprise Fund. She said she misses the brief verbal reports from committees. She said she opposes the elimination of the Joint Fiscal Committee, because any communication between the School Board and the City Council should be allowed, encouraged, and promoted. She said there have been admissions from both sides of communication problems, but there is a willingness to work through it. She spoke about TAC. She said that people don't want to bother people in authority with their problems, but are willing to go to volunteers. She said they need a historical record of what the issues were, what the discussions were, and what the solutions were. She said she supports keeping TAC in place for those issues. She spoke on term limits. She said she agreed with Councilor DeDe that some boards, such as the DUC or Zoning Board, need that historical memory.



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Richard Hebbard, 97 Spruce Lane: He said there was a motion to have a Citizen's Forum after Item #1. He asked why the School Board and Mr. Huml were then allowed to speak at that time. He asked why the Citizen's Forum wasn't on the Agenda. He spoke about TAC. He said that Deputy Mayor Trefethen said it wasn't personal. He said TAC does a lot of things, which Councilors Callaghan and Weston covered. He said he had issues with the public trying to go before the staff. He said the staff were set in their ways, know what they want, and they don't always get it if they go before a committee. He said TAC should maintain their status so that not only one person is making the decision. He said there are members on the DUC who know nothing about water and sewer issues. The Appointments Committee didn't want him and he does have experience.

Mayor Myers, seeing no one else wishing to speak, closed the Citizen's Forum.

2. DISCUSSION ON CHARTER PROPOSAL

A. TAX ASSESSMENT REVIEW BOARD

Councilor Weston said she has been working on this for several months. She said the Tax Assessing Board would consist of three residents with voting privileges, who show demonstrated knowledge of property appraisal and assessment. She said the Board would also include the City Assessor as a permanent non-voting ex officio chair of the Board. She said the purpose of the Board would be to hear property-owner abatement requests. She said the procedure now is that the citizens receive their tax bills and have until March 1st to file an abatement request. The City must respond by July 1st. She said if the citizen does not agree with the new assessment, then they can either go to Superior Court, or to the New Hampshire Board of Tax and Land Appeals (BTLA), where the average wait is 2 to 3 years. She said right now the tax abatement request goes back to the person who set the assessment. She said with the Tax Assessment Review Board, it would have three sets of objective eyes looking at it, non-political, at no added cost to the City. It would streamline the abatement process, and it's a sign of good customer service. She said it was her hope not to have these abatement requests end up in Superior Court or the BTLA. She said this is not a Board of Assessors, will not be assessing properties, or signing warrants to the State. She said it would be made up of three citizen members on rotating terms, so there is always two who have experience. She said Dover was the exception by not having this type of Board. She listed several towns that have had this type of Board for decades. She said this Charter Amendment would be placed on the ballot in November. She said it was written in collaboration with the City Attorney, and will go to the Attorney General's office for validation. She said this Board would take what is now a one man decision and expand it to a three people. She said the Assessor isn't completely out of it, but he doesn't have a vote because he was the person who did the assessment in the first place. She said the Board would have a non-political appearance, no cost to the City, would streamline the abatement process, and would enhance customer service. She asked the other cities if anything has gone wrong with this process, and they said no, it only helps the Assessor and the citizens. She spoke about an article in the July 26th edition of the New Hampshire Sunday News regarding abatements, and how New Hampshire has been lucky with few abatement



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requests, but expects them to increase this fall. She said having this Charter Amendment on the ballot in November allows the City to get this Commission going and be able to address the abatement requests in a timely fashion. She said if this doesn't get on the ballot, then it is sending a message to voters that they have no business voting on this item. She said it should at least be on the ballot to let the people decide.

Mayor Myers said he saw that City Assessor Wil Corcoran was present, and asked the City Manager if he was present to answer questions.

City Manager Joyal said Councilor Weston had asked for some data to be assembled, and Mr. Corcoran has done that and also put together a packet of information that explains the abatement process. He asked the Council if Mr. Corcoran could walk them through the abatement process.

Mayor Myers said he would like to get that background.

Councilor DeDe asked, if the Tax Assessment Review Board makes a decision is that the end of it?

City Manager Joyal asked Councilor DeDe to wait on that answer.

Mr. Corcoran said he would address that point. He gave his presentation on the abatement process.

City Manager Joyal asked Mr. Corcoran to go over the timeline for the abatement process.

Mr. Corcoran went over the timeline.

City Manager Joyal said once the tax warrant is signed the citizen has to go through the formal process.

Mr. Corcoran continued with his presentation.

City Manager Joyal said the Tax Assessment Review Board will be advisory in nature. He said there is no provision for an advisory board to overrule the Assessor. He said the Board will not create a situation where the citizen does not have to go to Superior Court or the BTLA.

Mr. Corcoran said the BTLA is getting more aggressive in their responses to abatement requests, because they don't want them hanging out there for two years either. He continued with his presentation, discussing the number of abatements filed.

Councilor DeDe asked Mr. Corcoran if he did assessing for some of the towns that Councilor Weston had mentioned.

Mr. Corcoran said he did.

Councilor DeDe asked what the price was to file a grievance with the BTLA, versus the price to file at the Superior Court.

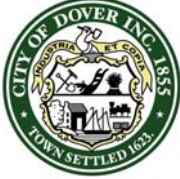
Mr. Corcoran said to go to court would cost \$100 to file, plus the cost of a lawyer, because it is not wise to go without an attorney. He said the filing with the BTLA is \$65.

Councilor Scott thanked Mr. Corcoran for his presentation. He said he understood that it was better to have a reassessment done during the year before the tax warrant is signed, because he can correct it and the citizen can avoid the abatement process.

Mr. Corcoran said that was correct.

Deputy Mayor Trefethen said he was neutral on the proposal. He suggested to Councilor Weston that the second Whereas in the Resolution was unnecessary. He said he wanted to focus on the Explanatory Note. He said the citizens want to know how it changes things.

He said the Explanatory Note just said what is changing, and doesn't explain how it is changing. He handed out his amended version of the resolution, and admitted that the



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wording needed some work. He went over it with the Council. He wanted to give the prospective voters more information.

Councilor DeDe said he felt this Board would politicize a process already being done. He said presently Dover has three cases pending; two with BTLA and one in Superior Court. He said it is an inappropriate solution to a problem that doesn't exist. He said State laws are flawed and subjective, and a civilian board can't change that.

Councilor Cheney said the voters should make the choice.

Councilor Scott said he disagreed with Councilor DeDe. He said it is intimidating to go to the BTLA, and felt a citizen board would be more comfortable. He said he didn't see any downside.

Councilor Carrier said Mr. Corcoran had 102 cases, and asked if the Tax Assessment Review Board would be reviewing all 102 cases.

City Manager Joyal said Mr. Corcoran will review all the cases, set up a meeting with the Review Board, the Board will make a recommendation as an advocate for the taxpayer, and ultimately the decision is made by Mr. Corcoran. He said if the citizen is still unhappy, they are still left with having to go through a formal appeals process with the State.

Councilor Scott said he visualizes this board keeping people from going to the Assessor if they know something about assessing.

Mayor Myers said it was not a board that meets without the Assessor.

Councilor Scott said the citizens could call up members of the Board to ask if they have a case.

Mayor Myers said he was uncomfortable with citizens calling up members of the Board outside of a public meeting.

Councilor Callaghan said he looks at this Board as a mediation or advocate group. He said he felt it was a great service that the City can provide.

Councilor Weston spoke about the minutes from the Keene Assessment Review Board, regarding 100 abatements filed. She said in her research with the State, there are exceptions for these boards to make changes to abatements. She said she has heard of cases where the citizen wasn't happy with what the Assessor did for them, and she said this is another place the citizen can go, before they go the BTLA. She said she will meet with the City Attorney regarding the Deputy Mayor's version because she felt there were some areas that worked better. She said this is not another Tax Cap Charter Amendment. She said it is nothing new and the system is working.

Mayor Myers said he has not decided on this issue, and plans to follow up with people over the next week. He also disagreed that every Charter amendment should go to the voter.

He said to Mr. Corcoran that he said he has served communities that have these types of boards.

Mr. Corcoran said he served in one community that has this type of board.

Mayor Myers asked how many reviews of these applications a board would take on during a meeting, and how much homework a member would have to do to be prepared for that meeting.

Mr. Corcoran said none. He said they were a Board of Assessors, and they do not get involved unless it goes to appeal.

City Manager Joyal said a Board of Assessors was different than a Tax Assessment Review Board. The Board of Assessors have authority over the Assessor.



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Mayor Myers asked what the average time requirement would be for a board to meet to review these abatement requests.

Mr. Corcoran said he worked 1½ days on one abatement request. He said his only concern is the timeline.

City Attorney Krans said Keene processed 85 abatements in 4 weeks. He said there may be preparation beforehand to make these meetings go so quickly.

Councilor Weston said the minutes from Keene that she had and the minutes indicate that they did 19 cases in 1 hour and 25 minutes. She said the Assessor does all the prep work, and the people on the board are like a jury.

Mayor Myers said that would be four minutes per case.

Councilor Cheney said she would be glad that the Assessor would be on the Board, because of his knowledge of State law.

Councilor Scott told the Mayor that he was assuming that the board would be duplicating what the Assessor was doing. He said he didn't feel that would be the case. He said the board would just take a look at the ones that there was no agreement on, and when the citizen felt he was not being treated fairly.

Mayor Myers said he just wanted to get a sense of the amount of time would be needed for someone on this board. He said he was surprised to hear that Keene can do it in 4 minutes per case.

Deputy Mayor Trefethen said he personally went through the abatement process with the Assessor a few years ago. He said he spent much more than 5 minutes in the office. He said Mr. Corcoran talked about his informal process for an abatement that he conducts year round, and he has taken care of a lot of them before the formal process. He asked if the informal process would still happen if this review board is created.

City Manager Joyal said he expected it to stay.

Deputy Mayor Trefethen said it wasn't proper for a citizen to call a member of the review board, but asked if there would be an application for them to fill out. He said he wasn't sure what was gained by the homeowners. He said they also have to wait for the meeting to occur, and be able to attend it. He said he didn't want to lose the informal process that is in place now.

Councilor Carrier made a motion to suspend Council rules to continue the meeting after 10:30 pm; seconded by Councilor Cheney.

Roll Call Vote: 8/0.

Councilor Carrier said his concern was if he felt the assessed value on his house was \$50,000 too high, and he went before the review board where the Assessor said that it was the value of the house, if in four minutes the review board went along with the Assessor. He said he would be upset if the board didn't do their homework.

Councilor Scott said in 2008 there were 102 cases, where 60 were granted and 24 were denied. He said they were only talking about the 24 that were denied. If the members are competent in the materials, they can review the material to give their opinions.

Councilor Weston clarified that of the 19 cases that Keene had on May 8, 2009, 12 people did not show for the hearing. She said the review board only heard 7 cases.

Councilor Carrier said he just wanted to make sure the members are doing their homework.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, July 29, 2009**
Meeting Time: **7:00 pm**

Councilor Callaghan said the board would be reviewing just the contested cases. Councilor DeDe addressed the general public and said it would be interesting to read the newspaper. He said from what we're hearing, the public might get the feeling that this board will make the decisions, but they won't. He said the Assessor makes the decision, and the board will not have any power. He said this board will only make recommendations. It also won't lower property taxes.

Deputy Mayor Trefethen suggested that the Council move on to the next Charter Amendment.

Mayor Myers asked the Council if they had any other Charter amendments to discuss this evening.

Councilor Callaghan referred to the draft Charter amendment on the Councilors' desks for the General Legal Counsel. He said Councilor Cheney will be added as a co-sponsor on this Charter amendment. He said this Charter amendment would move the City Attorney to be under the supervision of the Council. He went over the several reasons why he put this forward to the Council. He said this was very similar to Keene, New Hampshire, because they have a similar situation. He said it is really housekeeping lines to make it clear that the City Manager doesn't hire, supervise, or manage the City Attorney. He read the explanatory notes and some of the background materials to the Council. He referred to the Charter Commission meeting minutes and read some excerpts to the Council. He referred to Councilor DeDe's letter dated May 12th, and read it to the Council. He said he thinks it is time to do this and get it to the voters.

Councilor DeDe said he would have supported this change at that time. He said the City didn't have a City Attorney at that time. He said the City Manager, Paul Beecher, moved a Police Lieutenant over to the City Hall and referred to this employee as the City Attorney, who was a dues-paying Prosecutor in the Police Department. He said that individual did report to the City Manager, did his bidding, and in his opinion acted obstructively to the City Council. He said the new City Manager, Mike Joyal, as a first action removed the City Attorney from City Hall. He said after an extensive search, the review panel appointed Allan Krans as the new City Attorney. He said the City Attorney from day one has advised everyone and anyone for the benefit of the incorporated City of Dover. He said he does report to the City Manager. He said having a real City Attorney instead of a puppet has convinced him that the present Charter is correct as is. He said the City Attorney is readily available to the Council.

Deputy Mayor Trefethen said he did believe it should go on the ballot. He said he felt it wouldn't change any of City Attorney Krans' actions. He said he felt the Explanatory Note needed more clarification. He referred to his handout on the suggested changes he would recommend. He asked Councilor Callaghan why he didn't want the General Legal Counsel to be subject to the merit plan.

Councilor Callaghan said the City Attorney would be under contract with the Council. He said the City Manager is not on the merit plan. He said voters need to know that the Council would be negotiating a contract with the City Attorney.

Councilor Cheney said she had been interested in this for a long time. She said it was clear from the minutes of the Charter Commission that legal counsel should report to the Council. She read the Charter Commission minutes to the Council. She felt it had to be on the ballot.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, July 29, 2009**
Meeting Time: **7:00 pm**

Mayor Myers said to Councilor Callaghan that the intent of this Charter Amendment is to lend the City Attorney back to the City Manager, but it was not written anywhere.

Councilor Callaghan said no, it isn't.

Mayor Myers said that may be Councilor Callaghan's intent, but if this passes in November there may also be a completely different makeup of the Council, and there is no commitment to that.

Councilor Callaghan said he didn't address that because he didn't want to get into the employment contract.

Mayor Myers asked Councilor Callaghan how many other towns do this.

Councilor Callaghan said he knew of three, and then he quit his research.

City Manager Joyal said there are only 15 communities in the State with a Council/City Manager form of government.

City Attorney Krans said there were 234 cities and towns in New Hampshire; 231 do it our way and 3 do it differently.

Mayor Myers asked what happens to the present contract with the City Attorney if this passes.

Councilor Callaghan said he didn't know.

Mayor Myers said there may be an expensive severance package, and he is going to go look at that contract.

Deputy Mayor Trefethen asked the Council to give Councilor DeDe a pass on a 4-year old letter. He said he could have written that letter. He said he didn't have an issue with the current City Attorney reporting as he does, because he didn't believe it would change the City Attorney's action.

Councilor Weston said it should read January 2008 after additional factors, instead of 2005.

Councilor Callaghan said he had a concern, if the Council had an issue with the City Manager, that the Council would have to hire an attorney, and the employee would use the corporate attorney.

Deputy Mayor Trefethen said the perception is wrong. He said it's working and there isn't a problem.

Mayor Myers opened Citizen's Forum.

Mayor Myers, seeing no wishing to speak, closed Citizen's Forum.

3. ADJOURN

Councilor DeDe made a motion to adjourn; seconded by Councilor Weston.

Vote: 7/1; Passed. Councilor Callaghan was opposed.