

October 22, 2015

Dear fellow City Councilors,

Attached you will find two letters; one from Keene City Councilor Greenwald and one from Keene City Councilor Powers. Former Keene City Councilor Redfern made the trip from Keene and spoke with us directly during our workshop on September 23rd. Most communities in New Hampshire have the Municipal Attorney position mentioned independently in their Charters, or they hire an attorney on an as-needed-basis and that position is accountable to the elected body.

During the candidate night, it was stated that the City Attorney would need a new contract every two years. This is not true. Our City Manager reports to the City Council. The City Attorney would be, if the question passes, a Chartered Officer of the City, just as the City Manager is. He more than likely would operate autonomously, with a set of goals and a review process similar to the City Manager. Regarding the statements made about the ballot question conflicting with other Charter provisions; the Charter provides that each provision contained in it stands independently, and doesn't that just make sense! When the charter is changed for the City Attorney position there will be no conflict with the Council directing the attorney, since that position will not be under the Manager's purview.

Finally, it is very disappointing to hear our elected officials state that they supported the question going on the ballot, when in fact, though being afforded and offered more than once (even on camera) to sign the petition to get the question(s) on the ballot, not one of you signed the petition. It would be accurate for those that voted in May to move the issues to a public hearing, to state that you voted that way, and that is appreciated. But it is not accurate to state that you supported the effort to place the question on the ballot, unless you signed the petition to do so, which none of you did. Support does not mean not attempting to stop-it, it means in this case signing the petition, supporting the question going on the ballot. We should never consider or think we have the right to hinder the citizenry from their governance!

Since then, the Council has in my opinion, fostered opposition and continues to try to dissuade the voters, first by breaking Council Rules, and continuing through expensive and uncalled for workshops. Now forums and other platforms continue to beat the contrary message in venues where the voters are not heard and not presented with both sides of the question.

On November 3rd, Election Day, win or lose, at least the people can decide despite what attempts are made to the contrary.

Sincerely,

Catherine Cheney
Dover City Councilor – Ward 5
9 Snows Court
Dover, NH 03820

Letter from Mitchell Greenwald
September 14, 2015

Hello Dover!

I have been on the Keene City Council since 1995. I currently chair the Finance Committee.

We have 3 “Charter Officers”, which are hired by and answer to the City Council. I have observed that the City Attorney position works very well as a separate and equal with the other 2.

Councilors will often meet with the Attorney to get clarifications of issues and how the State of NH and the Courts deem what is legal.

There have been few occasions when the Attorney and Manager differ, but it is good to know that the Attorney is in no way accountable to the Manager as his supervisor.

There have been occasions when individual Councilors have chosen to not follow the Attorney’s advice, but seldom.

It is always made clear that it is legal advice, not a directive.

The Attorney lays out the facts and the law, and then the Council is free to follow the political path to decisions.

Never has the Attorney been “muscle” by Councilors with differing opinions and political philosophy.

Our system works very well!

I recommend it highly!

Mitchell Greenwald
Keene City Councilor, Ward 2
Finance Committee, Chair

Letter from Councilor Thomas F. Powers, III
September 23, 2015

As I said in the telephone call, the Attorney and The Manager and The City Clerk all are appointed by and report to the City Council by Charter. The Council's Finance, Operations and Personnel committee facilitates the Evaluations for each, and in the up coming year we expect to adopt a form that will be used to assist with the evaluation. A form is designed for each position.

Each Charter employee gets their direction from the Council as a whole, generally as a result of Council action at a regular meeting. The Attorney frequently fields questions of Councilors, responds directly. If the request is from a standing committee of the Council the response is generally formal in the way of a memo or discussion.

The current system of appointment of the 3 charter employees has been in existence for more than 35 years, and it works very well. I have been in the City for 28 years and I don't see any downside to the system, there has never been a conflict or issue with the assignment of work or completion of mission.

Thomas F. Powers, III
City Councilor-Ward 5