

CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: Workshop
Meeting Location: City Hall Auditorium-288 Central Ave,Dover,NH 03820
Meeting Date: August 6, 2008
Meeting Time: 7:00 pm

Present: Mayor Myers, Councilors Callaghan, Cheney, Dede, McCusker, Scott, Trefethen, Weston.
Also Present: City Manager Joyal, City Attorney Krans, and City Clerk Lavertu.
Vacancy: Ward 1 Councilor

1. PLEDGE OF ALLEGIANCE

Councilor Trefethen led the Pledge of Allegiance.

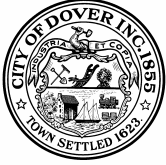
2. CITY MANAGER EVALUATION

Mayor Myers went over the background information for the Workshop. He said it was the end of a year-long process. The Council's goals for the City Manager are usually set in the fall, and they provide the City Manager with direction. He said the Council adopted the methodology being used to score the written comments, giving extra weighting to higher priorities. He said there were 17 goals passed that the Council evaluated, in four different sets of priorities. The first five goals are the highest priority, followed by three sets of four goals ranking 2, 3, and 4. He said each Councilor was given a scoring sheet. The scoring is based on a 1 to 10 point system, with 10 being the highest and 1 the lowest. He said the breakdown was: 1 to 4 would fall into the below expectations category, a 5 or 6 would fall into the meets expectations category, 7 or 8 would fall into the often exceeds expectations, a 9 means exceeds expectations, and a 10 would be consistently exceeds expectations. He said that additionally the Councilors were encouraged to submit written comments, either general in nature or specific to the goals. The combined Council score for the City Manager was 6.54, which falls in the higher end of meets expectations category, and the lower end of often exceeds expectations. Individual scores of Councilors were: Ward 2, Councilor DeDe, 8.56; Ward 3, Councilor Scott, 3.59; Ward 4, Councilor Trefethen, 8.76; Ward 5, Councilor Cheney, 4.52; Ward 6, Councilor Callaghan, 4.42; Councilor-At-Large Weston, 5.88; Councilor-At-Large McCusker, 9.21; and Mayor Myers, 7.39. His plan for the workshop was to go through the items in order of priority. The Council would discuss each item, and the City Manager would have an opportunity to respond. The Council would be able to amend their scores after hearing comments, but he felt it should be during the workshop session. He said he would have concerns if the amendments were given at a later time after the public hearing.

Mayor Myers started with the first goal of the highest priority: Develop an updated yearly master plan for road paving and sidewalk improvements, which would be a five-year plan, include variables such as costs, funding, and tie-ins with water, sewer, and drainage, and make this information easily accessible to the public. The Council score on this particular item was 6.13.

Councilor DeDe asked the Mayor to read each Councilor's score, so the public is made aware of them. Mayor Myers said he would read them in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers. He said the scores for this particular item were 9, 2, 8, 4, 4, 6, 10, and 6; with an average of 6.13. He said the Councilors' comment will be made public as a matter of record.

Mayor Myers moved on to the second item: Identify current outsourcing and potential future outsourcing opportunities, recommend efficiencies and savings as appropriate for either expanding outsourcing or bringing some tasks back in-house. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were:



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9, 3, 9, 3, 4, 7, 10, 7; with an average of 6.5, which falls in the higher end of meets expectations towards often exceed expectations.

Mayor Myers moved on to the third item: Work with the Dover Industrial Business Development Authority (DBIDA) to improve the opportunities to the City for economic development and business retention, and keep the Council updated with the role of the DBIDA Board. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 9, 1, 10, 2, 1, 5, 8, 8; with an average of 5.5, which falls in the meets expectations category.

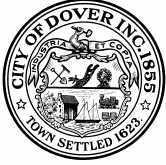
Mayor Myers moved on to the fourth item: Implement updated financial software and recommendations of both the Comprehensive Annual Financial Report (CAFR) and the most recent payroll audit to improve and correct noted issues. Mayor Myers said again in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 8, 2, 6, 4, 2, 6, 10, and 7; with an average of 5.63, which falls in the meets expectation category. Councilor Trefethen had a question about one of the comments about including the SAU in this. He was under the impression that the SAU was going to convert to the new system when the City gets it. City Manager Joyal said he was working closely with the SAU office on this and they were involved in developing the RFP at this point.

Mayor Myers moved on to the next item: Provide a budget for the Council's guidance, such guidance to be given in the January – February timeframe. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 10, 2, 10, 1, 1, 4, 10, 10; with an average of 6.0.

Mayor Myers said he was surprised at the range of scores on this item. He said the City Manager had submitted a budget that met all the limitations of the Charter Amendment, in a timely manner that included the school and the county. He knew some on the Council were not happy with some of the proposed cuts, but ultimately that becomes the job of the Council to determine what stays in the budget and what comes out of the budget. He felt that the City Manager had additional information that included costs for particular programs so the Council could place some things back into the budget. He said providing a budget for Council guidance was exactly what the City Manager did. He said the Council should have provided additional guidance to tell him not to cut children's programs and safety programs.

Councilor Trefethen said he felt some Councilors were engaging in what they wished the guidance of the Council was, or what their personal thoughts were as opposed to what was actually passed by the Council. He said he knew not everyone was happy with the Resolution, but it was passed by an overwhelming majority of the Council. He said to turn around and again present the disagreement as if this was the guidance that was given was wrong, and it was not a reflection of what actually happened. He said the Council, not individual Councilors, gave direction to the City Manager. He said he would like to see where the City Manager did not do what the Council told him to do in that Resolution. He said the statements in the evaluation are a reflection of what some Councilors wished he didn't do, but not a reflection of the Resolution. He said some of the scores were vindictive.

Councilor Callaghan said these were supposed to be individual scores. He said the quality of the product was also built into that decision. He said the point of individual scoring is to put down your viewpoint and not second guess what other Councilors are thinking.



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Councilor DeDe said the rating should be objective as opposed to subjective. He said those who didn't recognize that the City Manager submitted exactly what the Council requested have just rated it incorrectly.

Councilor Cheney said she disagreed. She said the City Manager has been in this position since 2005. She said he has heard the same thing over and over again. She said she felt the message should have gotten across.

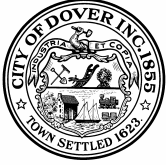
Councilor McCusker said his individual score was a 10 in this area and he felt it was for good reason. He said the history of presenting budgets in the City was completely erased when it came to this year's preparation as a result of the Tax Cap Ordinance. He said there were certain restrictions that were placed on the Council, the City Manager, and the Department Heads. He said each of the department heads were directed by the person they work for to prioritize, because the City can't exceed this budget limitation number. He said the City Manager looked at the City as a whole and said recreation is not on the priority scale, because the City needs public safety, schools, roads, to keep the infrastructure alive and well for the citizens. He said the City Manager can't say he doesn't want as much police enforcement in order to keep the pool open. He said the City Manager should not have been rated so low. He said the scores continue to prove how the Council is divided.

Councilor Weston said she disagreed with Councilor McCusker. She felt when the City Manager followed the Council's direction he should get a 5 or 6, meets expectations. To get 7 through 10, he had to go above and beyond to become creative. She said she gave him a 4 for two particular reasons. He did prepare the budget to fall under the tax cap, not only as a directive from the Council, but the taxpayers. During the budget process, when the City Manager came back to the Council to clarify the direction of the Council to find \$22,000 within the budget, he was specifically directed by the Council not to take it just from the Police Department. She said the next day the City Manager came back to the Council and said he took the funds from the Police Department only. She said the vote for that directive was 8/0. She found that to be disregard for the will of the Council. She said she emailed the City Manager about not following the will of the Council, and said she didn't even get a response.

Mayor Myers said he recalled that night the minutes were clarified. He said he believed it was Councilor Callaghan who made the original motion to cut the Police Department's budget \$22,000 in order to find this money for the Victim's Witness Advocate, but the Council wanted to give the City Manager the discretion to find it somewhere within the entire budget, but didn't preclude him from taking it from the Police Department's budget. He then spoke to Councilor Scott's comments regarding the \$1.8 million fiscal year 2008 surplus. He said he was concerned about misinformation going out, and that the City does not have a \$1.8 million surplus. He asked Councilor Scott why he keeps bringing that number up when it has been discussed several times that it is not accurate.

Councilor Scott said they were presented with some documents showing a comparison of what the budget expected for revenues and what actually came in. He said it looked to him like the City received about \$1 million more revenues than budgeted. He said there was also a second page which talked about expenses, and it seemed to him that expenses were \$800,000 less than budgeted. He said the only reply he received on his comments was that the City couldn't be certain about these figures until after the audit. He felt that was a bad excuse. He said if the audit shows a substantial difference it means the City has a problem in accounting. He said the City Manager should be able to have his fingers on the cash flow and know in March what the City is going to be running.

Mayor Myers said it was answered in the June and July meetings in much more detail than Councilor Scott's comments. He said he was concerned that there is still some misinformation coming forward on this in August.



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Councilor Scott said the answer was unacceptable and didn't make any accounting sense. Mayor Myers said he just wanted to go on the record that he found that misinformation continuing to come out to be unacceptable.

Councilor Scott said it was not misinformation. He said the City Manager should give the Council an idea of what the surplus will be for the year.

Councilor Trefethen continued with Councilor Scott's comments that if the City does have a surplus in 2008, then that money was available to spend in fiscal year 2009. He said that was a completely inaccurate statement. He said that was not what happens, has never happened, and will never happen. He said if it did happen it would be in violation of the spending ordinance, because it would be additional money that the City is spending that would be over and above the cap.

Councilor DeDe said he failed to see what Councilor Scott's comments about fiscal year 2008 had to do with the budget that was submitted for fiscal year 2009. He said it was irrelevant and doesn't even apply to this item for evaluation. He said this was again personal.

Councilor Callaghan said it appears the Council will have to agree to disagree on how the Council evaluates what is given to them. He said he felt bad that the City Manager has to take the hit for some of this. He said when the previous Council directed the City Manager for a budget they weren't just expecting a book. He said he expected a little more creativity.

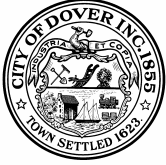
City Manager Joyal thanked the Council for taking the time to put their comments down. He said it was important for him to hear their feedback on these items. He said Councilor Callaghan just alluded to what is very important in this evaluation process; he needed to hear from each of the Councilors what their expectations were. He said there are eight different people sitting around the room, that he is trying to get a sense of what they want and where they want the City to go. He said ultimately the Council is who he takes direction from. He said once a decision is made he will do his best to get done what needs to be done. He spoke on the budget surplus issue and said the Council needs to be cognizant of the fact that the Council represent the citizens of Dover and provides information to them. He said when misinformation gets put out there, for whatever purpose, it is not serving the public. He said it shouldn't be the Council against the City Manager, but the Council and City Manager hand in hand explaining to the citizens what the \$1.8 million is. He said it has been explained many times, and he needs to know what to do to get the Council to understand it. He asked Councilor Scott how he can explain it so he could understand that is not a \$1.8 million surplus that flows into the general fund.

Councilor Scott said if the City Manager followed generally accepted accounting principles, and sees that the revenue was underestimated by \$1 million for the fiscal year 2008 and the expenses were overestimated by \$800,000, he asked how the City Manager doesn't come up with the \$1.8 million surplus. He said the City Manager's explanation was unacceptable.

City Manager Joyal said he understood the addition and subtraction of revenues and expenditures, but said Councilor Scott needed to understand the bigger picture of what those numbers represent. He said in the scheme of balancing the general fund budget, the numbers presented in the City Manager's Report were a snapshot of the general fund budget. They do not represent a surplus. He said simply adding one and subtracting the other is doing a disservice and misinforming the citizens.

Councilor Scott said he wanted a written explanation of the \$1 million of more revenue and \$800,000 less spending, and why that doesn't add up to \$1.8 million of extra money.

Mayor Myers said they will try to come up with something that will get the point across to everybody.



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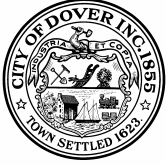
Mayor Myers continued to the first item in the second tier of goals: Henry Law Avenue reconstruction, expedite resolution to property abutters so that this could occur in the spring. Update Council, as needed, as to any legal road blocks that prevent this from occurring.

Councilor Trefethen said he had to be careful what he says, because a lot of the background information was done in Executive Session, because it pertained to legal matters. He said comments from three Councilors try to indicate that the City Manager and his staff were the ones that pursued eminent domain. He said that was absolutely false. He said the items were discussed in Executive Session and the Council gave direction. The end result of that was the resolution and that was done by the direction of the Council. He said anyone remembering it differently was not remembering it correctly. He told the Council to think about it, and in light of that different scores would be appropriate. Mayor Myers said he had similar thoughts. He read Councilor Callaghan's comment that the City Manager brought forward a resolution to take land by eminent domain. He read Councilor Cheney's comment that there was quite a controversy started when the City allowed a vote to come forward to take land from an abutter, and saying luckily that failed. He said he asked the City Manager to find the dates that the Council had non-public meetings. There were three: December 13, 2006, June 27, 2007, and September 12, 2007. He said three Councilors present weren't a part of those meetings, because they weren't Councilors at that time. He said there were five current Councilors present at those meetings. He said he was going to be coming forward with a resolution to release those non-public meeting minutes, so the record can be set straight, because he felt the comments were far out of line in blaming the City Manager.

Councilor Scott said the Henry Law Avenue construction goes through Wards 2 and 3. He said the residents were concerned that the construction could produce a high-speed road that would be dangerous to dogs, children, and the people who like to walk and run. The second area which many people are quite sensitive to is the trees, which make a beautiful arbor in color in the fall. He said it was mentioned in the City Manager's Report that the Council was advised of the tree cutting, and he didn't remember that. He has asked which of the trees need to be cut, and would like to see a report on that to advise the people in Ward 3 that these trees are marked for extinction.

Councilor DeDe said that he believed what was said was that there needed to be neighborhood meetings, so the problems that had occurred earlier would not occur this time around. He said the easements have not been a problem with just the farm, but with two other locations as well. He said once the road is paved and smooth, instead of rough like a washboard, it is probable that people will drive faster. He said the speed limit is posted. He said the City Manager has done everything possible in order to get Henry Law Avenue Reconstruction underway. He said there have been all kinds of snags; none of them are the City Manager's fault. He said most of the snags are problems with easements that the homeowners have to agree to, and he said the City Manager shouldn't be held accountable. He said the resolution to take the land by eminent domain wasn't something that the City Manager did. The original meeting that took place involved a lot of residents who wanted sidewalks, and when the issue came up to vote not one person who wanted those sidewalks showed up. He said prior to the vote he was ready to vote to take the land by eminent domain, but because nobody showed up to support it, it didn't make any sense to support it; otherwise it probably would have been considered.

Mayor Myers said he failed to read the scores into the record. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers; the scores were: 10, 3, 10, 4, 5, 6, 9, and 8.



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Councilor McCusker said as he went through this evaluation he gave scores based on what he knew of those areas. He said this situation happened before he became a Councilor. He said he knew about Henry Law Avenue through the CIP process. He said anything that happened one or two years ago in Executive Session he wouldn't be privy to. He said if he was to make a comment on something that happened in the Executive Session, someone would have had to tell him about it, and he said the Council knows that doesn't happen. He said Councilor Callaghan made comments that meant he had privileged information that the other new councilors didn't have. He felt that his grading on this particular item should have been limited, because they have only been councilors for seven months. Councilor Scott said the report that came from the City Manager with the evaluation said the Council was advised of the tree cutting. He wanted someone to go down and mark the trees that are going to be cut so people can see which of their trees are going to be cut. He said it was better to do it now, instead of after they have been cut. He asked the City Manager to mark the trees and give the Council a report.

City Manager Joyal said he remembered responding to Councilor Scott's comments that the trees would be marked. He said any property owner that abutted a tree that was going to be trimmed or cut down received notification from the City, and the City received a release from the property owner before the tree was removed. He said the only exception would be due to an eminent threat to public safety because of disease or storm damage. He said all of the residents have been provided this information. He said it was a time-consuming process that the City has to go through. He said this has all been presented to the Council. He said it has been in his City Manager's Report. He asked again what he could do differently to get the information across.

Councilor Scott asked if he could assume that every tree that is to be cut has been marked.

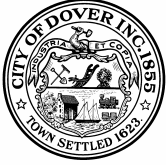
City Manager Joyal said he couldn't assume that, because there are still more fail conditions that they are going to run into. The roots might extend into the roadway and may get damaged and affect the tree, and they would contact the property owner and advise them that it might be better to take down the tree now during the construction instead of coming back later. He said the answer is no, he shouldn't assume that the cutting is done.

Councilor Scott asked if it was possible to tell the people which trees might be cut, so the people know. City Manager Joyal reiterated that every tree that has already been identified for cutting has been marked. He said if it hasn't already been cut, there are discussions ongoing with the property owners to get their approval or compensate them for that tree being removed. He said it wouldn't be doing anyone a service by telling the property owners that a tree might be taken down.

Councilor Scott said it was, because there are beautiful trees there that people want to know if they're going to be cut down.

City Manager Joyal said Councilor Scott should be telling his constituents that the City wants to limit any reduction of any treescape on any street, but we also have to balance that with the need to put through a roadway, within the right of way, that is going to be safe and designed on current engineering standards.

Councilor Callaghan said he wanted to respond to Councilor McCusker's statements, which he found indicative of trying to say that he got some information illegally or wrongfully. He said eminent domain has been a serious issue in the United States. He said the New Hampshire's Justice went to the Supreme Court, Suter, and immediately ruled on eminent domain rules. He said that since then it has been an extremely hot topic. He said when the resolution came before the Council it was something he didn't forget. He said that information was public in a resolution.



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Councilor Trefethen said he wanted to state that the resolution originated by the Council, was dealt with by the Council, and it was a unanimous vote “no” on the resolution. He said he fails to see why it is a knock against the City Manager.

Councilor Callaghan said it may not be. He has heard new information that may change his position on it. He was curious why the City Council told the City Manager to go ahead and do this, and then would shoot it down in the resolution.

Councilor Trefethen said Councilor DeDe explained that. He said again he just didn’t see why it was a knock against the City Manager.

Councilor Callaghan said he would possibly change his scoring once he saw the documentation that supports this discussion.

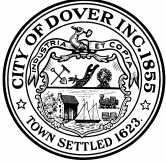
City Manager Joyal said Councilor Callaghan did not contact him about the details of this, and he would like it to be known that historically it has been the City’s approach not to use eminent domain to acquire land, but in fact to negotiate to extremes to acquire property or easements that are needed for public projects. It is his own professional position that the City should avoid at all costs using eminent domain. He said he has consistently communicated that to the Council and anyone else that has asked. He said there may be times where the City would have to do it, key words “have to”, but it shouldn’t be done and the City should find ways around it.

Mayor Myers continued on to the next item: Establish formalized department head goals and present with annual budget submission. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 7, 4, 7, 6, 7, 7, 10, and 5.

Mayor Myers said he felt the goals the City Manager presented to the Council for department heads were fairly comprehensive. He said they laid out specific goals for departments and laid out general goals as far as how we approach the business of the City. He said in that sense they were good. He thought the process could be improved where some of the goals are tied into the budget issues, and felt by knowing the impact to the department, whether it was new financial software, transitions of buildings, consolidation of offices – he would like to know how they impact the budget decisions. He felt there should be draft goals submitted with the budget, so when the Council is discussing certain spending issues, the City Manager can revise the goals based on decisions that the Council makes and have the final goals put in place going forward. Then have another preliminary report next budget time, on what was accomplished with the new goals and how the Council’s decision impacted them.

Councilor Callaghan read the comments by the other Councilors. He said it was a real eye-opener. He felt the Council should have a workshop to approve them.

Mayor Myers said department head goals were not the goals that the Council can approve. These are employees of the City Manager. He said it is not the place of the Council to approve goals that the City Manager has set. He said he would like to see them presented with the budget, so when he is requesting that the City buy new financial software, it shows that it is a goal of the finance department to integrate this software within this timeframe. Or it is the goal of the combined office of the City Clerk and Tax Collection, to make the transition and cross-train, but the Council needs appropriate funds to make the consolidation. He said the Council has a piece in this as to what the City Manager is setting for goals for his department heads. He said if the Council is not going to fund something, then the City Manager has to change his goals that he is setting forward. He said it needs a preliminary step, a final step, and then an evaluation that the City Manager does based on performance, without violating personnel issues.



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Councilor Callaghan asked if there was a system that the Council can implement that assists the City Manager in getting goals together that the Council agrees with. He suggested a workshop for the benefit of the City Manager to get some direction.

Mayor Myers said he thought it could be done, but the Council would have to walk a very fine line, but he would defer to the City Manager on that.

City Manager Joyal said the bigger issue was about setting policy and goals for the upcoming year. He said his contract requires him to do this goals setting process, and suspects that it will continue in September. He told the Council to set those as goals and objectives, and it is up to him to assign them to the department heads. He said the Council wouldn't necessarily approve the department head goals per se, but give him direction.

Councilor Trefethen said when the Council sets the goals for itself; the Council can't do anything in reality. He said the Council relies on the City Manager and his staff to reach the goals. He said the Council thinks we have power that we don't have. He said it is part of that learning curve for new councilors that they have to go through. He said he felt some councilors are embellishing what this goal means. He said the goal was: Do you have department head goals? The answer was, yes, he does. That part was met 100%. The second part was to submit them with an annual budget, and he said to the best of his knowledge that did not happen. He said his score reflected that. He agreed with the Mayor that it would be much more useful to have the formalized department head goals when the Council gets the budget, so he could see what the City Manager was expecting his department heads to do, and determine if the Council is supporting that with appropriations. He said some of the comments lead him to believe that some of the Councilors believe there is a lot more going on with this goal than there is.

Councilor Callaghan said the goals could be to buy all new cars, let's have several company-paid Christmas parties, let's open up all the bars on the City's tab for a couple hours each month. He said the Council would have nothing to say about that and it is the Council's mission to make sure the City Manager gets the money to do that. He told Councilor Trefethen that was what he just said to him. Councilor Trefethen said that is not what he just said. He used the Mayor's example; if one of the goals of the Finance Director is to choose and implement a new accounting software package, and the Council votes no to buy that software, how does that happen?

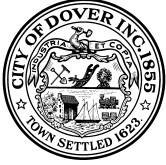
Councilor Callaghan asked if Councilor Trefethen cared what the financial software does.

Councilor Trefethen said he does, but that was a separate issue.

Councilor Callaghan said he disagreed. Councilor Callaghan said the department head goals need to be quality goals, they need to address the needs that the Council thinks need to be addressed and they have to be consistent with the Council's expectation of the City Manager.

Councilor Trefethen said when the Council meets in a few weeks to make up next year's goals for the City Manager he can state it that way, and that is what the Council will rate the City Manager on. He said to rate the City Manager on something that is not stated in the goal is – he said in a year and half from now you're setting goals that the next council will have to rate the City Manager on. He said that is just the way it works.

Mayor Myers said if Councilor Callaghan is dissatisfied with the way the City is going, then it becomes a problem between the Council and the City Manager. He said the Council certainly has opportunities to voice their concerns with the City Manager in a number of areas, and not just once a year. The Council ultimately certainly has opportunity for input, while not having specific authorization of department head goals.



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Councilor Scott said when goals are set for department managers it is sometimes difficult to put numbers in there. He used an example of a Public Works possible objective of lowering heating costs by 5%. He said he would like to see goals where department heads have to stretch. He said he would like to see some numbers in the goals. He said that was why he didn't give it a high grade. He said it wasn't just projects, but projects and how they use the City's money.

Mayor Myers also reminded Councilor Scott that specific concerns like that can be looked at at the next goal-setting workshop in late August, early September, for the City Manager. He said that was not part of the goal last time when the goals were set. He said a Councilor can bring that forward, and if it gets majority support from the Council it will become a goal for next time.

Mayor Myers went on to the next item: Establish quarterly public open forums with opportunities for public comments and questions, continue to hold topic specific forums as needed. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 5, 5, 8, 5, 4, 4, 6, and 6; averaging 5.38.

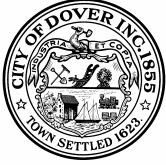
Councilor Scott said his evaluation was in the middle of those numbers. He said he had both a positive and a negative comment there. Positive: He said there was a very good meeting in Ward 3 attended by over 50 people regarding the Applevale Road/Hawthorn Road problem, and people were able to voice their problems and there was progress. Negative: He said in connection with the Henry Law Avenue project, there were several people on the bend there who complained that there was never any meeting to discuss widening the road. He said there should have been a meeting, because this is an important issue to people. He said when it looks like a neighborhood is going to be impacted, it is essential for the City Manager to hold a public forum to explain what he wants to do, and give people a chance to reply.

Councilor Cheney gave the City Manager a score that he met the requirements, because she felt the City Manager has been to most of the meetings she has ever attended. If he wasn't it was because he was at another meeting and can't be in two places at one time. He is always at these public forums and people can talk to him if they want to. She said they still needed the quarterly public question-and-answer forum. She feels that the City Manager is everywhere and feels confident that the City Manager has met her objectives there. She has never seen him not want to be at these meetings or among the public.

Mayor Myers went on to the next item: Complete Route 108 sidewalk improvement project. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 10, 6, 10, 6, 6, 5, 8, and 8; averaging 7.38.

Councilor Trefethen read the comment that said: "This project is not complete and may be as a result of poor planning, resource utilization, or prioritization of the City Manager." He said that wasn't true. He said this project has been delayed for two principle reasons. One has been the State, which we don't control. Second was the Ward 6 Councilor's repeated assurance that everyone up there wanted this done and done quickly, and there were several landowners that dragged their feet or refused to give easements to make this happen. He said that wasn't the City Manager's fault. He said the comment may have been made because they were unaware, and he said they are aware now.

Mayor Myers started with the third tier, first highest priority: Present, revise an abbreviated budget summary along with the budget, approximately 20 to 30 pages. Mayor Myers said in the order of Ward



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2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 9, 6, 6, 5, 5, 6, 10, and 5; averaging 6.50.

Councilor Trefethen said his interpretation of this goal was that the budget book was huge and complicated. He said what was needed was a summary that was short and concise with the important information, and he felt the intention was for it to be a separate publication.

Mayor Myers agreed with Councilor Trefethen.

Mayor Myers went on to the next item: Continue to work with the Willand Pond Ad-Hoc Committee, DES, Somersworth, Strafford Regional Planning, and others, to find and attain solutions to both short and long term issues of the high water table at Willand Pond. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 10, 4, 10, 6, 7, 8, 10, and 10; averaging 8.12.

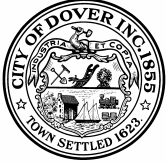
Councilor Trefethen said the one thing he has heard about the Willand Pond issue is, why can't they just dig a drainage ditch where the drainage used to be? He said there was nobody that would be more than happy to do it than himself, but unfortunately that is not the way things are done. He said that they need DES approval and other things that have to occur. He said he understood the frustration level, but it is evident from every report that they have received, including from the Willand Pond Ad-Hoc Committee, that the City is doing everything that it can to do this. He said we complicated the matter when this Council didn't want to appropriate any money to do it, because we wanted to point the finger over the City line. He said again that this is not the City Manager's fault, but the Council's. He said the Council compounded the problem, but he said the delay problem is really DES. He said DES was top dog and there was nothing the Council could do to change that.

Mayor Myers went on to the next item: Complete consolidation of City Clerk/Tax Collection functions, continue to work overall space needs for the remainder of City Hall and Police Department. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 9, 4, 7, 4, 4, 5, 10, and 7; averaging 6.25.

Mayor Myers mentioned one of the comments that the Council hasn't received any information on how much this is going to save the City, and tying in that this consolidation leads to a \$10 million capital project for the City Hall and the construction of a new police station. Again, he said there were 5 councilors out of the eight present who went through the variety of options that were made during the space needs presentation. He said those Councilors chose the minimalist choice, knowing the SAU was moving to the McConnell Center and freeing up space, knowing we wanted to make the first floor areas more customer service friendly and efficient for the public, and put less publicly used offices up on the second floor. He said everything that was laid out has been moved forward by the City Manager. He said the City has Karen Lavertu, who has the combined function of City Clerk and Tax Collector. He said there was an analysis given to the Council as to the savings for a 10-year period if the two offices are in the same physical space.

City Manager Joyal said it was just shy of \$1 million in savings, which includes the funding that was allocated to make the changes.

Mayor Myers said the focus of improving customer service has already been enhanced on a level of 10 with the offices still being separate, because the staff has been cross-trained. He said they have gone to more part-time personnel, which cuts down on benefits and retirement contributions. He said the Council needs to fund the office furniture, to make the office efficient and put the savings into place, along with giving better customer service at the same time. He said this is something that he blames



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the Council for not completing. He felt there was nothing that said the Council was doing a \$10 million renovation and building a police station, which is what Councilor Scott had in his comments. He said there is a reworked resolution that will be coming before the Council to go forward with the office furniture purchase. He said that it was not, as one comment suggested, that the City Manager was taking the opportunity with this objective to embellish the City Hall with thousands of dollars in furniture. He said it was to make the City more efficient and save \$1 million over ten years.

Councilor Scott asked for a copy of the report that showed the City would save \$1 million over 10 years. City Manager Joyal said he provided a copy to all of the Councilors at the last meeting which discussed the furniture, but he would get him another copy. He said it listed the weighed savings by consolidating the offices for cross-training and scheduling flexibility and the cost of the renovations and furnishing, with a net savings of \$990,000 over ten years.

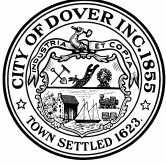
Councilor McCusker said he remembered the conversation regarding the furnishings. He said the combination of the City Clerk and Tax Collector's Office meant reconfiguring space. He said this was part of the plan. He said it wasn't consolidating the offices and by the way we need new furniture. He said he remembered so much discussion over furniture that the City Manager said he could hire a tax collector if the objective wasn't going to get completed. He referred to Councilor Callaghan's comments that said when the City Manager didn't get permission from the current Council to expend the funds for furnishing, he indicated that he would hire a tax collector, and that was a vindictive and subordinate act. He said he knew a lot of this is based on objectivity and perspective, but there was an hour and a half discussion on furnishings that night and he felt the City Manager was frustrated and asked the Council if they wanted to go backwards to the way things were. He said that was how he understood the situation, and felt to say that he was insubordinate and vindictive was out of line.

City Manager Joyal said he was frustrated, but his comment about hiring a tax collector was more towards the offices being separated and a lot of administrative activities, supervisory activities, internal control processes that are essentially in limbo right now. He said they're doing the best that they can, with Karen literally running between offices. He said there is a physical need to bring those offices and functions together in order for those procedures and controls to work the way they are supposed to. Councilor Weston said she wanted to clarify to Councilor McCusker that she did not vote against the consolidation. She said the debate was over giving the City Manager a blank check for the purchase of office furniture. She said the Council requested the City Manager to come back with a list and to put it out to bid.

Councilor DeDe said in a subsequent conversation with Dr. O'Connor, the methodology that was approached over at the SAU offices was that the staff basically set up the office and picked out the furniture. He said there are areas that subsequently, he has come to the conclusion that he would have been better off just spending the money to have a consultant design the offices. He felt that was what the Council should be instructing the City Manager to do. He said the characterization of the City Manager's comments as insubordinate is a stretch. He said someone has already alluded to the fact that you can't be in two places at the same time, but that is exactly what is being requested of Karen Lavertu at this point, because she has two separate areas to supervise. He said the Council has been dragging its feet on this, and the Council needs to help the City Manager get this done.

Councilor Cheney said she rated this 4, and she put her reason in a few other places in the evaluation. She said if the City is changing City Hall it should be more user friendly for the people who it belongs to.

Mayor Myers said he knows the furniture is not the whole issue, but he was disappointed when the Council didn't approve the furniture to make this consolidation work. He looked at what the JBC did, which has City Councilors on it, when they outfitted the offices at Woodman Park School. He said they



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went with local vendors and a State bid, and didn't go out to bid. He said the minutes also reflected the same trend for the SAU offices at the McConnell Center. He said he felt it should have been a very easy experience to piggyback on what the schools did, with the Councilors on the JBC.

Mayor Myers continued to the next item: Continue to expand City website offerings to also include a more friendly email for Councilors (Outlook). Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 5, 1, 10, 1, 1, 6, 10, and 7; averaging 5.12.

Councilor Callaghan referred to Mayor Myers comment that the City Manager implemented Microsoft Outlook. He said that is not what happened and referred the Mayor to his comment where the goal was to interface the email through Microsoft Outlook; it does not. The next one says it interfaces through Microsoft Exchange; which is a significantly inferior product and which is also substantially inferior to Microsoft Outlook Express. He said the goal says Outlook. He said he didn't know the Mayor's intent, but there are significant differences between the Outlooks.

Mayor Myers asked the City Manager what the City uses.

City Manager Joyal said Microsoft Outlook is the user interface, and Microsoft Exchange is the server application that runs behind the scenes. He said Microsoft Outlook works on personal computers and doesn't need a server. He said the City needs a server-based application, which is Microsoft Exchange, and Microsoft Outlook hooks into it, which provides a web access platform. He said Councilor Cheney was very critical of the web-mail application, because it was open ended and insecure. He said Councilor Turner was familiar with the functionality of Outlook with calendaring, contacts, tasks, and led to the City getting away from the prior application, which was web-mail.

Councilor Cheney said she liked web-mail, because it was UNIX-based. She said it was free, easy, flexible, and let her do whatever she wanted. She said she realized at the time that the Council thought an Outlook interface would have been easier.

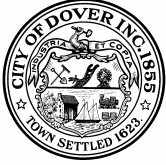
Councilor Trefethen thanked Councilor Cheney for her last comment, because that was exactly the point he wanted to make. He said the Council made the decision to change the email system. He said the City Manager didn't want to do it. Councilor Trefethen said he hated the new system and was perfectly happy with the old one. He said he gave the City Manager a 10, because he did what the Council asked him to do.

Councilor Scott spoke on the changes to the City website and all the complaints he has had about getting the agenda. He spoke on the IT budget and how it has doubled, and the website seems to get worse.

Mayor Myers said this was explained during the budget process. The Council talked about the franchise fee, the internet tax, hiring people to enhance the website, and adding cable access channels. He said this has been discussed, and he was surprised to see the same comments. He said that Councilor Scott wrote it like it has never been answered. He said the City Manager and Annie Dove, IT Director, answered this question. He said the Council has talked about the enhancements that are coming. The City has just started collecting the franchise fee.

Councilor DeDe said the Council asked for this change, and the City Manager arranged for this change, but three people said he didn't do anything and rated him below expectations. He said whether the Councilors like it or not, it is what they asked for. At least meets expectations is a 5 or 6, but a 1 is a fairy tale.

Councilor Callaghan said the Council didn't get what they asked for. The product the Council asked for was Outlook, and that isn't what the Council received. The other issue is how has the city website



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improved. He said the city website has a lot more information on it, but you have to be a genius to get through it.

Councilor Cheney said it was not totally the City Manager's fault; however, he is the one who has to meet expectations. She said there is an overzealous attempt to streamline everything, but the City needs to draw on the knowledge that we have.

Councilor McCusker asked the City Manager how many citizens call and speak to IT, his office, the Clerk's office, and complain about the user friendliness of the website.

City Manager Joyal said he can't say there is a lot. He does occasionally get emails about where to find information. He said they know that the volume of information that is available on the website is a problem, and he said it is difficult to figure out the best way to guide people. He said he wasn't hearing much except from councilors, who complained about changes to the agenda, which if anybody has looked recently, we have some additional changes.

Councilor McCusker asked if the City Manager considered the website to be a major issue for the IT staff day to day.

City Manager Joyal said he did consider it a major issue, because he is focusing on getting as much information to the public as possible. He said there is so much out there, and we're working on helping people find it. He said the website was developed 13 years ago by self-taught staff, and it wasn't until six months ago that the City hired a professional to update the website. He said it may not be the best right now, but he is proud of his staff with their accomplishments.

Mayor Myers continued to the final level of goals. The first is: Complete, update public, private wage and benefits analysis for Dover area labor force. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 10, 3, 10, 5, 4, 5, 8, and 7; averaging 6.50.

Councilor Scott said he had one constituent ask where he could view this survey on the website.

Councilor DeDe it was distributed to the Council.

Councilor Scott asked if it was on the website.

Councilor DeDe said yes, it was.

Councilor Scott asked where it was on the website.

City Manager Joyal said it was on the City Manager's Page. He said it was part of a comprehensive package of collective bargaining and comparative wage data.

City Manager Joyal asked Councilor Scott where he would like it posted.

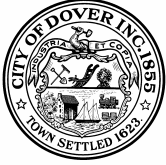
Mayor Myers said it was in the appropriate place.

Mayor Myers went on to the next item: Maintain accessibility to the public and visibility at public events in Dover. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 8, 7, 10, 9, 8, 9, 8, and 9; averaging 8.50.

Mayor Myers went on to the next item: Provide quarterly updates on Tolend Road Landfill, Turnkey Odor Issues and Dover Ice Arenas. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 8, 2, 10, 6, 6, 6, 10, and 9; averaging 7.13.

Councilor Scott asked how people find the Tolend Summary on the website.

City Manager Joyal said he believed there was a link for projects on the front page.



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City Clerk Lavertu said it was on the front page at the very bottom, where there is a link for Major Projects.

Councilor DeDe said it was also in the City Manager's Report every month.

City Manager Joyal said the website does have a Search field that works very well.

Councilor Callaghan said sometimes the Search doesn't work, but Google is great and it sometimes works on that and brings you to the Dover website.

Mayor Myers said he wanted to comment on the Arena and the Turnkey Odor Issue. He said the Council gets a monthly report on the Arena. He said a few people have commented on not hearing anything about the Turnkey Odor Issue, and he felt that was a good thing. He said the fact that the Council isn't getting complaints means the system is working.

Mayor Myers moved on to the final item: Establish a crosswalk plan to review appropriate numbers and locations, prioritize maintenance and painting twice a year. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 10, 5, 8, 5, 5, 5, 10, and 7; averaging 6.88.

Mayor Myers said the Transportation Advisory Committee hasn't completed their part of it. He said the painting is completed twice a year. He said he was concerned when they ran out of paint in February – March. He said the City has to investigate why it didn't last longer.

Councilor Trefethen said he was on Indian Brook Drive and said the heat-applied plastic markings held up better than the painting the City did in the spring. He said Massachusetts uses the same method and they don't paint every year. He said he knew it was very expensive, but it can last more than two years. He said it was probably worth doing, and something the Council should look at.

Mayor Myers asked the Council if they had any further comments on the issues before going into general comments.

Councilor Callaghan said he would be willing to review the scores.

Councilor Cheney asked what the process would be to make any changes to the scoring.

Mayor Myers felt the changes should happen in a public forum, but it would be the will of the Council to dictate what happens next.

Councilor Scott said he found this to be a very useful experience. He said he has learned a lot. He said he found Councilor Trefethen's comments to be very good, and even some of Councilor DeDe's comments were useful. He said he would like the opportunity to revise and extend his comments based on what he heard, and get back to the Mayor in a few days. He said this was the most important job of the Council, and suspects the comments that the Council made were helpful to the City Manager. Councilor Callaghan said he wanted to see the minutes from the Executive Session before he amended his score.

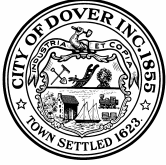
Mayor Myers said he wasn't comfortable with waiting a couple weeks to finalize this, but he doesn't speak for the Council.

Councilor Callaghan asked if the evaluation had to be approved in a Regular Session.

Mayor Myers said he didn't think so, because the evaluation was completed and numbers put in.

Councilor Callaghan asked for another workshop where they can revise their evaluation, and the City Manager has an opportunity to respond to the Council.

Councilor Cheney asked if they could submit changes to the Mayor and he could compile them for a vote or approval of the Council.



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Mayor Myers said in past years the evaluation was done in a non-public session at the request of the Council, as the City Manager agreed to do, because it is his prerogative to request this be done in public.

Councilor DeDe said this was a process that is governed by the Charter and State Law. Since the City Manager has opted to have this evaluation done in public, and anything that happens after this is non-public, therefore, he submitted to the Council that this is it.

Councilor Callaghan felt the City Manager should have time to respond.

Councilor Trefethen said that could happen, but it, the Council, was done tonight.

Mayor Myers said the City Manager gave a self-evaluation.

Councilor Callaghan said it was a report on his accomplishments.

City Manager Joyal said he appreciated the comments and he was willing to go through them with the Council.

Councilor Trefethen asked the Council what they should expect to do with these numbers. Perhaps there may be a change of heart on some points by some people, which can be addressed tonight.

Mayor Myers said it probably wouldn't change the score too much.

Councilor Trefethen asked if the comments were going to be made public.

Mayor Myers said it was a public meeting and it will be made public.

Councilor Trefethen referred the Council to page 17, and said the general comment concerned him greatly. He said the comment was: "He went as far as to try to prevent the City Council from attending the funeral of Councilor Keays." He said it was in relation to a 91.A comment.

Councilor Cheney said it was her comment.

Councilor Trefethen said he knew that, and that he was trying to be nice. He said he felt that was an absolutely false statement. He said his recollection of what occurred going up to Councilor Keays' funeral was this: There was a suggestion made by a Councilor that in respect to Councilor Keays that the Council should go to the wake together, and also to go together to the funeral as a body, as an official City Council act. He said the City Manager's response to that, in relation to the 91.A., was that it would have to be posted as a public meeting. He said that was his response, and not to prevent the Council from attending the funeral. He did arrange for the Council to have a pew in the church so the Council could sit together. He said he was trying to reconcile this statement with the reality, and it does not jive.

Councilor Cheney said she would reconsider the statement, but reading it she still knows a social gathering ----

Councilor Trefethen interrupted by saying a social gathering is not, but the wake was posted in the obituaries, and if the Council made plans to meet and go in together, then that is not a chance social gathering.

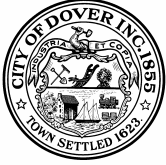
Councilor Weston asked Attorney Krans to clarify the law on this issue.

City Attorney Krans said the law does specifically say that chance social occasions are exempted. He said it really was a judgment call. He said people are going to have differing opinions on that and the City Manager had one.

City Manager Joyal said he had a suggestion. He said he was insulted by that statement. He said a lot of effort was made by himself, the staff, and Councilor Keays' family to make sure he received the proper acknowledgment for his service to the community.

Councilor Cheney said she was going to withdraw this statement from the review.

Mayor Myers said the City Manager could respond since the statement was out there publicly.



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City Manager Joyal said he did not in any way prevent the Council from attending Councilor Keays' funeral. He said if the Council reads the email again, which is on the website, he just suggested that some folks are sensitive to the details of 91.A. and the Council should be careful with that. He said he felt it better to be safe than sorry.

Councilor Cheney said she would withdraw the statement and had a comment to put in its place "it would probably be an asset and better working condition for both the City Manager and Council if he upgraded his knowledge of 91.A. and legal operations in which the Council is involved." She felt it was part of his responsibility to understand the law.

Councilor Weston said the Council is often accused of shooting from the hip, and felt it would be fairer to the City Manager to be able to clean up their statements and present a final draft. She wasn't sure on how to proceed.

Councilor Callaghan said he agreed with Councilor Cheney that the City Manager needed to clarify 91.A, because he felt the Council was handling it wrong.

Councilor DeDe said the City Manager had a good handle on 91.A. and could give any of the councilors a lesson. He said the City Manager would go to the City Attorney for any clarifications that he felt might be needed. He referred to Councilor Cheney's second paragraph: "I still see Mike being involved in the decision-making process to the extent where he vies for people to come out for his causes, or" and he said this was particularly heinous, "has the City Attorney write opinions to affect our considerations." He said that implies that the City Manager is forcing the City Attorney to write things that support things that he wants to happen. He said he was here to tell the Council that that is bull, and Councilor Cheney deserves censure for writing it down. "I feel he would do best to submit to the will of the Council and do the best job he can for the City of Dover, not just a few, but all citizens." He said that was again heinous. He said the City Manager works diligently on behalf of the entire City. He said maybe it wasn't good enough to please Councilor Cheney, but he would tell the Council that it is his experience, five years, that the City Manager works for the entire city and he works tirelessly at it. "Council continues to let the City Manager know what the citizen's want, and he should be able to deliver this, and should have some intuitive feelings as to what our general view is as a community after he has been our City Manager since 2005." He said the City Manager does understand what the citizens want. He also went on to say that some individual councilors think that they represent what all of the citizens want. He said the Council knew that wasn't true, not for anyone on the Council. He told Councilor Cheney that her general comments were worthy of censure.

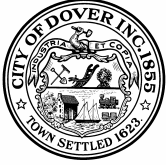
Councilor McCusker addressed the 91.A. comments. He said he would certainly want the warning rather than not know about it. He said he completely agreed with Councilor Weston, and that there needs to be some digestion of this information. He discussed the merits of having time to change scores and comments. He asked the Council for direction.

Mayor Myers said this was workshop material and these comments don't disappear. He said if it is the will of the Council to amend the evaluation they can, but the original documents for the workshop have to remain public.

Councilor DeDe call for a point of order. He said he felt this needed to be referred to the City Attorney. He said the City Manager asked that this be public and to let it go beyond the public's view is not complying with the Charter or the City Manager's rights.

Mayor Myers asked the City Attorney to give his legal opinion on the point of order. He asked if it needed to end here tonight, or if it can continue on.

City Attorney Krans said this was really a personnel matter between the Council and its one employee. He said evaluations usually happen in one event, but there are occasions where that doesn't occur.



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He said there had been some discussion that the Council hasn't heard from the employee, but he felt that the employee didn't have to respond. He didn't think he would find anywhere in the law that it had to be completed in one occasion.

Mayor Myers said if the Council wished to have something else go into the record to go along with these workshop materials, then they could discuss it during Council Matters of Interest. He asked the Council if they were agreeable to that.

Councilor Callaghan said the problem with that is that the Council is closing this workshop. He said he wanted to go back and reconsider his scoring, but he was not going to do it now. He said the Council is the employer and can decide that they are not done. He said they should be able to come back and complete his evaluation and not an amended one.

Mayor Myers said the documents for tonight's meeting don't go away.

Councilor Callaghan said he understood that.

Mayor Myers asked if the Council was agreeable to have it under Council Matters of Interest.

Councilor Callaghan said he would prefer a workshop session prior to the next regular meeting.

Councilor Weston asked if the Workshop could be extended to a date certain.

City Manager Joyal said the Council could do that.

Councilor Weston asked if what was submitted at that point would be the final evaluation.

City Clerk Lavertu said the present evaluation still has to go in, because there are minutes for this workshop.

Councilor Weston said she wanted to be fair to the City Manager.

City Manager Joyal said this doesn't have to be so difficult. The vote can be a resolution on the final evaluation.

Mayor Myers said he would not compile the numbers this time around.

Councilor Trefethen said the meeting should be recessed, and then the minutes will be for one meeting.

Mayor Myers said the City Clerk is Clerk of the Council, and asked the Council to send her their changes by 4:00 pm, Friday, August 8, 2008.

Councilor Callaghan asked if he could have the minutes for the Executive Session meetings.

City Manager Joyal said the councilors would have them in their mailboxes by 12:00 noontime, on August 7, 2008.

Councilor Callaghan made a motion to recess the Workshop until 6:30 pm, Wednesday, August 13, 2008, seconded by Councilor Weston.

Vote: 7/1; Passed. Councilor DeDe opposed.