



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Workshop  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, August 2, 2006**  
Meeting Time: **6:00pm**

### **SPECIAL MEETING:**

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL:

Present: Mayor Scott Myers, Councilor David Scott, Councilor Dean Trefethen, Councilor Harvey Turner, Councilor Catherine Cheney, Councilor Dennis Ciotti, Councilor Doug DeDe, Deputy Mayor Jason Hindle, and Councilor Robert Keays. Also Present: City Manager Mike Joyal and City Attorney Allan Krans.

3. **RESOLUTION RE: TURNING OVER ALL DOCUMENTATION OF ACCOUNTING IRREGULARITIES, FRAUD OR ILLEGAL ACTS.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Ciotti.

Mayor Myers began by reading the Council rule regarding the calling of a Special Meeting. He stated this meeting was posted @ 4:27 p.m. in accordance with the 24 hour notice requirement. He explained that this meeting was called in order as a result of some quotes from Councilor David Scott in a recent Foster's article regarding accounting discrepancies in the city. He then read his Oath of Office form and Section C3-11, Powers and Duties, of the City Charter and referred to the contract with the independent auditors, which requires immediate reporting of these irregularities or suspected fraud.

*At 6:05 p.m. a recess was called due to resident Ed Bleiler speaking out of turn and not returning to his seat. Meeting was reconvened at 6:11 p.m.*

Mayor Myers opened the floor to the Council for comments.

DeDe stated there is no secret with the level of discomfort and anxiety in the community with all of the allegations of improprieties. He stated there have been many instances where the Councilor from Ward 3 has said that the "numbers don't match". Then an explanation is given but there is no acknowledgement of understanding. He stated that without any basis of the charges it is inappropriate to keep this going without requiring proof and that is what this motion is meant to do.

Mayor Myers reminded the Council to keep their comments to this resolution only.



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Trefethen stated that he thinks this goes one step further in that charges have been leveled against employees and the body as a whole and there is an insinuation that others don't care, but that isn't true. He stated that if there is something wrong we need to deal with it immediately.

Cheney moved to table as there was only 24 hours notice and she wants time to study other opinions, seconded by Scott.

Motion failed on a 2-7 vote, Cheney and Scott in favor.

Cheney stated she doesn't know if this is legal and she will not support this.

Scott stated he doesn't understand why he is being portrayed as a bad guy by Councilors and Foster's. He's trying to stop the spending and is his single goal. He is being denied information that he has asked for. He then gave a summary of his business background. He stated that he is concerned that we don't have clear accounting in some areas and he is trying to understand where all the money is going.

. Following Special Meeting, the Council entered into Workshop Session at 6:40 p.m. All Councilors present.

#### 4. ADJOURN INTO WORKSHOP SESSION.

Following Special Meeting, the Council entered into Workshop Session at 6:40 p.m. All Councilors present.

##### 1. DISCUSSION RE:

##### A. 2007-2008 LOCAL GOVERNMENT CENTER LEGISLATIVE POLICY ADOPTION. SPONSORED BY MAYOR SCOTT MYERS.

Mayor Myers explained that the intention of this workshop was to review those items that were selected by the Council to pull out for discussion and to treat the rest of the document like a Consent Calendar so that when they vote on the Resolution next week, it will be on the entire document. He stated that only he and 2 other Councilors have removed items for discussion so he will begin with those items.

Scott stated he has items he would like to add, and doesn't want this to be a blank check.



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Myers stated that the consensus of the Council at the last meeting was to bring any items forward prior to the meeting, Friday noon was the deadline, so he will address those issues first and then address the other items.

**Item #4, Right to Know Costs and Specificity Required** (Government Affairs General Government, Revenue and Intergovernmental Relations Legislative Policy Committee Report, Page 2)

DeDe explained that this is meant to allow municipalities to recover actual costs, including staff time, of retrieving, review and reproducing documents and clarifies the level of specificity required when requesting public records. He continued that requiring specificity in identifying documents sought rather than allowing general requests for documents, e.g., all emails for the month, would also help conserve staff time in complying with what amounts to “fishing” exercises.

Myers clarified that Councilor DeDe asked for this item to be discussed to show his support for the item.

Cheney stated she is not in favor of this. No matter what the cost, it is a part of Right to Know to provide information and there should be no cost. She continued that the solution really is to get this information on-line, on DVD's, etc. for easier access to the public and stated that the State of New Hampshire is moving towards this.

Myers asked if there should be no cost to Dover residents only asking for Dover information or does that include anyone coming in from any town or state, and does that mean and Dover resident can go to another town and not have to pay for the information as well.

Cheney stated she is still working through that.

Scott stated he is also opposed as it is in violation of Article 8 and things should cost less and less with computerization of records, especially financial documents.

Myers stated we are being proactive in getting information on the web but we have records from hundreds of years ago and those should have a cost associated with the retrieval of those records from the archives. He is not in favor of limiting information, but is in favor of recouping the costs associated with retrieving lots of information from the archives.

Scott stated the devil is in the details and feels that we can't pre-judge what the actual legislation will be and wants to wait until it is proposed to see what the details are.

Cheney agrees with Scott and stated this doesn't mention records from the 1600's. She stated that if we need to put terminals in the hallways so that people can access records or whatever, the 91-A law states “no matter what the cost” She stated that she may be able to support a line added that says “more than 10 years” as to when can start charging.

Discussion then ensued regarding if this document is amended will it have any affect when the time comes to vote on it in September, since we are only one community among many that this is representing.



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Myers clarified that if we were to change the wording of these recommendations it wouldn't make any impact unless other communities did the same thing. He explained that the previous change made at the 07-26-06 council meeting had previously been discussed with other Mayors and therefore, other communities will be supporting that change as well.

Ciotti asked if there is any money in the budget for archiving and are we working backwards to get more recent information out there first.

Joyal explained that currently there was money budgeted for a scanner in the Clerk's Office and there is work being done currently on a new document archiving/retrieval system that information is being entered as staff time allows.

**VOTE: Item #4, Right to Know Costs and Specificity Required – PASSED 7-2 to leave in recommendation, Cheney and Scott opposed.**

**Item #5, Right to Know Law Exemption** (Government Affairs General Government, Revenue and Intergovernmental Relations Legislative Policy Committee Report, Page 3)

Councilor Turner pulled this item for discussion.

DeDe explained that this is attempting to take dog list information out of the hands of marketers, which as of now have access to this information as it is not exempted currently.

Trefethen stated his general standpoint is that anything he is required to do by law, vehicle registration, license, dog licensing, should be public information, but the problem is having these lists used for commercial purposes and it is important to protect people's privacy.

Myers asked if other lists are exempt.

Joyal explained that yes vehicles registrations are exempt due to potential safety, stalking issues and feels that this should be included because it could be possible that someone is looking to see who owns dogs, what types, to know which houses they can break into, etc. He stated that the Right to Know Law is not clear for municipalities.

Turner stated he doesn't have a problem getting junk mail from these lists, he just throws away what he doesn't want.

**VOTE: Item #5, Right to Know Law Exemption – PASSED 7-2 to leave in recommendation, Turner and Scott opposed.**

**Item #9, Telephone Company Property Tax Exemption** (Government Affairs General Government, Revenue and Intergovernmental Relations Legislative Policy Committee Report, Page 4)

Ciotti stated he would have liked to see Item 6 (Underground Utilities) and this item combined.



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Myers explained the background of the exemptions that the telephone company has had on paying pole taxes, when PSNH has always had to pay the tax and that both companies receive rent from others who use the poles. He stated several years ago there was a tri-city meeting of Mayor's on this issue and they all supported eliminating this exemption.

Scott stated that he is opposed to this as he was 2 years ago when then City Manager Beecher asked him to support it because this is just another tax that gets passed onto the consumer.

**VOTE: Item #9, Telenphone Company Property Tax Exemption –PASSED 8-1 to leave in recommendation, Scott opposed.**

**Item #1, Assessing Practices – Income and Expense Statements** (Government Affairs Municipal Administration and Finance Management Legislative Policy Committee Report, Page 1)

Myers and DeDe had both wanted this item pulled for discussion as neither supports it.

DeDe stated this ends up being an income tax and penalizes the property owner who makes a profit.

Scott supports this recommendation stating it is a fair way to determine the value of property. Trefethen stated that this is targeted to commercial property but feels that there is an inherent value in land and property and agrees that it is a double tax on a property.

Ciotti is also opposed to this recommendation as it is a double-edged sword.

**VOTE: Item #1, Assessing Practices – Income and Expense Statements – FAILED 1-8 to leave in recommendation, Scott in favor.**

### B. BUDGET PROCESS/ISSUES REVIEW

#### 2. Adjourn