



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, August 9, 2006**
Meeting Time: **7:00pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

THOSE PRESENT: COUNCILOR DEDE, DEPUTY MAYOR HINDLE, COUNCILOR KEAYS, MAYOR MYERS, COUNCILORS SCOTT, TREFETHEN, TURNER AND CHENEY AND CIOTTI. ALSO PRESENT: CITY MANAGER JOYAL AND CITY ATTORNEY ALLAN KRANS.

TREFETHEN ARRIVED AT 8:24 PM.

4. PROCLAMATIONS – AWARDS

5. SUMMARY OF AGENDA

THE MAYOR STATED THERE ARE A COUPLE OF ISSUES, ONE IS THE VERIZON POLE LICENSES ALSO WE SHOULD BE ADOPTING LEGISLATIVE POLICIES TO GIVE DIRECTION TO THE FOLKS IN CONCORD. ALSO WE HAVE A RESOLUTION ON THE CITY COUNCIL/CITY ATTORNEY CORRESPONDENCE AND 91-A.

6. CITIZEN'S FORUM

*Citizens are invited to speak to items that appear on this agenda.
Statements shall be limited to five minutes.*

NORM CHAMPAGNE OF 13 CHURCH STREET STATED HE ATTENDED, EVEN THOUGH HE WAS UNINVITED, AN OPENING OF A RESTAURANT CALLED 'POPOVER'S', FOOD WAS GREAT AND FREE. HE WAS NOT INVITED BY THE MAYOR. HE WATCHED A COUNCIL WORKSHOP LAST WEEK WHERE A QUESTION WAS ASKED IF SCOTT WAS A CPA, HE FEELS IT WAS A MEAN SPIRITED QUESTION AS HE IS SURE THE COUNCIL KNEW HE WAS NOT. HE THINKS OUR BUDGET COULD BE DONE A LOT BETTER MAKING IT EASIER FOR A REGULAR PERSON TO UNDERSTAND. HE WOULD LIKE TO KNOW IF OUR FINANCE DIRECTOR IS A CPA. AND IF THIS IS A CRITERIA FOR SOMEONE TO UNDERSTAND WHAT IS GOING ON. THIS IS LIKE THE BLIND LEADING THE BLIND. AS FOR THE AUDIT HIS UNDERSTANDING OF THE AUDIT IS MORE FOR SUBSTANCE THAN TO SEE HOW THE MONEY WAS SPENT. FOR INSTANCE WE HAVE TAKEN MONEY FROM THE TOLEND LANDFILL AND USED IT FOR OTHER THINGS. HE WOULD LIKE THIS ISSUE CLARIFIED.

ALSO HE WONDERS IS THE TYPE OF AUDIT OF THE CITY'S BOOKS ADEQUATE. HE THINKS A FULL AUDIT IS IN ORDER AT LEAST ONE TIME TO CLEAR THE AIR BY A COMPANY THAT HAS NEVER WORKED FOR THE CITY OF DOVER.

DON MEDBERY OF 3 COVERED BRIDGE LANE STATED WHEN HE LOOKED AT THE AGENDA TONIGHT HE SAW A RESOLUTION BY CHENEY. HE WILL SEE HOW IT COMES OUT. HE COMMENTED ON THE DAVID BAMFORD PROPOSAL AND SPEAKING OF FOSTERS, DAVID SCOTT IS NOT A CANCER IN THE CITY. HE MENTIONED SCOTT'S WIFE'S EDITORIAL OF THIS WEEK. FOSTERS SEEM TO BE OPERATING A SPIRITUAL UNION TO DESTROY MR SCOTT. HE READ PART OF THE EDITORIAL. IT IS TIME TO WALK AWAY FROM THE VILE EDITORIAL



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OPINIONS, THIS IS PROPAGANDA. THIS IS A BIASED NEWS MEDIA AND HE HIGHLY RECOMMENDS THAT PEOPLE DO NOT READ IT. HE MENTIONED THE HANDOUT FROM JODI MILLER. HE THEN MENTIONED THE CITY OF SAN DIEGO THAT IS CURRENTLY IN DIRE STRAIGHTS.

DON ANDOLINA OF 59 LITTLEWORTH ROAD IS HERE TO SPEAK ABOUT A LIGHTER SUBJECT AND THAT IS GARBAGE BAGS (SEE HANDOUT IN COUNCIL FOLDER OF 8-9-2006) THE SIZE OF THE BAG IS AT ISSUE. HE LISTED THE CONS OF THE BAG. HE WANTS TO KNOW WHY THE COSTS HAVE INCREASED TO \$2.00 PER BAG, AND WE HAVE LESSER CAPACITY ALSO. PLUS THE NAGGING PROBLEM FOR HIM IS IT WONT FIT IN HIS GALVANIZED CAN, NOW HE NEEDS A SMALLER GALVANIZED CAN. IN CONCLUSION HE REQUESTS THE COUNCIL SERIOUSLY CONSIDER GOING BACK TO THE FORMER BAGS THAT FIT EVERYBODYS GARBAGE CANS. HE WOULD LIKE THEM TO AMEND THE RESOLUTION THAT IS ON THE AGENDA FOR TONIGHT.

KAREN WESTON OF 42 FRENCH CROSS ROAD WAS NOT HERE LAST WEEK BUT SHE IS TOTALLY APPALLED BY THE CHARACTER ASSASSINATION OF ONE OF OUR COUNCILORS. AS FAR AS THE CPA QUESTION, RIGHT NOW HER BUSINESS IS IN AN AUDIT BUT IT IS HER BOOKKEEPER. WE ALL KNOW HAVING A CPA DOES NOT NECESSARILY MEAN THEY ARE BETTER THAN A REGULAR BOOKKEEPER. SHE ALSO AGREES WITH NORM ABOUT HAVING A COMPLETE AUDIT DONE TO GET RID OF ALL THESE PROBLEMS. SHE CONTINUED ON THE COST OF AN AUDIT FOR HER BUSINESS. SHE WONDERS IF WE REALLY HAVE TO FILE A 91-A REQUEST FOR INFORMATION; WE AS CITIZENS SHOULD ALL BE ENTITLED TO INFORMATION. SHE HAS CORRESPONDED WITH MR. SCOTT AND THERE WAS THE QUESTION OF \$563,000 IN THE BUDGET THAT THE CITY MANAGER AND JEFF HARRINGTON PROMISED TO GET BACK TO THEM ON. SHE IS TIRED OF THE BICKERING AND THREATS THAT APPEAR IF WE DON'T GO ALONG WITH SOME OF THE COUNCIL.

SUZANNE MEDBERY OF 3 COVERED BRIDGE LANE HAS READ WITH DISBELIEF ABOUT THE 6 NEWS ARTICLES ON DAVID SCOTT. THE QUOTES IN THE PAPER WERE A DIRECT RESULT OF MR. JEREMIAH ROOD'S (FOSTER'S NEWS REPORTER) INTERVIEWS. ROOD CONTROLLED THE INTERVIEW AND DAVID SCOTT WAS AS RESPONSIVE AS HE COULD BE. FRIENDS AND NEIGHBORS CALLED THIS PAST WEEK SAYING THE LAST MEETING MUST HAVE BEEN OUT OF CONTROL WITH ALL THE NEGATIVITY. SHE TAPED THE RE-RUNS TO LET THE NEIGHBORS SEE IT FOR THEMSELVES. THE PAPER DOES NOT PRINT THE TRUTH. IT IS UGLY, SHE FEELS LIKE KAREN DOES. THEY TOO HAVE RESERVATIONS ABOUT THE FINANCIAL STATE OF THE CITY. SHE IS A FISCAL CONSERVATIVE AND ASKS WHERE THE DOLLARS COME FROM AND ARE SPENT.

RAY BARDWELL OF SPUR ROAD STATED HE LOVES DOVER, AND GREW UP IN DURHAM, HIS WIFE HAS BEEN IN DOVER ALL HER LIFE. HIS CONCERN IS ACCOUNTABLY AND HE THINKS THAT IS WHAT DAVID SCOTT IS TRYING TO DO. HE HAS A LOT OF STUFF TO SHARE BUT WILL DELAY IT TO ANOTHER TIME. HE MENTIONED THE MANAGERS BUDGET PROPOSAL OF 3% WHICH REALLY TURNED OUT TO BE 5 OR 6%. HE THINKS IT WAS UNETHICAL TO BRING



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TO THE COUNCIL THE LAWSUIT FOR THEM TO VOTE ON THE KRANS AND ATTORNEY WATTENDORF CASE. HE MENTIONED THE HIGH SALARIES OF DEPARTMENT HEADS. HE OPPOSES SCOTT'S POSITION ON RENTAL INCOME. IF HE WAS TO BUY A RENTAL OR BUSINESS, HE WOULD WANT THE COMPLETE FINANCIALS ON THE PROPERTY. ALSO WE HAVE THE MCCONNELL CENTER BEING RENOVATED; WHY ARE THE COMMUNITY SERVICE WORKERS DOING THIS WHEN WE HAVE A CONTRACTOR. HE WANTS TO KNOW WHAT THE TOTAL COST TO RENOVATE THE MCCONNELL BUILDING WILL BE. HE WORKED HIS DUFF OFF TO SUPPORT THE ARENA AND SOME MONEY SHOULD BE DIRECTED TO MAINTAIN THIS FACILITY. HE HAS CONTACTED THE POLICE CHIEF ON MORTORCYCLE NOISE AND THE DECIMALS OF MOTORCYCLES. HE CANNOT SIT ON HIS FRONT LAWN BECAUSE OF THE MOTORCYCLES AS THE NOISE IS UNCONTROLLABLE FROM THE NEARBY HIGHWAY.

DAVID MINCIN OF 366 CENTAL AVENUE STATED HE IS TRYING TO ATTEND ALL THE MEETINGS OR WATCH THEM ON TV. HE HAS ISSUES WITH A COUNCILORS RESPONSIBILITY TO DOVER. HE THINKS THEY ARE MISGUIDED; WE ELECTED THE COUNCIL BECAUSE WE TRUSTED THEM. THE TRUST IS NOT BEING RECIPROCATED. HE WANTS TO BE ABLE TO RECEIVE CONFIDENTIAL INFORMATION. HE THINKS THE COUNCIL SHOULD BE REPRESENTING US WITH NOT SO MANY CONFIDENTIALS. HE USED KEAYS AS AN EXAMPLE IF HE ASKS WHY A DECISION IS MADE AND KEAYS HAS RECEIVED AN ENVELOPE CONFIDENTIAL THEN KEAYS CANNOT SHARE THE INFO WITH HIM. FOR THE PUBLIC THIS IS SO UNFAIR. HE THINKS THEY HAVE AN OPPORTUNITY TONIGHT WITH CHENEY'S RESOLUTION IF THEY PASS IT TO KNOW WHAT IS GOING ON. OPEN GOVERNMENT IS HONEST GOVERNMENT.

RICK HEBBARD OF 97 SPRUCE LANE HAS 3 THINGS: ONE IS THE ISSUE OF OPENING OF THE WINDOWS IN THE CHAMBERS AND HIS CONFRONTATION WITH THE CLERK OVER THIS. HE HAS A PHOTO OF A WATER MAIN GATE BOX AT THE INTERSECTION OF RIVERBEND TAKEN TWO DAYS AFTER THE SHINDIG IN HENRY LAW PARK. HE THINKS WE ARE ALL ASSANINE WE HAVE CITY WORKERS THAT DO NOT FILL A GATE BOX. WHEN ARE WE GOING TO START FIRING PEOPLE FOR MISREPRESENTING THE PEOPLE; HE CONTINUED THERE ARE MANY PEOPLE THAT WANT TO SCREW THE PUBLIC. THERE IS A LETTER FLOATING AROUND THE CITY AS WELL ABOUT ED BLEILER AND HIMSELF WHO WERE BOTH REMOVED FROM BOARDS. HE IS DEMANDING TO BE PLACED BACK ON THE DUC, AS HE THREATENED EVERYONE THAT HE WILL GO TO COURT IN THE MORNING.

PHYLLIS WOODS OF 1 BARRY STREET STATED SHE WOULD LIKE TO MAKE A POINT ON THE RESOLUTION DEALING WITH COUNCIL CORRESPONCE, ONLY THE COUNCIL CAN DECIDE WHAT IS CONFIDENTIAL AND WHAT IS NOT. GOVERNMENT SHOULD BE OPEN AND ACCESSIBLE. SHE QUOTED FROM THE STATE CONSTITUTION. SHE CONTINUED TO EXPLAIN THE RIGHT TO KNOW LAW. AND WHAT INFORMATION SHOULD BE ACCESSIBLE TO THE PUBLIC. THEY CAN CHOOSE TO VOTE TO GO INTO NONPUBLIC SESSION BUT MUST STATE PUBLICLY THE REASON. SHE CONTINUED THIS PRIVILEGE IS YOURS ALONE. THE ATTORNEY GENERAL'S MEMORANDUM ON THE RIGHT TO KNOW STATED THE PUBLIC BODY MUST HAVE A BASIS FOR MAKING IT CONFIDENTIAL SHE READ FROM THE ATTORNEY



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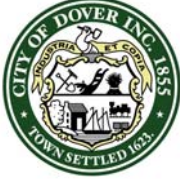
GENERALS MEMO. SHE BELIEVES A VOTE IN FAVOR OF THE RESOLUTION IS A VOTE TO PRESERVE THE POWER VESTED IN YOU ALONE BY THE STATE.

JERRY LYNCH OF LINCOLN ST ASKED HOW WE ARE GOING TO AFFORD ALL THE PROJECTS PLANNED FOR THE CITY. HE LISTED SEVERAL PROJECTS, AND STATED MOST DOVER RESIDENTS ARE ON FIXED INCOMES, RETIRED PEOPLE HAVE LESS AND LESS TO SPEND AND ARE FORCED TO RETURN TO WORK TO KEEP UP WITH EXPENSES. HE LISTED FOLK'S BILLS. HOW CAN THEY KEEP INCREASING TAXES TO PAY FOR THE MANY PROJECTS IN THE CITY.

JOHN SCRUTON OF 99 SIXTH ST STATED FOR THE PAST 6 YEARS HIS TAXES KEEP GOING UP AT A CLIP OF AROUND \$400. PER YEAR. WHEN IS IT GOING TO STOP THERE IS PLENTY OF MONEY TO RUN THE CITY WITHOUT BONDING. HE HAS KNOWN DAVID SCOTT FOR MANY YEARS AND EVERYTHING HE HAS BROUGHT UP IS CLEAR AND CONCISE. EVEN THE MANCHESTER UNION HAS BEEN ON HIS SIDE. HE DOESN'T CARE IF HE IS FROM MASSACHUSETTS OR FROM ANOTHER PLANET HE HAS BEEN WAITING FOR 30 YEARS FOR SCOTT TO SHOW UP. HE READ FROM THE COMMUNITY NEWS ABOUT OUR PROPOSAL ON HENRY LAW PARK. HE CONTINUED WITH HIS PAST MEMORIES OF THE PARK IN DOVER. HE WANTS TO GET A COUPLE OF QUOTES FROM A FARMER (AS HE POINTED TO HEBBARD) TO SEE WHAT IT WOULD COST TO TURN THIS INTO PASSURE LAND. THIS AREA SHOULD BE FOR ALL THE PEOPLE NOT JUST CONDOS AND HOTELS OR WE COULD JUST LET IT GROW UP FOR 5 YEARS AND IT WOULD THEN BE A FOREST IF WE DID NOT EVEN SPEND A CENT. HE MENTIONED THE COMMISSIONER OF THE STATE OF NH, CAROL MURRAY THAT JUST HAD AN AUDIT CONDUCTED ON THEIR BOOKS AND THEY FOUND MONEY IN THEIR OFFICE; PERHAPS WE WOULD TOO.

MARILYN FOLLANSBEE OF 25 DOVER POINT ROAD STATED SHE IS A CONSTITUENT OF MR. SCOTT. HE CAME TO HER HOUSE CAMPAIGNING DURING THE ELECTION. SHE IS PLEASED WITH HIS WORK SO FAR BUT SHE DOES PREFER THAT THE SALARIES OF EMPLOYEES ARE LISTED BY POSITION AND NOT BY NAME. SHE IS TIRED OF THE ALLEGATIONS OF CORRUPTION. SHE DOES NOT LIKE THE WORD CORRUPT. SHE THINKS THINGS CAN BE CORRECTED, BUT WE CANNOT REHASH ABOUT THINGS THAT HAPPENED IN THE PAST. SHE SPOKE ABOUT THE RIGHT TO KNOW RESOLUTION. SHE MENTIONED A BOOK THAT MR SCOTT HAD ASKED TO HAVE COPIES MADE AND HOW SHE THINKS FOLKS WOULD NEED TO PAY FOR IT. SHE CONTINUED ABOUT MR SCOTT'S COMMENTS, SHE HAS BEEN SPEAKING FOR 30 YEARS BUT SHE DOES NOT HOLD IT AGAINST THEM IF THEY DO NOT AGREE WITH HER. SHE WISHES PEOPLE WOULD SPEAK OUT. SHE CONTINUED ABOUT NEGATIVE COMMENTS MADE AT RECENT COUNCIL MEETINGS. SHE LISTED SEVERAL PROJECTS AND NOTED TAXES ARE NOT GOING TO GO AWAY. SHE CONTINUED BY TELLING THE COUNCIL THEY ARE DOING A GOOD JOB.

A PERSON ASKED IF ONE COULD SPEAK ABOUT AN ITEM THAT IS NOT ON THE AGENDA, DISCUSSION ENSUED WITH THE MAYOR ABOUT IF HE COULD SPEAK. THE MAYOR ASKED HIM FOR SUBJECT MATTER; AT THAT POINT THE FOLLOWING PERSON INTRODUCED HIMSELF.



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MIKE KOZLOZKI 13 BARRY STREET SAYS IT APPEARS CITIZENS ARE ONLY ALLOWED TO SPEAK AT CITIZEN'S FORUM ON WHAT IS ON THE AGENDA. HE WOULD LIKE CLARIFICATION ON THE WORDING AS HE READ THE COUNCIL RULES. SOME CITIZENS NOT FAMILIAR WITH THE FORMAT MAY HAVE SOMETHING OF SIGNIFICANCE TO SAY. HE WOULD LIKE TO NOT HAVE RESTRICTIONS ON CITIZENS FORUM. DUE TO BEING A FAMILY MAN HE CANNOT STAY TONIGHT BUT APPRECIATES CHENEY'S RESOLUTION THAT IS ON TONIGHT'S AGENDA.

SEEING NO ONE ELSE THE MAYOR CLOSED CITIZEN'S FORUM.

7. PUBLIC HEARINGS

8. CITY MANAGER'S REPORT

THE CITYMANAGER STARTED WITH AN ISSUE OF CONCERN WHICH IS THE DOVER SAND AND GRAVEL PIT AND THAT THEIR PERMIT HAS BEEN SUSPENDED UNTIL THIS WATER ISSUE IS RESOLVED. HE ASKED DEAN PESCHEL TO SPEAK ON THE INTRUSION INTO THE AQUIFER. DEAN SAYS ABOUT A MONTH AGO THE PLANNING BOARD ASKED HIM TO MAKE AN INSPECTION OF THE PITS AS THE WATER TABLE WAS ABOVE THE PIT CORE. EARLIER THE WATER TABLE WAS A PERCHED WATER TABLE. IF THAT WERE THE CASE HE THINKS WE WOULD HAVE SEEN A RECESSION IF THIS WAS DUE TO THE WATER TABLE. THE PIT OWNER GRADED LAST WEEK. THIS ORDINANCE HAS BEEN IN PLACE A NUMBER OF YEARS. THIS YEAR WE HAVE HAD A HUGE AMOUNT OF RAIN. PART OF THE PROBLEM IS WHAT THE REAL WATER TABLE IS. IN THE LONG RUN WE MAY HAVE TO DO A STUDY AND MONITOR TO SEE WHAT THE REAL SEASONAL WATER TABLE LEVEL IS TO RESTORE THE CONDITION TO PROTECT THE WATER TABLE AS THIS IS IMPORTANT BECAUSE WE ARE PROPOSING REUSE OUT THERE. THE NEXT STEP IS FOR A WATER INSPECTION THIS WEEK.

KEYS WAS LOOKING AT THE PITS AND THERE ARE 3 THAT ARE FLOODED, WHOEVER DID THE DIGGING THERE; AND DON'T WE HAVE ENGINEERS THAT SET HOW DEEP THE COMPANY CAN DIG. DEAN SAYS THIS IS PART OF THE PERMITTING PROCESS AT THE TIME OF ISSUANCE. HE THINKS THE REAL WATER TABLE IS NOW HIGHER. KEAYS HAS NEVER SEEN ANYTHING LIKE THIS IN ALL HIS YEARS OF WORKING THERE. WE HAD RAINS 37 YEARS AGO THAT ARE JUST AS HARD AS THE OTHER NIGHT WITH NO PROBLEM. THERE IS A BIG PROBLEM OVER THERE. HE HOPES IT DOES NOT AFFECT OUR WATER SUPPLY. HE HOPES THIS WILL NOT HAVE TO BE TAKEN CARE OF BY THE TAXPAYERS OF DOVER AS HE WILL FIGHT AGAINST PROVIDING ANY FUNDING. THE PRIVATE COMPANY SHOULD TAKE CARE OF IT.

THE CITYMANAGER CONTINUED ABOUT EMAIL SAYING AS THEY KNOW WE HAD A 91A REQUEST AND HAVE COMPILED THE EMAILS; HE HAS ESTABLISHED A BINDER AND WILL MAKE IT AVAILABLE FOR PUBLIC REVIEW STARTING IN THE MORNING IN THE CITY CLERK'S OFFICE WITH JULY'S EMAIL. CHENEY ASKED ABOUT THE ISSUE OF EMAIL AND HOW SHE WOULD LIKE TO SEE THE EMAIL BINDER TO NOT BE MADE AVAILABLE UNLESS THERE IS A FORMAL 91-A REQUEST. CHENEY EXPLAINED SHE IS WORKING ON AN EMAIL POLICY. SHE WANTS THE BINDER TO BE PLACED IN THE CITY CLERKS OFFICE BUT NOT OUT ON THE COUNTER.

THE CITYMANAGER PROVIDED AN ECONOMIC DEVELOPMENT UPDATE IN THE CITY ON NEW DEVELOPMENTS WITH BUSINESSES THAT ARE LOOKING TO EXPAND IN DOVER. HE STATED HE SENT A NOTE OUT ON ARENA REPAIRS WHERE THEY HAD A MAJOR MALFUNCTION WITH MAKING



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ICE. STAFF HAS FIXED IT AND THE NEW PARTS HAVE NOW ARRIVED AND BEEN INSTALLED. PAVING THE OVERLAY PROGRAM WILL BE UNDER WAY NEXT WEEK, IT INCLUDES ISAAC LUCAS CIRCLE BRICK YARD DRIVE, GOVERNOR SAWYER LANE, RUTHIES RUN, DOVER NECK ROAD, TOFTREE LANE, ETC.

ANOTHER ISSUE IS THE COCHECO ARTS FESTIVAL THAT HAS PLANNED ON HAVING A FIREWORKS DISPLAY AT THEIR LAST CONCERT AND WE HAVE AN ORDINANCE AGAINST THIS SO HE WILL HAVE A PERMIT ISSUED TO THE CITY SINCE THE CITY IS A MAJOR CONTRIBUTOR TO THE FESTIVAL.

ON CITIZENS FORUM HE THANKED MR HEBBARD FOR BRINGING THE WATER BOX ISSUE FORWARD. SOMEONE WILL REPAIR IT TONIGHT OR FIRST THING IN THE AM. WITH REGARDS TO RIGHT TO KNOW THE SALARY INFORMATION HAS ALWAYS BEEN PROVIDED THE ONLY ISSUE THAT WENT TO STRAFFORD SUPERIOR COURT WAS THE CERTAIN NAMES THAT WERE TIED TO IT. BUT THE COURT MADE IT CLEAR THAT CERTAIN NAMES WERE NOT TO BE MADE PUBLIC. SCOTT IS GLAD FOR THE HUMAN RESOURCE REPORT, WE HAVE 32 NEW HIRES AND 42 SEPARATIONS THIS YEAR, THAT IS THE ONLY WAY WE ARE GONG TO GET RELIEF. HE WANTS THE MONTHLY VALUE WHAT THE COSTS OF SEPARATION AND HIRED TO DATE. IF WE LOSE AN EXPERIENCED EMPLOYEE, THERE IS RECRUITMENT COSTS, TRAINING COSTS AND THAT NUMBER CANNOT BE QUANTIFIED. SCOTT SAYS HIS QUESTION IS IF WE HIRE 3 POLICEMEN AND LOSE 6 POLICEMEN WHAT WAS THE NET DIFFERENCE. THIS IS TO SEE IF WE ARE MOVING IN THE RIGHT DIRECTION. HE WANTS JOYAL TO ONLY WORRY ABOUT THE BASE SALARY.

HINDLE HAS SOME INFORMATION ON THE ACCOMMODATION OF THE POLICE DEPARTMENT ON THE STATE WIDE COVERAGE OF A STABBING AND DRUG BUST. THE CITY MANAGER THANKED HIM. AND THE CITY MANAGER MENTIONED THE MOTORCYCLE NOISE DETAIL, THE STATE POLICE CONTROL THE TURNPIKE NOISE AND WILL PASS THE CONCERNS ON TO THE STATE. IN CONJUNCTION WITH LANDLORDS RESPONSIBILITIES IN THE CITY THERE WILL BE A FRONT PORCH BY MAIN STREET INITIATIVE TO REACH OUT TO LANDLORDS TO MAKE THEM AWARE OF ISSUES SUCH AS TRASH. HINDLE HAD A QUESTION ON THE MAIN STREET INITIATIVE, WILL IT ONLY FOCUS ON THE MAIN STREET CORRIDOR. JOYAL THINKS IT WILL ADDRESS THE WHOLE TOWN. HINDLE MOVED SECONDED BY CHENEY TO ACCEPT WITH ALL IN FAVOR.

MINUTES

A. REGULAR MEETING – JUNE 14, 2006

HINDLE MOVED SECONDED BY CIOTTI TO ACCEPT. THE MAYOR STATED UNDER THE MAYORS REPORT THAT HE DID ATTEND THE FLAG DAY CEREMONY. MOTION TO ACCEPT PASSED BY ALL.

9. MAYOR'S REPORT

THE MAYOR SAYS THE COUNCIL ADOPTS RULES EVERY YEAR IN JANUARY AT THE START OF THE YEAR. IT SAYS IN 12-D AND THE VERBIAGE IS CORRECT WITH THE TIME LIMIT.

IN THE ORDER OF AGENDA IS WHERE IT SAYS THE MAYOR MAY ANSWER A QUESTION AT HIS DISCRETION. HE GAVE EXAMPLES OF WHAT A PERSON CAN AND CANNOT SPEAK ABOUT AT CITIZENS FORUM. THIS IS A GRAY AREA AND HE TRIES TO BE FAIR AND GIVE PEOPLE AN OPPORTUNITY. IT DOES TAKE A 2/3 VOTE OF THE COUNCIL TO CHANGE THE RULES. HE MENTIONED THE RESOLUTION THAT



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WAS PASSED LAST WEEK REQUIRING MR SCOTT TO TURN OVER ALL HIS DOCUMENTS. HE HAS NOTIFIED THE COUNCIL THAT THE ONLY CORRESPONDENCE RECEIVED WERE THE 3 DOCUMENTS PRESENTED LAST WEEK. THE AUDITOR DOES REPORT DIRECTLY TO THE COUNCIL. THESE DOCUMENTS WENT OUT BY SNAIL MAIL ON SATURDAY TO THE AUDITORS. HE ATTENDED DOVERS NIGHT OUT IN HENRY LAW PARK; THIS EVENT GROWS EVERY YEAR AND THERE WERE A LOT OF VOLUNTEERS. TURNER SAYS SINCE NO ONE STEPPED FORWARD TO TALK ABOUT DOVERS SPEAK OUT AND IT IS WARD 6 TOMORROW NIGHT AT STRAFFORD COUNTY COURTHOUSE. IT IS NOT JUST FOR WARD 6, HE URGED EVERYONE TO COME. HINDLE MOVED SECONDED BY CIOTTI WITH ALL IN FAVOR.

10. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING
NONE

B. ORDINANCES IN THE 3RD READING
NONE

C. RESOLUTIONS

1. **REVOCATION OF CERTAIN POLE LICENSES OF VERIZON.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. (TO BE REMOVED FROM THE TABLE)

ITEM TABLED

2. **2007-2008 LOCAL GOVERNMENT CENTER LEGISLATIVE POLICY ADOPTION.**
SPONSORED BY MAYOR SCOTT MYERS.

HINDLE MOVED SECONDED BY CHENEY TO ADOPT. SCOTT WILL VOTE AGAINST THIS AS IT IS A BLANK CHECK. THIS WILL BE A BIG PROBLEM FOR DOVER AND FOR NH. HE IS AGAINST THEIR LOBBYING, HE IS AGAINST SCHOOL VOUCHERS, ALSO THE TELEPHONE TAX, HE DOES NOT LIKE THE IDEAS ON AFFORDABLE HOUSING. HE WILL NOT SUPPORT A BLANK CHECK FOR THE STATE OF NH. CHENEY WILL SUPPORT THIS RESOLUTION; SHE HAD MENTIONED THE RIGHT TO KNOW LAW AND NOTED THIS IS UNDER STATE LAW. THE MAYOR WILL ALSO SUPPORTS THIS. MOTION PASSED ON A ROLL CALL VOTE OF 7-2 WITH KEAYS AND SCOTT OPPOSED.

11. NEW BUSINESS

A. CONSENT CALENDAR

1. TAG PERMIT – DOVER LITTLE GREEN CHEERLEADING
2. RAFFLE PERMIT – STRAFFORD NUTRITION MEALS ON WHEELS

HINDLE MOVED SECONDED BY DEDE TO GRANT AND ADOPT. TREFETHEN WANTS #8 REMOVED, SCOTT WANTS #7 REMOVED, THE MAYOR WANTS #9 REMOVED, CIOTTI WANTS #3 REMOVED, AND KEAYS WANTS #5 REMOVED. THE REMAINING ITEMS PASSED ON A ROLL CALL VOTE OF 8-0 WITH TURNER OUT OF THE ROOM.



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3. RESOLUTION RE: AWARD OF PURCHASE ORDER FOR CONTINUED ANNUAL MAGAZINE SUBSCRIPTION SERVICES ASSISTANCE. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

#3 HINDLE MOVED SECONDED BY CIOTTI. CIOTTI WOULD LIKE A BRIEF EXPLANATION OF WHAT WE ORDER FOR MAGAZINES, CATHY BEAUDOIN SAYS WE HAVE A SUPPLY OF NEWS, COOKING, HOME AND GENERAL MAGAZINES AND THEY KEEP TRACK OF HOW MANY ARE CHECKED OUT, EVERY YEAR SOME ARE DROPPED AND SOME ARE ADDED. CATHY THINKS WE ARE HAPPY WITH THE 400 SUBSCRIPTIONS WE CURRENTLY GET. MOTION TO ADOPT PASSED ON A ROLL CALL VOTE OF 8-0 WITH CHENEY OUT OF THE ROOM.

4. RESOLUTION RE: AWARD OF BLANKET PURCHASE ORDER FOR BOTH CHILDREN'S AND ADULT BOOKS. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

5. RESOLUTION RE: AWARD OF PURCHASE ORDER FOR CONTINUED PURCHASE OF LIQUID PROPANE GAS. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

#5 HINDLE/CIOTTI KEAYS ASKED ABOUT THE BIDS AND WHY THEY ARE LAST YEARS, HE WANTS TO SEE THIS YEARS BIDS. IS IT TOO MUCH WORK FOR THE PURCHASING AGENT TO GO OUT TO BID. THE CITY MANAGER SAYS THIS IS JUDGEMENT CALL AND EXPLAINED THE REASON THIS IS A PETROLEUM TYPE PRODUCT AND WE ALL KNOW WHAT HAS HAPPENED TO GAS PRICES. WE AGREED THAT WE WOULD NOT GET A BETTER QUOTE. KEAYS SAYS WE DID NOT GO OUT TO BID. THE CITY MANAGER DEFENDED HIS POSITION. HE GAVE AN EXAMPLE OF A BID PROCESS. THE MAYOR COMMENTED IN DEFENSE OF NOT GOING OUT TO BID THIS YEAR. KEAYS UNDERSTANDS WE ARE SUPPOSED TO HAVE THREE BIDS ON EVERY RESOLUTION. THE CITY MANAGER SAYS THAT IS ONLY THE CUSTOMARY PROCESS. THE VENDOR WILL BE HOLDING HIS PRICE THIS YEAR. MOTION TO ADOPT PASSED ON A ROLL CALL VOTE OF 9-0.

6. RESOLUTION RE: AWARD OF PURCHASE ORDER FOR CRACK SEALING SERVICES. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

7. RESOLUTION RE: AWARD OF BID #B07003 FOR HIGHWAY WINTER ROAD SALT. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

#7 HINDLE/CIOTTI SCOTT ASKED ARE THESE PRICES DELIVERED HERE AND IF THERE IS A DIFFERENCE IN THE PRICE WHY DO WE NOT GO FOR THE LOW BIDDER. THE CITY MANAGER EXPLAINED THERE ARE TWO KINDS OF SALT NOW. HE CONTINUED TO EXPLAIN THE PROCESS OF HOW WE ACQUIRE THE DIFFERENT SALTS. MOTION TO ADOPT PASSED ON A ROLL CALL VOTE OF 9-0.



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8. RESOLUTION RE: AWARD OF PURCHASE ORDER FOR CONTINUED ORDERING OF DOVER TRASH BAGS. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST

#8 HINDLE MOVED SECONDED BY CIOTTI TO ADOPT. TREFETHEN'S CONCERN ON THE TRASH BAGS IS THAT THEY BREAK EASIER THAN THE PREVIOUS BAGS. HIS CONCERN IS THE QUALITY OF THE BAG, THIS IS DEFINITELY A LESSER QUALITY BAG. THE CITY MANAGER SAYS THERE HAVE BEEN COMMENTS ON THE THICKNESS OF THE BAGS. ONE ISSUE IS THE THICKNESS AND THE WIDTH OF THE BAGS AND THE ABILITY TO PUT THE BAGS IN A REGULAR TRASH CAN AND THE THIRD ISSUE IS THE DEPTH OF THE BAG. WE HAVE TESTED THE OLD AND THE NEW BAG AND OUR OLD TRASH BAGS WERE 3 OR 4 INCHES LONGER, THE CITY MANAGER SAYS THE THEORY IS IT TAKES 3 OR 4 INCHES FROM THE TOP TO CLOSE THE BAG. HE WANTS TO REFER THIS BACK TO THE SOLID WASTE COMMISSION FOR ALTERNATIVE OPTIONS. HIS SUGGESTION IS IF THE COUNCIL IS NOT COMFORTABLE INSTEAD OF TABLING THE RESOLUTION HE WANTS IT AMENDED TO SEND IT BACK BUT HE NEEDS THE AUTHORITY TO CONTINUE TO BUY BAGS SO THE CITY DOES NOT RUN OUT. KEAYS ASKED WHAT WE PAY FOR A BAG. HE SAYS IF WE DIVIDE THE AMOUNT WE ARE PAYING FOR BAGS IT IS ONLY ABOUT 10 CENTS PER BAG. THE CITY MANAGER SAYS YOU ARE NOT PAYING FOR ONLY THE BAG, YOU ARE PAYING FOR THE PICK UP AND COLLECTION AND TO PUT IT IN THE LANDFILL AND LANDFILLS ARE SCARCE. THIS WILL BECOME MORE AND MORE OF AN ISSUE AS TIME GOES BY. KEAYS SAYS WE MADE THE BIGGEST MISTAKE OF OUR LIVES BY GOING WITH PINARD. THE CITY MANAGER SAYS THEY WERE THE LOWER BIDDER AND WERE LOWER THAN WASTE MANAGEMENT.

THE MAYOR EXPLAINED THAT PINARD IS DOING A GREAT JOB AND HE HAS HAD NO COMPLAINTS. TRASH BAGS ARE NUMBER 3 ON THE ISSUES HE GETS CALLS ON FROM CONSTITUENTS. THIS IS A SELF CONTAINED FUND AND NOT A WAY TO MAKE MONEY. KEAYS ASKED HOW MUCH OF THE MONEY GOES FOR TIPPING FEES. DISCUSSION ENSUED ON HOW MUCH OF THE \$2.00 IS BEING USED BY THE TIPPING. THE CITY MANAGER WILL FIND THE ANSWER AS THIS IS A VERY GOOD QUESTION. HE WILL ITEMIZE A LIST OF WHAT THE \$2.00 COST IS PAYING FOR.

HINDLE MOVED TO AMEND TO GIVE THE CITY MANAGER WHAT HE NEEDS AND REFER THIS TO THE SOLID WASTE COMMITTEE FOR REVISION SECONDED BY CHENEY, THE CITYMANAGER WOULD LIKE \$20,000 TO CONTINUE TO PURCHASE BAGS SO THAT THE CITY DOES NOT RUN OUT. HINDLE AGREED AND CHENEY SECONDED THE MOTION AGAIN, ALL WERE IN FAVOR OF AMENDMENT. TREFETHEN WOULD LIKE TO REMOVE THE WORD "SUCCESSFULLY" IN THE SECOND WHEREAS; THERE WAS NO SECOND. MOTION TO ADOPT PASSED ON A ROLL CALL VOTE OF 7-2 WITH KEAYS AND TREFETHEN OPPOSED .

9. RESOLUTION RE: AWARD OF CHANGE PURCHASE ORDER FOR CONTINUED RENTAL OF WATER TREATMENT EQUIPMENT FOR DREDGE DISPOSAL CELL. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

HINDLE MOVED SECONDED BY DEDE TO ADOPT. THE CITY MANAGER CALLED ON DEAN PESCHEL TO EXPLAIN ABOUT TREATING THE WATER AND HE REPORTED THE



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TREATMENT PLANT HAS SUFFERED BECAUSE OF ALL THE RAINS THIS YEAR. DEAN PESCHEL ALSO UPDATED THEM ON THE DREDGING PROJECT WITH RESPECT TO THE ARMY CORP. THE DREDGE IS ANTICIPATED TO BEGIN THIS YEAR ON NOVEMBER 1ST AND WILL BE MOBILIZING IN OCTOBER AND WE NEED TO PRAY FOR A MILD WINTER. WE SHOULD HAVE IT COMPLETED AND READY FOR CAPPING NEXT YEAR. THE CITY MANAGER ASKED HIM TO EXPLAIN ABOUT THE FUNDING AND HOW WE HAVE NEGOTIATED WITH THE ARMY CORP THE COSTS WILL BE RECOUPED TO THE CITY. THIS WILL NOT COST THE CITY MONEY. HE EXPLAINED THE FORMULA OF WHAT THE TIPPING FEE WILL BE WHEN ALL THE COSTS ARE TALLIED. CIOTTI ASKED WHAT HAPPENS IN THE WINTER WHEN IT IS COLD OUT. DEAN SAYS THE MATERIAL IS NOT FROZEN EVEN THOUGH THE SURFACE DOES GET FROZEN, THERE IS STILL WATER THAT SINKS DOWN THROUGH. MOTION PASSED ON A ROLL CALL VOTE OF 9-0.

COMMITTEE REPORTS

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|---|--|
| 1. Appointments Committ3 Hindle/Ciotti would ee | 8. City / School Joint Service Committee |
| 2. Arena Committee | 9. Solid Waste Advisory Committee |
| 3. Arts Commission | 10. Transportation Advisory Committee |
| 4. McConnell Center Committee | 11. Joint Building Committee |
| 5. Planning Board – Councilor D. Trefethen | 12. Recreation Advisory Board |
| 6. Cable Franchise Negotiations Committee | 13. COAST Bus |
| 7. School Board Liaison | |

B. RESOLUTIONS

1. FISCAL YEAR 2007 BUDGET – AMENDMENT #1. SPONSORED BY DEPUTY MAYOR JASON HINDLE. ***TO BE REFERRED TO A PUBLIC HEARING ON AUGUST 23, 2006.***

HINDLE MOVED SECONDED BY CIOTTI TO REFER TO A PUBLIC HEARING ON SEPTEMBER 13, 2006. MOTION PASSED ON A VOTE OF 8-1 WITH KEAYS OPPOSED

2. DEVELOPMENT OF WWII MEMORIAL PARK - SPONSORED BY DEPUTY MAYOR JASON HINDLE.

HINDLE MOVED SECONDED BY CIOTTI TO ADOPT. HINDLE READ A PREPARED STATEMENT EXPLAINING THE PROCESS TO DATE IN PROPOSING THE MEMORIAL PARK. (SEE PREPARED STATEMENT OF HINDLE’S IN COUNCIL FOLDER OF 8-9-2006) HE URGED THEM TO SUPPORT THIS PARK FOR DOVER RESIDENTS THAT HAVE SACRIFICED SO MUCH SO THAT WE MAY REMAIN FREE. TREFETHEN ASKED AFTER THE DESIGN IS COMPLETE HOW WILL WE FUND IT; HINDLE STATED HE PLANS TO SOLICIT FROM THE PUBLIC WITH A CAN. KEAYS THINKS THIS IS A GOOD THING TO DO BUT HE IS LOOKING AT THE FELLOWS THAT SERVED IN KOREA AND VIETNAM AND THIS WAR GOING ON NOW AS WELL. HE THINKS VETS SHOULD BE INCLUDED FROM ALL WARS. HINDLE SAYS THERE ARE PLACQUES DOWNSTAIRS FOR THE KOREAN AND VIETNAM VETERAN WARS. HE HOPES THIS WILL BE AN INSPIRATION TO ALL. KEAYS SAYS WE SHOULD DO THIS RIGHT AND \$8,000 IS NOT ENOUGH MONEY. CIOTTI AGREES WITH KEAYS THAT THIS MEMORIAL SHOULD BE A PAST AS WELL AS FUTURE TRIBUTE FOR ALL WARS. HINDLE IN



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DISCUSSING THE ISSUE WITH LASSELL ARCHITECTS STATED THEY HAVE STARTED STUDYING. HE WOULD LIKE TO AMEND THE RESOLUTION TO INCLUDE THEIR SERVICES. HINDLE WANTS TO UTILIZE THE REMAINDER OF THE GREEN SPACE ON THE OLD LAWN. CHENEY THINKS IT IS A GREAT OPPORTUNITY AND GREAT LOCATION TO KEEP THIS SPACE FOR A PARK. TURNER THINKS THIS IS A WONDERFUL RESOLUTION. IN THE DESIGN HE WOULD LIKE TO LEAVE SPACE TO INCLUDE THE VIETNAM AND GULF WAR AND SO OTHER APPROPRIATIONS CAN COME FORWARD. TREFETHEN FOLLOWED UP ASKING ABOUT THE LANES THAT HAVE BEEN TAKEN FOR PARKING SPACES. HE WANTS US TO INCLUDE IN THE FUTURE PLANS THAT WE NEED TO RECOGNIZE WE MAY NEED TO WIDEN STREETS IN THE FUTURE AND THE PARK SHOULD BE BACK FROM THE STREET TO ACCOMODATE ANY WIDENING. CIOTTI SECONDED THE AMENDMENT TO HAVE LASSELL'S SERVICES WITH ALL IN FAVOR. CIOTTI WOULD LIKE TO AMEND TO DROP THE WW2 AND MAKE IT ALL VETERANS PARK THE MOTION IS TO STIPULATE VETERANS PARK. HINDLE SECONDED THE MOTION AND IT PASSED ON A VOTE OF 8-1 WITH DEDE OPPOSED. MAIN MOTION PASSED AS AMENDED ON A ROLL CALL VOTE OF 9-0.

3. DESIGNATING CLASS VI ROADS AS EMERGENCY LANES PURSUANT TO RSA 231:59-A. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. *TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 13, 2006.*

HINDLE MOVED SECONDED BY CIOTTI TO REFER TO A PUBLIC HEARING ON SEPTEMBER 13TH WITH ALL IN FAVOR.

4. COMPLIANCE WITH THE SPIRIT OF 91-A REGARDING CITY ATTORNEY CORRESPONDENCE. SPONSORED BY COUNCILOR CATHERINE A. CHENEY.

CHENEY MOVED SECONDED BY TURNER TO ADOPT. CHENEY THANKED PHYLLIS WOODS AND SEVERAL CONSTITUENTS FOR THEIR WORK ON THIS. 91A IS THE LAW THAT KEEPS GOVERNMENT OUT OF THE DARK. DOCUMENTS ARE ALL BEING MARKED CONFIDENTIAL EVEN THE ONE EXPLAINING THE REASON THEY ARE CONFIDENTIAL. SHE READ THE ENTIRE RESOLUTION. SHE HAS AN AMENDMENT TO PROPOSE. (SEE COUNCIL FOLDER OF 8-9-2006) HINDLE ASKED IF WE AS A PUBLIC BODY HAVE A DOCUMENT THAT IS ON THE AGENDA FOR PUBLIC VIEW; HOW CAN WE VOTE TO MAKE IT CONFIDENTIAL, HE DOES NOT UNDERSTAND. CHENEY SAYS THIS COULD STAND AS IS IF WE RECOGNIZE THE RSA 91A. CHENEY FURTHER CLARIFIED THESE ARE PROBABLY DOCUMENTS THAT WILL BE BROUGHT UP IN NON PUBLIC SESSION. TURNER WANTS TO KNOW HOW MANY OF THESE DOCUMENTS WE WILL GET AND IF THESE NEED TO BE DISCUSSED IN NON PUBLIC SESSION; HE DOES NOT THINK WE WILL GET THAT MANY OF THEM. CHENEY STATED SHE NOW WANTS TO GO WITH THE RESOLUTION AS IT STANDS IF CONFIDENTIAL ITEMS SHALL BE PRESENTED IN NON PUBLIC SESSION. MUCH DISCUSSION ENSUED. TREFETHEN DISAGREES WITH THE REASONING. CHENEY NOW WANTS TO STAND WITH THE RESOLUTION AS PRESENTED WITHOUT AMENDMENTS. KEAYS ASKED DOES THIS MEAN WE HAVE TO SPEND A NIGHT ON CONFIDENTIAL MATERIAL. CHENEY SAYS NO; DEDE WANTS CHENEY TO PULL THE RESOLUTION. SHE CONTINUED TO PROPOSE ASSORTED AMENDMENTS AND READ SEVERAL CASE LAWS IN NH AND LISTED ALL THE CONFIDENTIAL EMAILS THAT CAME. SHE CONTINUED THIS IS TIEING THE COUNCIL'S HANDS. SHE THEN EXPLAINED THE CITY ATTORNEY'S DRAWING WITH LITTLE CIRCLES THAT WERE PRESENTED



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BACK IN MAY ON THE UNEQUALITY OF THE CIRCLES. WE HAVE SOMEONE TELLING US THEIR OPINION AND WE NEED TO VOTE ON THIS; THERE IS NO BALANCE HERE. DEDE STATED THIS MOTION AND EVEN SOME OF THE SPEECH WITH 'LET FREEDOM RING' SOUND TO IT SEEMS TO LET THEM ACCOMPLISH SOMETHING THAT IS REALLY NOT POSSIBLE. WE THE CITY COUNCIL ARE THE CLIENT. IT WAS INCREDIBLE WHAT WAS SAID THAT THE CITY ATTORNEY IS DANCING TO THE STRINGS OF THE CITY MANAGER. HE IS THE ATTORNEY FOR THE COUNCIL AND THE ATTORNEY DOES NOT GET TO MAKE THE DECISION ON WHAT IS DISCLOSED AND WHAT IS NOT AND THE COUNCIL HAS ON OCCASION UNSEALED ITEMS. IN LAW THE ATTORNEY REPRESENTS THE CLIENT. THE WHEREAS WE HAVE BEEN LISTENING TO HERE TONIGHT ARE WOVEN OF DISTRUST THAT SEEMS TO INDICT THE CITY ATTORNEY. TODAY ON THE RADIO CHENEY DISCUSSED THIS AND SUGGESTED THE CITY ATTORNEY DOES THIS TO THE COUNCIL. THIS IS NOT THE CASE. THE ATTORNEY HAS A CLIENT AND IT IS UP TO US, AS THE CLIENT, TO OPEN IT UP IF WE CHOOSE TO VOTE ON THIS. HE IS SORRY TO SEE THIS MOTION BROUGHT FORWARD THIS EVENING. HE DOES NOT THINK EVEN THE SPONSOR IS HAPPY WITH IT. TREFETHEN UNDERSTANDS THE GOAL BUT THE METHOD IS NOT THE WAY TO GO. IN NH LAW THERE IS A CLIENT CONFIDENTIALITY CLAUSE THAT HAS BEEN THERE ALMOST FOREVER. HE GAVE EXAMPLES AND THERE IS NO ONE EXCEPT THE CLIENT THAT CAN REVEAL WHAT THE ATTORNEY HAS PRESENTED. THIS IS ONLY LAYMAN OPINIONS, IF WE WERE IN EXECUTIVE SESSION WE WOULD HAVE TO DECIDE TO SEAL THE MINUTES OR NOT. WHEN WE GET AN OPINION FROM THE CITY ATTORNEY IT IS JUST THAT AN OPINION. YOU CAN GO BY IT, REJECT IT OR READ IT AND MAKE UP YOU OWN MIND. HE USES IT AS A BASIS FOR HIS THOUGHT PROCESS. ONE OF THE TENANTS OF OUR SOCIETY IS BEING CHALLENGED FOR SOME POLITICAL REASON. IF THE COUNCIL WANTS TO HAVE OPINIONS DRAFTED PUBLICLY THEN THE COUNCIL NEEDS TO VOTE ON THAT.

TURNER SAYS WE RECEIVE THESE CONFIDENTIAL LETTERS TWICE A MONTH AND HE WONDERS WHY WE CANNOT TALK ABOUT THEM. HE PRESENTED TO KRANS THE TWO LATEST CONFIDENTIAL LETTERS ASKING WHY THEY ARE CONFIDENTIAL.

KRANS SAYS THE PURPOSE IS TO PROTECT THE CLIENT IN ORDER TO GET THE BEST LEGAL ADVICE AVAILABLE. HE KNOWS SEVERAL COUNCILORS ARE CONCERNED ABOUT OPENING UP THESE OPINIONS. THE COUNCIL CAN DO THAT BUT EVERY COMMUNICATION IS CONFIDENTIAL. MS. WOODS READ A PORTION OF THE ATTORNEY GENERAL'S MEMORANDUM AND IT WAS IN TAB 21 OF THE ORIENTATION FOLDER THEY RECEIVED LAST NOVEMBER. BUT THEY FAILED TO TURN TO THE NEXT PAGE AT THE VERY TOP THAT SAYS OTHER THAN EXCEPTIONS. HE READ THE EXCEPTIONS AND NOTED A COURT CASE, IF THIS RESOLUTION PASSES AND THEY INSTRUCT HIM TO SAY THE ANSWER WILL BE PARAGRAPH 4 OF SECTION 5, ETC. THE SUPREME COURT HAS SAID WRITTEN LEGAL OPINIONS ARE EXEMPT AND CONFIDENTIAL. THESE SHOULD BE DISCLOSED ON A ONE BY ONE BASIS. TURNER ASKED HOW CAN WE VOTE TO MAKE THIS DOCUMENT PUBLIC. TURNER IS REFERRING TO THE AUGUST 3RD LETTER HE WOULD LIKE TO HAND IT AROUND FOR EVERYONE TO SEE WHAT HE IS REFERRING TO. SO EVERYTHING IS STAMPED CONFIDENTIAL, HE HAS A DOCUMENT HE NEEDS TO TALK ABOUT. KEAYS HAS LISTENED TO BOTH SIDES AND HE THINKS LAWYERS ARE A DIME A DOZEN, AND HE THINKS CHENEY IS RIGHT. THE CITIZENS OF DOVER PAY THE BILLS NOT THE CITYMANAGER AND THE CITY ATTORNEY. HE FEELS THERE IS TOO MUCH CONFIDENTIALITY GOING ON IN THE



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CITY. TREFETHEN SAYS THE SUBJECT MATTER CAN BE DISCUSSED WITH ANYONE, AND YOU CAN TALK ABOUT THE SUBJECT MATTER WITHOUT REVEALING THE ATTORNEYS OPINION. YOU CAN GET ADVICE FROM ANYONE YOU WANT. SCOTT SAYS IF WE ARE THE CLIENT HIS OPINION IS THIS PUTS A MUZZLE ON THEM AND VIOLATES 91-A. HE WILL VOTE YES ON THIS. HINDLE OFFERS A SUGGESTION ON THIS AS MANY ARE AWARE PRIOR TO ATTORNEY WATTENDORF'S DEPARTURE FROM THE CITY HE HAD REQUESTED NON PUBLIC MINUTES FROM 1960 THRU THE 90'S TO BECOME PUBLIC AND THOSE WERE VOTED AND APPROVED ON BY THE COUNCIL. THERE HAVE BEEN ATTORNEY CLIENT DOCUMENTS FROM KRANS THAT WE HAVE RELEASED PUBLICLY. WE MEET TWICE A MONTH, WE GET CONFIDENTIAL CORRESPONDENCE REGULARLY AND HE DOES NOT KNOW IF CHENEY DISCUSSED THIS OR IF IT WAS THE COUNCIL'S INTENT TO RELEASE IT. AS A SUGGESTION WE PLACE IT ON OUR AGENDA THE DATES OF THE CONFIDENTIAL DOCUMENTS AND THEN IN AN OPEN PUBLIC MANNER WE CAN VOTE YEA OR NEA.

HINDLE MOVED SECONDED BY DEDE TO SUSPEND THE RULES TO GO PAST 10:30 PM. MOTION PASSED ON A ROLL CALL VOTE OF 8-1 WITH KEAYS OPPOSED.

THE MAYOR GAVE HIS REASONING ON THE ISSUE AND WHAT POSITION THIS WOULD PUT THE CITY ATTORNEY IN IF HE RELEASED CERTAIN DOCUMENTS AND NOT SOME OTHER DOCUMENTS. HE AGREES WITH DEPUTY MAYOR ON THE WEDNESDAY PRECEEDING THE REGULAR MEETING IF WE WANT TO ADD WHATEVER DOCUMENT AND WE WILL HAVE THE OPPORTUNITY TO TAKE ACTION ON IT. THERE IS A SPECIFIC EXEMPTION HERE.

CHENEY STATED SHE HAS BEEN THINKING ABOUT THIS SINCE BEFORE THE 4TH OF JULY AND THIS INFO IS THE PUBLIC'S RIGHT TO KNOW INFORMATION. KRANS SHOULD BE COMING BEFORE THEM TO SEE IF WE WANT THESE DOCUMENTS PUBLIC. SHE THINKS THE ATTORNEY SHOULD BE UP FOR THE CHALLENGE; AFTER ALL HE IS THE HEAD OF THE LEGAL DEPARTMENT. THE LAW IS SPECIFIC THERE MUST BE A REASON FOR CONFIDENTIALITY. SHE ASKS THEM TO SUPPORT THE 91A LAW. THE CITIZENS HAVE A RIGHT TO KNOW WHO IS TALKING TO THE COUNCILORS.

DEDE EXCLAIMED WITH ALL THE PASSIONATE RHETORIC HERE TONIGHT THE REALITY IS THAT NO MATTER WHAT HAPPENS HERE TONIGHT THE CITY ATTORNEY HAS THE LAW ON HIS SIDE. THIS COUNCIL CANNOT RESOLVE TO DECIDE WHAT THE ATTORNEY PUTS OUT. THESE SPEECHES SEEM TO SUGGEST THAT THE CITY ATTORNEY IS TRYING TO PULL THE WOOL OVER YOUR EYES.

HINDLE WANTS CLAIPLICATION ON THE NUBMER OF TIMES A COUNCILOR IS ALLOWED TO SPEAK. TREFETHEN TOO STATED POINT OF ORDER ON THE NUMBER OF TIMES A COUNCILOR SPEAKS. HINDLE IS HEARING A LOT OF DEBATE ON BOTH SIDES OF THE ISSUE, HE APPLAUDS CHENEY FOR THIS BUT SEES THE OTHER SIDE AS WELL. HE IS TRYING TO ASK THE SPONSOR FOR A CHANCE TO COMMENT ON HIS PROPOSAL TO HAVE AN ONGOING RESOLUTION EVERY TWO WEEKS AND MOVE THROUGH THIS PROCESS; HE THINKS THIS WILL ACCOMPLISH WHAT THE INTENT IS. CHENEY HAS THOUGHT ABOUT THE CONSENT CALENDAR PROCEDURE BUT THIS JUST WONT WORK. THE TIMELINESS OF IT IS NOT CORRECT. TURNER WANTS TO MAKE HIS POINT HE LIKES THE DEPUTY MAYOR'S IDEA BUT THERE ARE THE ISSUES THAT COME BEFORE US SUCH AS TODAY AND THE TIME WOULD NOT BE CORRECT. HE WISHES CHENEY COULD CONSIDER THIS AS AN OPEN RESOLUTION ON THE DAY AFTER IT WAS MAILED TO A COUNCILOR.



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HE AGREES WITH THE CITY ATTORNEY AND DEDE SAYING THE ATTORNEY HAS THE LAW BEHIND HIM. SCOTT APPRECIATES THE CONCERN OF NOT PUTTING THE ATTORNEY UNDER PRESSURE HOWEVER HE IS AN ATTORNEY. HE HAS SEEN MULTIPLE LETTERS RECENTLY AND HE BELIEVES NONE OF THEM ARE CONFIDENTIAL. THIS ISSUE CONTINUES TO KEEP THE PUBLIC IN THE DARK AND VIOLATES THE SPIRIT OF THE RIGHT TO KNOW LAW.

THE MAYOR STATED CITIZENS HAVE THE RIGHT TO KNOW WHO IS TALKING TO THE COUNCILORS AND GAVE THE EXAMPLE IF THIS APPLIES TO THE COUNCILORS ON THE ONE HAND THEN IF IT IS FROM THE CITY ATTORNEY IT SHOULD BE RELEASED, BUT ON THE OTHER HAND IT SHOULD NOT BE RELEASED.

CIOTTI WAS ON THE FENCE HE HAS NOW MADE UP HIS MIND BECAUSE IT GOES AGAINST STATE LAW INSTEAD OF THE TAIL WAGGING THE DOG, WHY GIVE UP THIS RIGHT. LET THE CITY ATTORNEY DECIDE WHAT IS AND WHAT IS NOT CONFIDENTIAL WHAT IF HE MAKES A MISTAKE AND WE ARE SUED. THIS TAKES AWAY OUR RIGHT.

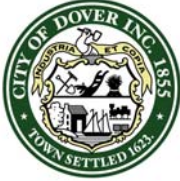
THE CITY MANAGER HAS HEARD SOME INTERESTING JUSTIFICATION TO RELEASE INFORMATION. BUT THE COUNCIL HAS JUST ONE ADVISOR, LET HIM KNOW AND HE WILL LET THEM KNOW THE INFORMATION AND MAKE IT ALL PUBLIC. HE NEVER SAW THIS RESOLUTION UNTIL FRIDAY, THERE ARE LEGAL OPINIONS IN CASE LAW AND THEY ARE EXEMPT FROM DISCLOSURE UNDER 91-A. THE WAY THIS IS WRITTEN; HE DOES NOT AGREE WITH THIS AND IF THEY WOULD ONLY DISCUSS THIS WITH HIM, HE WILL PROVIDE HIS OPINION. THERE IS NOTHING SECRET THIS IS JUST NOT TRUE, THIS IS GETTING OLD, WE CONTINUE TO CREATE THIS PERCEPTION OF DISTRUST. THIS CONTINUES TO UNDERMINE THEIR ABILITY TO SERVE THE PUBLIC. THE BOTTOM LINE IS FOR THEM TO TALK TO THE CITY MANAGER. HE FEELS HE HAS BEEN PRETTY RESPONSIVE TO THE COUNCIL'S ISSUES. HE HIRED THE CITY ATTORNEY AND ALL THE EMPLOYEES WORK FOR HIM. ONE OF HIS INSTRUCTIONS TO THE HIRING COMMITTEE FOR KRANS WAS TO HAVE AN ATTORNEY TO BACK UP HIS OPINIONS. IF THEY HAVE PERFORMANCE ISSUES WITH THE CITY ATTORNEY BRING THEM TO HIS ATTENTION. CHENEY STATED THAT 91A IS QUITE CLEAR WE SHOULD BE ON THE PRESUMPTION OF OPENNESS; SHE STILL FEELS THE LAW IS ON OUR SIDE, AND THAT ANYBODY THAT WRITES AN OPINION IT SHOULD BE PUBLIC. THE ATTORNEY CLIENT PRIVILEGE FALLS ON THE CLIENT; SHE STILL THINKS THIS IS THE RIGHT THING TO DO. THE CITY MANAGER SAYS FOR FOLKS THAT HAVE BEEN IN THIS CITY A LONG TIME MAY KNOW AS AN EXAMPLE THAT THE ONASSIS FAMILY WANTED A REFINERY IN DURHAM; THIS IS SOMETHING THE TOWN DID NOT WANT IN THEIR COMMUNITY AND WAS DEFENDED IN PRIVATE . DO WE WANT THE OPINION OF THE CITY ATTORNEY WHO IS TRYING TO DEFEND A CASE TO BE PUT OUT IN PUBLIC. MOTION FAILED ON ROLL CALL VOTE OF 3-6 WITH CHENEY, SCOTT AND KEAYS IN FAVOR.

C. ORDINANCES IN THEIR FIRST READING:

NONE

D. COUNCIL CORRESPONDENCE

NONE



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12. COUNCIL MATTERS OF INTEREST

THE MAYOR STATED THAT HEBBARD HAD BROUGHT UP SOME INFORMATION THAT WAS CONTAINED IN A LEGAL OPINION THAT WAS MARKED CONFIDENTIAL. HE ASKED WHO THE PERSON WAS THAT RELEASED IT. TURNER ASKED IF WE SHOULD VOTE TO MAKE THIS DOCUMENT PUBLIC. THIS IS NOT THE FIRST TIME CONFIDENTIAL INFORMATION HAS BEEN RELEASED SAYS THE MAYOR AND HE ASKED AGAIN FOR THE PERSON TO SPEAK UP WHO DID THIS. DEDE DOES NOT KNOW IF THERE COULD BE OTHER WAYS THIS COULD HAVE GOTTEN OUT THERE. HE DOES KNOW THAT THE PERSON DOES NOT HAVE THE MUSTER TO GET UP AND OWN UP TO IT.

TURNER WANTS TO KNOW IF THE FINANCE DIRECTOR IS INDEED A CPA; THE CITY MANAGER DOES NOT KNOW AS HE DID NOT RAISE THE ISSUE AND IT IS NOT A REQUIREMENT OF THE POSITION. CHENEY ASKED ABOUT THE EMAILS THAT WILL BE AVAILABLE AT THE CITY CLERKS OFFICE. HER RECOMMENDATION IS THAT THESE ARE PUBLIC OR SHOULD WE GIVE DIRECTION FOR THEM TO FILL OUT A FORM. WHAT DIRECTION DO WE WANT TO TAKE. TREFETHEN WANTS TO BE SURE THAT IT INCLUDES ANY CONSTITUENT CORRESPONDENCE IN THE BINDER. THE MAYOR IS IN FAVOR OF A BINDER THAT ANYONE CAN LOOK AT IT. CHENEY DISAGREES AND DOES NOT WANT THIS JUST AVAILABLE WE HAVE SIX WHO ARE IN FAVOR, WITH ONLY CHENEY, TURNER AND SCOTT OPPOSED.

HINDLE SAYS BECAUSE OF THE PASSION ON 91A HE MADE THE COUNCIL AWARE HE WILL HAVE A RESOLUTION REQUESTING ALL THE DATES OF THE OPINIONS BE LISTED IN A RESOLUTION A WEEK BEFORE THE MEETING FOR THE COUNCIL'S VOTE. TURNER HAS 3, CHENEY WANTS TO SEE THEM ALL OUT THERE. THE MAYOR NEEDS COPIES BEFORE HE CAN DECIDE. THE CITY MANAGER WILL SCHEDULE AN EXECUTIVE SESSION IN SEPTEMBER TO DISCUSS THIS SO THE COUNCIL WILL UNDERSTAND IN CASE IT PUTS THE PUBLIC IN JEOPARDY. HINDLE CLARIFIED HIS INTENT IS THE COUNCIL WILL DEAL WITH ONLY THE DATES OF EACH OPINION AND THERE WILL BE A SUBJECT LINE FOR WHAT EACH DATE IS PERTAINING TO. SCOTT WANTS THE DATE AND ONE LINE SUBJECT.

KEYS THEN ASKED ABOUT THE WATER BILL SAYING THIS LAST DISCUSSION WAS NOT ON THE AGENDA; SO LETS GET ON WITH THE AGENDA. KEYS SAYS WE HAVE A BIG PROBLEM AT THE ARENA, HE THINKS WE NEED TO GET THIS FIXED. THE CITY MANAGER SAYS IT WAS FIXED AND CORRECTED. KEYS ASKED HOW MUCH IT COST. THE CITY MANAGER STATED LESS THAN \$2,000. KEYS CONTINUED ALSO WE WERE SUPPOSED TO GET A REPORT IN AUGUST ON THE WATER SITUATION ON THE NORTHEND WATER PROJECT. KEYS SAYS IT WAS NOT HERE AT THE MEETING AND WE WERE PROMISED IN AUGUST.

KEYS ALSO WANTS TO DISCUSS THE WATER BILL HE RECEIVED IN THE MAIL TODAY, HE EXPLAINED HIS CALCULATIONS ON THE MONEY THE CITY IS GETTING ON RENTAL FEES OF THE METERS. WHY IS THE WATER DEPARTMENT ALWAYS LOOKING FOR MONEY. THE CITY MANAGER WILL GET BACK TO HIM WITH INFORMATION.



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CHENEY STATED HER WARD 5 SPEAKOUT SESSION IS NEXT WEDNESDAY AT ST. JOHNS METHODIST CHURCH.

13. ADJOURN

TURNER MOVED SECONDED BY KEAYS TO ADJOURN AT 11:15 PM WITH ALL IN FAVOR.