



CITY OF DOVER

MINUTES

Meeting Type: Organizational Meeting
Meeting Location: City Managers Office - 288 Central Avenue, Dover, NH 03820
Meeting Date: Monday, January 7, 2008
Meeting Time: **5:30 pm**

- 1. OATH OF OFFICE**
- 2. ELECTION OF DEPUTY MAYOR**
- 3. COMMITTEE APPOINTMENTS**
- 4. 2008-2009 COUNCIL RULES AND REGULATIONS**
- 5. RECESS UNTIL JANUARY 14, 2008 AT 6PM IN CITY MANAGER OFFICE**

The meeting was called to order at 5:35 pm. Present: Mayor Myers, Councilors: Scott, Trefethen, McCusker, DeDe, Weston, Cheney, and Callaghan. Also present were the City Manager Joyal, City Attorney Krans and the City Clerk

The Councilors were sworn in by the City Clerk

The process for Electing a Deputy Mayor was started. The Mayor asked for nominations. Councilor Scott nominated Councilor Cheney and Councilor DeDe nominated Councilor Trefethen. With no additional nominations presented the nominations were closed. Paper was passed out for voting. The City Clerk counted 4 votes for Councilor Cheney and 4 votes for Councilor Trefethen. It was opened for additional nominations. DeDe stated that it has traditionally been told who the mayor would like as Deputy Mayor. Myers responded that because of experience and leadership he chooses Trefethen. Callaghan stated that it would be appropriate for the nominees to explain why he should be deputy Mayor. Cheney responded that she enjoyed being on the City Council. She had filled in for Deputy Mayor Hindle and felt comfortable. She got the highest percentage of votes during the election. She would be good at this job-She has the time to spend. Trefethen responded that he brings experience in running meetings, chairing meetings and secondly he has a demonstrated willingness to listen. He has the time that it requires. DeDe nominated Trefethen and Scott nominated Cheney. Nominations were closed and a second vote was taken. Again the City Clerk counted 4 votes for Cheney and 4 votes for Trefethen. No Deputy Mayor selected. Myers stated that he would select an acting Deputy Mayor on a rotating basis until one is chosen. Callaghan had a follow up question: Will the vote require 2/3rds and the mayor responded majority vote. DeDe stated that with the prior discussion he believes that the will of the mayor should be honored in this. Support should go to Trefethen. Callaghan stated that he voted for Catherine because she has decision making and the ability to do the job function. Also, watching her vote she voted as I would have. The mayor responded that there is no special veto power for the deputy mayor with organizational matters.



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Weston asked if the rules allow for absentee voting. The Mayor responded that no proxy voting is available. Callaghan stated that he did not intend to imply that Deputy Mayor changed agenda. He believed the honor of Deputy Mayor should be awarded to Catherine. The Mayor stated that we should either have another vote or move on to other issues.

Appointments

Mayor stated that he has spoken to all of you. Top heavy for Joint Fiscal, Transportation Advisory. Based on experience, scheduling, and preference these are my recommendations and handed out his appointments. Scott asked why did you leave me off the joint Fiscal. Myers responded that I spoke to you about this. Over 2 year period you were only present at 2 of them. Your financial background would help us with other committees like the McConnell Center. People who have participated should be considered. Scott replied that they were given a preference sheet and he had a preference. Myers replied that we should probably cross the word preference off. These are my assignments-Mayor appointment considerations. DeDe stated that he will take Solid Waste. Cheney wanted to know why he was off McConnell Center and Myers replied that he won't speak for him but sometimes you need new blood and fresh eyes. It was brought up that the Coast bus has been vacant for several years. McCusker asked if it is incumbent to serve on a committee. Myers stated that it is not part of the rules but part of the roles. Callaghan stated that as he was collecting his thought on assignments-could councilors themselves or others nominate someone for a committee? Myers stated that it is open for discussion but not mandated. Cheney asked if they could hear what others asked for? Myers replied that it came down to who asked for what and their skills and strengths. He is trying to put people where their strengths are. Weston stated that she has Mondays and Thursday nights off. The TAC was her first choice because she had been involved with traffic planning and has attended TAC meetings and feels she has the experience to do this. Myers stated that this is what he looked at. Chaney made a motion seconded by Scott to nominate Karen Weston for TAC- DeDe stated that he wanted to point out that the McConnell Center Committee meets on Mondays. He agreed to continue.-he took 6 committee assignments-more than others. TAC was something that he asked for and felt that seniority deserves some credit and the mayor deserves respect as Mayor. He felt there were attempts to subvert his opinion. The Mayor is fair minded and does his best to treat everyone with respect. Trefethen nominated DeDe for TAC. hand vote for nomination of Weston-5/3:opposed were Myers,DeDe and McCusker. Trefethen stated that he will take Arena Commission. The appointments passed 8/0

At this time the City Clerk left the meeting to swear in the School Board. City Attorney took notes. Discussion began on current Council rules. First issue was the conflict of interest and voting rules. Trefethen states that 2 times he had conflict while on the Zoning Board that was not known earlier because of information that comes up. He felt this is probably less likely to happen with the Council. He felt that all should be making



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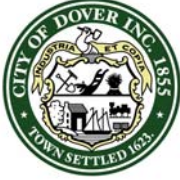
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every effort to vote. The Mayor or Deputy Mayor makes determination if they are making it by exception. Myers clarified that occurs only if not brought up ahead of time. The Attorney stated that per Chapter 22 you are supposed to give a reason. There is a form in the clerk's office or the reason can be given orally at the meeting. Example: I am a business partner. DeDe wanted to know if conflict reason is available to the public. Myers stated that it would be public. DeDe countered that he could think of scenarios where this could be detrimental to others. It could be a breach of confidentiality. Myers replied that this could be taken under advisement for confidentiality, Callaghan replied that in Zoning, when we abstain we do not announce why. Vocalizing the reason is a breach of confidentiality and could stimulate liability He wanted to know if the ordinance comes from State law. The City Attorney replied that it is an Ordinance voted on by City Council. Callaghan stated that we could change that ordinance. Attorney replied that 22:4-quasi individual and the ZBA are different from Council which is a legislative body. Cheney recommended that conflicts be discussed prior with City Attorney after looking over the agenda. Myers agreed that agenda should be looked over prior to discussions starting. Cheney wants to be sure that everyone avoids talking about an issue before recusing. Trefethen stated that we can not fashion council rules to cover everything that may come up. McCusker states that he did not want to be the one that starts a discussion and then finds out that there is a conflict. Myers stated that this would replace 6A and 6 B C and D of current rules would stay the same. This was changed to a new A,B and C. Current C and D become D and E. DeDe moved to accept seconded by McCusker. Vote 7/1 with Callaghan opposed.

Rule 12D was discussed which concerns all speakers for citizen forum only discussing what is on the agenda. Myers made a motion seconded by Trefthen. Cheney stated that we allow them 5 minutes. They should be allowed to speak on any topic. Scott stated that he agreed with Cheney. Trefethen stated that more people used to speak on topics not part of Council business but this is a good forum to do this. Scott stated that this is the people city and they should be allowed to speak. McCusker stated he would like to see a curtailing of personal attacks. Myers said that residents should speak to agenda items. Callaghan stated that incorporated into certain meetings they could have a Question and answer with discussion He would not mind trimming down. He felt they were empty and supported the idea. Weston said that not everyone has an opportunity to come in on Wed nights or might miss a meeting by a week. DeDe stated that he would withdraw the amendment. Myers stated that it could be changed to interest to City of Dover. However the Council would need to support the Mayor when this decision is made. Trefethen stated that this eliminates fund raising etc. DeDe withdrew.

City Attorney reminded everyone that no council rules carry over- would recommend a motion to adopt. Amend the portion that takes 6 to adopt. Once all of the new rules are locked in then change back to needing 6 votes to amend. Myers stated that another option is to reconvene. DeDe stated that we could adopt now and revisit in another public meeting. Requested changes could be submitted to Mayor and City Attorney to



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make language clearer. Myers said that if we adjourn we are subject to majority vote session week from Wednesday. Cheney stated we have options-we could start session earlier in the day. Mayor replied that this is too short of notice. He recommended that we adopt rules as they stand and reconvene at 5:30 pm next Wed (1/16). This will be public session. This allows a 1 time exception to majority vote needed. We could complete rules then go to workshop on CIP at 7:00 pm. DeDe made the motion which was seconded by Weston. Scott replied that 5:30 is too difficult to make Cheney felt we could recess and meet in executive session. Mayor replied that keeps the public waiting. Vote 3/5 with Scott, Weston, Cheney, Treutlen, and McCusker opposed.

Trefethen made the same motion however Monday 1/14 at 6:00 pm that was seconded by DeDe. This vote passed 7/1 with McCusker opposed this meeting was recessed on a motion by Weston seconded by Trefethen-8/0