

CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12,2008
Meeting Time: 7:00 pm

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Led by Councilor Cheney

3. ROLL CALL

Present: Mayor Myers, Councilors Scott, Trefethen, Weston, Callaghan, Cheney, McCusker and Dede. Also present: City Manager Joyal and Deputy City Clerk Mistretta. Councilor Weston filled in as Deputy Mayor.

4. PROCLAMATIONS – AWARDS

None

5. APPROVAL OF AGENDA

Mayor Myers asked the Council if they had discussions regarding the agenda. Councilor Callaghan asked to move 13.A. to the first item of business under Unfinished Business; seconded by Councilor Scott. Councilor Dede said he saw one attorney's response, but he believed there was another one yet to come; is that correct? City Manager Joyal said the Council asked for two outside opinions and we are waiting for the second one. Councilor Dede said he would not support it until we have the second one. Mayor Myers asked if there were further discussions about moving the item up on the agenda. Councilor Cheney asked if it will still be tabled. Mayor Myers said the Council would just be moving its placement on the agenda. Councilor Callaghan said it is with the interest of the public in mind that we move it up front and so they don't have to wait all night for the Council to get to it. Vote 7/1; Councilor Dede opposed. Councilor Cheney wanted to flip Item #11.C.2 to 11.C.1, just to get it done first, because there are some people here for that; seconded by Councilor Scott. Vote 6/2; Councilor Dede and Mayor Myers opposed. Councilor Callaghan made a motion to accept the agenda with the two changes, seconded by Councilor Cheney. Vote 8/0.

6. CITIZEN'S FORUM

Mayor Myers opened the Citizens Forum.



CITY OF DOVER

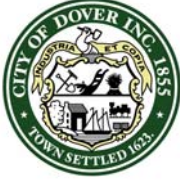
CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12,2008
Meeting Time: 7:00 pm

Aviva Grasso, 1 Pebble Hill Drive: She spoke of her frustration with the Council getting work done. She has been happy with the progress within the last week, but the last few months have been rough, and she feels that it may not be accidental. She talked about the Free State Project's website. She feels the tax cap and the frustration with trying to work with it is not an accident. She felt that if the proponents of the tax cap wanted it to work, they would have worked out the details before putting it on the ballot. The doubts and questions being raised now by the same people who rushed it through must be intended to keep the Council from accomplishing anything.

Joseph Nicolella, 33A Piscataqua Road: He spoke on the tax cap amendment. He has never supported this issue. He felt it was poorly crafted and not specific to the needs of the City. It wasn't necessary and will only cost the City and its taxpayers in the long run. This measure places a burden on the City, and equates to cuts in educational funding, necessary capital projects and basic City services. He feels the Council is unproductive and wasting everyone's time. He spoke to the Council about how he found it amazing that Councilor Scott wasn't aware that the County and State taxes were included in the tax cap. This amendment was Councilor Scott's doing since the beginning. He felt that once it passed, Councilor Scott immediately attempted to place the burden of implementing the tax cap on City Manager Joyal and School Superintendent O'Connor. He mentioned how Councilor Scott was conveniently absent from the workshop to discuss its implementation, and that now he wants to selectively pick and choose what should be included in it. He felt that Councilor Scott was trying to divert responsibility from himself, but that this was a dereliction of his duties as a member of the Council. He told the Council that suggestions for changes in the cap with Ordinances are also an attempt to divert responsibility. It must be dealt with as intended. Until the Council can come together as a team to resolve this issue, you must abide by it. The Council must stop blaming others and work to correct this. He felt that the right thing to do was pass this measure intact, based on the annual CPI, and immediately begin to craft a referendum that can be placed before the citizens of Dover to repeal the current amendment. If some feel that a tax cap is necessary, then craft another cap that is specific to Dover. He told the Council to work together or find someone to mediate the sessions, but that this amendment is part of the Charter and has to be dealt with.

Randy Overbey, 175 Mount Vernon Street, Dover Energy Advisory Committee: Passed out a letter from the Chairman of the Dover Energy Advisory Committee. He discussed the resolution to get energy consulting services. This was the first step to develop an RFP to hire an energy consultant for the City of Dover, who will work to help the City to reduce its energy consumption. They interviewed several companies, and recommend ADI out of Rhode Island. He stressed the importance of getting this started. Last year, the energy consumption of the City was \$2 million, 41% of the supply fund, and 7% of the total City budget. The price of oil is at \$110.00/barrel and by this summer the price of gas will be \$4.00/gallon, and it's not going to go down. It's being predicted



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12,2008
Meeting Time: 7:00 pm

that in the next 10 to 20 years the price of oil will be \$200.00/barrel. Anything the City does today to get energy consumption down is going to reduce the cost to the City of Dover. He urges the Council to support the resolution to get the process started.

Eric Kelsey, Member of Dover Energy Advisory Committee: He wanted to state his support of ADI and hoped the Council made a wise decision about the resolution.

Dona Layton, Member of Dover Energy Advisory Committee, and Member of Open Lands Committee: She wanted to express her support in favor of allocating additional funds to hire ADI as a consultant to represent the City. She also asked that the Council approve expenditures for the Conservation Fund, for Dover's portion of a project with the Nature Conservancy.

John Scruton, 99 Sixth Street: He spoke of the traffic calming program started six years ago, and how it does work to get speeds down to the 20 mph range in neighborhoods. He said the City isn't using traffic calming anymore, and the speeds are going up. He said the cost effective way to reduce speeds is traffic calming, which focuses on the design changes to streets and intersections that slow traffic to acceptable speeds.

Donald Medbery, 3 Covered Bridge Lane: He spoke of the tax cap amendment and thinks the Council should come to an agreement and work it out. The Council needs to concentrate on the street repairs and make that a priority item. He thinks we need to work as hard on the City budget as they did on the School budget. They did eventually come to an agreement, and he feels the Council will also.

Gary Green, 18 Footbridge Lane: He spoke on the tap cap issue. He wrote an article for the newspaper on this issue, which essentially asked what was the rush? He alluded to the fact that we needed to get it right for the City of Dover. Since the Council is considering the language of the tax cap, it shows that we didn't do our homework. It was assumed that the tax cap applied to the bottom line, the total tax bill, so it didn't exclude the police service, labor contracts, and fire protection. It was assumed that the county taxes were included. He said the voters are still confused as to why this is such an issue.

Glenn Grasso, 1 Pebble Hill Drive: He listed several events coming up in the City, and said that's why people have chosen to live in Dover.

William Garrison, 4 West Concord Street, Chairman of Good for Dover: He commended the Council for their progress last week. He mentioned the Good for Dover website and welcomed the citizens to look at it.

Mayor Myers, seeing no one else wishing to speak, closed the Citizens Forum.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12,2008
Meeting Time: 7:00 pm

7. PUBLIC HEARINGS

A. RESOLUTIONS

1. RESOLUTION RE: VEHICLE REPLACEMENT PROGRAM SPONSORED BY MAYOR MYERS BY REQUEST

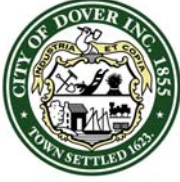
Mayor Myers, seeing no one wished to speak, closed the Public Hearing.

2. RESOLUTION RE: AUTHORIZATION FOR THE EXPENDITURE OF CONSERVATION FUNDS BY THE CITY OF DOVER CONSERVATION COMMISSION SPONSORED BY MAYOR MYERS

Marcia Colbath, Chairman of Open Lands Committee: She discussed the joint project between the Nature Conservancy and the City of Dover. The project includes the purchase of 13.19 acres with 1,295 feet of frontage on the Cocheco River. This property will become part of an 85 acre block of conserved land with over 3,900 feet of frontage on the Cocheco River, which will be managed by the New Hampshire Fish and Game, allowing public access on the entire property. The New Hampshire Fish and Game identified this property as being of the highest quality in the State for wildlife habitat. The purchase price for this property is \$2,460,000, of which the Nature Conservancy will be providing \$2 million. The \$460,000 portion provided by the City of Dover will come entirely from the Conservation Fund, which has been established specifically for the protection of open space and valuable natural resources. The Conservation Fund is derived from current use fees when a property is taken out of current use. Current use fees are not tax dollars from the general fund and do not impact the citizen's tax bill. None of the money in the Conservation Fund is bonded. She introduced Dwayne Hyde, representing the Nature Conservancy, to give the Council specifics on the project. She thanked the Council for their continued support to preserve Dover's natural resources.

Councilor Dede made a motion to suspend the rules to let Dwayne Hyde speak, although he wasn't a resident of Dover; seconded by Councilor Cheney.
Roll call vote; 8/0.

Dwayne Hyde, Director of Land Protection, New Hampshire Chapter of the Nature Conservancy: Discussed the Conservation Commission Project in this Resolution. The property has been identified as the lower Cocheco River and is considered a high priority area for conservation because of its low tidal marshes and mudflats, which are ideal habitats for shore birds and mollusks. It also includes a relatively intact forested area and has 66 different species of birds, including the only nesting eagles in the Great Bay Estuary. The Nature Conservancy is planning on transferring the ownership of this property to New Hampshire Fish and Game, so it will be opened to the public. The City,



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12,2008
Meeting Time: **7:00 pm**

as part of this project, will hold a conservation restriction on the land to ensure that it is used for conservation purposes.

Anna Bourdeau, 9 Northam Drive, Executive Director of Strafford River Conservancy: This area has long been on the Conservancy's wish list. The Conservancy is really pleased with this project and hopes the Council will vote in favor of it.

Mayor Myers, seeing no one else wishing to speak, closed the Public Hearing.

B. ORDINANCES

1. ORDINANCE RE: CHAPTER 97-DUMPING,RUBBISH AND RECYCLING COLLECTION SPONSORED BY MAYOR MYERS BY REQUEST

Aviva Grasso, 1 Pebble Hill Drive: She thinks this Ordinance makes a lot of sense and she hopes the Council will support it.

Mayor Myers, seeing no one else wishing to speak, closed the Public Hearing.

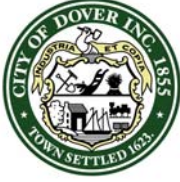
2. ORDINANCE RE: CHAPTER 3, ADMINISTRATIVE CODE-VIDEO/AUDIO RECORDING OF MEETINGS SPONSORED BY COUNCILOR CHENEY

Aviva Grasso, 1 Pebble Hill Drive: She said that although she is all for public access to information, she also feels this will cost a significant amount of money for staffing and equipment. All meetings are open to the public, notes are taken and available to the public, and this seems to be one more thing that is going to make it harder for meetings to happen and things to get done.

Mayor Myers seeing no one else wishing to speak closed the Public Hearing.

8. CITY MANAGER'S REPORT

City Manager Joyal first talked about the historic Dover Town Records that were recently recovered from an auction house in Texas. It was an unfortunate chain of events, with no malice intended, where they did come into the possession of someone outside the City. We attempted to work with the individual who had these records and the auction house where they were being auctioned, to come up with an agreement to have them returned to the City. Ultimately those negotiations broke down and we had to go to Strafford County Superior Court and ask the Court to stay the sale of those documents. The Court agreed to have those documents returned to us pending the results of any



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12,2008
Meeting Time: 7:00 pm

further legal proceedings. Those records were returned to the City. Since the City has had those documents, we did have them evaluated by an expert in historical documents, and the general belief is that these are original Town records dating back to the 1600's, documents that are older than the Declaration of Independence and Constitution of the United States. These are original governmental records in the early stages of when the United States was formed. Having them in our possession we proceeded with trying to dispense the legal proceedings, and entered into additional negotiations. We did reach a negotiated settlement to avoid going to trial and avoiding the considerable legal expense involved in having to litigate this matter. Chris Boldt, the attorney from Donahue, Tucker & Ciandella, reviewed with the Council a compromise settlement with James Olinkiewicz, Island Antique and Art Gallery in New York, and the auction house in Texas where these were being sold. The terms of the agreement are that the City will provide an \$18,000 payment to Mr. Olinkiewicz, as well as agree to acknowledge that he would be making a charitable contribution to the City for whatever value these records have and use that for whatever tax purposes he needs it for. He also has agreed to indemnify the City in case there are any unknown parties that may try to assert an ownership. He'll have to defend that they do belong to the City, or reimburse the City for expenses. We in turn will defend that they were the City's documents prior to him coming into possession of them. The City Manager then explained how they may have ended up in Mr. Olinkiewicz's possession. The City Hall burnt down a couple of times in the 1930s. The citizens were rushing in and grabbing some records and documents trying to preserve them from the fire and they ended up in the library. These particular records ended up in a storage area of the Library and remained there for some period of time, unbeknownst to the library staff or anyone else. In approximately 1984, from information we received from an antique book dealer, that dealer was contacted by the Library to remove a pile of old discarded books that were being moved out of the way for a renovation project. He gave a price and paid for a pile of surplus materials, books, magazines, and took them into his possession. Apparently this book was in that pile and then began its journey. After Executive Session this evening, the Council has agreed that we would proceed with this settlement agreement. As part of the acceptance of the City Manager's Report he would like the Council to acknowledge that the City has possession of the records and will execute this agreement. The City's intentions are to secure professional assistance in getting these records properly preserved. The City will also make sure they are properly stored and, if possible, made accessible to the public. More than likely the City will make some arrangements to have them conserved and maintained professionally. The City Manager wanted to thank Chris Boldt for his services on behalf of the City to get these documents back, and for deciding very generously not to charge the City for all they have done. Mayor Myers also thanked Chris Boldt for his assistance, and for donating his services. He then asked the Council if they had any further discussions on the City Manager's Report.

Councilor Callaghan talked of email discussions with the Council and the City Manager.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12, 2008
Meeting Time: **7:00 pm**

He wanted to commend the City Manager for working on a budget based on his best scenario of interpretation of the spending cap, while the Council is working on the meaning of the resolution and waiting for opinions from two attorneys.

City Manager Joyal said he has solicited two written opinions from outside attorneys. The City has received one at this point and that has been provided to the Council along with the written opinion of the City Attorney. Time is running short, and the Council has to proceed with developing our budgets. The School Department was under the gun to have a budget adopted and presented by March 15th. In the absence of a decision by the Council, as part of the City Manager's responsibility in making sure the Charter is properly enforced he proceeded to give guidance to the School Board of how he intended to proceed with developing the budget. They did adopt a budget last Monday evening.

Councilor Scott asked the City Manager about the 3-year lawsuit for Back Road, and noted that several residents have called wanting to know how much the City has paid on that lawsuit.

City Manager Joyal said there was no money involved because it was handled by the insurance company.

Councilor Trefethen made a motion to accept the City Manager's Report; seconded by Councilor Dede.

Vote 8/0.

DRAFT

9. MINUTES

A. MINUTES FROM WORKSHOP – FEBRUARY 20, 2008

Moved for their adoption by Councilor Trefethen; seconded Councilor Dede.
Vote 8/0.

10. MAYOR'S REPORT

Mayor Myers went over the past week's activities. This past Friday he attended the 5th Grade dinner graduation at the Middle School. He thanked Councilors Scott and Callaghan for also attending. Saturday morning he held his Coffee with the Mayor Sessions. He thanked Café on the Corner for hosting it. On Sunday he went out to Manchester Verizon Arena to watch the Boys Hockey Team in the State Finals. On Tuesday he attended a ribbon cutting for a new business called Essentials. Afterward he attended the Waterfront Committee meeting. Lastly, before the meeting tonight he attended the Horne Street School 50th Celebration. He also mentioned the new appointments to committees. Waterfront Committee: new appointments, Kim Schuman and Thomas Dunnington; reappointments, Arthur Corte and Dean Trefethen, all for 3-year terms. Parking Committee: two names to be delivered from the Chamber of Commerce, and they are being checked; two names from Dover Main Street, they have put forward Cheryl Savage and Michelle Sawyer; two Mayoral names with Council's



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12,2008
Meeting Time: **7:00 pm**

approval, Anthony McManus and Joyce Elkouarti. The Planning Board representative is Kurt Schuman. The Dover Business and Industrial Development Authority representative is George Maglaras. There is one more appointment coming from the Transportation Advisory Commission.

Mayor Myers also invited the public to the Economic Development Summit next Wednesday night at 7:15, in lieu of the City Council workshop.

Mayor Myers asked the Council if they had any discussions.

Councilor Callaghan was uncomfortable accepting the new appointments out of the Mayor's Report without reviewing any applications or discussions about any of these people.

Mayor Myers responded that most appointments do come out of the Appointment Committee. The Parking Committee is Ad Hoc, set up for a short period of time; therefore the Council did not set that up by Ordinance. The Council did pass that unanimously. Only two of the appointments were Mayoral, the rest coming from the Chamber of Commerce, Main Street, and the other boards. The same thing for the Waterfront appointments; that was passed by resolution several years ago and that resolution dictated that they were Mayoral appointments. He doesn't know how this process is any different from the Appointment Committee.

Councilor Callaghan said the Appointment Committee was established so three of the Councilors can get together and come up with a recommendation. In this particular instance it is a single person making the nomination of these people to the boards or commissions. It is his opinion that if the Mayor is looking for the Council's approval we should have this information in front of us.

Mayor Myers said the Council should make that a Council directive for the Appointment Committee as well, so that those names are put forward ahead of time.

Councilor Callaghan said he thought that was a great idea.

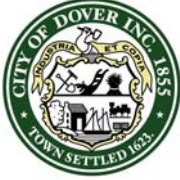
Councilor Scott agreed with Councilor Callaghan.

Mayor Myers said this was the first time he has heard this objection since he's been mayor.

Councilor Trefethen said it's been longer than that, probably since Dover has been a City and there has been a mayor. He told the Council that there are some things the Council doesn't control and we have to accept that. This is one of the few perks the Mayor gets. The Mayor gets a lot of grief, bad press and everything else. He doesn't understand why all of a sudden, after decades of a certain procedure, that this was now a problem.

Councilor Weston questioned whether all the appointments were citizens of Dover. The Council set precedent when former Deputy Mayor Hindle wanted to serve on the JBC and the Council said no. She recognized a few appointments that are not citizens of Dover.

Mayor Myers said his appointments are all citizens of Dover. He said the Chamber of Commerce appointments were not citizens, but represent Dover businesses. One of them is a property owner and a taxpayer in the City. The other one represents a very large business in the City and is also a taxpayer.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12, 2008
Meeting Time: **7:00 pm**

Councilor Weston said she felt the Council set a precedent with form Deputy Mayor Hindle. She is uneasy about the two appointments that don't live in Dover. She wanted to know if it was something the Council should vote on.

Mayor Myers mentioned that if the Parking Garage should go forward, it was not something that is impacting property tax dollars; it is impacting a special revenue account, in which case these people are representatives of businesses.

Councilor Dede mentioned that former Deputy Mayor Hindle's situation is not a valid comparison. Peter Hamblett, who is currently on the Board of Directors for Federal Savings Bank, but is not a Dover citizen, had the position appointed by the Dover Housing Authority. The Dover Housing Authority statutes may have non-citizens as their appointees. That was not true for the Joint Building Committee, where former Deputy Mayor Hindle was trying to be appointed. He feels this has a taint of micromanaging. The appointees listed are well known within the City and have served in many different functions. In terms of the Parking Ad Hoc Committee, it is his understanding that it is at the discretion of the Mayor, and it doesn't require the approval of the Council; is that correct?

Mayor Myers said this resolution was written Mayoral appointments with Council approval.

Councilor Dede said that that resolution accommodated the Council. Statutorily, it is his understanding that Ad Hoc committees are the province of the Mayor.

Mayor Myers said that is true in some communities, but he is not sure that exists in Dover. He has never done it that way.

Councilor Callaghan said he was comfortable and will support his selections.

Councilor Cheney said she would be supporting these appointments.

Councilor Callaghan said he just had an issue with these appointments being part of the Mayor's Report.

Councilor Scott said he will accept the Mayor's Report, but he also doesn't feel the appointments should be part of the Mayor's Report.

Councilor Callaghan made a motion to remove the appointments to committee from the Mayor's Report, seconded by Councilor Scott.

Vote: 3/5, failed. Councilors Callaghan, Scott and Weston in favor.

Councilor Trefethen moved to accept Mayor's Report, seconded by Councilor Dede.

Vote: 6/2, passed. Councilors Callaghan and Scott in favor.

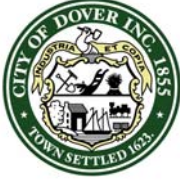
11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING

1. ORDINANCE RE: TAX CAP BUDGET ORDINANCE SPONSORED BY MAYOR MYERS BY REQUEST

Motion to remove from the Table by Councilor Trefethen, seconded by Councilor Callaghan.

Vote 5/3, passed. Councilors Cheney, Callaghan and Scott opposed.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12,2008
Meeting Time: **7:00 pm**

Councilor Callaghan said in view of what the City Manager said he is doing in getting the legal opinions and moving forward with development of the Operating Budget, this is consistent with what he asked to have happen two weeks ago. He felt that the Council should allow that to happen and take no further action on this resolution until we have that information.

Mayor Myers commented on why this Ordinance was originally placed as 13.A.1. He placed it at the end of the agenda because it could be a lengthy discussion and he wanted the Council to get through the first part of the agenda. The second reason he placed it back on was because two weeks ago the Council voted to table and we didn't give a date. We didn't table it pending legal opinions and that doesn't give him direction as Mayor as to the will of the Council.

Councilor Callaghan made a motion to table this item until the Council has received the opinions from the attorneys and been able to review them in Executive Session, seconded by Councilor Cheney.

Vote 8/0.

2. ORDINANCE RE: CHAPTER 97 - DUMPING, RUBBISH AND RECYCLING COLLECTION SPONSORED BY MAYOR MYERS BY REQUEST

Moved to adopt by Councilor Trefethen; seconded by Councilor Dede.

Councilor Dede asked the City Manager to produce this resolution. The Community Services Bulletin specifically indicates that the citizens of Dover must bag their leaves, put them out at the curb and they'll be picked up. After researching the Code he found out that the leaves were picked up by the City when just left at the curb. In order to get that corrected he asked for this resolution so the leaves are put out in biodegradable bags.

Roll Call Vote: 8/0

3. ORDINANCE RE: CHAPTER 3 , ADMINISTRATIVE CODE-VIDEO/AUDIO RECORDING OF MEETINGS SPONSORED BY COUNCILOR CHENEY

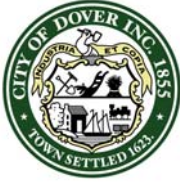
Councilor Cheney made a motion for its adoption, seconded by Councilor Callaghan. Councilor Cheney had some concerns with this, but she did want to open this up for discussion. She asked the City Manager to explain about the price to record the meetings.

City Manager Joyal said the price wouldn't be outrageous.

Councilor Cheney asked the City Manager if he felt there should be more preliminary work on this before it becomes an ordinance.

City Manager Joyal said the retention periods need to be cleaned up, but he felt that it could get done tonight.

Councilor Cheney said the City Manager had mentioned a year retention period for some of the media; which media is that?



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12,2008
Meeting Time: **7:00 pm**

City Manager Joyal said there was a Channel 22 policy, which was adopted by the Council a few years back, that DVD/VCR recordings of Council, School Board and Planning Board meetings would be retained for a minimum of one year. He suggested the Council do something consistent with this ordinance.

Councilor Dede stated his concerns with this issue. He felt this would create a demand for copies of this information which would create a strain on resources and staff. It is a direct expense, and in the State of New Hampshire we really can't charge for the time of our staff to duplicate these things. He said for that reason he is not going to support this addition, because we already do record several of these things.

Councilor Trefethen said this was addressing something from the goal setting sessions and the Council has not adopted those goals yet. There seems to be some work that needs to be done on this. He suggested that the Council table this to a third reading and finalize the wording.

Councilor Cheney said she would come back with changes to this.

Mayor Myers said he would like some clarification on what would make it an audio recording instead of a video recording.

Councilor Cheney said she would try to clean that up.

Councilor Trefethen said it does need to be cleaned up, because site walks for the Planning Board are not meetings. If the Council went on a bus tour, it is open to the public, but it is not really a meeting. He doesn't see the need to have them recorded. He doesn't know where the Council is drawing the line, and that is part of the issue some people are having with this.

Councilor Callaghan said the Zoning Board has decided to permanently keep their audio recordings with their records. He is counting on technology to keep the costs in check. He said that burning information on CDs last about 15 years, and hard drives are about five times that. He is betting that it is a small cost to keep it. He wondered if the City could get Comcast to make the copies and bill the City so we can pass the cost on to the consumer, because we're not charging for labor. He was under the impression in the Comcast agreement, the studios at the McConnell Center, another channel; isn't that all already paid for?

City Manager Joyal said there is funding for a studio at the McConnell Center, the camera operators, a web person, a media person to coordinate all the channels, and eventually a studio at the high school.

Mayor Myers said making copies of the meeting recordings will fall on our staff.

Councilor Cheney made a motion to move this to a third reading on April 9th; seconded by Councilor Callaghan.

Vote 8/0.

B. ORDINANCES IN THE 3RD READING-NONE

C. RESOLUTIONS

1. RESOLUTION RE: AUTHORIZATION FOR THE EXPENDITURE OF CONSERVATION FUNDS BY THE CITY OF DOVER CONSERVATION



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12, 2008
Meeting Time: **7:00 pm**

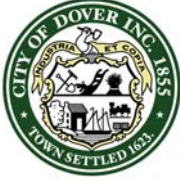
COMMISSION (REQUIRES 2/3 VOTE) SPONSORED BY MAYOR MYERS

Councilor Trefethen moved to adopt; seconded by Councilor Cheney. Mayor Myers mentioned three keys points why he liked this: it's a contiguous parcel, that this land will be turned over to New Hampshire Fish and Game which means public access is encouraged, and this is being funded from current use fees and isn't coming from taxpayer dollars. For those three reasons he is supporting this. Councilor Dede wanted to commend the Open Lands Committee and Conservation Commission. This has his complete support. Councilor Scott wanted to add his compliments. He thinks it's a good project. Councilor Callaghan gave his compliments. Councilor Cheney thanked the Nature Conservancy and Open Lands Committee. Councilor Trefethen asked Marcia Colbath to tell the Council the number of acres the Open Lands Committee has preserved. Marcia Colbath said that the Open Lands Committee has been involved in the preservation of 669.75 acres, of which the City of Dover was responsible for 51% of the funding, some of which was current use and some bonded. Roll Call Vote: 8/0. Passed.

2. RESOLUTION RE: VEHICLE REPLACEMENT PROGRAM (REQUIRES 2/3 VOTE) SPONSORED BY MAYOR MYERS BY REQUEST

Councilor Trefethen moved to adopt; seconded by Councilor McCusker. Councilor Trefethen asked the City Manager: if the City sold the surplus police vehicle for just under \$24,000, and we are buying one vehicle for just under \$12,000, to make this program more successful in getting more fuel efficient cars why isn't the City buying two, because it would appear that the money is there. City Manager Joyal said eventually the City will buy more fuel efficient cars, but the City isn't ready at this point. The City does have a specific need right now for an additional Ford Focus. Councilor Trefethen asked where the extra money was going. City Manager Joyal said it is going to the Fleet Services Fund. Councilor Dede said he's really pleased to see this finally come forward. He spoke of the positive feedback on these cars and their superiority in the snow over the Crown Victoria. Councilor Weston asked how many vehicles we have bought. City Manager Joyal said approximately 15, eventually. Councilor Weston said she would support this. Roll Call Vote: 8/0.

3. RESOLUTION RE: ADOPTION OF 2008-2009 CITY COUNCIL OBJECTIVES AND GOALS SPONSORED BY MAYOR MYERS



CITY OF DOVER

CITY COUNCIL - MINUTES

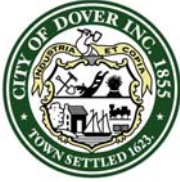
Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12,2008
Meeting Time: 7:00 pm

Councilor Trefethen moved to adopt, seconded by Councilor Callaghan. Councilor Trefethen said he was at a loss about how, if they did this, it would engender public trust and confidence. He felt it was their everyday actions that would engender trust, not a recording of everything that is said. He made a motion to remove Goal #1 under Objective #3, seconded by Councilor Dede. Councilor Cheney said she disagreed. She explained that when these things are implemented and we have recordings of the meetings, they will be available on the web. They can be put in a device to make as many copies as are needed with a press of a button. As to engendering public trust, there would be no question as to what transpired. She will not support removing this. She won't support changing a lot of things in here, because the Council did agree with most of this on that day. Councilor Callaghan indicated he believes it should stay in there. Mayor Myers said the minutes from that workshop are adopted. This can be changed if it is the Council's wish, because now we're adopting a policy statement. Councilor Dede discussed the workshop and the miscommunication of directions from the different groups. He also discussed the minutes from February 27th and how they were far from flattering. In terms of engendering public trust, it did exactly the opposite. Mayor Myers said he would not support Councilor Trefethen's motion. He does agree with them that videotaping or audio taping something will not in and of itself engender trust. He said Councilor Cheney is planning to rework the ordinance she proposed. He said the title should be renamed to engender public trust and confidence, through mechanisms that allow increased information flow. Councilor Trefethen made a motion to amend; seconded by Councilor Dede. 2/6, failed. Councilors Trefethen and Dede in favor. Councilor Trefethen moved to amend the title of Objective #3, Engender Public Confidence Through Mechanisms that Facilitate Better Information Sharing, seconded by Councilor Dede. Vote 8/0. Councilor Dede mentioned that the videotape and audio tape of boards and commission language is going to be amended at the hearing on April 9th, so that will automatically amend this. Mayor Myers said we may have to come back to this after that, to tweak the Council objective slightly, but for the time being we will leave it as it is. Roll Call Vote 8/0.

12. NEW BUSINESS

A. CONSENT CALENDAR

1. TAG PERMIT-DOVER MAIN ST



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
 Meeting Location: Council Chambers-288 Central Avenue
 Meeting Date: Wednesday, March 12,2008
 Meeting Time: **7:00 pm**

2. TAG PERMIT-STRAFFORD COUNTY STARS-AAU GIRLS BASKETBALL

COMMITTEE REPORTS

- | | |
|--|--|
| 1. Appointments Committee | 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 | |

Councilor Trefethen moved for their adoption, seconded by Councilor Dede.
 Mayor Myers made a comment that Committee Reports have been slim to none since this Council has taken over. Committee Reports are a way for Councilors to keep other Councilors informed if we are unable to go to every meeting. He wanted Councilors to get in the habit of getting those submitted through the City Clerk's office.
 Councilor Callaghan wanted to mention one significant item: the School Board agreed to privatize their janitorial services.
 Vote 7/0; Councilor McCusker was out of the room.

RESOLUTIONS

3. RESOLUTION RE: JOE E. PARKS COCHECO RIVERWALK GARDEN SPONSORED BY MAYOR MYERS BY REQUEST

Councilor Trefethen moved for its adoption; seconded by Councilor Cheney.
 Vote: 8/0.

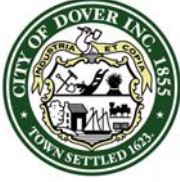
4. RESOLUTION RE: CONSTRUCTION EQUIPMENT RENTAL SPONSORED BY MAYOR MYERS BY REQUEST

Councilor Trefethen moved for its adoption; seconded by Councilor Cheney.
 Roll Call Vote: 8/0.

5. RESOLUTION RE: B08045 ENERGY CONSULTING SERVICES SPONSORED BY MAYOR MYERS BY REQUEST

Councilor Trefethen moved for its adoption; seconded by Councilor Callaghan.
 Roll Call Vote: 8/0.

6. RESOLUTION RE: AWARD PURCHASE OF ESRI ARCGIS SOFTWARE



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12,2008
Meeting Time: 7:00 pm

SPONSORED BY MAYOR MYERS BY REQUEST

Councilor Trefethen moved for its adoption; seconded by Councilor Dede.
Roll Call Vote: 8/0.

B. RESOLUTIONS

1. RESOLUTION RE: ADOPTION OF FY 2009-2014 CAPITAL IMPROVEMENT PROGRAM

SPONSORED BY MAYOR MYERS BY REQUEST

Councilor Trefethen moved for its adoption, seconded by Councilor Dede.
Mayor Myers said this is taking the out years of the CIP, Fiscal Years 2010 to 2014, as they are listed and giving the Council the opportunity to prioritize items in a different manner.

Councilor Trefethen moved to amend the CIP to remove City Hall Improvements from 2009 to 2010; seconded by Councilor McCusker.

Councilor Trefethen said the Council has talked several times about putting off maintenance, although it saves at the time, it's potentially causing some damage. For instance, one of the issues included in this is replacing the gold leaf on the clock tower; if we don't do that it could cause structural damage. He just wants to move it one year and look at it then.

Vote 8/0.

Councilor Trefethen made a motion to amend three parts: Move the actual construction work for Piscataqua Road to fiscal year 2012. Move Lisa Beth Circle from fiscal year 2014 to 2011. Move Applevale Drive in two segments, the smaller piece in 2010 and the second part moved to 2011. There is also some water/sewer work in the Applevale area that needs to be moved to Fiscal Year 2011. This motion was seconded by Councilor Dede.

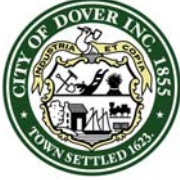
Vote 8/0.

Councilor Weston felt the amendments that the Council voted on last week should have been substituted in the CIP. She wanted to know, if the Council voted for this CIP tonight, if they were back to the original \$19 million.

Mayor Myers said the Council only looked at the bonding portion for 2009. Tonight the Council is looking at years 2010 to 2014, where we have no appropriations yet. The Council is looking at giving direction for the out years of the CIP.

Councilor Callaghan asked why the changes weren't reflected for 2009.

City Manager Joyal said they were looking at the Capital Improvements Plan, a schedule for when the Council believes these projects need to be done. That is what the Council is going to vote on. What the Council voted on last time was the debt authorization for the CIP.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12,2008
Meeting Time: **7:00 pm**

Councilor Scott said he felt the Council did a good job two weeks ago in approving bonding which reflected the reduction of the City's debt. Now he is looking at a six-year plan with an average of \$25 million per year of projects, which is way beyond the debt that is being retired. He can't see any way that the Council can accept this and it should go back to Planning and have them try to come in with a CIP that reflects the retirement of debt.

Mayor Myers said it is the Council's job to pull things out if we don't want to have it.

Councilor McCusker asked if a vote to accept this six-year plan is a vote to spend any money this evening, or to accept this plan as a result of a six-year planning process.

Mayor Myers said it is to accept the plan with amendments of the Council.

Councilor Dede said the Council is not prepared to deal with this and asked if there was any benefit in having this tabled for this evening.

Mayor Myers wanted to remind the Council that the total on Page 21 was not all bonded money; some was special revenue, water/sewer, operating budget, some is School and some is Municipal. He agreed with Councilor Dede that the Council is probably not ready to tackle this.

Councilor Callaghan said if the Council was going to table it, he would like the column for 2009 readjusted to incorporate what the Council agreed to in our last few meetings.

Mayor Myers suggested making a motion.

Councilor Callaghan made a motion to delete all 2009 dollar figures and replace only the items the Council approved at last week's meeting.

Mayor Myers said the Council approved Line Items #1 through 16 on last week's debt authorization resolution and to substitute those numbers for the same projects in the CIP.

Councilor Callaghan said all the numbers for 2009 go away.

City Manager Joyal said no Capital Reserve Fund or Street Fund would be included. They would all be zeros.

Mayor Myers agreed with the City Manager. He told Councilor Callaghan that that would take everything else out that the Council is looking to fund through the Operating Budget or Reserve Funds.

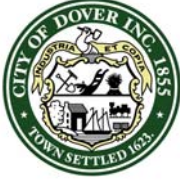
City Manager Joyal said that by making that motion, you are suggesting not to put any money in Capital Reserves, Streets. There is supposed to be \$1 million in the Operating Budget for streets. Your motion suggests zeroing those out.

Mayor Myers asked if there was a second for Councilor Callaghan's motion.

Councilor Scott seconded.

Councilor Callaghan responded to the City Manager that he should not be looking at this as zero dollars to put in his budget. His objective is to fill these items with as much money as he can as he develops the Operating Budget. It's the City Manager's responsibility to find money to make these items work.

Mayor Myers said he wouldn't support zeroing out the remainder amounts. He feels it is the Council's responsibility to set policy, and if the Council takes out \$1 million for streets, that is not a policy he wants to set. He is in favor of changing the sixteen items from last week, but he is not in favor of zeroing out everything.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12, 2008
Meeting Time: **7:00 pm**

Councilor Cheney said she would vote for updating the columns with the changes they made last week.

Mayor Myers said that wasn't the motion.

Councilor Scott asked Councilor Callaghan if he would withdraw his motion.

Councilor Callaghan did not want to approve the CIP before the Council sees the Operating Budget.

Councilor Scott suggested having two columns for 2009; one for debt financed and another column showing the other things that may be in the budget.

Councilor Cheney said that since the Council approved the debt finance last week, and some of these projects are cash, wouldn't it be okay at this point to work on this part, approving this and determining whether or not the budget can handle this?

Mayor Myers said that was exactly what the Council should be doing. We need to set a direction for the City Manager.

Councilor Cheney said the City Manager said he was working on the budget based on his interpretation of what needs to be done by April 15th.

Mayor Myers said the City Manager is not going to put \$1 million in for streets, because the Council removed it.

Councilor Cheney said she would support the debt finance change for what the Council voted on.

Councilor Trefethen said he wouldn't be supporting Councilor Callaghan's motion, because he wants to see what this budget will look like. The CIP is a plan, not committing the Council to anything, but it gives the City Manager a direction to go in.

Councilor Callaghan said the Council shouldn't be looking at all projects. The Operating Budget is to be determined by the City Manager.

Mayor Myers said the CIP originated from the Planning Department.

Councilor Scott said he felt the problem would be solved by creating two columns.

Mayor Myers said that wasn't the motion on the table. He asked for a vote on this one first, and then Councilor Scott could make another motion.

Vote: 2/6, failed. Councilors Scott and Callaghan opposed.

Councilor Scott made a motion to have the City Manager create a report with two columns for 2009; one column is the bonded CIP the Council approved, and the other column is the rest. He felt that with that in hand, the Council can come up with some decisions how much priority the Council should give to other items in the Operating Budget. This motion was seconded by Councilor Callaghan.

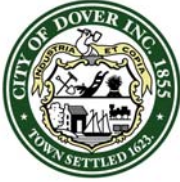
Vote 6/2. Passed. Councilor McCusker and Mayor Myers opposed.

Councilor Cheney made a motion to amend the CIP to show all the changes to Items #1 through 16; seconded by Councilor Dede.

Councilor Cheney said that the Council approved these for bonded indebtedness and would like to have it updated.

Councilor Trefethen said he was in agreement with Councilor Cheney, but didn't think it could be done tonight.

Councilor Cheney said to lay out the motions and bring an updated document back next meeting. We will still have the approved Planning Board CIP, but then the Council will have a new updated resolution to refer to.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12, 2008
Meeting Time: **7:00 pm**

Mayor Myers said there isn't going to be a new resolution.

Councilor Cheney asked if was going to be changed at all.

Mayor Myers said the Council asked for three columns for 2009; debt, bonded and cash.

Councilor Dede talked of the original motion to table this, which went nowhere. He asked that Councilor Cheney pull her motion and that the Council go back to his motion to table this.

Mayor Myers said the motion to table supersedes any other motion. He asked for a second.

Councilor Scott seconded the motion.

Vote 2/6. Failed. Councilor Dede and Scott in favor.

Councilor Cheney made a motion to receive figures for work the Council has already done.

Councilor McCusker talked of his frustration of being told the Council is not prepared. He hears the clock ticking, and the City Manager needs to work on the budget.

Councilor Trefethen said that individual councilors are allowed to have their own philosophies, but individual philosophies should not interfere with the Council doing its business. If you don't have the majority of the Council agreeing with that philosophy then move on.

Councilor Weston wanted to move on too, and find homes for those items that the Council is trying to find homes for.

Mayor Myers asked for a vote on Councilor Cheney's motion.

Vote: 8/0.

Councilor Cheney made a motion to do the same for the reserve funds, seconded by Councilor McCusker.

Vote: 8/0.

Councilor Cheney made a motion that the Council take the remainder of \$850,000 that was taken out of Henry Law Ave. for this year and put it into 2010; seconded by Councilor Trefethen.

Councilor Dede said the uncommitted portions need to move. Councilor Cheney is looking to move them over to 2010.

Councilor Cheney moved to amend her motion.

Vote: 8/0.

Councilor Cheney made a motion to remove the downtown parking facility completely.

Mayor Myers clarified that last week it was chosen not to fund it in 2009, but we certainly can remove it.

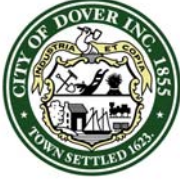
Councilor Cheney said that was her motion. Seconded by Councilor Scott.

Councilor Trefethen asked the City Manager if the Council had to have this in the CIP to act on it at a later date.

City Manager Joyal said for purposes of this plan, the Council doesn't have to fund any of it.

Councilor Cheney made a motion to suspend the rules to complete the agenda; seconded by Councilor McCusker.

Roll Call Vote: 8/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12,2008
Meeting Time: **7:00 pm**

Councilor Cheney made an amended motion to put under 2010, \$100,000 for Parking; seconded by Councilor Trefethen.

Vote: 8/0.

Councilor Weston asked Gary Bannon about Guppy Park, and if he could wait until 2010 or 2011.

Gary Bannon, Recreation Director, said wherever the Council puts it he'll take it.

Councilor Weston talked of the Sand & Gravel Fund, and maybe taking \$100,000 from that for design next year.

Councilor Weston made a motion to put in fiscal year 2010, \$100,000 for Guppy Field for design work, and then \$250,000 in fiscal year 2011; seconded by Councilor Cheney.

Councilor Trefethen asked if the project can be done sooner, because we're working with the Sand & Gravel Fund.

City Manager Joyal said yes, the Council could authorize proceeding with the project, but we don't have the gravel revenues in hand. Technically the Council could do it today, because we have the contracts, but he wouldn't suggest that.

Councilor Weston said that when the amount of money from the Sand & Gravel Fund for the bath house was estimated, it was figured that it would take two or three years to pay for the bath house itself. Hopefully by the time we do Guppy Field we'll have paid for the bath house.

Mayor Myers asked for copies of this fund to see the balance.

Vote: 8/0.

Mayor Myers asked if anything needed to be done with the bath house.

City Manager Joyal suggested that it be left where it is, because Councilor Weston will be back with a resolution.

Councilor McCusker made a motion regarding 2010 and 2011 for Maglaras Park, to push those back to 2012 and 2013; seconded by Councilor Scott.

Councilor Trefethen indicated he was reluctant to move it. He wants to delete it.

Mayor Myer said it doesn't commit us, but it keeps it out there.

Councilor Dede said he doesn't care where it gets moved to. The plan for Maglaras Park is way too rich and he doesn't see it happening.

Vote: 6/0. Councilors Scott and Cheney were out of the room.

Councilor Dede made a motion to accept CIP as amended, seconded by Councilor Weston.

Councilor Trefethen asked, if this is approved, will the Council still get that worksheet?

Mayor Myers agreed.

Councilor Cheney wanted the update.

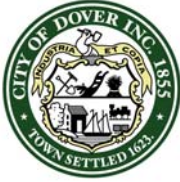
Mayor Myers said if it is passed tonight, then it would be the CIP as adopted.

Councilor Scott asked if the motion on the floor is that the Council accept the six-year plan, which shows an investment of \$148 million.

Mayor Myers said that's not correct, because we already knocked the \$19 million for this year down to \$8 million.

Councilor Scott said it was then \$136 million; is that what the Council is voting on? The Council accepts the CIP that is two or three times the amount that we're retiring.

Mayor Myers reminded the Council that it's not all debt financed money.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12, 2008
Meeting Time: **7:00 pm**

Councilor Scott said it didn't matter.

Vote 6/2. Passed. Councilors Callaghan and Scott opposed.

2. RESOLUTION RE; RELEASE OF CITY ATTORNEY OPINION SPONSORED BY COUNCILOR CHENEY

Councilor Cheney made a motion to substitute this motion; seconded by Councilor Dede.

Vote 8/0.

Councilor Cheney noted she has asked for an opinion from the City Attorney, and it has to be voted as a body to address it to the public. She's looking for everyone's support in releasing these documents.

Councilor Dede said he would vote against the resolution to substitute. He is willing to support the original resolution. The reason is in the third whereas. It says documents produced in the legal department do not fall under RSA 91.A.5. He said that this is a road the Council has travelled before and it's a dead end. Every single thing that the City attorney publishes to its client is considered confidential and can only be released by the client. It requires a majority vote of the Council to get it released. He has no objection to releasing this information, but the third whereas does. It seems to insert that some things the City Attorney puts out to the Council are exempt, and can be distributed to us and are not confidential. He can't support that, and it does not deserve the support of the Council. If it does pass, he trusts that when the City Attorney comes back, he will advise the Council that it cannot be done.

Councilor Cheney had other copies of letters and passed them to other members of the Council. One was dated August 3, 2006. It's the same exact wording she has always used to release documents, even with the attorney here. This is a resolution she has used before. She doesn't understand any contention over that statement.

Mayor Myers asked if the City Attorney had reviewed this.

Councilor Cheney said he's reviewed all the other ones; it is the same exact wording.

Mayor Myers asked if he reviewed this one.

Councilor Cheney said no, she had just brought this here today. She did send it out in an email.

Councilor Weston asked Councilor Cheney if Attorney Krans signed off on the one from August 3, 2006.

Councilor Cheney replied that he did.

Councilor Weston said the Council can't assume he would have signed off on this one.

City Manager Joyal said he wouldn't make any assumptions.

Councilor Cheney went over the list of exemptions in 91.A.5.

City Manager Joyal talked about 91.A.5., paragraph 4, which indicates that the opinions of legal council are privileged and confidential. They are subject to exemption under the Right to Know Law. He did tell the Council that there was nothing that said they can't release it. He said he doesn't understand the other statements in the resolution, because they are not necessarily supported by law. The fact is, if the Council wants to release, you can release it.

Mayor Myers questioned the August, 2006 document.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12,2008
Meeting Time: 7:00 pm

Councilor Cheney said it was the same one as in the packet in 2006.

Mayor Myers asked about the agenda number.

Councilor Cheney said she didn't actually take it out of the packet.

Mayor Myers asked what was wrong with the original resolution that went through the City Clerk, Attorney, Docutron, and put in our agendas.

Councilor Cheney said there was nothing wrong with it. If you look at the background information, she told the City Manager she wanted it in her format.

Mayor Myers told Councilor Cheney, if she wanted to make a motion for background to the resolution, which has been approved.

Councilor Cheney said she had a problem with this because it doesn't have the dates.

She has a place on the agenda. She just wanted to get this business done tonight. If

Councilor Dede has a problem with the statement, she would be more than happy to take that out, but she will challenge it next time, because she has others that she will ask to be released.

Mayor Myers said he doesn't know if the City Attorney truly signed off on the one Councilor Cheney passed out tonight.

City Manager Joyal said there was a regular meeting on August 9th and the City Attorney did draft a resolution that Councilor Cheney sponsored, and he did sign off on it on August 4th. It did go to the Regular Meeting on August 9th and it was voted on.

Councilor Dede said he was perfectly willing to get that particular confidential document released to the public on the vote of the Council, as long as the rest of the Council agrees as well.

Councilor Cheney said it was a simple opinion and it should be supported.

Councilor McCusker asked Councilor Cheney: are you looking to have it released, or only released through your new resolution, because you want that as part of this record? Councilor Cheney indicated that she wants it released with her resolution.

Councilor McCusker asked if it was the front page or the background that is so important.

Councilor Cheney said it was both.

Councilor McCusker asked if it was important for her to vote on this tonight, or would it be all right if the Council has the City Attorney review this latest one that he hasn't seen.

Councilor Cheney said she didn't see the importance of having him review it. This is already a public document. All she is doing is releasing a confidential document.

Mayor Myer said he agrees with Councilor McCusker, if the intent is only to release the confidential opinion of the City Attorney. But he was only ready to do that on the one the City Attorney has signed off on. He will only support the original resolution. He told Councilor Cheney to add additional background information if she would like.

Councilor Cheney made a motion to table this resolution; seconded by Councilor Trefethen.

Vote 8/0.

C. ORDINANCES IN 1ST READING-NONE

D. COUNCIL CORRESPONDENCE



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, March 12,2008
Meeting Time: 7:00 pm

1. LETTER CONCERNING DOVER ICE ARENA DIRECTOR FROM ROBERT STRAND

Councilor Trefethen moved to place correspondence on file; seconded by Councilor Dede.

Vote 8/0.

13. COUNCIL MATTERS OF INTEREST

Councilor McCusker talked of email correspondence among the Councilors about the Right to Know Law. He read an email correspondence example. He said there had to be a way for the public to be informed of this information, besides going to the media. He suspects that the Council would have to make a policy to include some type of public access. If the Council doesn't make that policy, then we have to stop this, it isn't right. Councilor Cheney said 91.A does not address electronic communications to date. The State Law is very liberal. HB626, which is in committee right now, if passed, will address electronic communications. Councilor Dede and Councilor Cheney made a policy on this. If an email says All Council or Council Archive, that is a public record. If a decision is made, the law says that it must be disclosed at the next public meeting to make it public information. This Council is more conservative than the State. Mayor Myers told the Council, if they just use Reply and not Reply All, then they are just having one conversation and not a quorum. Councilor Trefethen brought up advocating issues to other Councilors, and said that is a clear violation of 91.A. Councilor Callaghan said he interpreted 91.A differently. He emails to All to distribute his opinions as a courtesy, so you have a copy before you sit here tonight.

14. ADJOURN

Moved to adjourn by Councilor Trefethen, seconded by Councilor Callaghan.

Vote 8/0.