



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, March 26, 2008**
Meeting Time: **7:00pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Led by Councilor McCusker

3. ROLL CALL

Present: Mayor Myers, Councilors Scott, Trefethen, Weston, Callaghan, Cheney and McCusker. Also present: City Manager Joyal, City Attorney Krans and City Clerk Lavertu. Absent: Councilors Keays and Dede.

Councilor Cheney filled in as Deputy Mayor.

4. PROCLAMATIONS – AWARDS

Mayor Myers recognized the Dover Boys Hockey Team for becoming Division 2 State Champions this year.

Mayor Myers recognized Coach Ray Terrell for his work with the Dover Hockey Team.

5. APPROVAL OF AGENDA

Councilor Callahan made a motion to accept the Agenda as written; seconded by Councilor McCusker.

Vote: 7/0.

6. CITIZEN'S FORUM

Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

John Scruton, 99 Sixth Street: He spoke of the loss of farm land and natural resources in Dover to developers.

Dick Lowell, 3 Browning Avenue, Ward 2: He had some questions about the tax amendment. He was basing his comments on the assumption that the tax amendment was proposed and passed with the ultimate goal of limiting future increases on property taxes. The wording on the ballot doesn't say anything about property taxes. It says: "The municipality shall amend the City Charter by placing a cap on City spending based on the annual National Consumer Price Index." He assumes that if the budget is limited to the CPI Index, that his property tax is limited to the CPI Index. However, he is having a hard time understanding why some councilors want to exclude some of those items that are normally in every city budget: the state, school and county tax. On February 27th, by vote of 5/3, the City Council voted to exclude these items from the budget. The City Manager expressed an



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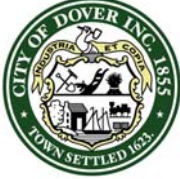
opinion that this exclusion would be a direct violation of the Charter. He hopes to find out tonight if the good sense of the City Manager is valid. He spoke of Councilor Scott's comments to the City Manager that the amendment doesn't mention the addition of state, school and county tax. He asked Councilor Scott where it says it excludes these items. If excluded, it should have been put under Exceptions to Budget Limitations. Since it is not, he doesn't understand why it is even being discussed. He asked the Council, if they exclude these items from their budget, could he do the same from his budget?

Chris Boldt, 4 Evans Drive: He talked of other Public Forums that he had witnessed. He said the question of whether or not the county tax was included was raised, it was answered as yes. He asked in a follow-up question about the City's budget having to be adjusted if the county taxed increased, and again answered yes. He said that at no time was there ever a discussion by any of the promoters of this Tax Cap Amendment that the county or state taxes would not be included within the cap. He felt it was disingenuous to seek to amend out that language vis-à-vis this proposed ordinance, as drafted by the City Attorney. He asked the Council to reconsider that vote. He suggested a potential idea to the Council; to consider the authority that the State has granted you under RSA 49B:5, which allow this body to appoint a committee to affect a single-subject amendment to the Charter. They would look thoroughly at this, look at other similar communities, and then put it back before the voters. This ordinance will clarify some issues, but it does not fix the underlying problem of how the City considers what is really coming into the mix. He also challenged the Council to consider an override in light of the county tax being increased by 17%.

Amy Costello, 4 Page Avenue: She wanted to follow up on Chris Boldt's comments. She asked the Council to explore a way to prevent this from happening in the future, proposals ending up on ballots, but with loopholes, because now we're talking about overrides and that goes to the heart of the democratic process. Her second concern is the absence of a councilor. There have been a lot of decisions being made here, particularly about the Tax Cap and Capital Improvement Plan, and there has been no update about the Ward 1 Councilor is or his plans to return. She is concerned about taxation without representation.

Mark Ryder, Esq., 138 Sixth Street, Ward 6: He spoke about how Courts, when looking to determine the state of a statute or law, look to the legislative intent. The intent of the citizens was to include the state and county in the tax cap. The Council should not usurp the peoples' intent to include this in the tax cap. The tax cap is in place to limit our taxes and our taxes include all of those items.

Norman Champagne, 13 Church Street: He spoke of the tax cap. He went to the meetings which explained the tax cap. It was not a tax cap, but a spending cap. He thought when he voted for it, that the City would be limited in their budget deliberations to spending the CPI and no more. It didn't say anything about what the school department might do, what the State of New Hampshire might do, what the county might do. It has nothing to do with any of that. It had to do with the people of Dover not being able to afford to continue to spend the kind of money that is appearing on our tax bills year after year. People are trying to find a way for the City to spend more money, and that is not right. He feels it will end up in court if the Council



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chooses to do that, and he would contribute to that action. He takes voting very seriously, and he expects it to count for something. The Council trying to make changes that negate a vote of the people is outrageous. He asked the Council not to do it. He said overriding the tax cap is overriding the will of the people of Dover. He told the Mayor he would be shocked if he overrode the tax cap, because he felt he had a lot more integrity than that.

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

7. PUBLIC HEARINGS

- A. RESOLUTIONS- NONE
- ORDINANCES - NONE

8. CITY MANAGER'S REPORT

City Manager Joyal mentioned that John McCooley has been reappointed to the Dover Housing Authority Board. The appointments to the Dover Housing Authority Board are within the province of the City Manager.

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

Vote: 7/0.

9. MINUTES

- A. MINUTES FROM – MARCH 5,2008
- B. MINUTES FROM – MARCH 12,2008

Councilor Cheney made a motion to accept the minutes; seconded by Councilor Weston.

Mayor Myers asked the Council if they had any corrections, additions, deletions to the minutes.

Councilor Weston referenced to Page 11 of 15, March 5th, 2008 Minutes; it mentions the pool and it should be pool bathhouse.

Mayor Myers asked for a vote for accepting the minutes with the amendment.

Vote: 7/0.

10. MAYOR'S REPORT

Mayor Myers thanked Councilor Cheney for filling in as Deputy Mayor.

May 12th is an International Day being celebrated, which is Florence Nightingale's birthday. He was contacted by a resident of Dover, who is also employed by Wentworth-Douglass Hospital, and they're looking to tie into this international celebration with a celebration of nursing. Mayor Myers wanted to issue, with Council's approval, a proclamation to the nurses at Wentworth-Douglass Hospital. This will recognize May 12th as a Nightingale Moment, tying it in with the International Celebration.



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Mayor Myers said a few weeks ago he attended two classes at the Horne Street School, conducted by Mrs. Wood and Mrs. Lewis, as they were finishing up a Junior Achievement program. He answered a lot of questions and helped pass out their certificates of achievement.

Mayor Myers mentioned he attended the Mayor's Alliance in Concord.

Mayor Myers mentioned he attended the Loyal Order of Moose and met with the Supreme Governor. Chief Colarusso and Chief Plummer were also in attendance. The Loyal Order of Moose made several contributions to the Fire and Police charities, as well as to the Dover Children's Home and Health Family Services. He thanked them for their support.

Mayor Myers mentioned being at the McConnell Center with Centrix Bank. Centrix Bank made a donation to the City through a grant program which they have, providing in this case the exterior signage for the McConnell Center. Mayor Myers thanked Centrix Bank for their support.

Mayor Myers mentioned attending the Local Government Center dinner in Hampton with several Councilors and Superintendent O'Connor. They received an update mostly on the retirement system, and HB1645 that passed a few weeks ago. It's now moving on to the Senate. We need to encourage our legislative delegation to represent the interests of the City of Dover in supporting seriously-needed reforms to the New Hampshire retirement system.

Mayor Myers spoke of the Parking Committee. The Chair of the Transportation Advisory Committee has appointed Peter Schmidt as their representative. He added that the Chamber of Commerce's recommendation, who wasn't a Dover resident, has decided to step aside. Chamber of Commerce has appointed Pam Simpson, who is a resident of Dover.

Mayor Myers thanked the community for coming out to the Economic Summit last Wednesday.

Councilor Cheney made a motion to accept the Mayor's Report; seconded by Councilor Weston.

Vote: 7/0.

11. UNFINISHED BUSINESS

1. RELEASE OF TAX CAP LEGAL OPINIONS (PLACED IN ACCORDANCE WITH CITY COUNCIL RULE 8C)

SPONSORED BY MAYOR MYERS

Councilor Cheney moved for its adoption; seconded by Councilor McCusker.

Vote: 7/0.

A. ORDINANCES IN THE 2ND READING

ORDINANCE RE: TAX CAP BUDGET ORDINANCE (TO BE REMOVED FROM TABLE)

SPONSORED BY MAYOR MYERS BY REQUEST



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CITY COUNCIL - MINUTES

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Councilor Cheney moved for it to be removed from the table; seconded by Councilor Weston.

Vote: 7/0.

Councilor Cheney moved for its adoption; seconded by Councilor McCusker. Mayor Myers said the Council tabled this a few weeks ago. There were a few amendments that the Council had approved to the language and how it would be interpreted. The Council tabled it before the ordinance was voted on. So what the Council is considering is the original ordinance, with the amendments. The Council has completely removed Paragraphs B and G. In Paragraph H, they added the word "maximum". In Paragraph I, they changed "Superintendent" to "Board".

Councilor Weston made a motion to reconsider Paragraph B; seconded by Councilor Cheney.

Vote: 7/0.

Councilor Cheney said she will not be voting to strike Paragraph B.

Councilor Trefethen spoke of the legal opinions they have, that very few people have seen, and how they basically say the county tax is included under the budget limitation.

Mayor Myers said he supported leaving the language in as it was originally presented in the ordinance.

Councilor Scott said he would support leaving the language in.

Mayor Myers explained that a "no" vote would actually leave the language in.

Vote: 0/7.

Councilor Scott said he had constituents call him about Paragraph B, indicating that where it talks about the dollar value of building permits, that it should be qualified to exclude building permits for non-profit organizations. He suggested that that modification be made.

Mayor Myers asked the City Manager if the City was excluding those properties. City Manager Joyal said that in the budget he is preparing, it does exclude non-taxable property.

Councilor Trefethen noted that when the Department of Revenue sets the tax rate in the fall, the number before them represents our total assessment evaluation, and does not include non-profit organizations.

City Manager Joyal agreed.

Councilor Trefethen said the City was consistent across the board.

City Manager Joyal agreed. City Manager Joyal further explained that the Department of Revenue has two sets of assessment numbers. One has utility property in it and one does not. That is so they can calculate the State's tax. Non-taxable property is not in any of the numbers.

Mayor Myers mentioned Paragraph G, and wanted the Council to think about why the Council would not be looking to the Finance Director to do a calculation where it ties into new construction value based on the City, which is a City function not a School function. If the Council is looking to be consistent with what



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CPI number we're using, then his feeling is the City should be consistent with the formula and dollar amount of new construction. He said he knew some had concerns that it was the City telling the Schools what to do. He disagreed. He asked someone on the prevailing side to make a motion to reconsider.

Councilor Cheney made a motion to reconsider; seconded by Councilor Weston. Vote: 6/0. Councilor Callaghan was not present for vote.

Councilor Cheney said she made the motion because the Mayor pointed out some very important information. The Finance Director will provide the formula using the existing numbers and the School is still autonomous and will come to the Council with their budget, but it will help them to know they are on the same page as what the City has calculated.

Councilor Trefethen said his original reason to remove Paragraph G was because he felt it wasn't important to the ordinance. At the time he was trying to compromise. He said he would not be voting for it tonight.

Councilor Callaghan said he believed Paragraph G was redundant to some of the other language in the amendment. He thinks this particular language does give authority to the Finance Director over the School Board. His position hasn't changed from when this was removed.

Councilor McCusker said he voted against striking this because he feels it does provide clarification. He doesn't read it as a directive from the Finance Director to the School Department, but as information provided by the Finance Director. Councilor Scott said he voted for the same reason that Councilor Callaghan did. He feels it puts the School Department subservient to the Finance Director. He didn't feel that it should be in an ordinance. The School Department has a Finance Director who has access to the information.

Mayor Myers said that a "no" vote would leave the language in.

Vote: 2/5; Councilors Callaghan and Scott in favor.

Councilor Cheney made a motion to take the first sentence out of Paragraph G; seconded by Councilor Scott.

Councilor Trefethen said he doesn't see where it is detrimental to the school at all. It is essentially a directive to the City Manager, telling him to include the School in his budget.

Vote: 3/4; Motion failed. Councilors Callaghan, Cheney and Scott in favor.

Mayor Myers asked the Council to answer the call of the roll for the Ordinance as amended.

Roll Call Vote: 7/0.

B. ORDINANCES IN THE 3RD READING-NONE

C. RESOLUTIONS- RE: RELEASE OF MARCH 3, 2008 CITY ATTORNEY OPINION (TO BE REMOVED FROM TABLE AND SUBSTITUTE IN WHOLE)

SPONSORED BY COUNCILOR CHENEY



CITY OF DOVER

CITY COUNCIL - MINUTES

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Councilor Cheney made a motion to removed from the table; seconded by Councilor Callaghan.

Councilor Cheney made a motion to substitute in whole; seconded by Councilor Callaghan.

Vote 6/1; Passed. Councilor Trefethen opposed.

Councilor Cheney moved for its adoption; seconded by Councilor Callaghan.

Councilor Cheney said this is the same resolution that she had brought forth to release an opinion that she had requested. It was tabled because she did not have the City Attorney's signature, but she has now obtained it.

Mayor Myers said the resolution was new, but with the same intent.

Councilor Cheney agreed with the Mayor and explained that she wanted her original format back.

Councilor Trefethen said he voted against it before because of the third whereas. The purpose of this resolution is to release a confidential document which the Council is entitled to do. The wording in the third whereas has nothing to do with the proposed action. He felt it was trying to make a statement that he does not want made.

Vote: 6/1; Passed. Councilor Trefethen opposed.

12. NEW BUSINESS

A. CONSENT CALENDAR

1. TAG PERMIT –DOVER YOUTH FOOTBALL LEAGUE
2. PARADE-PORTSMOUTH CHRISTION ACADEMY
3. **RESOLUTION RE: RIVER STREET PUMP STATION DESIGN PHASE**
SPONSORED BY MAYOR MYERS BY REQUEST
4. **RESOLUTION RE: PAVEMENT MARKINGS SHORT LINES-B08049**
SPONSORED BY MAYOR MYERS BY REQUEST
5. **RESOLUTION RE: PAVEMENT MARKINGS LONG LINE REFLECTORIZED-B08050**
SPONSORED BY MAYOR MYERS BY REQUEST
6. **RESOLUTION RE: AWARD PURCHASE BIOCUBE MEDIA REPLACEMENT KIT**
SPONSORED BY MAYOR MYERS BY REQUEST
7. **RESOLUTION RE: CHANGE ORDER NORTH END FIRE STATION B07076**
SPONSORED BY MAYOR MYERS BY REQUEST
8. **RESOLUTION RE: INDIAN BROOK STREET AMENDMENT TO RESIDENT PROJECT REPRESENTATIVE SERVICES**
SPONSORED BY MAYOR MYERS BY REQUEST
9. **RESOLUTION RE; DESIGN AND FURNITURE FOR CITY HALL IMPROVEMENTS**
SPONSORED BY MAYOR MYERS BY REQUEST
10. **RESOLUTION RE; SAND AND GRAVEL PRODUCTS**
SPONSORED BY MAYOR MYERS BY REQUEST
11. **RESOLUTION RE: AUTHORIZATION TO ACCEPT NH DES GRANT**
SPONSORED BY MAYOR MYERS BY REQUEST
12. **RESOLUTION RE: REPLACEMENT OF CITY TRUCK 1998 DODGE**
SPONSORED BY MAYOR MYERS BY REQUEST



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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 Cheney moved to adopt Consent Calendar, seconded by Councilor Weston.

Mayor Myers asked the Council if they have any items they wished to have removed from the Consent Calendar for further discussion.

Councilor Cheney asked to remove Items 12.A.3., 12.A.7. and 12.A.8.

Councilor Callaghan asked to remove Item 12.A.9. and 12.A.11.

Councilor Trefethen asked to remove Item 12.A.5.

Mayor Myers said that would leave Item Numbers: 12.A.1, 12.A.2., 12.A.4., 12.A.6., 12.A.10, and 12.A.12. Mayor Myers asked the Council to answer the call of the roll to adopt those items on the Consent Calendar.

Roll Call Vote: 7/0.

Councilor Cheney moved for the adoption of 12.A.3.; seconded by Councilor Trefethen.

Councilor Cheney asked if the City Attorney will be signing off on this contract. City Manager Joyal said that as part of the resolution process, the City Attorney reviews resolutions. He explained the waiving of the bid process and why this project is asking for this. This is a qualifications based process. This project is eligible for reimbursement from the NH DES, and as a result the City has to follow their bidding rules. After the City determines the best firm based on their qualifications, then the bids are opened up and negotiated at that time.

Roll Call Vote: 7/0.

Councilor Cheney moved for the adoption of 12.A.5.; seconded by Councilor Trefethen.

Councilor Trefethen asked the City Manager if all the roads will get line painted with the exception of roads to be paved.

City Manager Joyal said it may not be all of the roads, but the roads that are in need. When road constructions are completed this summer, they will paint those too.

Councilor Trefethen said he asked to have this pulled because he wanted to ask about the City policy. He said the newly paved road lines fade quicker and that the City should repaint the lines as late in the season as possible so the lines are clear for the entire winter season. He asked if it could be done with this contract, or if they needed a new one. He would urge that the City have a policy that we go back and repaint roads in the fall that were paved early in the season.

Councilor Scott asked if the same company did the painting last year.

City Manager Joyal said he wasn't sure.



CITY OF DOVER

CITY COUNCIL - MINUTES

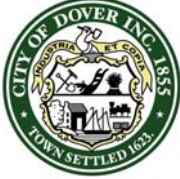
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Mayor Myers said at least the crosswalks need a better quality paint. City Manager Joyal said that was an issue they specifically looked at. There are two ways to paint the crosswalks; one is higher grade paint, which this is, and the other is a thermal-type plastic. He asked Doug Steele to look at that and it is incredibly expensive. So we're sticking with the paint with the reflective markings in it. Unfortunately with the sand and traffic it does get ground off. Councilor Callaghan said he felt it was important to paint both in the spring and fall. He also felt if the City is going to enforce the safety of individuals that the City has to make the crosswalks more visible. City Manager Joyal said the vendor last year was Highway Safety Systems of Hanover, Mass. in the amount of \$46,000. Roll Call Vote: 7/0.

Councilor Cheney moved that 12.A.7. be referred to a Public Hearing on April 9th; seconded by Councilor Weston. Mayor Myers said this would require a two-thirds vote. Vote: 7/0.

Councilor Cheney moved for the adoption of 12.A.8.; seconded by Councilor McCusker. Councilor Cheney moved to substitute in whole; seconded by Councilor Weston. Mayor Myers said it was just a grammatical error, and everything else is identical. Mayor Myers asked for a vote to accept as amended. Vote: 7/0. Mayor Myers asked for further discussion on this resolution. Roll Call Vote: 7/0.

Councilor Cheney moved for the adoption of 12.A.9.; seconded by Councilor Weston. Councilor Callaghan said this was a lot of money. He noticed it was a complete design and office furniture purchase. He understood it was under a state contract. He wanted to know if it had been considered to have this office designed by somebody else for a small fee and then possibly buying the furniture through a bid process of our own. City Manager Joyal said that he originally asked the same question, but the State contract with Office Interiors includes design services and then bidding and pricing for office furniture. So the City is simply piggybacking on the state. The City Manager had asked if the City could just do design services and bid the equipment out separately. We're not locked into buying the equipment from this vendor, but we would have to separate out and pay them for the design services once they are done. Councilor Scott said as we're getting ready for the budget, the Council is going to have to eliminate things that are not essential. He doesn't think spending \$150,000 for design and furniture for City Hall is really essential. He said he would be voting against this.



CITY OF DOVER

CITY COUNCIL - MINUTES

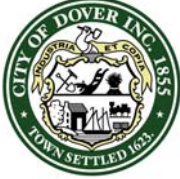
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Mayor Myers said this was a CIP project that the Council approved last year and it tied in with several things, including the consolidation of offices. The School Administrative offices are moving to the McConnell Center to free space up in the City Municipal Building for City services. So we won't have to add on an addition, or find additional office space elsewhere. He also mentioned that the City used to have a Tax Collector and City Clerk, and with the anticipation of this passing in the CIP last year, we will be combining those two offices. We hired Karen Lavertu last fall as a combined City Clerk/Tax Collector. The City is also looking to cross-train staff to be more efficient during peak periods of service, and allow more flexibility in scheduling off-times and vacations. So the Council knew this was an investment going in, but in the big picture we've updated a division head position, cross-training employees for better efficiency, and it kept us from having to construct a costly addition to the City Hall. For those reasons he supported it then and still supports it now.

Councilor Cheney said she doesn't think foregoing the bid process should be considered in this instance. She did not vote on the city hall improvements. She did not vote on the elimination of the City Clerk and the combination of the position. She said she wouldn't be supporting this.

Councilor Weston said she concurred with Councilor Cheney. She said she would support a design concept, but could not support a design concept and a blanket purchase order for the furniture.

Councilor Callaghan said there appeared to be some building construction to accommodate these changes and he wondered if there was a cost for that as well. City Manager Joyal said that it was just the opposite. He told the Council that approximately a year ago the City went through a space analysis and hired an architect who came up with a few different scenarios for making more efficient use of the space we have, with several million dollars in costs. The City Manager stated that he recommended to the Council that the City didn't need to go that far. He felt that although the City needs to accommodate more space for the Police Department, he recognizes that the City is not in the position to do that at this point. It is part of his budget to look for efficiencies in how we operate. It was recommended and the Council as a body did approve and adopt a budget that consolidates offices into a single office. He made it known repeatedly that he needed the Council's support on this in order to proceed. If the Council wasn't going to support it and follow through with the design issues that needed to be done, he asked that the Council not make the changes in the consolidation. Those changes have been made. That was a decision of the Council as a body, and therefore he is in the position now of having to make that work. What the City has decided to do after all that is to minimize any construction to the building itself and to focus on making more efficient use of the space we have. One thing that was obvious in our architect's study is that existing layout of the offices, which is dictated primarily by the vintage office furniture, is not an efficient use of space. There is a tremendous amount of vertical space which is not used. There is a considerable amount of inefficient storage space. We have oversized desks that are not needed. We have counters that are not conducive to serving customers. The City is looking at minimizing construction, focusing on



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replacing furnishings, bringing the offices together in the existing office space we have now, and avoiding multi-million dollar costs.

Councilor Callaghan asked what this did for the Police Department.

City Manager Joyal explained the essentials of what was going to happen. SAU office is moving over to the 4th floor of the McConnell Center this summer. Finance and Accounting will move upstairs into the old SAU office. The Superintendent's Office will become a public conference room. On the first floor the City Clerk and Tax Collector's Office would be combined in the existing Tax Collections office and what is currently the IT Office, which is immediately next door, putting a door in the wall. Planning will be consolidated in the existing main Planning office. Assessing would become the work area for Planning. The existing Finance Office potentially would become Inspection. The City is also looking at that area for the Police Department. The Accounting Office would become the Assessing Office, which will include a designated space for realtors, appraisers, and the customers that they primarily serve, to come in and do their research. The only structural change is the doorway between Tax Collections and the IT Office, so that the City Clerk and her staff can access that space.

Councilor Callaghan said he was probably going to vote against this because it is \$150,000 to refurbish. He said he would like to see the money given to a larger revamp of the situation so the Police Department gets more space.

Councilor Scott said he thinks the Council should be thinking like a private company in times of recession, which we are in, and consolidate certain jobs and may be able to have less people. He felt the City shouldn't be spending money on furniture and felt we should look into selling some of the furniture that might be excess. He said this kind of expenditure at this time is inappropriate.

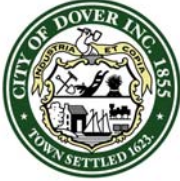
Councilor McCusker asked the City Manager what the fee was for A.T. Architects when they did space needs study.

City Manager Joyal said it was \$40,000.

Councilor McCusker said the previous Council decided to spend \$40,000 to hire an architect to come in to review the space of City Hall for the purpose of expanding or removing the Police Department. After finding it would be millions of dollars for a new Police Department, they are going to stay put. That led to the consolidation of two division heads into one person and you have to bring those people together. The School Department is moving to the McConnell Center so you get their space, and you get to have a meeting room out of it. That was decided by the previous Council. Part of that was that there would be a CIP expenditure of this money to refurbish and restructure because of the 1950's desks and some of the inherited Liberty Mutual furniture that some of the offices are using right now. So the Council is now being asked to spend the money that was part of that Master Plan; is that correct?

City Manager Joyal said he needed to make a correction. It was actually \$30,700, not \$40,000.

Councilor McCusker said the City spent \$30,700 to develop a need and in that need it is determined not to build a Police Station, but to redo City Hall. The money was appropriated by that same Council at that time, so right now the Council could spend



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Meeting Date: **Wednesday, March 26, 2008**
Meeting Time: **7:00pm**

it. So it is up to the Council to vote and spend this, and there is a problem with that. He had a problem with that because there is no different need now than there was a year ago. He would like to see what the ADA has to say, if they could see the conditions of some of the offices people have to use. If he was in a wheelchair, he would be a pretty upset resident if he had to come in and utilize some of the offices that are here. This money is here to make this a more efficient building for the people that use it, the citizens that we serve. He sees no reason why the Council can't make it a better and more efficient place to do business for the people that the City employs and the people that we serve. He said he would be voting to spend this money because he understands the serious limitations with the way the building is set up right now.

Councilor Weston said she wanted some clarification that this is not for reconstruction on the building, but giving a blanket purchase order for furniture and design work. She agrees that the City has to spend some money to do this, but she doesn't want to supersede the bidding process. She said she can't support giving a blanket purchase order to buy furniture without going out to bid.

City Manager Joyal suggested that they amend the \$150,000 to an amount not to exceed \$25,000 for design services, put the furnishings out to bid and come back with a separate resolution.

Councilor Weston said she could support that, but she could not support the full expenditure.

Councilor Cheney agreed with Councilor Weston.

Councilor Trefethen moved to amend this resolution to reduce the amount to not more than \$25,000 to acquire design services; seconded by Councilor McCusker.

Councilor Trefethen said that based on the City Manager's comments, and comments by other Councilors, that this was the way to proceed. He felt that this needed to be done. We need to make things more efficient for our City Clerk/Tax Collector whether we agree or not with the concept of that position. That is the position we have and if we're not going to support that we are setting her up to fail, and I don't think that is something we want to do as a Council.

Councilor Callaghan said he had trouble supporting even that, because he goes back to spending money on a building that we're not going to change that we intended to change. He said instead of putting a band-aid on it, he would like to see it all done at once. To install office systems into a building that we know we're going to move later, or doesn't accomplish the task of enlarging the Police Department, he just can't support it.

Councilor Scott said he would oppose the amendment because he thinks this is a band-aid approach and the Council should not be spending money like this.

Mayor Myers asked the City Manager if the offices weren't combined, especially the City Clerk and Tax Collection, and put in a place where they can cross-train and have one division head, is the City going to need to hire additional staff in order to have it work properly? The way the budget was laid out last year was not to fill the position and combine two, eliminate a higher salary and therefore hire some part-time employees. That was an investment that was going to pay for itself in very short order.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, March 26, 2008**
Meeting Time: **7:00pm**

City Manager Joyal said in regards to Councilor Scott's comment about thinking like a private business, which was exactly the thought process that went into the budget last year. We consolidated positions, reduced the number of supervisory positions, reduced the need for full-time positions, and put in place some part-time positions. In conjunction with that consolidation, we would bring the offices together to serve our customers more efficiently and have more flexibility with staffing and scheduling. He thinks it was a net savings of \$1 million over a ten-year period.

Mayor Myers asked if there was any office furniture going in that would be so entrenched that if in five years there were more modifications, those items would be lost and there would be no way to move them elsewhere.

City Manager Joyal said it would be flexible and allow for changes in the future.

Mayor Myers asked, if the City doesn't do anything with new furniture that is more moderately sized and efficient, when the SAU offices move out of the second floor here; are we going to be able to utilize the space to move Accounting and Finance? City Manager Joyal said Finance could go up there with their existing furnishings, but it won't be the most efficient use of that space. The City is not talking about new office space, we're talking about working within the existing confines of what we have to make it more productive.

Mayor Myers said he thought Councilor Trefethen's amendment of reducing it to \$25,000 to be a very positive step, and with the efficiencies from last year's budget of the reduction of higher salaries to lesser salaries, and some part-time without benefits, that is an investment that is paying dividends for years to come. The fact is that nothing we're doing here will be lost if somewhere down the road the Council chose to do different modifications. He is not too concerned that we are not gaining much space for the Police Department, because he feels that eventually the Police Department will have to move to a consolidated location with the proper lockups, and vehicle compounds. He said the \$150,000, now reduced to \$25,000 to get started, is money well spent.

City Manager Joyal wanted to correct some numbers. The analysis that he did was for 15 years was a cumulative savings, with a combination of personnel and taking into account the moving of SAU, and the anticipated cost that was authorized in the CIP of \$300,000. It came out to \$1.3 million. Subtract out the CIP costs, and the net savings comes out to be \$927,599.43 over 15 years.

Mayor Myers asked if there was further discussion about reducing the amount not to exceed \$25,000.

Vote: 4/3; Passed. Councilors Scott, Cheney and Callaghan opposed.

Mayor Myers asked if there was any further discussion on the amended resolution. Councilor Cheney said, based on the discussion this evening, she thinks that the Council needs to take a different approach. She said she wouldn't be supporting this.

Councilor Weston asked if it was possible to table this because there are so many different things that need to be changed. She asked if the \$25,000 was going to go out to bid to different designers.

Councilor Weston made a motion to table this so that it can be reworded; seconded by Councilor Callaghan.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, March 26, 2008**
Meeting Time: **7:00pm**

Vote: 6/1; Passed. Mayor Myers opposed.

Councilor Cheney moved for the adoption of 12.A.11.; seconded by Councilor Trefethen.

Councilor Callaghan said that he sees this \$450,000 purchase, of which the City is getting a grant for \$112,000, which leaves a \$338,000 balance due. He asked if that is correct, if that was budgeted for, and what access rights does Dover have to this land that is being purchased?

Mayor Myers said if the Council read the first line, this would appear to be a NH DES grant that is coming in that will reduce the amount that has already been authorized by the Council.

Councilor Callaghan asked if the City will buy the land whether we accept this grant or not.

City Manager Joyal said the City already bought the land.

Councilor Callaghan asked again about rights of access to this land, or if it was bought just to preserve it.

City Manager Joyal said it was a conservation easement.

Attorney Krans said it allows access by groups for educational seminars, and youth groups by scheduled appointments.

Mayor Myers asked for a roll call to accept the resolution.

Roll Call Vote: 7/0.

B. RESOLUTIONS

- 1. RESOLUTION RE: APPROVAL OF AMENDMENT TO THE FORMER DOVER LANDFILL
"SITE MANAGEMENT OF MIGRATION PRP GROUP ORGANIZATION AGREEMENT"
SPONSORED BY MAYOR MYERS**

Councilor Cheney moved for its adoption; seconded by Councilor Weston.

Mayor Myers asked the City Manager to introduce Attorney Pelton.

City Manager Joyal introduced Attorney Pelton as the City's representative for the Tolend Landfill. He represents the City in negotiations and administrations of the cleanup and closure of the Tolend landfill, in conjunction with potentially responsible parties. This resolution is an agreement that has come out of negotiations with the PRPs cleaning up essentially an outstanding issue that has to do with the amount of participation of certain parties. He asked Mr. Pelton to give the Council some background on this issue and answer questions the Council might have.

Attorney Pelton said there was only one matter with respect to the landfill this evening. It was an amendment to the Management of Migration Participation Agreement. He discussed the background of this resolution with the Council. The PRP is the label to identify those parties we feel are responsible for cleaning up hazardous waste sites. There are two remedial obligations that we have: what to do with the landfill itself, and the management of migration of the contaminants that are leaving the landfill to other areas of concern. In the early



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, March 26, 2008**
Meeting Time: **7:00pm**

1990's the parties had extensive allocation discussions and negotiations where everybody's share was fixed. Waste Management's share was fixed at 1.3%. Waste Management cashed out its source control remedy along with several other parties, but stayed on the Management of Migration remedy. Now we have an amended Record of Decision of 2004. It simply moves Waste Management into the Class 2 of the cash out parties. The Management of Migration Remedy that is currently obligated by EPA is relative to the plume of contaminants coming off the landfill. That was perceived by the EPA to be significant because it heads in the general direction of the Bellamy Reservoir, which serves as a major source of drinking water for the City of Portsmouth and other communities. \$3.5 million has been estimated by EPA, based on information that existed a few years ago, and that's the number for negotiating the cash out amount for Waste Management. 1.3% was their share, but that was increased to 2.119% due to other parties going bankrupt. That meant of the \$3.5 million, their share was \$74,000. We negotiated with them because we wanted them to pay a premium on top of that, because there is a chance that EPA will require that the control of the management of migration be extended beyond the southerly plume. The negotiated amount was \$105,000. All that happens here is that Waste Management is placed in that Category 2.

Councilor Cheney asked if their cash out was at the higher 2.119% rate.

Attorney Pelton said that was correct, but it also included the premium.

Councilor Cheney asked if this negotiation meant that the EPA approved of the new remedy.

Attorney Pelton said not yet. If that were to happen, it will reduce our exposure out there on the southerly plume. We are continuing to discuss with EPA modifying the remedy from the extraction trench design to a more traditional pump-and-treat remedy, which would do the same for a lot less money. Dean Peschel has been meeting with the EPA and has another meeting scheduled in April.

Mayor Myers thanked Attorney Pelton and asked for a roll call vote.

Roll Call Vote: 7/0.

2. RESOLUTION RE: RENAMING OF VETERANS HALL IN HONOR OF ROLAND "BUNNY" BELHUMEUR

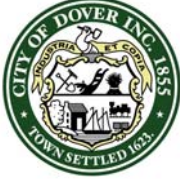
SPONSORED BY MAYOR MYERS BY REQUEST

Councilor Cheney moved to refer to Public Hearing on April 9th, 2008; seconded by Councilor Weston.

Vote: 4/3; Passed. Mayor Myers, Councilors McCusker and Trefethen opposed.

3. RESOLUTION RE: CITY COUNCIL LIAISON FOR FINANCIAL MANAGEMENT SYSTEM IMPLIMENTATION

SPONSORED BY COUNCILOR WESTON



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, March 26, 2008**
Meeting Time: **7:00pm**

Councilor Cheney moved for its adoption; seconded by Councilor Callaghan. Councilor Weston said that after all the debate over the new financial software package the Council felt a Council liaison was needed between the Council and the School Department. She felt that Councilor Cheney is an expert in this area with 30 years of experience. Mayor Myers said he wasn't sure that the Council can make her the liaison with the School Department. This resolution says she would represent the City Council's interest and provide the City Manager with input.
Vote: 7/0.

4. RESOLUTION RE: APPROPRIATION FOR JENNY THOMPSON POOL BATHHOUSE REPLACEMENT (TO BE REFERRED TO PUBLIC HEARING 4/9)
SPONSORED BY COUNCILORS KEAYS AND WESTON

Councilor Cheney moved to refer to Public Hearing on April 9th, 2008; seconded by Councilor Trefethen.
Vote 7/0.

5. RESOLUTION RE: ACCEPTANCE OF THE ACTION PLAN AND EXPENDITURE FOR THE FISCAL YEAR 2008 CDBG ENTITLEMENT FUNDS (TO BE REFERRED TO PUBLIC HEARING 4/9)
SPONSORED BY MAYOR MYERS BY REQUEST

Councilor Cheney moved to refer to Public Hearing on April 9th, 2008; seconded by Councilor Trefethen.
Vote 7/0.

C. ORDINANCES IN 1ST READING-NONE

D. COUNCIL CORRESPONDENCE

13. COUNCIL MATTERS OF INTEREST

Councilor Cheney explained that Ordinance 79-7, Naming of City Property, says that any resolution must be subject to a public hearing prior to adoption.

Councilor Callaghan referred to 12.A.8., Furnishings, and he asked the City Manager to send the Council a spreadsheet on the savings over a period of years that can be converted to Excel.

City Manager said it dates back over a year and he only has the PDF.

Councilor Trefethen referred to the suggestion made in Citizens' Forum to various Councilors who have made a commitment not to override the tax limitation ordinance. He feels that so far nothing has occurred that would change his mind. Everything that



CITY OF DOVER

CITY COUNCIL - MINUTES

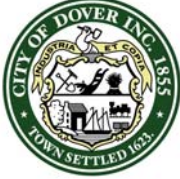
Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, March 26, 2008**
Meeting Time: **7:00pm**

has occurred so far concerning expenses or revenues could have been anticipated as one of the scenarios. Anyone doing research would see that County tax has a significant increase every other year.

Mayor Myers wanted to clarify that Resolution 12.A.8. was tabled. He knew it was the intent by Councilor Weston to come back with something that cleaned it up, that just went straight out to design work. He just wanted some clarification for the City Manager. We need to know if the intent was to go with the identified vendor or go out to bid on it. City Manager Joyal said he was under the impression that they wanted to go out to bid and not specifically go with the state.

Councilor Cheney wanted to thank the Council for appointing her as liaison.

City Manager Joyal said for the past 12-18 months he has worked with the staff to assemble a plan that would result in significant savings in operational efficiencies in the City. He came to the Council, albeit not this Council, and asked for support in implementing that plan, and the Council as a body made a decision. He has proceeded diligently in making that consolidation plan work, to recognize the savings as part of that plan. He has already made personnel changes. He has already laid off and consolidated positions to make this happen. He is in a transition phase right now, and he does not want it to continue. There are some things that are suffering. There are some financial controls that need to be addressed because there are offices in separate locations. There are scheduling issues where he has reduced full-time positions to part-times positions, but they are not in the same office so he can't schedule them for either office when they need to cover both offices at the same time. He has had staff working on various scenarios of how the offices can best be reorganized. They have come up with a plan, which he has approved, that consolidates the office space that results in significant savings over the way we used to do business. If he isn't going to be able to initiate this plan in a timely fashion, he needs to know this, because he is wasting a lot of time and a lot of resources trying to make this work. If the Council as a body wants to go back and change that then let him know sooner than later. He said it would cost the City more money because he would need to hire a Tax Collector at a salary of \$70,000 a year. He apologized for being frustrated, but the City has invested a lot of time and resources, taxpayer money, into trying to do things more efficiently, to do things that serve the customers more effectively, and now we come to a screeching halt. His concern is not the spending the \$150,000, but that the Council seems to be hung up on whether or not his staff and he can make a judgment of whether or not we need a design firm to tell us what is the most efficient and effective furnishing that we need, to accomplish the functions that we have to accomplish. His staff knows this best. He doesn't profess to know exactly what is needed in those offices. His staff will work with the office design professionals, not him or the Council. He agrees with Councilor Weston about getting the design services. This business about going to the vendors and have the vendors do the design services for us, absolutely not. He wants a third party involved in the design services and that is what Office Interiors is. They put



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, March 26, 2008**
Meeting Time: **7:00pm**

together specifications and then they solicit bids for office furnishings. He apologized again for his frustration, but he feels the Council has to get past this stuff. Councilor McCusker said he understood the City Manager's frustration and apologized. He used the comparison of Chief Plummer coming before the Council for a \$125,000 ambulance. We don't talk about how many shelves and compartments it is going to have. We just use the good judgment of the Fire Chief to go ahead and buy the ambulance. He does agree that we should see if there is a way to save money by not going with the State bid, although typically the State bid is the cheapest way. The City doesn't go to a car dealership; we go with the State bid for all the vehicles. Councilor Callaghan said that the State bid doesn't always turn out to be the cheapest price.

14. ADJOURN

Councilor Cheney made a motion to adjourn, seconded by Councilor McCusker.

Vote: 7/0.