



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Special Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, June 4, 2008**
Meeting Time: **Immediately following Workshop Session**

1. Moment of Silence

2. Pledge of Allegiance

3. Roll Call

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

4. CITIZEN'S FORUM

Refer to Page 4 of 9, Workshop Session for June 4, 2008 for Citizen Forum comments.

5. RESOLUTION RE: FY08 BUDGET AMENDMENT GENERAL FUND (TO BE REFERRED TO PUBLIC HEARING ON JUNE 11, 2008)

SPONSORED BY MAYOR MYERS BY REQUEST

Councilor McCusker made a motion to substitute as a whole, seconded by Councilor Trefethen. Vote: 8/0.

City Manager Joyal said this Resolution referred to the debt service issue. In order to add funds to the School Department Budget to cover the difference in the amortization schedules, the Council needs to do a budget amendment. It can't be done through transfers within the budget. There is \$163,000 that should have been reflected in last year's proposed budget for the schools.

Councilor Dede wanted to clarify that this wasn't a new issue. It was just the school portion. City Manager Joyal said technically the School didn't need this Resolution. He said that the School, knowing this was coming, actually scaled back their budget and was able to save \$400,000. However, the School's budget should have been \$163,000 higher, and that is why we're proceeding with this.

Mayor Myers said Superintendent O'Connor was present to answer questions.

Councilor Trefethen said the School Department has known for several months about this discrepancy and has been able to save money. He would like to know how they did this.

Superintendent O'Connor said the school district knew they would be looking at a shortfall in revenue this year due to the tuition account from Barrington and Nottingham. He said as a result of that, they put a freeze on their budget in mid-December in anticipation of covering the \$400,000. He said the School Department should have a \$25,000 to \$40,000 surplus this year. Councilor Trefethen asked where the source was for the \$163,000.

City Manager Joyal said indirectly it was from unanticipated revenue of the City. He said only the Council can adjust the School's appropriation.

Councilor Scott asked how many fewer Barrington students there are.

Superintendent O'Connor said around 30 students. He said there was a decline in the Career Tech Center for outlying communities.

Councilor Scott asked what the total number of students was that was fewer than anticipated.



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Superintendent O'Connor said 30 to 40.

Councilor Scott asked if he had reduced his staff accordingly.

Superintendent O'Connor said he could not reduce teaching staff for 30 to 40 students in a high school setting.

Councilor Cheney said it was confusing to her. She asked if the City has \$400,000 in excess.

City Manager Joyal said investments did much better than anticipated.

Councilor Cheney said this is because of some bookkeeping problem; the school department should have \$163,000 on their side.

City Manager Joyal said not of that money. He said that if the debt service had been calculated correctly when he gave the Council the proposed budget last year, the School Department's budget would have been \$163,000 more.

Councilor Dede asked Superintendent O'Connor if there were any additional funds.

Superintendent O'Connor said there would be no additional funds. He said at the end of the fiscal year he thinks there could be \$25,000 to \$40,000 left, which will be transferred into Fund Balance.

Mayor Myers referred the Resolution to Public Hearing.

6. RESOLUTION RE: FISCAL YEAR 2009 BUDGET APPROPRIATIONS, FEES AND CAPITAL IMPROVEMENTS PROGRAM

SPONSORED BY MAYOR MYERS BY REQUEST

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Councilor McCusker moved to adopt, seconded by Councilor Cheney.

Councilor Scott referred to the \$400,000 in investment income. He asked how much was anticipated.

City Manager Joyal said \$800,000 was budgeted for this current year. He said the cash maintained by the City is invested. He said it was done through a Public Deposit Investment Pool.

Mayor Myers asked the Council to make amendments to the budget on reductions first, so the Council will know the dollar amount that is available to be added back in.

Councilor Trefethen moved to reduce the amount for the Healthcare Savings by \$121,751; seconded by Councilor Dede.

Mayor Myers asked the Council for a vote.

Vote: 8/0.

Councilor Trefethen moved to reduce the amount for the Asset Management Work Order System by \$12,327; seconded by Councilor Callaghan.

Mayor Myers said there is a grant that will still provide it for us, so we're not eliminating the system. We're just removing the funding for it. He asked the Council for a vote.

Vote: 8/0.

Councilor Trefethen moved to amend various line items to reallocate afternoon staff at the indoor pool under the Recreation Department in the amount of \$15,500; seconded by Councilor Weston.

Mayor Myers asked the Council for a vote.



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Vote: 8/0.

Councilor Trefethen moved to reduce the amount allocated for Business Assistance, Page 156, Line Item 4855 by \$50,000; seconded by Councilor Dede.

Councilor Trefethen said it was a reduction of \$50,000, leaving \$80,000.

Councilor Callaghan wanted to make sure it was on the record that he was opposed to this position. He said there have never been any measures provided as to what the inventory the City has and could be marketing. He said the Council doesn't have a job description, hasn't clarified who the person will report to, doesn't have any setup plan, and doesn't have any job requirements. He referred to Councilor Cheney's comments that the Council is taking things away, to finance something that the Council may someday make something out of. He felt it was completely irresponsible and he can't support it at all. He said it was the strongest amendment and will keep him from approving the budget.

Councilor Scott said he couldn't support it either.

Councilor Cheney said she spoke about this last year, and at that time opposed keeping the placeholder. She said the City did not fill that position. She said she is not satisfied with what this position is and what it would develop into. She said she was very strongly opposed to this amendment.

Councilor Callaghan said he would support this in the next budget and would be willing to work on developing a business plan. He does think an Economic Developer is important. He just didn't think it was well thought out this time.

Mayor Myers said this has his support. He said this wasn't something new. It was in last year's budget. He said it was a building block foundation to help expand Dover's tax base. He said it wasn't only for new business, but for job retention and knowing employers' needs, to help maintain what Dover has. He said this is an investment and is not something frivolous.

Councilor Cheney said she supports Dover Main Street and the Cochecho Arts Festival and is glad that they are going to be restored. She said her main problem was that these should not have been cut out to begin with. She said there was a lot that the Council is taking out in order to put this in. She said the Council should be more in tune with this position.

Councilor Weston said she wanted point out to Councilor Cheney that the Economic Developer is \$80,000, and that adding the things on Councilor Callaghan's list total \$314,800. She said the Economic Developer is not taking out all of these.

Mayor Myers asked the Council for a vote.

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

Councilor Callaghan moved to reduce Account 4435, various pages, Legal Fees by \$12,000; seconded by Councilor Scott.

Councilor Callaghan referred to the breakdown of legal fees. He said the Executive Session section for \$50,000 is not specifically identified.

Councilor Weston asked the City Manager to explain to the Council what would happen with a \$12,000 reduction.

City Manager Joyal said he would move money from somewhere else to cover legal services. He said the City only uses legal services when they are necessary.



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Councilor Weston said she tried to find the legal fees. She asked: what was the total budget for last year versus what was spent to date?

City Manager Joyal said the City spent \$124,000 in 2007, budgeted \$102,000 this year, and is requesting \$112,000 in the proposed budget for next year.

Councilor Dede said the City is negotiating contracts with six out of seven unions this year. He said the City Manager made the observation that there was nothing in this budget that provided for the Cost of Living Adjustment over and above the step increases. It would be reasonable for the Council to assume that the negotiations are probably going to take longer. He said it was unrealistic to take it out, and he is voting against it.

Councilor Weston asked when the City does contract negotiations, would that be a cause for attorney fees to increase.

Mayor Myers said he would not be supporting the cut at this point.

Councilor Scott asked where in the budget the Council can see legal fees that pertain to things other than the General Fund.

City Manager Joyal said the Tolend Landfill, if it was a Capital Project and the Council appropriates funds for that project.

Mayor Myers asked the Council for a vote.

Vote: 3/5, Failed. Councilors Callaghan, Cheney and Scott voted in favor.

Councilor Callaghan moved to reduce Line Item 4312, Page 239 in Community Services for \$123,623; seconded by Councilor Cheney.

Mayor Myers asked if using the specific amount could be considered targeting.

City Manager Joyal said it was. He said it was obviously intended to compromise the ability to hire a City Engineer position. He said the Charter does say that the Council has the right to reduce the budget. He recommended that the amendment reduce by \$123,000 in the personal services area of the Community Services Department.

Mayor Myers asked Councilor Callaghan if he was agreeable to that.

Councilor Callaghan asked, if the Council had Line Item authority, then why can't you pick that line?

City Manager Joyal said the Charter indicated that the Council cannot reduce specific salaries line items within a department, but may reduce the salaries within the entire department overall.

City Attorney Krans referred the Council to C7-3, Compensation; the second sentence says: "Council shall not increase or decrease any individual salary item, but shall act solely with the respect to total salaries in the various departments in the City."

Mayor Myers asked Councilor Callaghan if he was going to change his motion.

Councilor Callaghan said he would change the motion to reduce Personal Services in Community Services by \$123,523; seconded by Councilor Cheney.

Councilor Callaghan said there are 61 employees in Community Services and he wanted to see that cut. He said this position is vacant right now, so we're not sending anyone home.

Councilor Scott asked if he could make a friendly amendment to call it \$120,000 to avoid targeting.

Councilor Callaghan said yes.

Councilor Cheney said she was still willing to second it. She said she supported it.

Councilor Dede said he would not support this.



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Councilor Scott said there was \$3.6 million in people costs in Public Works. He felt that a good manager like Mr. Steele can find a way to get the same job done with \$120,000 less.

Councilor Weston said the Council knows the intent is to not fill the City Engineer position. She asked if the City could live without a City Engineer. If the City cuts \$120,000 that is equivalent to three positions, and what would that effect be.

City Manager Joyal said he has already given his opinion on this. He asked Mr. Steele if the City needed an engineer.

Mr. Steele said yes.

City Manager Joyal said they would hire the Engineer and reductions would have to be made elsewhere. He couldn't tell the Council where those reductions would be, but it could be two or three laborers, or two maintenance infrastructure mechanics.

Mayor Myers said they would also have the unemployment costs.

City Manager Joyal said in the last few budgets Mr. Steele has reduced middle management cuts.

Councilor Callaghan asked the City Attorney if there was a way to work it so that the engineering section can be directly indicated.

City Attorney Krans said no. He said the Council could direct the City Manager to contract those services.

Councilor McCusker felt the Council was discrediting Paul Vlasich's work and usefulness of that position.

Councilor Weston said she didn't like to make big cuts. She asked what the effect would be just to cut \$20,000.

Mayor Myers said they are dealing with Councilor Callaghan's motion.

Councilor Weston said she checked around and other communities do have engineers. She said she wouldn't support it.

Mayor Myers asked the Council for a vote.

Vote: 3/5, Failed. Councilors Callaghan, Cheney and Scott voted in favor.

Councilor Trefethen made a motion to suspend rules to continue the meeting past 10:30 pm; seconded by Councilor Dede.

Roll Call Vote: 6/2 Passed. Councilors Callaghan and Cheney opposed.

Councilor Trefethen made an amendment to add everything in the Group 1 category with the exception of the Teen Center; seconded by Councilor Dede.

Mayor Myers read the rest of the list for Group 1 – Added to Budget. He asked the City Manager for the balance.

City Manager Joyal said the Council freed up \$199,578 in the Proposed Budget. He said if all the items were to pass it would put \$186,716 back into the Proposed Budget, leaving \$12,862 that could be allocated somewhere else.

Councilor Trefethen said this list of items had general consensus that the Council wanted them back in.

Councilor Cheney said that she supported all of these additions.

Councilor Callaghan said he wouldn't support this as a whole. He said he wanted to make amendments to certain dollar amounts.



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Mayor Myers said Councilor Trefethen might be willing to have one or two items friendly amended.

Councilor Trefethen said he wasn't willing to do that. He said to Councilor Callaghan that he already stated that he wasn't going to vote for the budget because of the Business Assistance line item. He asked why Councilor Callaghan was fighting to put other things in the budget when it is his intention to vote against it.

Councilor Callaghan said if the budget is going to pass with or without his vote, he participated to the extent that he could.

Councilor Cheney said she felt they should be done one by one.

Councilor McCusker asked Councilor Callaghan what he wanted removed in Group 1.

Councilor Callaghan said \$5,000 off Recreation scholarships, \$5,000 off Arts Festival, \$5,000 off Fireworks, and to eliminate crosswalk painting. He said he was trying to restore enough funds to get back the Victim's Advocate position.

Councilor Dede said this list reflects in general all the things the Council felt strongly should be added back into the Budget. He said he would vote to support this

Mayor Myers said he supported every item that is here. He said he would vote no on it because he wanted to go through the list line item by line item.

Councilor Trefethen said he would withdraw his motion.

Mayor Myers asked Councilor Dede if he would withdraw his second.

Councilor Dede said he withdrew the second.

Councilor Trefethen made a motion to amend to add \$11,000 to the Budget for Electric Rate increases; seconded by Councilor Dede.

Councilor Callaghan asked for clarification on where the \$11,000 came from.

City Manager Joyal said they had estimates of what the power increase would be based on the usage in various facilities.

Councilor Callaghan asked if the money really had to be put in now.

City Manager Joyal said it doesn't have to go in now, but the Council is setting a budget based on the rate the electric company is going to charge the City.

Councilor Callaghan said he wouldn't support it.

Councilor Scott said this was one item where he would support the City Manager.

Councilor Callaghan pointed out to the Council that last year the City had \$770,000 and that the Council doesn't know where it came from. He said it is the end of the year and all of a sudden we have all this money.

Councilor Dede said the City Manager was aware early in the year that there were overages, and managed the budget accordingly.

Mayor Myers asked the Council for a vote.

Vote: 7/1, Passed. Councilor Callaghan opposed.

Councilor Trefethen made a motion to amend to add \$56,216 to the Budget for the Jenny Thompson Pool; seconded by Councilor Cheney.

Mayor Myers asked the Council for a vote.

Vote: 8/0.



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Councilor Trefethen made a motion to amend to add \$15,000 to keep the Recycling Center Sunday Hours, Page 295, Line Item 4130; seconded by Councilor Dede.

Mayor Myers asked the Council for a vote.

Vote: 8/0.

Councilor Trefethen made a motion to amend to add \$15,500 to keep the Recreation Scholarships for Low Income Families, Page 336, Line Item 4591; seconded by Councilor Weston.

Councilor Trefethen said he personally felt this one was important.

Councilor Cheney asked how the scholarships were applied for.

Mayor Myers said it was on an as-needed basis.

Mayor Myers asked the Council for a vote.

Vote: 8/0.

Councilor Trefethen made a motion to amend to add \$15,000 for the Cochecho Arts Festival, Page 338, Line Item 4835; seconded by Councilor Weston.

Councilor Callaghan asked for a friendly amendment to reduce it to \$7,500.

Mayor Myers asked Councilor Trefethen if he would agree to that.

Councilor Trefethen said \$7,500 would be too much of a cut.

Mayor Myers clarified that this was for next year's Festival.

Councilor Weston asked why cuts were being made again.

Councilor Callaghan said he was trying to do the math to fund the Victim's Advocate position.

Mayor Myers said he would support a \$5,000 reduction.

Councilor Trefethen said he would be willing to go to \$10,000.

Councilor Weston said she would support a \$5,000 reduction.

Mayor Myers said he took that as a friendly amendment and accepted by Councilor Weston.

Mayor Myers asked the Council for a vote.

Vote: 8/0.

Councilor Trefethen made a motion to amend to add \$15,000 to the Dover Main Street Program, Page 136, Line Item 4835; seconded by Councilor McCusker.

Councilor Callaghan said he would not support this program.

Councilor Cheney said it shouldn't have been taken out.

Mayor Myers said this is money well spent, because of what the City gets in return.

Mayor Myers asked the Council for a vote.

Vote: 7/1, Passed. Councilor Callaghan opposed.

Councilor Trefethen made a motion to amend to add \$15,000 into the Street Lights, Page 287, Line Item 4622; seconded by Councilor Dede.

Councilor Cheney asked for a friendly amendment to add in \$10,000.

Councilor Trefethen said that was acceptable.

Councilor Dede said he was okay for the second.

Councilor Trefethen wanted to clarify to the citizens that the City pays a significant amount for street lights. They would be turning off lights where it is safe to do so.

Mayor Myers asked the Council for a vote.



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Vote: 8/0.

Councilor Trefethen made a motion to amend to add \$15,000 for Restoring the Library hours, Page 387, Line Item 4115; seconded by Councilor Weston.

Mayor Myers asked the Council for a vote.

Vote: 8/0.

Councilor Trefethen made a motion to amend to add \$19,000 for Fireworks & Special Events, Page 336, Line Item 4591; seconded by Councilor McCusker.

Councilor Trefethen said there is a set cost for Fireworks, particularly on July 4th.

Mayor Myers asked the Council for a vote.

Vote: 8/0.

Councilor Trefethen made a motion to amend to add \$10,000 to Restore the Crosswalk Painting in the Fall, Page 278, Line Item 4432; seconded by Councilor Dede.

Councilor Trefethen said that last year was the first year the City did it, and it was hard to tell that this spring. He said he felt it was important.

Councilor Scott asked how many crosswalks are painted.

City Manager Joyal said he didn't know.

Councilor Scott asked what the cost was for a sign that said, "Stop, Look and Listen." He thought it would cost less than painting the crosswalk.

Councilor Dede said the City should be eliminating crosswalks located in unsafe areas. He said he would support this.

Councilor Scott said he would vote against it, because he felt the City could get the same safety in a cheaper way.

Mayor Myers asked the Council for a vote.

Vote: 7/1, Passed. Councilor Scott opposed.

Councilor Trefethen asked the City Manager for a tally.

City Manager Joyal said the freed up amount remained the same at \$199,578. The additions add up to \$177,716. The amount remaining that the Council may choose to allocate is \$22,862.

Councilor Callaghan made a motion to amend to add \$5,000 for Library Publications, Page 391, Line Item 4640; seconded by Councilor Scott.

Councilor Callaghan said the library was left with no money for publications, and after speaking with the Librarian she thought \$5,000 was a reasonable amount to keep up the publications.

Mayor Myers asked Councilor Callaghan if he had given up on the Victim's Advocate position.

Councilor Callaghan said he hadn't.

Mayor Myers said he was torn over what resources the Council has left, and where they should be applied.

Councilor Callaghan said he was going to use the Mayor's suggestion to direct the City Manager to find the money to get that position in place.

Councilor Trefethen asked what the total amount for publications will be.

City Manager Joyal said it would be \$7,000. He asked Cathy Beaudoin, Library Director, where the additional funding was provided.



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Ms. Beaudoin replied that it came from fines.

City Manager Joyal said to help offset that loss of funds in the general funds, on Page 395 there is funding for periodicals.

Councilor Trefethen said there is a line item for \$2,000 and one for \$91,000, so the City is over \$100,000.

Mayor Myers said the \$91,000 was for books and collections for adults and children.

Councilor Cheney said she would not support putting this back in, based on the information from the City Manager.

City Manager clarified that there will be a 1/3 reduction in periodicals.

Councilor Cheney said she would support it then.

Mayor Myers asked the Council for a vote.

Vote: 4/4, Failed. Councilors Callaghan, Cheney, Scott and Weston opposed

Councilor Dede made a motion that in the Recreation Department, with funds that are collected for specific revenues purposes, they can be channeled right back into those revenue areas.

Mayor Myers said he was referring to the line items for the expense and revenue for the playground program.

Councilor Dede said that was correct.

Councilor McCusker seconded this amendment.

Mayor Myers asked the Council for a vote.

Vote: 8/0.

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Councilor Trefethen asked how the Council is going to handle the Council's commitment to the Teen Center and the expected donation for the Library's carpet.

City Manager Joyal said different departments have trust accounts set up specifically to handle donations. The Trustees of the Trusts handle those accounts, and have the authority to allow the spending of that money.

Councilor Trefethen said the donor has no other control after he hands over the check, other than using the funds as they asked.

City Manager Joyal said the City applied for a grant for the Teen Center. He said if the funds are received, the Council won't need to do anything, unless there is a match of some effect that would require Council approval.

Councilor Callaghan made a motion to direct the City Manager to find an additional \$22,000 in the General Fund portion of the Budget, to restore the services and program of Victim's Witness Advocate, Page 207, Line Item 4145; seconded by Councilor McCusker.

Councilor Cheney said she would support it. She said she hoped that the City Manager would tell the Council where the money came from.

Mayor Myers asked the Council for a vote.

Vote: 8/0.

Councilor Scott said he was concerned about the mosquito problem this summer. He would like to replace the mosquito abatement. He said he would like to have a Workshop on Monday, because he plans to go through the budget to see if he can find \$36,000 to \$50,000.

Mayor Myers asked for a motion.



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Councilor Scott made a motion to put the Mosquito Abatement back into the budget, and the Council will work together to find it some place in the budget; seconded by Councilor Cheney. Mayor Myers said that means we're not passing the budget during this meeting. He is not looking to postpone voting on the budget.

Councilor Trefethen said he wouldn't be supporting this. He said the Mosquito Abatement program is not to kill all the mosquitoes, but to put bait traps in catch basins.

Councilor Scott said he would withdraw the motion. He agreed with Councilor Trefethen.

Councilor Cheney withdrew her second. She asked if the City is going to spray.

Mayor Myers said they have never sprayed for mosquitoes.

Councilor Dede made a motion to accept the Budget as amended; seconded by Councilor McCusker.

Councilor Callaghan said he had another motion to make.

Mayor Myers said Councilor McCusker would have to withdraw his second.

Councilor McCusker withdrew his second.

Councilor Callaghan made a motion to direct the City Manager to find \$87,500 for the street sweeper out of the Community Services budget; seconded by Councilor Cheney.

Councilor Cheney said she would like to make a friendly amendment to make sure this money is not taken from street and sidewalk repairs.

Mayor Myers asked Councilor Callaghan if he accepted that friendly amendment.

Councilor Callaghan said yes.

Councilor Cheney said she would second it and support it.

Councilor Dede said it needs to be articulated that the entire increase in Community Services was \$1,700. He said the street sweeper is a need, not a want. He said passing this motion is probably going to make it impossible to get the street sweeper without severely impacting other areas in Community Services. He said he would not support this amendment.

Councilor McCusker said he can't support it.

Mayor Myers said he would not support it.

Councilor Weston said she couldn't support it.

Councilor Callaghan withdrew his motion.

Councilor Dede made a motion to accept the Proposed Budget as amended; seconded by Councilor McCusker.

Councilor Trefethen said he was going to propose changes to the fee schedule, but he said he didn't know the impact. He said he stood by his earlier stand that the Council should review the fee schedule and get ready for next year.

Councilor Weston agreed with Councilor Trefethen. She said the budget has shown compromise and she is really happy about that. She asked for everybody's support to pass the budget.

Councilor Cheney asked the City Attorney, if the Council's Budget as proposed does not pass tonight and the City Manager's Budget becomes the default budget, is the rest of the Resolution in effect?

City Attorney Krans said he couldn't give a quick answer to that. He does know that if the Council doesn't pass the budget tonight, that the City Manager's budget does not go into effect.



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Councilor Cheney asked if some of the verbiage on the Resolution could be clarified. She specifically asked about #6 and #7.

City Manager Joyal said that #6 gives him the authorization to pay bills, and #7 gives him the authorization to sign that maintenance contract.

Councilor Scott said he felt the Council did a good job tonight putting things back in the budget, things that should have not been taken out. He said there are two areas that the Council didn't probe and he thinks they should: the cost of communications and the cost of electricity. He said Councilor Callaghan made a worksheet showing the communications costs are \$242,000. He said Rochester budgeted \$102,000. He asked why there was such a big difference for cities of the same size. He next looked at electricity, where Rochester budgeted \$172,000 while Dover budgeted \$440,000. He asked for a very detailed analysis on the reason for \$250,000 more in electricity. He asked, if the Council accepts this proposed budget as amended, the Council is accepting \$130,000 for DBIDA; is that correct?

Mayor Myers said it was reduced to \$80,000.

Councilor Scott said it was still in there, and as a matter of principle he couldn't support it.

Councilor Callaghan said he is going to vote no on the budget.

Councilor Cheney said she loved debating. She doesn't support the Economic Developer. She said she would not be supporting the budget tonight.

Mayer Myers thanked the Council.

Roll Call Vote: 5/3, Passed. Councilors Callaghan, Cheney, and Scott opposed.

7. ADJOURN

Councilor Trefethen made a motion to adjourn; seconded by Councilor McCusker.

Vote: 8/0.

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