



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, June 25 2008**
Meeting Time: **7:00pm**

PROCLAMATION FOR COUNCILOR ROBERT KEAYS

Mayor Myers read the Proclamation into the record.

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Councilor Cheney.

Councilor Cheney read a statement into the record regarding Councilor Keays.

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 Dede filled in as Deputy Mayor.

4. PROCLAMATIONS – AWARDS

5. APPROVAL OF AGENDA

DRAFT

Councilor Weston asked to move 12.B.1. forward to after the Citizen's Forum; seconded by Councilor Callaghan.

Mayor Myers asked for a vote on the amendment.

Vote: 8/0.

Mayor Myers asked for a vote on the approval of the Agenda.

Vote: 8/0.

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.

Linda Merullo, 21 Long Hill Road Extension: She spoke of her fond memories of Councilor "Bobby" Keays. She gave her condolences to his family.

Harvey J. Lynch, 26B Lincoln Street: He asked about the freight permit and how long it was going to be free. He asked if this was just another way to tax the Citizens of Dover.

Mayor Myers said the City Manager will answer that question during his report.

Susan Ervin, 177 Mount Vernon Street: She spoke about the Paraeducator Contract that has been passed by the School Board and is now before the Council.

Mayor Myers, seeing no one else wishing to speak, closed the Citizen's Forum.



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12. B.1. RESOLUTION RE: COLLECTIVE BARGAINING AGREEMENT BETWEEN THE DOVER SCHOOL BOARD AND THE DOVER PARAEDUCATORS ASSOCIATION SPONSORED BY MAYOR MYERS BY REQUEST

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

Mayor Myers recused himself from this Resolution, because he has a family member who is in the paraprofessional union. He asked Councilor Dede to take over the meeting.

Councilor Dede read the Resolution into the record.

Councilor Trefethen asked for Superintendent John O'Connor to explain this Resolution so the public would understand it better.

Superintendent O'Connor indicated that this was a two-year agreement between the Paraeducators Association and the Dover School District. The agreement calls for an increase of \$43,876 in new funding for the first year of the contract. He said it represents a 2% salary increase for the approximately 130 paraeducators who work for the Dover School District. He said in Year 2 of the contract it shows a 2% increase for a majority of the employees, and a small percentage of employees will see a cost of living increase, which brings the possible total increase to \$69,523. He said a major change was that the Family Medical Leave Act will be without pay. He said he believed the contract was both fair for the employees and the City. Councilor Trefethen wanted to confirm that the amount in the first year of the contract was already included in the Budget.

Superintendent O'Connor said that was correct.

Councilor Dede asked for a Roll Call Vote.

Roll Call Vote: 7/0. Mayor Myers recused.

7. PUBLIC HEARINGS

A. RESOLUTION - NONE

B. ORDINANCES - NONE

8. CITY MANAGER'S REPORT

City Manager Joyal referred to the question from the Citizen's Forum. He said they were recycling permits. He said the Solid Waste Advisory Board had made a recommendation that the City implement a sticker system to identify Dover residents using the Recycling Center. He said there is no charge for the stickers. He said beginning September 1, 2008 when residents register their vehicles they will be asked if they would like a recycling sticker. He said the intent is to make sure nonresidents are not using the recycling center, and transferring costs to Dover residents. He said if a Dover resident is borrowing a truck from a nonresident, they will be asked to prove residency.

City Manager Joyal said that in his City Manager's Report there is a brief review of legal activity and information, as requested by a Councilor. He spoke on fuel costs, and he wanted the Council to be aware that they went out to bid for fuel oil for the upcoming winter and it came back almost doubled from last year. They have decided to put it out to bid again, but felt fuel costs will be significantly higher. He said the City departments have been working and will



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continue to work on initiatives to reduce fuel usage. He said they are keeping as many lights off as possible to help with the electricity usage, implementing a no-idling policy for City vehicles, and increasing efforts to monitor and control the usage of vehicles, by using only the vehicle that is needed. He said he will be coming before the Council in July with a proposal for a comprehensive energy improvement program. He said the summer recreation programs were in full operation. He said there was a waiting list, but they were able to accommodate everyone, and even recommended to anyone who still wished to sign up to contact the Recreation Department. He said the City still has no confirmation from the Department of Justice on the grant, but we were told that it has gone to the next level of review. He said it could be another three to five weeks before the City will have confirmation. He said in the meantime he has made arrangements with the Recreation Department to staff the Teen Center, and it will be operating for the summer.

Councilor Dede referred to the third page of the City Manager's Report regarding a request for 1941 and 1942 City Council Meetings and Annual Reports, and asked if that was correct. City Manager Joyal said that was correct.

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

Vote: 8/0.

9. MINUTES

- A. MINUTES FROM – JUNE 3, 2008 WORKSHOP
- B. MINUTES FROM – JUNE 4, 2008 WORKSHOP
- C. MINUTES FROM – JUNE 4, 2008 SPECIAL MEETING
- D. MINUTES FROM – JUNE 11, 2008 REGULAR MEETING

Councilor Dede moved for their adoption; seconded by Councilor Trefethen.

City Manager Joyal referred the Council to Page 9 of 11, of the June 4, 2008 Special Meeting and the amendments that were made to the Budget. He referenced Councilor Callaghan's motion to restore the services of the Victim's Witness Advocacy. The intent of the motion was to take the remaining balance of the funds that the Council had freed up, which was \$22,800, and to direct the City Manager to free up an additional \$22,000 somewhere in the budget, to allow \$44,000 to fund full-time Victim Witness Advocacy Services. He asked the Council if that was the understanding of what was voted on.

Mayor Myers asked for a motion to amend the minutes to show the intent of the Council.

Councilor Callaghan made a motion to amend the minutes; seconded by Councilor McCusker.

Vote: 8/0.

Mayor Myers asked for a vote to accept the Minutes.

Vote 8/0.

10. MAYOR'S REPORT

He thanked all the City employees for their help with Councilor Keays funeral. He gave special thanks for the Fire Department and Police Department for the color guards and mounted guards. He also mentioned that he spoke with Mayor Micucci of Somersworth, and their City Council observed a moment of silence for Councilor Keays. He said Councilor McCusker and



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himself attended the Dover High School graduation. He said he attended the Joe B. Parks Community Garden dedication. He also attended the Dover Adult Learning graduation. He attended a few ribbon cuttings. He also wanted to mention that Gary Avery, the normal camera operator for the Council meetings, had a stroke, and he wished for his speedy recovery. He mentioned that the City Clerk will be announcing the filing period and the Special Election dates for the Ward 1 Councilor vacancy. He said the City Council will be having a resolution on July 9th to set the polling place and hours.

Councilor Dede made a motion to accept the Mayor's Report; seconded by Councilor Callaghan.

Vote: 8/0.

11. UNFINISHED BUSINESS

- A. ORDINANCES IN THE 2ND READING-NONE
- B. ORDINANCES IN THE 3RD READING-NONE
- C. RESOLUTIONS-NONE

12. NEW BUSINESS

- A. CONSENT CALENDAR
 - 1) RAFFLE-GREATER DOVER CHAMBER OF COMMERCE
 - 2) **RESOLUTION RE: MISCELLANEOUS HARDWARE SUPPLIES**
SPONSORED BY MAYOR MYERS BY REQUEST
 - 3) **RESOLUTION RE: BITUMINOUS CONCRETE/ASPHALT TO BE PICKED UP B08094**
SPONSORED BY MAYOR MYERS BY REQUEST
 - 4) **RESOLUTION RE: WOOD ASH FOR WWTP B08091**
SPONSORED BY MAYOR MYERS BY REQUEST
 - 5) **RESOLUTION RE: PURCHASE OF SAWDUST WWTP B08092**
SPONSORED BY MAYOR MYERS BY REQUEST
 - 6) **RESOLUTION RE: SURVEYING SERVICES AS NEEDED B08099**
SPONSORED BY MAYOR MYERS BY REQUEST

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 Dede moved for its adoption; seconded by Councilor McCusker.

Mayor Myers asked the Councilor if they had any items removed for further discussion.

Councilor Callaghan asked for Items 12.A.1. through 12.A.6.

Mayor Myers asked for a vote on the remaining item, Item 12.A.1.

Vote: 8/0.

Councilor Callaghan moved to adopt 12.A.2.; seconded by Councilor Weston.



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Councilor Callaghan said he had the same issue on all of the Resolutions as he had with the Legal Resolution of the June 11, 2008 City Council meeting. He said these Resolutions do not have a "not-to-exceed" amount, but leave an open-ended checkbook with only a minimum amount to be spent. He said the Council had an obligation to be the watchdogs and keep the reins on the money. He referred to Section 339 of the Charter: all purchases of \$25,000 or more shall be approved by a majority vote of the City Council prior to awarding such purchases. He felt giving this much purchasing power in this Resolution circumvents the intent of the Code. He said he was looking for the support of the Council to take the Administrative Code to heart, understand our jobs, limit the spending to a reasonable amount of money, and the Council should watch over it. He said if the City Manager needs money to buy more nuts and bolts because the account is running dry, he felt the Council wouldn't say no to buying more nuts and bolts, but would ask what the money was spent on. He felt it was inappropriate to write a blanket agreement with no cap and the ability to transfer funds. He said he would fight this every time he sees an open-ended contract in front of the Council.

Councilor Cheney referred to the Handy Hardware Resolution from the prior year and that she had voted for it. She said she had asked the City Manager for the account numbers and the budgeted amounts for these items. She did feel that the Council needed to have oversight. She said she would support the Hardware Resolution, but she was still looking through the others.

Councilor Dede asked Councilor Callaghan, if he had the same problem with all the Resolutions, and the Hardware Resolution went down 7/1, can the Council assume that the rest can be bundled together?

Councilor Callaghan said no.

Councilor Dede said this was micromanagement. He said these items are everyday small items and there is a possibility that they could go over \$10,000 for a single vendor. It was not the plan, but a possibility. He said it was housekeeping. He said it was the City Manager's responsibility to budget. He said he felt this was a foolish challenge, totally unnecessary, and bespeaks of immaturity to the process.

Councilor Scott said he agreed with the concept put forth by Councilor Callaghan. He said the Council is elected to oversee the spending of the City and must not delegate that to anyone else.

Councilor Trefethen said he agreed the Council has oversight of the City's budget. He said the Council just finished doing that for the past two months with the budget. He said it was the Council's responsibility to oversee the City Manager, who oversees the budget. He said the idea that the Council needs to oversee nuts and bolts is just plain wrong. He said there may be Councilors who feel the Council should have that role, but it doesn't. He also referred to the comment that the Council signs the check, and said they don't. He said the Council has a person that they pay to do that. He said he agreed that this was micromanaging. He said he didn't have a problem with a \$25,000 spending limit, but these were nowhere near \$25,000. He said the Council isn't spending money that hasn't already been approved.

Councilor McCusker read off the amounts \$42.02, \$17.83, \$14.98, \$37.36, \$2.19. He said all of these charges are for different accounts from different departments for Handy Hardware. He said even if it did exceed \$25,000, it would be collectively and not just one department. He said this goes back to trusting these people. He said the department charges for the item, it goes to accounting that charges it to the department, the record of that goes to the department head,



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and the department head keeps track of its budget. He said the department head would go to the City Manager if they feel they might come up short, where they might take money from another account to balance things out. He said this happens every year. He said he didn't understand the Council wanting more control over Maintenance going to Handy Hardware and making a \$16.00 purchase. He said the City Manager has to answer to the Council if this system doesn't work, and consequently the department head has to answer to the City Manager. He said accounting would see something crazy going on, alert the department head, who will alert the City Manager. He said he felt it was wise to use this one vendor for hardware supplies because they are in Dover.

Councilor Weston said she didn't feel who the vendor was was an issue, but the open-ended contract. She said she did agree with Councilor Callaghan. She has said before that she doesn't believe in the open-ended contracts. She said it is not not trusting somebody, but accountability. She wanted to see a not-to-exceed number on each one of the Resolutions. She does not believe it is micromanaging. She will not support these Resolutions with an open-ended amount.

Mayor Myers clarified that these are not giving up the Council's right on the \$25,000 threshold. He said this was just waiving the competitive bid procedure, because of discounts with an existing relationship in a central location. He said the Council budgets the money, receives monthly financial data showing what was spent and how much is left. He said the Council has a City Manager that will come to the Council with issues of concern, and who was proactive in showing the Council where issues might show up. He said this is the City Manager's job, but the monthly reports enable the Council to be a watchdog. He said he would support this Resolution.

Councilor Callaghan referred to Page 3 of 3 of the Resolution, it says "waived sealed bid process", which he didn't have any objection to. Then it says, "estimated annual expenditure at \$10,000 or greater." He said there wasn't a cap.

Mayor Myers said the Council wasn't giving up their right to \$25,000. The City Manager would come to the Council to report to the Council if it was exceeding \$25,000 with a particular vendor. Councilor Callaghan asked to make a friendly amendment to add not-to-exceed \$25,000; seconded by Councilor Cheney.

Councilor Callaghan said he felt this was a reasonable amount.

Councilor Trefethen said he didn't have an issue with the amendment and would vote for it. He did not want to do it on every resolution that comes before the Council for the rest of the term. He said they might need one resolution that is a policy directive from the Council that tells the City Manager not to exceed \$25,000 for a vendor or an open-ended resolution.

Mayor Myers said on this Resolution he would support the amendment, because there was enough of a cushion for him to concede and move forward.

City Manager Joyal wanted to let the Council know that they all should try to focus on doing business efficiently and not create all sorts of bureaucracy. He said if the City Council adopts the Resolution with a \$25,000 cap that somebody will have to check the balance every time a purchase order is made with Handy Hardware. He said the purchasing process does not flag a vendor for a certain amount. He said the Council has every right to set policy and he will make sure the City complies with it, but he said it won't be high on his priority list to ask the accounting department to run reports every week or every month.



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Councilor Cheney said this is one of the things there are looking for in the new software package.

Mayor Myers asked for a vote on the amendment to the resolution.

Vote: 6/2; Passed. Councilors Dede and McCusker opposed.

Mayor Myers asked for a Roll Call Vote on the Amended Resolution.

Roll Call Vote: 6/2; Passed. Councilors Dede and McCusker opposed.

Councilor Dede moved to adopt 12.A.3.; seconded by Councilor Callaghan.

Councilor Callaghan asked to make a friendly amendment to the Resolution to add a not-to-exceed limit of \$75,000; seconded by Councilor Scott.

Councilor Callaghan said the \$75,000 was leaving a fair amount of space between last year's expenses and the potential expenses for this year.

Mayor Myers said he would not support the amendment.

Councilor Scott said he didn't see there would be an objection to having a cap that is far above what the City has already spent this year. He felt it was prudent management and will support the friendly amendment.

Councilor McCusker said it doesn't matter what the cap is that the Council puts on it, the intent is to say to the City Manager that the Council doesn't agree with the way it has been done, we don't want to look at monthly reports, and we don't want to track this through the budget.

Therefore, we want to put a number on it so the Council can hold somebody's feet to the fire so they won't spend more money than they are supposed to. He said this was money that has already been approved and it is not going to exceed it. He said if it does exceed it the City Manager will come to the Council with it anyways and explain the reasons why. He said he wouldn't support this friendly amendment of pulling a number from the sky as a limit.

Councilor Trefethen said the Council has two bids of the same dollar amount in this Resolution and has used these two vendors. He felt the Council had done the fiscally prudent thing. He asked Councilor Callaghan if he would change the amount to \$100,000 because of what commodity prices may do this year. He said using last year's numbers are probably meaningless at this time.

Councilor Callaghan asked to change the friendly amendment to adjust up to \$100,000; seconded by Councilor Scott.

Councilor Cheney asked what the budgeted amount was for this year. She also asked if the City went somewhere else during the winter for hardtop besides these two vendors.

City Manager Joyal said the local plants only operate during a particular part of the season, and they dealt with a company from Massachusetts. He said the City needed hot asphalt during the winter because it is more durable and gives better adhesion for potholes. He said this was a unique circumstance because of the winter weather. He said the budget is in various accounts. He said there are street materials for repairs in Community Services Street Budget, Water Fund, Sewer, and Miscellaneous Capital Projects.

Mayor Myers said a majority of this is just for fixing potholes.

City Manager Joyal said this was for materials that the City's crew needs.

Councilor Callaghan said this is a contract with the vendor for \$54.00/ton through June 30, 2009. This price is not going to change. The only thing that is going to affect this is how much we use it. He said having a cap of \$100,000 gives the City double the amount. He said he felt the \$100,000 was exceptionally fair and more than he is comfortable with.



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Mayor Myers said he wouldn't support this amendment.

Councilor Dede said there was a question as to how much has been budgeted for this account. He said the account runs through many different areas, and there is not one budgeted number. He said it would be more appropriate to say estimated instead of budgeted. He said during the floods nobody asked how much it was going to cost, but how quickly it could be done. He said they worried about the cost afterwards. He said the Council trusted the City Manager and the entire City staff. He said these additional measures don't do anything to better serve the Citizens of Dover. He said the reports the City Manager produces each month are much more than you'll see in other communities. He said he would support the \$100,000, but felt it was superfluous and micromanagement.

Mayor Myers asked for a vote on the amendment to the Resolution.

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

Mayor Myers asked for a roll call vote on the amended Resolution.

Roll Call Vote: 6/2; Passed. Mayor Myers and Councilor McCusker opposed.

Councilor Dede moved to adopt 12.A.4.; seconded by Councilor Callaghan.

Councilor Callaghan asked to make a friendly amendment to the Resolution to add a not-to-exceed limit of \$108,000; seconded by Councilor Scott.

Councilor Trefethen said he wouldn't be supporting this one, because unlike the previous two resolutions there is an estimated charge for this account. He said the \$108,000 budgeted is not just for wood ash, but for supplies at the Waste Water Treatment Plant.

Councilor Dede said this is an appropriation that does exist and feels it is redundant.

Mayor Myers asked for a vote on the amendment to the Resolution.

Vote: 2/6; Failed. Councilors Callaghan and Scott voted in favor.

Councilor Callaghan said he wouldn't support a blank check.

Councilor Cheney said she would support this.

Mayor Myers asked for a roll call vote.

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

Councilor Dede moved to adopt 12.A.5.; seconded by Councilor Trefethen.

Councilor Scott asked to make a friendly amendment to the Resolution to add a not-to-exceed limit of \$40,000; seconded by Councilor Callaghan.

Councilor Trefethen said the City went out to bid and received a price. He said there was a condition to that price, because wood is in high demand as an alternative fuel source. He said the City has already estimated what we're going to need for sawdust, and for the Council to second guess that is ridiculous.

Mayor Myers said he wouldn't support this amendment to the Resolution because the vendor doesn't have to sell it to the City just because we have a bid.

Councilor Scott said that was a reason to have this come back to the Council, because if something happens the Council has to control the spending and not have it open-ended. He said having a cap controls the operation.

Mayor Myers said the Resolution says if the vendor doesn't come through that the City Manager will come back to the Council. He said this Resolution was for a specific vendor at a specific price.

Councilor Scott said he saw no reason not to have a cap.



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Councilor Cheney said she would support the Resolution as is.
Mayor Myers asked for a vote on the amendment to the Resolution.
Vote: 2/6; Failed. Councilors Callaghan and Scott voted in favor.
Mayor Myers asked for a roll call vote.
Roll Call Vote: 6/2; Passed. Councilors Callaghan and Scott opposed.

Councilor Dede moved to adopt 12.A.6.; seconded by Councilor Trefethen.
Councilor McCusker recused himself from this discussion and vote.
Councilor Callaghan said the problem with this Resolution was the vague language. He made a motion to amend this Resolution to add not-to-exceed \$25,000; seconded by Councilor Scott.
Councilor Cheney said the amount was \$6,800 on the invoice for one bid. She asked if it was \$14,000 that was actually spent.
City Manager Joyal said there were three vendors for surveying services for a few dollars over \$13,000.
Councilor Cheney said there were two vendors the City Manager gave them invoices for; one for \$14,000 and one for \$15,000.
City Manager Joyal said there were two vendors; one for \$15,483 to date, and the other vendor for \$14,607 to date. He said the Council had asked him to provide the amount of the purchase orders for the current year. The numbers he read were the numbers with those firms, and not all on the same purchase order, but some capital projects as well.
Councilor Cheney asked the City Manager what the budgeted amount would be to get the not-to-exceed amount. She said the not-to-exceed amount gives the Council a heads-up.
City Manager Joyal said he can't estimate that amount. He said there were too many variables.
Councilor Cheney said the wording in the Resolutions implies that there is an amount.
Mayor Myers asked the City Manager if there was a specific line item in the budget that calls for outside surveying services, if it was tied in with general street repairs and land improvements, or if it was broken down within those projects.
City Manager Joyal said it depended on what the surveying services are being used for. He said generally speaking it would be charged to consulting services, but in some instances it may fall in the capital project or capital account.
Councilor Dede referred to the McConnell Center and the drainage problem that needed to be surveyed. He said when something is needed; the appropriate levels of administration step into action and get it done. He said it was the prerogative of the Council to set budget limitations. He said the not-to-exceed available funding is a general descriptive, and is not identified with one specific account. He said the City Manager can't tell the future, but is always on top of the situation if something was to happen, and is keeping the Council posted. He said this was an unnecessary amendment, and the Resolution should be supported exactly as it stands.
Mayor Myers said this amendment would not have his support.
City Manager Joyal mentioned to the Council that these inefficiencies and bureaucracies means the Council is creating longer meetings, because he is going to have to bring back more resolutions to the Council for approval. He also wanted the Council to be aware that when the Council is making policy like this on the fly, the Council is missing some important points. He said the Council is creating an incentive where, for the sake of expediency, the staff will pick and choose which vendors they are going to use to keep the expense under \$25,000. He said as City Manager he is not going to allow that to happen. He told the Council that they weren't



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creating a more consistently monitored organization, but forcing the implementation of procedures that are just going to complicate and introduce more work, more activity, more reports that are not needed. He said by having a blanket purchase order it enables the City to use the vendor that is most advantageous to the City.

Councilor Cheney said she was still going to support the amendment for \$25,000.

Councilor Callaghan said he heard earlier that putting caps on the resolutions forces someone to watch over the amounts, which led him to believe that they aren't being watched, and the City could easily go to whatever dollar amount before it gets noticed. He said that argument is saying: please don't make me watch my money. He said that enforces his argument that this must be watched.

Councilor Weston asked how the City Manager would track this so the City doesn't exceed the available funding. She asked how he would know he hasn't exceeded the available funding.

City Manager Joyal said the available funding is what has been appropriated in the budget. He said in the Charter, recognizing that there needs to be some flexibility with administering the budget, the City Manager has the authority to allow department heads to transfer money between accounts, because circumstances arose that forced them to make priorities. He said the City has staff, supervisors, department heads, a purchasing agent, an accounting office, a Finance Director, and a City Manager. He said there are so many levels of scrutiny already built into the purchasing process. He said to suggest that the City is not watching our expenses was absolutely incorrect. He said the City has an incredible amount of oversight and monitoring. He said most companies require four signatures for expenditures and he said in some cases the City requires six signatures. He said his point was that he might not look at what was spent for a specific vendor, but he does look at what was spent in the budget. He said the Council has an incredible staff that works for the City. And these additional checks are not needed.

Councilor Scott said he doesn't understand the objection to putting a cap on this resolution. He said last year \$13,000 was spent and putting a cap of \$25,000 shouldn't create a hardship. He said he would support this amendment.

Mayor Myers asked for a vote on the amendment to the Resolution.

Vote: 3/4; Failed. Councilor Callaghan, Cheney and Scott voted in favor. Councilor McCusker recused.

Councilor Cheney said the City Manager may be policing vendors, but the Council expects the City to use the vendors who are listed in these resolutions. She said when the City has spent \$25,500 and the City Manager comes to the Council, it is just "what have you been doing."

She said she wouldn't be supporting this because she feels her constituents would like her to know when this amount comes close.

Mayor Myers said this Resolution has his support. He said there are 14 bids on it, and rates are held for three years.

Councilor Callaghan said he would not support this, but he was open to an alternative amount so there isn't an open-ended ability to spend.

Councilor Scott agreed with Councilor Callaghan. He said he didn't like to see an open-ended purchase order.

Councilor Scott made a motion to amend to this Resolution to add not-to-exceed \$30,000; seconded by Councilor Callaghan.

Mayor Myers asked for a vote on the amendment to the Resolution.



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

Councilor Trefethen said he thought the City Manager had made his point, but apparently not. He said the City was watching the spending six ways to Sunday. He said the caution the City Manager was trying to put across was, who does the Council want watching the spending? He said the City Manager was going to have to put somebody on staff to watch the City's spending. He said he wanted the department heads watching the spending, and then the City Manager, and if there is a problem they will let the Council know. He said he didn't support this with the amendment and didn't know how he was going to vote. He said he felt the intent was to put the responsibility on the Council, but it is actually going to be a low level clerical position.

Councilor Dede said the not-to-exceed available funding is clear. The City Manager has limits and has performed admirably making sure that those limits are followed. He said the City pays the City Manager over \$100,000 a year to make sure that happens. He said at the end of this past year, in spite of all the unexpected problems, he didn't come to the Council and ask for a budget exception. He managed to move funds around to keep everything on an even keel to the benefit of the taxpayers. He said the City Manager is looking out for the constituents.

Councilor Cheney asked Councilor Dede how much was in available funding.

Councilor Dede asked Councilor Cheney if she had looked at the budget.

Councilor Cheney referred to the earlier comments that maybe there should be a resolution that would clarify this, so the City Manager would know what the Council would like to see in a resolution. She said she feels comfortable supporting this.

Councilor Scott said he had the budget and asked Councilor Dede to show him the available funding is for this resolution.

Councilor Dede asked Councilor Scott if he could tell him where the City Manager was going to need the expenses.

Mayor Myers stopped discussion. He said he was disappointed. He said the Council has a City Manager who does his job. He said the Council was looking at \$30,000, and he felt in the grand scheme of things the Council focus should be on larger items. He said adding the additional paper trail on something that the Council hasn't had an issue with was foolish. He said the Council has a City Manager who provides them with reports, updates, and financial data. He referred to the resolution in February to have an audit committee that would probe into these kinds of issues. He said it was shot down. He said this does not create runaway spending. He said it lets the City get services on an as-needed basis.

Councilor McCusker asked for a point of order.

Councilor Callaghan said he couldn't speak to the Resolution.

Mayor Myers asked Councilor McCusker to continue.

Councilor McCusker said he recused himself on this particular Resolution, but he felt compelled to speak about the issue ----

Councilor Cheney interrupted and said he couldn't speak to it.

Mayor Myers asked to hear Councilor McCusker's point of order and he would make a determination.

Councilor McCusker said he understood that he recused himself from the vote, and that he can sit in the audience. He said this discussion has digressed from a vote on the resolution to a discussion on budgetary issues. He felt he should have a say about the way that the budget works. He said he would like to speak to the subject matter after the vote has been taken.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, June 25 2008**
Meeting Time: **7:00pm**

Mayor Myers said he felt Council Matters of Interest would be the appropriate time to do that, unless the Council wished to suspend the rules to have general discussion about it.

Councilor Weston asked if the City Manager could keep the Council up to date and tell the Council when the amount is getting high, then she would make a motion to reconsider. She asked the City Manager for his assurance.

City Manager Joyal said this has been done this way for years and it hasn't been an issue, and they drafted these resolutions the same way. He said he would identify the specific account and amount budgeted in future resolutions to satisfy the Council.

Councilor Weston made a motion to reconsider the amendment to the Resolution; seconded by Councilor Trefethen.

Mayor Myers asked for a vote on the motion to reconsider. He said a yes vote means no \$30,000 cap, and a no means to keep the \$30,000 cap.

Vote: 4/3; Passed. Councilor Callaghan, Cheney and Scott opposed. Councilor McCusker recused.

Mayor Myers said the discussion was on the original resolution.

Councilor Cheney said she asked the City Manager to identify the account and the budgeted amount. She said she would support that on resolutions. She said she cannot support this Resolution with a not-to-exceed available funding in a million dollar budget.

Councilor Dede made a motion to move the question. The motion was not seconded.

Councilor Trefethen asked about the amendment.

Mayor Myers said they were discussing the original Resolution.

Councilor Trefethen made a motion to move the question; seconded by Councilor Dede.

Vote: 3/4; Failed. Mayor Myers, Councilors Dede and Trefethen voted in favor. Councilor McCusker recused.

Mayor Myers said discussion can continue on the original Resolution.

Councilor Callaghan made a motion to amend to this Resolution to add not-to-exceed \$40,000; seconded by Councilor Scott.

Councilor Callaghan said the responsibility should end with the Council. He said the Council should not hand out blank checks. He said if the Council does they are crazy.

Mayor Myers said he took his job seriously, does his responsibility, and he does oversee this.

He said the Council set the budget and that sets the spending parameters. He said the City Manager comes to the Council. He said he took offense with Councilor Callaghan's insinuation.

Mayor Myers asked for a vote on the amendment to the Resolution.

Vote: 3/4; Failed. Councilors Callaghan, Cheney and Scott voted in favor. Councilor McCusker recused.

Councilor Trefethen made a motion to move the question; seconded by Councilor Dede.

Vote: 5/2; Passed. Councilor Cheney and Scott opposed. Councilor McCusker recused.

Mayor Myers asked for a roll call vote on the Resolution.

Roll Call Vote: 4/3; Passed. Councilor Callaghan, Cheney and Scott opposed. Councilor McCusker recused.

B. RESOLUTIONS

1. RESOLUTION RE: COLLECTIVE BARGAINING AGREEMENT BETWEEN THE DOVER SCHOOL BOARD AND THE DOVER PARAEDUCATORS ASSOCIATION



CITY OF DOVER

CITY COUNCIL - MINUTES

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Meeting Date: **Wednesday, June 25 2008**
Meeting Time: **7:00pm**

SPONSORED BY MAYOR MYERS BY REQUEST

Motion made by Councilor Weston to have Resolution moved up on Agenda to after Citizen's Forum.

2. RESOLUTION RE: PURCHASE AND SALES AGREEMENT BETWEEN THE CITY OF DOVER AND JOSEPH ALLIS

SPONSORED BY MAYOR MYERS BY REQUEST

Councilor Dede moved to adopt; seconded by Councilor Trefethen. Mayor Myers asked the City Manager to give background information on the Resolution. City Manager Joyal said the City has been awarded funds for the construction of a bridge over the Cochecho River at the end of Washington Street. He said it was part of a comprehensive traffic improvement plan, and is supportive of the development of the waterfront. In order to build the bridge the City needs to acquire a small portion of land from Mr. Allis. He said this Resolution authorizes the City to effect a purchase and sales agreement, with funds coming from an account budgeted for this project. Councilor Cheney questioned the wording in the Resolution. She asked the City Manager what it implies. City Manager Joyal said normal easements benefit the owners. He said there were exclusions in the Resolution to provide protection to the City. He said during emergency situations it allows the City to go in and fix the problem, but he said the City would still try to contact the owner. Mayor Myers asked for a roll call vote on the Resolution. Roll Call Vote: 8/0.

3. RESOLUTION RE: EASEMENT AGREEMENT BETWEEN THE CITY OF DOVER AND LAFRANCE BOWDEN HOSPITALITY II, FOR A HOMEWOOD SUITES DIRECTIONAL SIGN TO BE LOCATED IN RIGHT OF WAY OF INDIAN BROOK DRIVE

SPONSORED BY MAYOR MYERS BY REQUEST

Councilor Trefethen referred to a map of area. He said it appeared to him that the signs were on private property. He asked if the sign in question was already in existence. City Manager Joyal said the Northeast Credit Union sign will be replaced with this structure, and it will be moved closer to the intersection. Councilor Cheney said she doesn't like illuminated signs. She said she doesn't support this for that area of Dover. She felt it was unattractive. Councilor Scott said he felt it was tacky and would not support it. Councilor McCusker asked if the Council would be setting precedent by allowing this one company to do this kind of thing. City Manager Joyal said they had done something similar to this with Walgreens. He said entering into this agreement allows the City to have control over the type of sign, and it is maintained by the owners. He said in this instance they are consolidating several signs into one. Councilor McCusker said he liked it instead of multiple signs.



CITY OF DOVER

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Councilor Trefethen said the Resolution was not a vote on the aesthetics of the sign, but to place a sign. He said the City already has an easement agreement with Northeast Credit Union. He said the alternative of this was to have multiple signs. He said the proposed sign meets current regulations.

Councilor Cheney said the illuminated space will be 68.6 square feet. She said these are big structures. She said she couldn't support this Resolution.

Councilor McCusker said for safety they only have one entrance to these businesses. He said it needed a larger and well lit sign so people can see how to get to the businesses.

Councilor Cheney said there was a traffic light going there. She said it was a homely sign.

Mayor Myers asked the City Manager, if the Council allowed the sign were there restrictions on additional signs?

City Manager Joyal said they cannot put signs in the right-of-way, but they can put signs on the building, per zoning regulations.

Mayor Myers said the City looks to draw businesses. This sign brings multiple businesses together. He said it would have his support.

Mayor Myers asked for a roll call vote on the Resolution.

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

4. RESOLUTION RE: DISCONTINUANCE OF WATER STREET (TO BE REFERRED TO PUBLIC HEARING JULY 9, 2008)

SPONSORED BY MAYOR MYERS BY REQUEST

Councilor Dede moved to move to public hearing on July 9, 2008; seconded by Councilor McCusker.

Vote: 8/0.

C. ORDINANCES IN 1ST READING-NONE

D. COUNCIL CORRESPONDENCE-NONE

13. COUNCIL MATTERS OF INTEREST

Councilor McCusker referred to his term of being a City employee for seventeen years. He said he recalled that when a specific line item was close to being expended, there was a city wide restriction put on spending. He said there were mechanisms in place that watch spending. He felt the Council was trying to be too preventative.

14. ADJOURN

Councilor Dede made a motion at 9:55 pm to adjourn; seconded by Councilor Trefethen.

Vote: 8/0.