



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 24, 2008**
Meeting Time: **7:00pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor McCusker led the Pledge of Allegiance

3. ROLL CALL

Present: Mayor Myers, Deputy Mayor Trefethen, Councilors Callaghan, Carrier, Cheney, Dede, McCusker, Scott, Weston.

Also Present: Fire Chief Plummer, City Attorney Krans, and City Clerk Lavertu.

4. PROCLAMATIONS – AWARDS

5. APPROVAL OF AGENDA

Deputy Mayor Trefethen made a motion to switch the order of 12.A.5. and 12.A.6.

Vote: 9/0.

Deputy Mayor Trefethen made a motion to accept the agenda as amended; seconded by Councilor DeDe.

Vote: 9/0.

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.

Marcia Colbath, 114 Garrison Road, Chairman of Open Lands Committee: She requested the Council's support for the two Resolutions regarding the Community Trail. She said she has been involved in the Community Trail for years, and this segment was a vital and visible link to the trail.

Thomas Fargo, 14 Cobble Hill Drive, Chairman of Conservation Commission: He requested the Council's support for the two Resolutions regarding the Community Trail, Resolutions 12.A.5. and 12.A.6. He said this was an opportunity to put closure on a project that has been in the works for over 10 years, and during at least six Councils. He said it was 80% funded by Federal funds and 20% by motor vehicle transportation fees. He mentioned the invitation he put on the Councilors' desks to a presentation called "Managing and Planning for Storm Water in Dover," which will be held Tuesday, September 30, 2008 at the McConnell Center.

Kenneth Costello, 4 Page Avenue: He said he supported the Community Trail and urged the Council to support it.

Patrick Hoar, 105 Locust Street: He said the City workers do not do their work. He said he is handicapped. He said his street wasn't plowed last winter, and it has been getting worse and



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worse each year. He said when he complained to the City nothing was done about it. He also complained about City Welfare. He said he has a friend who was also handicapped and she couldn't afford her medications and rent. He said City Welfare told her they would help one time. He said he was an advocate for her and has fought for this all his life, even before the Councilors were born. He said he is trying to get people to sign up to stop this woman [social worker] for not helping other people that are handicapped. He said they are denying people here in Dover. He said the City needed more housing for the homeless people. He said they, the veterans and handicapped, are not getting support from anybody.

Edward Bleiler, 28 Isaac Lucas Circle: He said he wanted to speak to Councilor DeDe's remark that the Arena couldn't be sold. He said it was absolutely not true, because the City could sell it to a private buyer and then lease the land underneath it, therefore creating revenue and not break up the Guppy Trust. He asked why Councilor DeDe was worried about breaking this trust when so many other trusts had been broken that he was aware of, which included the Garrison Hill Trust, Pine Hill Cemetery Trust, and the Henry Law Trust. He referred to the Council's Agenda and suggested that the Council not vote on any issue without the City Manager present. He said the City should not be awarding blanket contracts to anybody. He said the Community Trail was a wish list item that should be turned down because it is not a necessity. He said the 20% of the funds to pay for the trail from the Transportation Fund should go to the maintenance of the roads. He said the issues on the Agenda should not be voted upon without the City Manager present to answer questions.

William Garrison, 4 West Concord Street, Chairman of Good for Dover: He said he and the Good for Dover folks support the Community Trail and want to see it become a reality, and urged the Council to vote yes on the Resolution.

John Scruton, 99 Sixth Street: He said he was a pedestrian, and said the traffic in Dover is such that a person cannot walk alongside a road that doesn't have a decent shoulder. He said now there are sidewalks, and they get buried underneath snow, which is not plowed. He said there is no place for the pedestrians to walk. He said the residents were asked to keep the sidewalks clear, but the plow goes by six times a day, and he asked, how is the resident going to keep the sidewalk clear? He referred the Council to RSA 231:113, which said it was unlawful to have the abutters maintain the sidewalks in the City. He said he voted for the spending cap. He said he believe the core to running the City is health, safety, transportation, and schools. He said the Community Trail was good for the health, and gave a safe place for people to walk. He asked the Council to try to do a little bit better.

Kirt Schuman, 30 Cushing Street: He said he wished to speak to three items on the Agenda. He said the first item was the change order for the form base code consulting. He said it was a visual representation of how the City would like to see segments of the community built out, and does this by providing visual representations of building forms, public spaces, and also clearly defines the review process within the code. He said it would make it easier for the public and for developers to understand the regulations and approval process. He said if the Resolution was approved it would ultimately result in higher quality development in Downtown. He said \$20,000 of the Resolution was approved in the 2008 budget, \$10,000 was approved in the 2009



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budget, and there was \$18,000 which the Planning Department received in grant money. He said the City has been lucky with the development in the Downtown, but there was nothing preventing somebody from putting in a one-story vinyl-sided building on Central Avenue. He said this code would ensure that the Downtown continues to develop in a contextually sensitive fashion, which was a major tenant in the 2007 Master Plan. He said the second item he wished to discuss was the FastTrans project. He said this would not only provide another form of alternative transportation for Dover residents, but also makes the City accessible to the elderly and less fortunate. The third item he discussed concerned the Community Trail. He said this concept was developed through hundreds of volunteer hours that he was proud to say he was a part of. He said the approval of the two Resolutions would result in the first tangible evidence of almost a decade of planning by neighborhood residents, abutters, and City staff. He said he thought it deserved the Council's support.

Glenn Grasso, 1 Pebble Hill Drive: He spoke on the Community Trail and urged the Council to pass the Resolutions. He said a walk-able community is a good idea. He said there was no property tax money involved. He said creating this trail and renovating these areas will drive away the bad elements that are there. He said this project has taken longer than anticipated and the costs have increased, but the State has generously given the City more funds. He said the low bid contractor has generously extended their bid, despite their rising costs. He said the bid expires on September 25, 2008, and these Resolutions need to pass this evening. He said this is not a rush to judgment, but involves over a decade of community involvement.

Aviva Grasso, 1 Pebble Hill Drive: She said there were three Agenda items that were a long time coming: the two Community Trail Resolutions and the FastTrans Resolution. She said she looked at all the information in the agenda materials, and said it would be foolish for the City not to proceed with the FastTrans project. She spoke of her support for the Community Trail.

Edward Gerjuoy, 8 Woodman Park Drive: He spoke on the issue of the FastTrans, and said any money spent on keeping cars off the roads will result in less maintenance cost.

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

7. PUBLIC HEARINGS – NONE

8. CITY MANAGER'S REPORT

Deputy Mayor Trefethen moved to accept the City Manager's Report; seconded by Councilor McCusker.

Vote: 9/0.

9. MINUTES

A. MINUTES FROM – September 10, 2008

Deputy Mayor Trefethen moved for their adoption; seconded by Councilor McCusker.

Vote: 9/0.



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10. MAYOR'S REPORT

Mayor Myers said he attended ribbon cuttings for the Chamber of Commerce. He said he was contacted and asked to mention a Blood Drive at the Moose Hall on September 26, 2008. He asked the Council to extend the Cable Committee's Report another 30 days, to the November 1st timetable, because they are waiting for some action from the School Board and dealing with the State aid for construction. He also mentioned there were two openings on committees: one for the Coast Advisory Committee and one for the Skyhaven Airport Operation Committee. He said if anyone was interested, to apply in the City Clerk's Office. He updated the Council on the meeting he attended at the Local Government Center regarding policy settings. He said the issue on Affordable Housing was not passed, which agreed with the Council's consensus. The second issue dealt with increasing the gas tax and dedicating the funds to pay for State highway projects. He said the group eliminated the increase in the gas tax, but kept the dedication of the funds received for the gas tax to be used for State highway projects.

Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Councilor DeDe.
Vote: 9/0.

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 3RD READING

1. ORDINANCE: CHAPTER 166-53 SCHEDULE F VEHICLES AND TRAFFIC SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Councilor Callaghan.
Councilor Weston asked for this Ordinance to be moved to a 4th Reading and a Public Hearing on October 8, 2008; seconded by Councilor McCusker.
Vote: 9/0.

B. RESOLUTIONS

1. RESOLUTION: MUNICIPAL INFORMATION TECHNOLOGY ACCEPTABLE USE POLICY (TO BE REMOVED FROM TABLE) SPONSORED BY MAYOR MYERS

Deputy Mayor Trefethen moved to remove from the table and moved for its adoption;
seconded by Councilor DeDe.

Vote: 8/1; Passed. Councilor Weston opposed.

Mayor Myers asked Annie Dove, Director of Information Technology, to speak to the Council about this Resolution.

Ms. Dove went over the major changes between the old policy and the new proposed policy. She said she worked with the City Attorney with this proposed policy, along with the School Department's Information Technology Administrator. She said this Resolution was just for the City, but the School Department is working on their own policy as well. She said the first change was to use the acronym of MITSS, Municipal Information Technology System and Services, to save space. She said they also changed "City of Dover Employees" to "Users,"



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and defined who "Users" are. She said the user base has changed and we needed to modify the policy to reflect that. She referred the Council to Page 4 of 5; #4 states: "Giving account information, including user name and password, to anyone other than your department head, designated Information Technology Administrator, or the City Manager. (It is advised that you change the password immediately once maintenance or other tasks are complete.)" She said the old policy requested that the supervisors have the passwords. She said the new infrastructure requires new passwords every six months, and Information Technology does not keep a record of those. She referred the Council to the last bullet: "Transporting or copying municipal data on portable media or on a device not owned by the City of Dover unless expressly and properly authorized." She said this was just to have accountability. She referred the Council to the same page, 2nd paragraph: "In the event the City receives a Right to Know request or other court discovery request, Users who forward or direct e-mail received on MITSS to non-city accounts, servers, devices or hardware..." She said that was to incorporate the earlier City Council Resolution from July called: "City Owned E-mail Server Usage Correspondence Policy Dover City Council." She said if and when e-mail is forwarded outside the e-mail system, IT will not be able to capture e-mail either sent from the external system or any replies sent back to that external system. She said this was protecting the City, and it was not a City expense to provide that information. She referred the Council to the last change, on Page 5 of 5, which was just housekeeping. She said she added a few more signature lines: "Department/Public Body/Vendor Name:" to know where the new User is coming from; "Department Head/City Clerk" to sign, so the IT staff knows this new User is authorized.

Deputy Mayor Trefethen asked Ms. Dove about the user name and password; should it be given when asked for it?

Ms. Dove said that was correct. She said the department heads used to keep all the passwords in case someone was away, but the way the network works today, that is not necessary.

Deputy Mayor Trefethen said the statement is not a blanket requirement that the password be given to the three people mentioned.

Ms. Dove said that was correct.

Mayor Myers asked Ms. Dove, if a court order came in, were they only going to request items that pertain to City business?

Ms. Dove said that was correct.

City Attorney Krans said the court order would most likely not come from the City, but a third party.

Councilor DeDe noted that if the User refused to sign this policy, then they would not have the right to use the City Server.

Ms. Dove said that was correct.

Councilor Scott said the way this Resolution was written was fine for employees, but asked why it was being applied to volunteers and the City Council.

Ms. Dove said the infrastructure has many different types of users, but she was trying to protect one thing, the City's information.

Councilor Scott asked Ms. Dove if she felt there was any conflict with Article 19 of the New Hampshire Constitution, which protects individuals and their papers from unregulated searches.



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City Attorney Krans said he would answer that legal question. He referred to the word “warrantless”, which meant there wasn’t a court order. He said this policy does not say that searches will be conducted without a warrant. He said the most important words in the whole document are in italics on Page 4 of 5: “Users should have *no expectation of privacy* in either sending or receiving communications and other information while using MITSS.” He said “no expectation of privacy” are the four most important words in the document. He said if you’re going to do municipal business on this system, don’t expect it to be private. Councilor Weston asked if this only refers to e-mails that come through the city server and get forwarded off the city server to a private e-mail.

Ms. Dove said it referred to all municipal servers of the City, of which e-mail is one server. Councilor Weston asked, if her constituents contact her on her private e-mail, did that fall under this jurisdiction?

Ms. Dove said the Resolution was only dealing with protecting the City’s network. She said a court order would be a separate issue, and asked the City Attorney to address that.

City Attorney Krans said the issue of doing government business on a private computer is settled, and he said it doesn’t necessarily protect you, and he isn’t willing to sign off on that. He said this Resolution was establishing a policy about doing government business on a government server.

Councilor Weston said there were committee members who don’t have access to the City’s server, and asked if their private computers were susceptible to a 91.A request.

City Attorney Krans said this policy had nothing to do with that situation.

Councilor Weston said the one major complaint that she has received over this Resolution was that there are hundreds of people that volunteer with the City who didn’t know anything about it. She was asked to have this Resolution tabled again until the City notified all these involved people.

Ms. Dove said a lot of those Boards and Commissions don’t use the City’s server, so they don’t have a City resource account.

Councilor Weston said she was on the State of New Hampshire Advisory Committee, and the communications that come to her from the State are from the State server to her private e-mail. She asked what happens to those people who have it sent to the private e-mails.

City Attorney Krans said that they didn’t sign on to use the server and didn’t have to sign the policy, therefore they wouldn’t be affected at all.

Councilor Callaghan referred to the changes in the policy. He said he understood it to mean that if he sent an e-mail to a constituent in answer to their question, that he was responsible for retrieving that information and paying for it, and putting them in jeopardy of privacy.

City Attorney Krans said this Resolution doesn’t agree to provide warrantless access. He said you aren’t a User if you’re not using the system. He said this policy doesn’t allow the City to go in a constituent’s system.

Deputy Mayor Trefethen said he had a similar policy at his place of work. He said no one should expect to have any privacy on their e-mails. He said if you looked at the fine print of your Comcast, Yahoo, or whatever e-mail you have, it would be there also.

Councilor Cheney said this Resolution started before her e-mail Resolution. She said this policy includes more than City employees. She said she had a few problems with this. She said they take an oath that they won’t do these types of things, and have an Ethics



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Committee to deal with it if they did. She said the e-mail being forwarded to her private e-mail, it is being archived in the City Server.

City Attorney Krans said if you make a connection between the City server and a private device, and then you conduct City business on your private device as a result of that, you should probably not expect privacy for those e-mails.

Mayor Myers said if you respond to an e-mail from your private device, then the City will not capture that response. He said by a court order, those e-mails can be retrieved from your private device.

Councilor Cheney said if you "reply all" then it goes through the City Server. She asked if anyone can see another person's e-mails.

Ms. Dove said that function was possible, but is not done because of the amount of time it would require.

Councilor DeDe asked to move the question; seconded by Councilor Carrier.

Vote: 5/4; Passed. Councilor Callaghan, Cheney, Scott and Weston were opposed.

Roll Call Vote: 5/4; Passed. Councilor Callaghan, Cheney, Scott and Weston were opposed.

12. NEW BUSINESS

A. CONSENT CALENDAR

1. **PARADE – Cocheco Valley Humane Society**
2. **RAFFLE – Cocheco Valley Humane Society**
3. **RESOLUTION: AWARD OF BLANKET PURCHASE ORDER FOR AUTOMOTIVE PARTS AND SUPPLIES**
SPONSORED BY MAYOR MYERS BY REQUEST
4. **RESOLUTION: AWARD OF BLANKET PURCHASE ORDER FOR TIRES AND MISCELLANEOUS RELATED SUPPLIES**
SPONSORED BY MAYOR MYERS BY REQUEST
5. **RESOLUTION: PURCHASE OF EASEMENTS FOR B08109 DOVER COMMUNITY TRAIL**
SPONSORED BY MAYOR MYERS BY REQUEST
6. **RESOLUTION: B08109 DOVER COMMUNITY TRAIL CONSTRUCTION**
SPONSORED BY MAYOR MYERS BY REQUEST
7. **RESOLUTION: AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH COAST TO ESTABLISH FASTTRANS SERVICE**
SPONSORED BY MAYOR MYERS BY REQUEST



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8. RESOLUTION: MERIT PLAN AMENDMENT PURSUANT TO CITY CHARTER C7-2

SPONSORED BY MAYOR MYERS BY REQUEST

9. RESOLUTION: CHANGE ORDER DOWNTOWN FORM BASE CODE ACTION PLAN

SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

- | | |
|--|--|
| 1. Appointments Committee – Mayor Myers | 8. Solid Waste Advisory Commission – Councilor DeDe |
| 2. Arena Commission – Deputy Mayor Trefethen | 9. Transportation Advisory Commission – Councilor Weston |
| 3. Arts Commission – Councilor McCusker | 10. Joint Building Committee – Councilor Cheney |
| 4. McConnell Center Committee – Councilor DeDe | 11. Recreation Advisory Board – Councilor Carrier |
| 5. Planning Board – Deputy Mayor Trefethen | 12. Coast Bus |
| 6. Cable Access Committee – Councilor DeDe | 13. Joint Fiscal Committee – Councilor Trefethen |
| 7. School Board Liaison – Councilor Callaghan | |

Deputy Mayor Trefethen moved to adopt the Consent Calendar; seconded by Councilor DeDe. Mayor Myers asked the Council if there were any items they would like to pull from the Consent Calendar for further discussion.

Councilor Scott asked to pull 12.A.3. and 12.A.4.

Councilor Callaghan asked to pull 12.A.7., 12.A.8., and 12.A.9.

Mayor Myers asked for a roll call vote on the remaining items of the Consent Calendar.

Roll Call Vote: 9/0

Deputy Mayor Trefethen moved 12.A.3. for adoption; seconded by Councilor Scott.

Councilor Scott said he didn't like blanket orders for a full year. He said he knew of three auto part suppliers, and the City should be getting wholesale prices. He said the purchasing department should be going out to bid frequently, or at least on a three-month basis.

Mayor Myers said he wasn't in favor of going out to bid every time a part was needed, because that would be a very ineffective way to run the City. He said this Resolution has his support.

Councilor Scott asked who else was asked to bid on this.

Mayor Myers this particular Resolution is basically piggybacking on the State of New Hampshire, and has found Robbins to be the most advantageous.

Roll Call Vote: 8/1; Passed. Councilor Scott was opposed.

Deputy Mayor Trefethen moved 12.A.4. for adoption; seconded by Councilor Scott.

Councilor Scott said he had the same comments for this Resolution. He requested that the City go out on a three-month basis.

Mayor Myers said he was in favor of this Resolution.

Councilor Weston said she had a problem with this Resolution. She said piggybacking on the State isn't always the best bid. She said she wouldn't support this Resolution.

Councilor Callaghan said he wouldn't support this Resolution. He said he didn't like Resolutions without a dollar amount.



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Deputy Mayor Trefethen asked Sam Crowley, Fleet Services Manager, if the Council didn't approve this Resolution tonight, what he was going to do.

Mr. Crowley said he would look for tires, because they use them on a regular basis. He said they try not to keep an inventory of tires because of the expense. He said that means a truck with a flat tire won't run, because he couldn't get a new tire.

Councilor McCusker asked if there was anything different from this Resolution than from last year, or for years before this.

Mr. Crowley said there wasn't anything different. He said it was pretty standard. He said they piggyback on the State because they buy thousands and thousands of tires and the discount is much greater than the City could get. He said the various types of tires needed for the City's equipment is pretty broad.

Councilor Scott asked how many miles the bigger equipment gets for each tire.

Mr. Crowley said it depended on usage. He said plow trucks tires are changed once every two years.

Councilor Scott asked if it was 50,000 miles per car.

Mr. Crowley said they didn't get 50,000 miles.

Councilor Cheney asked if the tires were simply purchased and the City puts them on in the City's facilities.

Mr. Crowley said that was correct.

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved 12.A.7. for adoption; seconded by Councilor Callaghan.

Councilor Callaghan asked to have Mr. Chris Parker, Director of Planning and Community Development, speak to this Resolution.

Mayor Myers said this Resolution was a topic for a workshop scheduled for November 5, 2008.

Mr. Parker said this project was a federally granted fund that the City needed to have authorization for by the Council to funnel the grant through to Coast, so Coast can start ordering buses, and the City can get ready to bring the service up on-line. He said his goal was to bring it up on-line by Thanksgiving.

Councilor DeDe spoke of the problem that exists with parking in the Downtown area.

Councilor Cheney said she wasn't prepared to move on this tonight. She wanted to wait for the workshop.

Deputy Mayor Trefethen said this was voted years ago to go forward with this plan. He said it was not going to be funded by tax money, but grant funded and with 20% from Transportation Improvement. He said if the plan doesn't work it would just stop.

Mayor Myers asked, if this Resolution passes tonight is it a done deal?

Mr. Bruce Woodruff, City Planner, said this Resolution is for the grant period.

Councilor Scott said he has heard the comment that this isn't going to cost the City anything, but he referred to Page 4 of the Resolution where it said the total expense by the City is 20%.

Mayor Myers said the 20% was coming out of Transportation Improvement Funds and not taxpayer dollars.

Mr. Parker said it wasn't General Fund money, but Transportation Reserve money.

Councilor Scott asked if that comes from fees paid for cars.

Mr. Parker said that was correct.

Councilor Scott said that it was from the taxpayers because they have cars.



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Mayor Myers said that money has to be used for transportation projects.

Mr. Parker said that was correct.

Councilor Scott asked if it was all the money paid for cars, or just a portion of it.

Mr. Parker said it was a \$4.00 additional fee.

Councilor Scott said there was \$4.00 from every car owner in the City of Dover that goes to this.

Mayor Myers said it goes to that pool of money, and not just to this program.

Councilor Scott said that wasn't very much money.

Mr. Parker said they have been putting money aside for a number of years to build the reserve fund.

Councilor Scott asked what was the fund balance.

Mr. Parker said at one point it generated about \$125,000 per year.

Councilor Cheney said she was going to support this program, but she wanted to have the workshop.

Councilor Weston asked if the buses were going to be handicapped assessable.

Coast Representative: He said they had to be, because we're using federal funds.

Councilor Weston said she fully supported this Resolution.

Councilor McCusker said he would support this Resolution because he felt it was a terrific opportunity.

Mayor Myers said this Resolution has his support.

Councilor Cheney asked Mr. Parker to explain the changes in the Resolution from when it was originally introduced to the Council in 2006.

Mr. Parker referred the Council to the background information for the Resolution where it mentions the expansion of the program to include Wentworth Douglass Hospital, getting the County on board to help fund the project to include expanding the County Complex out on County Farm Road, and in addition to the Exit 9 Park and Ride, the Park and Ride next to the Arena.

Councilor Carrier said he felt it was a great asset to the community.

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved 12.A.8. for adoption; seconded by Councilor Callaghan.

Councilor Callaghan said he had several issues and felt maybe a workshop was needed.

Mayor Myers wanted the Council to be aware of a few things. He said the Council only has the authority to vote up or down, and cannot amend the Resolution. He said there was a 60-day timeframe from when the City Manager presents it to the Council. If the Council doesn't take action on it, then it automatically takes effect.

City Attorney Krans said the Council has the obligation to either approve or disapprove within 60 days. The Council has to take some action.

Councilor Callaghan said it was yes or no, and then advises the City Manager why the Council was saying no.

Mayor Myers said that was correct, but the City Manager wasn't required to come back with the changes.

Councilor Callaghan said he wasn't going to agree with the Deputy Community Services Director; the other things were mostly housekeeping items. He asked what the FY2009 increase was in the tables.

Chief Plummer said it was his understanding that there were none.



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Councilor Scott said he felt this needed to be tabled until the City Manager was present. Councilor Cheney made a motion to table this Resolution until the City Manager can be present; seconded by Councilor Weston.
Vote: 5/4; Passed. Mayor Myers, Deputy Mayor Trefethen, Councilors DeDe and McCusker were opposed.

Deputy Mayor Trefethen moved 12.A.9. for adoption; seconded by Councilor Callaghan. Councilor Callaghan asked Mr. Parker to give a briefing on this Resolution. Mr. Parker said this project has excited him the most in the 11 years he has been working for the City. He went into a full discussion on the merits of this plan and the funding needs. He said they are going to find out what the residents want in Downtown, and have an architect draw up a plan that will be flexible. They are also going to look at the Zoning Code. He said he can't wait to get started on this program. Councilor DeDe said this will show a developer what he can do. The form base code will say this is what it should look like. Councilor Cheney asked where the parameters were for the form base code. Mr. Parker said Central Avenue from Silver Street to Chestnut Street, coming down 4th Street, coming down around the mills, and up around Cocheco. Councilor Cheney asked how it would be approved. Mr. Parker said it will go through Technical Review and Planning Board process. Deputy Mayor Trefethen said this Resolution was to hire a form base consultant. Mr. Parker said the consultant was already hired. He said what they were looking to do, through the change order, was increase the public participation models. Councilor Scott asked why the City had to hire a consultant to do this instead of having the Planning Department do it. Mr. Parker said if he didn't have other things to do he would agree, but they are all working on many other projects. Councilor Scott said it should be stretched out over a year to save the consulting money. Councilor Callaghan told Councilor Scott that the Planners in the Planning Department are not architects, and this projects calls for that.
Roll Call Vote: 9/0.

Deputy Mayor Trefethen made a motion to remove from the table 12.A.8.; seconded by Councilor McCusker.
Roll Call Vote: 5/4; Passed. Councilors Callaghan, Cheney, Scott and Weston were opposed. Councilor Trefethen said he felt Councilor Callaghan had some good points about the list of jobs in the Merit Plan, but felt that those could be addressed at a later time. He felt the Council could pass this Resolution now. He said his immediate concern was the Arena Program and Marketing Supervisor. He said without that position in the Merit Plan, the Recreation Director cannot hire a person for that position. He said the Arena is minus two people, and this position will combine those positions. He said the salary is higher than each of the two positions, but less than the combined salary, thus savings the taxpayers. Councilor Cheney said she seconded the motion to table because the City Manager wasn't present. She wanted to hear the City Manager's explanations. Mayor Myers said Chief Plummer was here to answer questions.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 24, 2008**
Meeting Time: **7:00pm**

Councilor Callaghan asked if the two fire inspector positions were new positions. Chief Plummer said they were new positions, but the City eliminated two lieutenant positions. Councilor Callaghan asked about the Building Inspector's duties. Chief Plummer said they did subtract some duties, but added more supervisory duties where he would be in charge of the Inspection Division. Councilor Callaghan asked about the Deputy Director of Community Services. Chief Plummer said the job description is being formulated. Councilor Callaghan asked why the Arena Program and Marketing Supervisor position was a union position. Chief Plummer said the next contract would have moved it to a union position, and this just puts it there now. Councilor Callaghan said he understood Councilor Trefethen's wish to have this passed, but he had a problem with leaving the Deputy Director of Community Services position in the Merit Plan. He said he couldn't support this Resolution. Councilor DeDe said the City Manager has been frugal and has been doing an admirable job with consolidating positions over the last several years. Councilor McCusker said the Council was not here to make decisions about creating new positions. Councilor Scott said when the City adds a position, such as the City Clerk/Tax Collector, shouldn't the City Clerk and Tax Collector positions be eliminated? Chief Plummer said it just kept a pay grade for that position, and doesn't mean that the positions are filled. Councilor Weston said she would have loved a workshop on the Merit Plan. She felt the City Manager should have done this housekeeping. Mayor Myers said this has to be acted upon within 60 days. He also wanted the Council to know that even though the Council was receiving this through the City Manager, it really had the input of Sue Daudelin, Human Resources Director, and the Personnel Advisory Board. Councilor Carrier said he felt that the Merit Plan before the Council has already been fine tuned. Roll Call Vote: 5/4; Passed. Councilors Callaghan, Cheney, Scott and Weston were opposed.

B. RESOLUTIONS

1. RESOLUTION: AMENDMENT TO COUNCIL RULES – RULE 15 PROCEDURES AND FILING WITH THE COUNCIL SPONSORED BY COUNCILOR CHENEY

Councilor Cheney made a motion to substitute as a whole; seconded by Councilor Weston.

Vote: 2/7; Failed. Councilors Cheney and Weston voted in favor.

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

Councilor Cheney said this was a rule that she has been trying to get into the Council's rules for a while, because it seemed like it would be very helpful. She said she has heard the concerns that the Council doesn't want to give direction to the City Manager in the Council's Rules. She said if it does not pass tonight with a 2/3 majority, she will just bring it back as a Resolution. This rule states that the Council is going to meet



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periodically to discuss negotiations that are going on, to ensure to the employees that they are valuable.

Councilor DeDe said once the agreement has been ratified, the City Council doesn't have to vote on it that night. He said the Council doesn't need a rule to do this.

Mayor Myers said he doesn't feel it needs to be a rule, and he would not be supporting this.

Deputy Mayor Trefethen said the consensus of the Council was that the vote shouldn't be done the same night the Council receives the contract.

Councilor Cheney said she would withdraw the Resolution.

C. ORDINANCES IN 1ST READING

**1. ORDINANCE: HENRY LAW AVENUE THREE HOUR PARKING
(TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 8, 2008)
SPONSORED BY COUNCILOR WESTON**

Deputy Mayor Trefethen moved to refer to a public hearing on October 8, 2008; seconded by Councilor Weston.

Vote: 9/0.

**2. ORDINANCE: CHAPTER 140, REFUSE – REPEAL
(TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 8, 2008)
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved to refer to a public hearing on October 8, 2008; seconded by Councilor Weston.

Vote: 9/0.

**3. ORDINANCE: CHAPTER 158, SUNDAY SPORTS – REPEAL
(TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 8, 2008)
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved to refer to a public hearing on October 8, 2008; seconded by Councilor Scott.

Vote: 9/0.

**4. ORDINANCE: CHAPTER 82, CURFEW – REPEAL
(TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 8, 2008)
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved to refer to a public hearing on October 8, 2008; seconded by Councilor Weston.

Vote: 9/0.



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**5. ORDINANCE: CHAPTER 97, DUMPING, RUBBISH AND RECYCLING COLLECTION
(TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 8, 2008)
SPONSORED BY COUNCILOR DEDE**

Deputy Mayor Trefethen moved to refer to a public hearing on October 8, 2008; seconded by Councilor DeDe.

Vote: 9/0.

D. COUNCIL CORRESPONDENCE

1. ETHICS COMMISSION REPORT

Deputy Mayor Trefethen moved to accept the Ethics Commission Report; seconded by Councilor Cheney.

Vote: 9/0.

13. COUNCIL MATTERS OF INTEREST

Councilor DeDe said the Council should look at the Refuse Ordinance.

Councilor Callaghan said he wouldn't be signing the MITSS policy.

Mayor Myers said Councilor Scott did send it out to the Attorney General's Office, and asked him if he received a response.

Councilor Scott said he hadn't received a response yet.

Mayor Myers asked Councilor Scott to share the response when he receives it.

Councilor Scott said he would.

Councilor Callaghan said the Resolution needed to be pulled for reconsideration tonight.

Councilor Scott said he agreed with Councilor Callaghan. He wanted to preserve the privacy rights to the constituents.

14. ADJOURN

Deputy Mayor Trefethen moved to adjourn to non-public session per RSA 91A:3(b); seconded by Councilor DeDe.

Vote: 7/2; Passed. Councilors Callaghan and Cheney opposed.