



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, February 25, 2009**  
Meeting Time: **7:00pm**

**Audio was recorded with only one microphone in back of Council Chambers.**

### 1. MOMENT OF SILENCE

### 2. PLEDGE OF ALLEGIANCE

Councilor Callaghan led the Pledge of Allegiance

### 3. ROLL CALL

**Present:** Mayor Myers, Deputy Mayor Trefethen, Councilors Callaghan, Carrier, Cheney, DeDe, McCusker, Scott and Weston.

**Also Present:** City Manager Joyal, City Attorney Krans and City Clerk Lavertu.

### 4. PROCLAMATIONS – AWARDS – None

### 5. APPROVAL OF AGENDA

Councilor Callaghan asked to substitute 11.B.1. Resolution regarding the Library Roof Repair. He also asked to remove the 12.B.3. Resolution regarding City Attorney Correspondence. Deputy Mayor Trefethen said he would like to add the Legislative Liaison Report from Councilor DeDe.

Councilor Weston 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.*

**Edward Bleiler, 28 Isaac Lucas Circle:** He referred to the USA Today article from February 22, 2009. He said Dover, NH was mentioned as the worst case scenario in the country for management of its pension plan. He referred to the audit report and how the public now knows that the McConnell Center operated in the red by nearly \$30,000 per month in fiscal year 2007. In the last 18 months the McConnell Center has lost nearly \$500,000. He asked why the City Manager wasn't telling the Council about this. He asked why there have been no committee reports from the McConnell Center Advisory Board. He asked how the McConnell Center has been doing for the past eight months since the audit report. He says he has repeatedly asked the City Manager for the amount of the Butterfield Gym repairs, and has not received this information. He said he sent a letter to the City's accountants, which he handed out to the Council.



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**Norman Champagne, 13 Church Street:** He said it would be nice to be able to speak at a City Council Workshop. He said the Council needs to spend less money this year than was spent last year, because all of us have less money this year than we did last year. He said the Council shouldn't even raise taxes the 2% - 3% allowed by the spending cap. He said property values have gone down and property taxes should be cut. He said the Council needs to stop the bickering on things that the taxpayers don't care about and work on the budget.

**Timothy Dargan, 5 Hawthorn Road, Chairman for Dover Business and Industrial Development Authority:** He introduced the Economic Development Director, Dan Balducci, to the Council.

**Dan Barufaldi, Economic Development Director:** He said he was very excited to be the new Economic Development Director. He said these were challenging economic times, but he sees a lot of potential for the City of Dover. He said he would be reporting to the Council on a frequent and regular basis. He said he would like to meet with each of the Councilors to go over their priorities.

**Martin Coyle, 22 Grove Street, Representative for the New England Carpenters Union:** He said he represented about 60 carpenters that live in the community. He spoke on the upcoming projects. He said these were challenging times and there are a lot of irresponsible contractors out there undercutting other contractors. He referred to the Washington Street Bridge project, which had a \$20 million difference between bids. He said a Maine company was chosen over New Hampshire companies.

**Don Medbery, 3 Covered Bridge Lane:** He welcomed Mr. Barufaldi to the City of Dover war zone. He said Dover has a form of government that does not give the Mayor the power he sometimes thinks he has. He referred to the article in Foster's Daily Democrat regarding the Mayor's speaking with the Governor, deciding about projects to spend stimulus money on. He said the Mayor has one vote, but is otherwise powerless. He asked why he went to meet with Foster's Daily Democrat to discuss how the stimulus will work. He said those decisions will be made by the School Board, Superintendent of Schools and City Manager. He said the Mayor needs to cut ribbons. He referred to the members of the Council that believed that all email correspondence between two members of the Council, and a constituent and their representative on the Council, should go through the City server. He said those same members gather at the local watering hole after these meetings, where they have no minutes, no tape recording, no video, and no archives. He said the City should all know what the Councilors are saying, and the Mayor should announce at which local watering hole they are gathering. He asked what else the Councilors had in common other than to talk about City business. He spoke on the conditions of the roads and how they destroy an automobile undercarriage, shock absorbers, and tires. He spoke of the projects that are sinking Dover into high debts, resulting from the incompetence of the City Manager and the City Council buying into these money pit projects, such as the McConnell Center, the Children's Museum, and being overgenerous with the employees' retirement benefits. He referred to Mr. Bleiler's comments regarding the article in USA Today. He spoke freely when he said that it was your money, his money, all of our



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money. He told the audience to talk to their Councilor and City Manager, and get involved in the City's business.

**H. Jerry Lynch, 26B Lincoln Street:** He spoke of his previous issues with the Economic Development Director going to DBIDA. He asked if the Dover Chamber of Commerce was trying to advertise Dover, or if they were just a social organization. He said the Local Government Center doesn't represent the people, but the city employees. He said there were foxes watching the henhouse. He said the City got the same "BS" last time, with the same accounting firm. He said he didn't approve of it.

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

### 7. PUBLIC HEARINGS - None

### 8. CITY MANAGER'S REPORT

City Manager Joyal said they were still waiting on the impact of the Governor's budget proposals. He said they will build a budget based on Meals and Rooms revenue staying in place. He referred to the gentlemen's request for information regarding the Butterfield Building, and said he has answered the questions every time. He said the project is complete, and the City is working through the contractor's disputes.

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

Vote: 9/0.

### 9. MINUTES

#### A. MINUTES

1. **February 4, 2009 – Workshop**
2. **February 11, 2009 – Workshop**
3. **February 11, 2009 – Regular Meeting**

Deputy Mayor Trefethen moved for their approval; seconded by Councilor DeDe.

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

Councilor Scott referred to February 11, 2009 – Workshop, Page 3. He said his request to the auditor to provide the worksheet showing the disposition of funds was not included in the minutes.

Mayor Myers asked the Council if they had a problem with that change.

Councilor Scott referred to a section on the same page, "Councilor Scott asked Mr. McIntyre to create a worksheet explaining this." He asked that the word create be changed to provide.

Mayor Myers asked the Council if they had a problem with that change. He asked for a vote on the approval of the minutes with the two changes.

Vote: 9/0.



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### 10. MAYOR'S REPORT

Mayor Myers said it had been a couple of busy weeks on a number of fronts. He said he pulled out the big scissors for a few new businesses for ribbon cuttings. He attended the annual kickoff of the Dover Reads Program, with the book *Marley and Me*. He mentioned two Dover Chamber of Commerce events that he attended to raise money for the Chamber's Capital Campaign to purchase the "Unicel" building on Central Avenue, which they hope to move into in the spring. He said he did have a very informative telephone call with the Governor on Friday. He said they were still waiting for specific numbers as to what the Governor's proposal is going to do. He said they were aware that there are some federal dollars coming to the State, and are expected to flow into the communities, mostly for education projects or specifically targeted projects. He said the Governor has indicated in his budget proposal that he is suspending the Rooms and Meals Tax revenue sharing for the cities and towns across the State, suspending some of the highway money that was coming to Dover, and he is looking for the State to only contribute 30% to the retirement system costs as opposed to the current 35% share. He said the amount for these items is in the area of \$1.8 to \$1.9 million. He said there are some strings attached to the federal funds coming in, and where they can be applied between the school budget and the municipal budget. He said he did discuss this information with the City Manager and the Superintendent of Schools. He wanted to remind the public of his Coffee with the Mayor Session, hosted by the Café on the Corner on Saturday, February 28, 2009, 9:00 – 11:00 am. He also wanted the public to know there are vacancies on several City Boards and Commissions: Arts Commission, Cemetery Board, Conservation Commission, Energy Advisory Board, Ethics Commission, McConnell Center Advisory Board, Open Lands Committee, Planning Board, Recreation Advisory Board, Zoning Board of Adjustment, Transportation Advisory Commission, and the new Parking Commission. He encouraged the community to get involved and to go to the City Clerk/Tax Collection Office or go online to get an application. He mentioned that the Municipal Advisory Committee (MAC), of which he is a member, has a full membership meeting coming up. He went over the issues that the Council had discussed at the Special Meeting and how the Council wanted to be represented.

- Rooms and Meal Tax – MAC position is to support the increase in tax, as long as the entire tax is shared, using the current revenue sharing formula with city and towns.
- 1% increase in communication services tax – MAC position is to support.
- Reestablishing the Legacy Tax – no position.
- Retirement System – oppose any change that would increase the municipal costs, and oppose the matching share with police and fire. He said they support that the State pay their 35% share to the retirement system.
- Gambling – no position.
- Internal study for Cooperative Services within Counties – support.
- Suspension of revenue sharing funds – opposed.

Mayor Myers asked the Council if they had any questions or comments.

Councilor Scott asked if there was any discussion of where the money was coming from for the federal stimulus package.

Mayor Myers said that was a question for the federal or state delegation.



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Councilor Scott said that some of the governors are questioning about the strings attached, that may cost more later on.

He said he actually discussed that during his conference call with the Governor. The federal money from the stimulus package will come in into the Governor's two-year budget, and at the end of the two years the money goes away. He said it was used to pay one time purchases or one time capital-only needs, which would be an appropriate use for it. He said it was meant to retain or add jobs. He said the City does run the risk of having programs for which the money would dry up in two years. He said he felt the money should be applied at the State level, and the State should not cut revenue-sharing. He said he will update the Council on his Monday meeting with the Municipal Advisory Committee.

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

### 11. UNFINISHED BUSINESS

#### A. ORDINANCES IN THE 2ND READING - None

#### B. RESOLUTIONS

##### 1. RESOLUTION: SUPPLEMENTAL APPROPRIATION FOR LIBRARY ROOF REPAIRS AND AUTHORIZATION FOR BONDING (REQUIRES 2/3 MAJORITY VOTE)

SPONSORED BY COUNCILORS CALLAGHAN AND WESTON

Resolution was substituted as a whole.

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

Councilor Callaghan went over the changes with the Council; the funding and the co-sponsorship by Councilor Weston.

Councilor Weston said during the CIP process she was apprehensive about repairing the rugs without first repairing the roof. She said she asked the City Manager to come up with other possibilities for funding the Library roof repairs. She asked that the substituted Resolution go to Public Hearing on March 11, 2009.

City Manager Joyal went over background information on the City Council's policy that relate to when it is appropriate for the Council to use debt financing. He said debt financing is generally used for projects over \$100,000, and the library roof would not be a candidate. He said fund balance is an area where the Council can go to access funds that the City currently has available. He said he would recommend that the Council only use fund balance for emergency situations. He reminded the Council that the auditor highlighted that fund balance should be higher. He said there other places to get the funds that the Council could consider: Sand and Gravel Fund, Capital Outlay Funds in the existing budget, and Capital Reserve Funds. He said his recommendation is that the Council can do one of two things: Use the funding that has been allocated for the carpet replacement to repair the roof first, and come back and address the carpet replacement. He said another option he would recommend is to use the Sand and Gravel Fund, to be able to do this immediately, and then



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address the replenishment of the Revenue Funds when it comes time to deal with constructing the Jenny Thompson Pool Bathhouse.

Mayor Myers asked for clarification from Councilor Weston that this Resolution was being referred to a Public Hearing on March 11, 2009.

Councilor Weston said it was required.

Mayor Myers said it has been changed from debt financing to fund balance and wouldn't require a Public Hearing.

City Manager Joyal said the Council has allocated approximately \$70,000 in this year's budget to repair the roof.

Mayor Myers asked if it needed to go to Public Hearing.

Councilor Weston asked the City Manager for guidance.

City Manager Joyal said he provided all the options available for funding. He said if this was the direction that the Council wanted to take, then it should go to Public Hearing and be voted on at the next regular meeting on March 11, 2009 using the different funding source. Mayor Myers said during the CIP discussions the Council voted to wait on the roof repairs, because the safety issue for the carpet was more important. He discussed the substituted Resolution and the options for funding.

Councilor Callaghan said he strongly believed that the roof needs to be replaced, and he wasn't concerned where the money came from. He said he was concerned about what might be sacrificed if the funds were taken from the operating balance. He said the fund balance should be used for an emergency, but he didn't want to wait until this is an emergency, when it will cost even more.

Deputy Mayor Trefethen said he would support the expenditure to repair the roof and carpet. He said he was concerned about where the funds came from, and didn't agree with some of the scenarios from the City Manager.

Mayor Myers said he was also concerned about the source of the funds. He said he would not support debt financing or using the fund balance. He felt the funds could be found in the existing capital or gravel money. He said the Council knows the City has already gone \$200,000 over budget on snow removal, and he is not very optimistic that there will be money to use out of the budget. He said the Council needed to set the priority that a leaking roof is more important than a bathhouse.

Councilor Scott said the auditors confirmed that the City has a surplus of \$1.5 million last year and apparently much of that went into fund balance. He said he would support taking it out of fund balance, because he felt it was a necessary project.

Mayor Myers asked the City Manager for the correct amount in fund balance.

City Manager Joyal said there was \$500,000, not \$1.5 million.

Councilor Weston asked to make an amendment to the Resolution to take the money out of the Sand and Gravel Fund; seconded by Councilor Callaghan.

Councilor Carrier said he agrees with fixing the roof. He said he would hate to see the bathhouse pushed back, but we need to look at the checkbook. He said he was leaning towards the Sand and Gravel Fund.

Councilor DeDe said he would support it if the money comes from the Sand and Gravel Fund.

Councilor Weston made a motion to amend the Resolution to say that the funds will come from the Sand and Gravel Fund; seconded by Councilor Callaghan.



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Councilor McCusker asked the City Manager what the balance was in the Sand and Gravel Fund.

City Manager Joyal said the balance is a little over \$100,000 right now.

Councilor Cheney said she would support this Resolution, but asked that money not come from the Sand and Gravel Fund, because she felt the bathhouse was needed.

Mayor Myers asked for a vote on the amendment to the Resolution to have the money come from the Sand and Gravel Fund.

Vote: 9/0.

Councilor Weston made a motion to refer this amended Resolution to a Public Hearing on March 11, 2009; seconded by Councilor Callaghan.

Vote: 9/0.

### 12. NEW BUSINESS

#### A. CONSENT CALENDAR

1. **GATHERING – Dover Main Street**
2. **RAFFLE – St. Thomas Aquinas High School**
3. **RAFFLE – Maine Coast Runners Flyball Team**
  
4. **RESOLUTION: TIRE AND ELECTRONICS RECYCLING SERVICES TRUST FUNDS**  
SPONSORED BY MAYOR MYERS BY REQUEST
  
5. **RESOLUTION: ACCEPTANCE OF WATERLOO CIRCLE AS A CITY STREET**  
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 Advisory Board        | 11. Joint Building Committee             |
| 5. Planning Board                         | <b>12. Legislative Liaison</b>           |
| 6. Cable Franchise Negotiations Committee | 13. Coast Bus                            |
| 7. School Board Liaison                   |  |

Deputy Mayor Trefethen moved for the acceptance of the Consent Calendar; seconded by Councilor DeDe.

Mayor Myers asked the Council if they had any items they wish to pull for further discussion.

Councilor Scott asked to pull Item 12.A.5.

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 for the approval of 12.A.5.; seconded by Councilor Scott.



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Councilor Scott said he asked to have this Resolution pulled for several reasons. First, he felt this major item shouldn't have been put on the Consent Calendar. Second, he wanted to compliment the Planning Board for their work on this. He said it was a very nice area. He said the developer went bankrupt and lawsuits were pending. He referred to the bonding that was required by the Planning Department for the road. He said the question has been raised that the City should require roads to meet City specs or keep it a private road. He referred to Constitution Way, and said the people there thought they were going to get City services, such as trash pickup, which they didn't get. He asked the City Manager what the cost would be to maintain the City road.

City Manager Joyal discussed the different variables in figuring out the operational costs. He said then they would have to figure in the replacement and maintenance costs.

Councilor Scott asked the City Manager if he had any rough figures for what it would cost for each house.

City Manager Joyal said he did not.

Councilor Scott said he would support this Resolution.

City Manager Joyal said this was an ongoing complicated issue. He still needed to confirm some information with the City's Engineering Department. He asked that this Resolution be tabled until he could get back to the Council with that information.

Deputy Mayor Trefethen said the bonding for this road is not unusual, but the Planning Board requires it. He discussed the Planning Board's ongoing debate on private versus public roads, and developers' need to address these with the buyers and subsequent buyers. He felt the City should encourage as many private roads as possible, because of the expense issue.

Councilor Cheney said she wanted to make sure all roads, private or public, be built to the standard of public roads.

Councilor Scott made a motion to Table the Resolution; seconded by Councilor DeDe.

Vote: 9/0.

### **B. RESOLUTIONS**

#### **1. RESOLUTION: FORMATION OF HORNE STREET SCHOOL JOINT BUILDING COMMITTEE SPONSORED BY COUNCILOR CHENEY**

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

Councilor Cheney said the Joint Building Committee (JBC) is equally formed by School Board members and City members. She said the School Department side has already built their members for their side of the JBC or the Horne Street School. She said this Resolution will compliment that. She said the City side will consist of herself as Chairman of the JBC, Ray Bardwell, as citizens' representative, and Councilor Weston as the other City representative. She asked for the Council's support on this Resolution. Mayor Myers said he had a concern on the process. He said it definitely had nothing to do with the members listed on the Resolution. He was concerned that there was no public notice on the formation of this Committee, which would allow citizens to apply to serve.



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Councilor Weston said she wanted this Resolution voted on tonight, because their first meeting is next week.

Mayor Myers asked the City Attorney if the meeting can be rescheduled, until after a time period in which the public can be notified. He said if no other names come in, then he would support this Resolution. He reiterated that it was the process that he was concerned with, not the members listed in the Resolution.

Councilor DeDe said he wouldn't support this Resolution because the process was violated.

Councilor Cheney said it was the exact same process that was used when the Joint Building Committee was formed for the Garrison School. She said it was a state committee, and not the City's. She said it was just a formality for the Joint Building Committee to start a new project.

Mayor Myers said he wasn't disputing the Resolution, but that citizens and Councilors didn't know they could have an opportunity to serve on this Committee. He didn't agree that it was a continuation of the JBC, but a brand new project.

Deputy Mayor Trefethen said there has been no opportunity for someone to come forward, and that was the only problem.

Councilor DeDe asked to move the question. It was not seconded.

Councilor Callaghan said if the current members, who have done a good job, wanted to stay, they should have the opportunity to say that. He felt it was giving people false hope to apply for the openings.

Councilor Cheney said the current members bring a lot to the table, make the meetings, work hard, and make a good team.

Councilor Carrier said the current Councilors did a great job, but he wanted to make sure it went out to the public.

Roll Call Vote: 4/5; Failed. Councilors Callaghan, Cheney, Scott and Weston voted in favor.

Mayor Myers asked anyone that was interested in becoming a member of the Horne Street School Joint Building Committee to go to the City Clerk/Tax Collection Office to pick up an application. He said he wanted to see this on the next agenda. He asked if there was a consensus to have the City Manager notify the Superintendent of School that the Council is planning on appointing representatives for the JBC on March 11, 2009.

### **2. RESOLUTION: AMENDMENT TO COUNCIL RULES – RULE 2 CITIZEN FORUM WORKSHOP SESSIONS** SPONSORED BY COUNCILOR CHENEY

Councilor Cheney made a motion to referred this Resolution to March 11, 2009.

Vote: 8/1; Passed. Councilor DeDe was opposed.

### **3. RESOLUTION: RELEASE OF CITY ATTORNEY CORRESPONDENCE** SPONSORED BY COUNCILOR CALLAGHAN



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Councilor Callaghan removed this Resolution from the Agenda.

### C. ORDINANCES IN 1ST READING

- 1. ORDINANCE: CHAPTER 3, ARTICLE 73, ADMINISTRATIVE CODE, MCCONNELL CENTER ADVISORY COMMITTEE (TO BE REFERRED TO PUBLIC HEARING ON MARCH 11, 2009) SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved to refer to a Public Hearing on March 11, 2009; seconded by Councilor DeDe.

Vote: 9/0.

- 2. ORDINANCE: CHAPTER 131 - OFFENSES (TO BE REFERRED TO PUBLIC HEARING ON MARCH 11, 2009) SPONSORED BY COUNCILOR CHENEY**

Councilor Cheney moved to refer to a Public Hearing on March 11, 2009; seconded by Councilor Callaghan.

Vote: 9/0.

- 3. ORDINANCE: CHAPTER 166-56, VEHICLES & TRAFFIC, SCHEDULE I, NO PARKING AT ANY TIME ON WASHINGTON STREET (TO BE REFERRED TO PUBLIC HEARING ON MARCH 11, 2009) SPONSORED BY COUNCILOR WESTON**

Councilor Weston moved to refer to a Public Hearing on March 11, 2009; seconded by Councilor DeDe.

Vote: 9/0.

### D. COUNCIL CORRESPONDENCE - None

### 13. COUNCIL MATTERS OF INTEREST

Councilor Cheney made a motion to have Mr. Bleiler's questions added as Council Correspondence; seconded by Councilor Scott.

Vote: 9/0.

Councilor Callaghan explained why he pulled his Resolution to release the City Attorney's correspondence. He asked about the DBIDA report that he requested. City Manager Joyal said he would get it for him.

Councilor Weston spoke about the Library and the usage of the computers, and said she was amazed at the amount of usage. She said if anyone ever wanted to donate a Dell computer it would be greatly appreciated. She also spoke about donating DVDs and books to the Library.



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Councilor Cheney spoke about her Resolution that she referred to March 11, 2009. She said she would need a 2/3 vote from the Council. She said it would allow the public to speak to the Council at a Workshop. Councilor Scott said he would be supporting that Resolution.

### **14. ADJOURN**

Deputy Mayor Trefethen made a motion to adjourn; seconded by Councilor Weston.  
Vote: 9/0.