



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, October 8, 2008**
Meeting Time: **7:00pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilor Carrier.

3. ROLL CALL

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

Also Present: City Manager Joyal and City Clerk Lavertu.

4. PROCLAMATIONS – AWARDS

5. APPROVAL OF AGENDA

Councilor Scott made a motion for Item 12.B.1. to be moved to after the Mayor's Report; seconded by Councilor Callaghan.

Councilor Weston made a motion to accept the Agenda with the one change; seconded by Councilor Callaghan.

Vote: 8/0. Councilor DeDe was absent from the Chambers.

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.

Jeffery Brissette, 11 Fieldstone Drive: He said he met with City Manager Joyal and a few other people regarding the Indian Brook project. He spoke of inconsistencies between the actual timeline and the contractor's timeline. He stated the following actual dates:

- April 24, 2007: the contract was signed and notice to proceed was given.
- May 1, 2007: the contractor stated that they were informed by Dave White that the wetlands permit at the Exit 9 ramp had not been obtained yet.
- May 3, 2007: SUR, claiming to see a delay, notified city employees that additional costs would be incurred, seven days after the project started. He said he felt it was too early in the project to foresee any delays.
- June 13, 2007: the wetlands permit at the Exit 9 ramp was approved.
- July 3, 2007: the Army Corps permit was approved, 14 days after NH DES Wetlands approval.

He referred to the Foster's Daily Democrat article from Saturday, October 4, 2008, where SUR states that the Army Corps permit was not approved until July 24, 2007. He said it was 35 days to get the wetlands permit approval, or 49 days to get all approvals, not 3 months as the contractor has stated. He said the main part of the project was on Indian Brook Drive and Sixth Street, which was not affected by the wetlands permit. He said based on a schedule that he used at bid time for this project and inserting the approval date of the Army Corps permit, the entire



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project could have been completed by September 4, 2007. He said the final project completion date was October 23, 2007. He said the contractor's sole purpose in their delay was to take much needed resources to other projects. He said SUR had 16 other projects at the same time, with three pipe crews. He said it was not possible to do all that work with three pipe crews. He said SUR had a liquidated damages clause and a payment performance clause in the contract. He said SUR could not pull resources away from this project without some trumped-up reason. He said the bid amount for this project was \$2,344,000, and the bulk of the bid amount, \$1,870,000 was for subcontractor work. He said it wasn't a large project for a contractor of its size. He said the subcontractors did not hold up the project. He said the contractor did not hold up its end to complete the work on time. He said there was no provision in the contract for fuel and asphalt adjustments. He said the change order is not justified and should not be paid. He said he also felt that since the project wasn't completed on time, and there was not a good faith effort to complete the project on time, he felt the liquidated damages clause should be exercised.

Sharon Reynolds, 34B Court Street: She wanted to announce the Fall Book Sale at the Dover Public Library on Saturday, October 25, 2008 through Sunday, November 9, 2008. She said the first day of the sale requires a Dover Library card to purchase, but after that anyone can come to the book sale. She said they are looking for volunteers, and asked for anyone who was interested to contact the Main Circulation Desk at the Library.

Edward Bleiler, 28 Isaac Lucas Circle: He said he was present to speak about what he felt was an illegal non-public meeting held on September 24, 2008 at 10:30 pm, to discuss personnel matters. He said the only personnel the Council has is the City Manager, and it was his understanding that the City Manager wasn't discussed, but that Councilor Callaghan's email was discussed. He said that was why it was an illegal meeting. He said questioning an elected official is neither a personnel matter nor a subject for a non-public meeting. He said [RSA 91-A:3(II)] says: "Only the following matters shall be considered or acted upon in nonpublic session: (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him..." He asked under what conditions the meeting was being held, and who called the private meeting. He indicated that if it was just to berate Councilor Callaghan, then it was truly an illegal meeting. He said he read the Minutes for the meeting, and noticed there was no signature of the recorder of the meeting. He asked who took the minutes, when they were written, and who wrote them. He said the Council has abused their power and authority in this matter. He said the law requires a public meeting to discuss the behavior of one or more Councilors. He said the Council believes they can do their work outside the law. He said if the meeting was regarding Mr. Joyal's performance, then the public must know all the particulars. He asked what happened in the one month since the City Manager's performance evaluation that there needed to be a meeting. He said Mayor Myers and City Manager Joyal owe the citizens of Dover an explanation. He said if the City Manager had a problem with a Councilor, he should call them in and talk to them man-to-man, or man-to-woman.

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

7. PUBLIC HEARINGS

A. ORDINANCE: CHAPTER 166-53 SCHEDULE F VEHICLES AND TRAFFIC



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SPONSORED BY COUNCILOR WESTON

Glenn Grasso, 1 Pebble Hill Drive, Chairman of Transportation Advisory Commission:

He said it was his understanding that this Ordinance will be pulled because of significant changes. He said it was disappointing, but it was important to get it right. He wanted to make a few comments. He said the city staff who have worked hard on this were Bruce Woodruff and Marn Speidel. He said there were a lot of changes to this Ordinance, and he would like to assure the Council that this will ultimately be an improvement for everyone in the City. He said it will reduce truck traffic throughout the City. He said the Transportation Advisory Commission had a long meeting on Monday, October 6, 2008. He said there were a number of trucking representatives there, and despite a few sticking points they did manage to come to a consensus and they wrote a letter to Mr. Woodruff. He read the letter. He thanked everyone involved and said this will ultimately make Dover a better place to live.

John Guy, 5 Lexington Street: He asked Councilor DeDe if this was the same thing that they had a meeting on about three weeks ago.
Councilor DeDe said essentially it was, but there were specific truck routes that were defined. He said the streets that they were concerned about are protected.
Mr. Guy asked if that included Lexington Street.
Councilor DeDe said yes.
Mr. Guy asked if the signs will be maintained.
Councilor DeDe said yes.

Mayor Myers, seeing no one else wishing to speak, closed the Public Hearing.

B. ORDINANCE: HENRY LAW AVENUE THREE HOUR PARKING
SPONSORED BY COUNCILOR WESTON

Mayor Myers, seeing no one wishing to speak, closed the Public Hearing.

C. ORDINANCE: CHAPTER 140, REFUSE – REPEAL
SPONSORED BY MAYOR MYERS BY REQUEST

Mayor Myers, seeing no one wishing to speak, closed the Public Hearing.

D. ORDINANCE: CHAPTER 158, SUNDAY SPORTS – REPEAL
SPONSORED BY MAYOR MYERS BY REQUEST

Mayor Myers, seeing no one wishing to speak, closed the Public Hearing.

E. ORDINANCE: CHAPTER 82, CURFEW – REPEAL
SPONSORED BY MAYOR MYERS BY REQUEST



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Mayor Myers, seeing no one wishing to speak, closed the Public Hearing.

F. ORDINANCE: CHAPTER 97, DUMPING, RUBBISH AND RECYCLING COLLECTION SPONSORED BY COUNCILOR DEDE

Mayor Myers, seeing no one wishing to speak, closed the Public Hearing.

8. CITY MANAGER'S REPORT

City Manager Joyal said he submitted his report in writing, but he wanted to bring a few items to the Council's attention. He referred the Council to Page 10, and spoke of the City's reliance on donations for the Dover Mounted Patrol. He said the Downtown businesses have been very supportive and are organizing the 1st Annual Dover Mounted Police Dinner Auction to be held at the Cochecho Country Club, on Friday, October 17, 2008. He said tickets were available at several Downtown business, including Central Paint, Nicole's, and Cochecho Falls Gallery. He said the event is sponsored by the Friends of the Dover Mounted Patrol, and the funds raised will support the continued presence of the Mounted Police in Downtown Dover. He also wanted to bring the Council's attention to the Cochecho River Dredging Project. He said the City had been working with the Army Corps of Engineers to get underway, to start dredging for this winter's season. He said unfortunately the Army Corps has come to the conclusion that they will not have enough funds to dredge this season. He said the congressional delegation has said they will try to see this through, but it is not a high priority. He said he should have more definitive information in the next few months. He said lastly he just wanted to remind everyone of the City's new initiative to invite the public to meet with himself, department heads, and individual councilors, tomorrow evening in the McConnell Center, for the start of quarterly meetings called Dover Discussions.

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

Vote: 9/0.

9. MINUTES

A. MINUTES FROM SEPTEMBER 24, 2008 REGULAR MEETING

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

Vote: 9/0.

B. MINUTES FROM SEPTEMBER 24, 2008 NON-PUBLIC MEETING

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

Councilor Callaghan said he had a lot of things to say about the minutes. He said some of the discussion was not included in the minutes. He said the minutes don't accurately reflect what took place. He said he agreed with Mr. Bleiler that there wasn't anybody selected to take minutes, and said this appeared to be some kind of recap assembled after the fact. He said at the closing of the meeting he didn't vote to adjourn. He said he understood the meeting ended with a bit of turmoil, with heavy discussions going on between councilors. He



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said the minutes clearly reflect a great deal of time was spent on blasting him for what was perceived as an inappropriate email. He said the question of performance by the City Manager was not addressed. He said the Mayor did convey that the issue was the email, and that wasn't reflected in the minutes. He said they missed the boat on discussing the personnel matter. He also spoke about the minutes being released and was curious that the Foster's reporter had informed him that the minutes had been released. He said he told the reporter that he wasn't going to make a comment, because it was a non-public session. He said he didn't recall taking a vote to end the meeting and sealing the minutes. He said he didn't think these minutes were approvable in this format.

Mayor Myers asked if Councilor Callaghan was offering to do something with the minutes. Councilor Callaghan said he would be happy to work with somebody, but didn't feel comfortable trying to generate a set of minutes just from memory.

Mayor Myers asked Councilor Callaghan if he was looking to make a motion not to approve these minutes pending a further writing of them.

Councilor Callaghan said yes; seconded by Councilor Scott.

Councilor Weston said she also had a problem with the minutes. She said she also received a phone call from a newspaper, and she asked the reporter very particular questions that she would not answer. She first asked, "What minutes?" She said when the Council went into non-public session they had a format they followed. She said the format was to vote to go into non-public session, nominate someone to take minutes, have a meeting, and then the Council would vote to suppress or not to suppress. She said they have always been suppressed. She said then the Council would adjourn by vote. She said this did not occur this time, and she didn't understand why. She was concerned that the newspaper received the minutes before the Council received them. She said she asked the reporter who released the minutes to her; the reporter told her that she wasn't going to release her source. She said the minutes show that she voted to adjourn. She said she was very uncomfortable during the meeting, and had told the City Manager after the meeting that she did not like what had occurred. She said she remembered the motion to adjourn, and then it was seconded. She remembers standing up and saying no, this wasn't going to happen again, because she felt it was a reoccurrence of what happened during the Council's rule-making session. She said everybody was getting up, everybody was having confrontations, and she never heard anybody say, "All those in favor..." She said she wanted to know who wrote the minutes, because she did not vote to or not to adjourn. She said the minutes needed some wordsmithing, and she hoped nothing like this happened again.

Deputy Mayor Trefethen said he would be voting against not approving the minutes, because he felt the minutes were accurate. He said they may not be as detailed as the Council's Regular Minutes, but they conform to the requirements of minutes. He said they accurately reflected any motions and actions taken. He said minutes are not required to have everything that was said by everybody. He said he hopefully will be voting to approve these minutes.

Councilor Cheney said she also noticed a big difference that night over what took place and what was said to have taken place. She spoke of the Mayor's acceptance speech and his statement that he wanted to conduct this Council with respect, integrity and consensus. She spoke of the day that she insisted that Councilor Keays be sworn in, the accusations going around as to motives, and her statement that she would do that for any other councilors. She said she was also told to watch her own, and not stick up for another councilor. She said that



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was the first thing that set an alarm off. The second incident was when the rules were voted on and councilors were running in trying to get there.

Mayor Myers asked her to stick to these minutes.

Councilor Cheney said this was the third incident. She said she could see why nobody wanted to talk about it. She said this was the third incident when, under the guise of an employee performance, an executive session was held and the Council talks about an email. She said she brought up the Indian Brook Drive project, referred to in the email, and was told that that wasn't the subject. She said what it really turned out to be was an issue about an email. She said she brought up during the meeting the subject of an inappropriate email sent by the City Manager, that ended up all over Dover. She said the City Manager's response was that was just one email. She said this was just one email. She said she wasn't trying to be negative, but the minutes do not accurately reflect what happened. She said what the Mayor said has not accurately been happening this year, and she would like to see fairness, integrity, respect, and consensus on this Council.

Mayor Myers explained the different types of sessions. He said executive sessions are different from Non-public Sessions. He said minutes are not kept in an executive session, but there are minutes for a non-public session. He said a motion to suppress the minutes of a non-public session can only be voted on for specific reasons. He said the reasons are: 1. The matter being discussed would be jeopardized. 2. Terrorism. 3. Releasing the minutes would damage the reputation of the employee, not to include a member of the body. He said it didn't damage the reputation of the employee, and the other two reasons did not qualify. He said there was no motion made to suppress the minutes. He agreed with Councilor Cheney that the construction project was not discussed, but that was because it wouldn't have been an appropriate reason to be in non-public session. He said he kept directing the meeting back to the personnel issue, not on a councilor or a construction project, but on the performance of the City Manager and if there was a concern from the Council. He said he went around the table and it was very clearly stated that there were no issues with the City Manager's performance. He said draft minutes are available to anybody who asks for them. Councilor DeDe said the motion to adjourn was his motion, it was seconded by Councilor Carrier, and that motion carried to end the meeting. He said a quorum remained to discuss an issue that was not related to the City Manager's concern about the Council's evaluation of his performance. He said the Mayor conducted the meeting appropriately. He said he would vote to approve the minutes.

Councilor Scott said he was concerned about the procedures. He said he received a call from Foster's asking about his comments on the minutes. He said he hadn't received the minutes and thought it was a non-public session. He couldn't find them on the website, and asked the reporter to send them to him, which she did. He said the minutes weren't signed, and he felt they should have been signed. He said he felt the minutes did not reflect what took place. He said he would not approve the minutes. He said the meeting was called for an employee's performance and changed to a discussion about an email. He said the Council shouldn't be called together for that.

Councilor Callaghan said the minutes were not accurate, even if they were just incomplete, because the vote was not recorded properly for the motion to adjourn. He said he did not vote. He spoke to the Mayor's comment that Councilors wanted to discuss the Indian Brook



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project. He said the question was how the City Manager was handling the information coming in from a resident about the Indian Brook Project, and that was a performance issue.

Councilor Carrier said there are discussions that were discussed that are not in the minutes, such as the SUR discussion, but the minutes are supposed to be a summary. He felt the Council should put this behind us, move forward as a body, and represent Dover.

Councilor Weston said she concurred with Councilor Carrier, but she didn't believe the minutes were accurate, because she did not vote to adjourn. She said there was a part where the meeting discussed the City Manager's performance on this project, but another part was hammering Councilor Callaghan, which she felt was totally inappropriate. She said she agreed with Councilor Carrier that the Council needed to move on, but did not know how to correct it.

Deputy Mayor Trefethen made a motion to move the question. It was not seconded.

Councilor McCusker said the meeting was called because the Council's only employee had an issue, because he mistakenly received an email that had an overtone of one Councilor's opinion to a citizen that what they were doing was for the purpose of making the City Manager squirm, to give him enough room to hang himself. He said if he were that employee he would consider that a very threatening way to hear from somebody that employed him. He said he would call a meeting to ask the Council if this was how they all felt. He said the City Manager said he was trying to address this issue, given the recent information given to him, and he asked the citizen to bring his information to him and he would address them. He said the City Manager asked for the meeting to have a straw poll, to give him an indication if what was said in the damaging email was how the Council felt. He said the reason why the email was written wasn't the issue. It was the tone and purpose of the email that made the difference and that was the reason why the non-public session was called. He said that the Mayor specifically brought people back to that question. He said the meeting got ugly when councilors were reminded that they couldn't talk about the other issues, because they were in a non-public session. He said the Mayor said repeatedly that the Indian Brook project couldn't be discussed during a non-public session. He said the Mayor said the Council was there to discuss the personnel issue. He said the City Manager asked the Council if the email was how the whole Council felt. He said the Mayor asked everyone around the table, and everyone said that wasn't how they felt. He said after that, discussion ensued as to why the email was written, and again it was stated that the Council couldn't discuss the issue in non-public session. The City Manager had his answer about how others felt. He said there was a motion made to adjourn, and it was seconded, when the meeting started to go awry. He asked the Councilors who voted to adjourn at that non-public session to raise their hands; 5 councilors raised their hands. He said people stood up to leave. He said the Mayor reminded the Council that they had a quorum and they couldn't be discussing anything anymore. He said five people left the office. He said it might not say that in the minutes, but that is what happened.

Mayor Myers clarified that he called the meeting. He said the City Manager can request in writing for him to call a meeting.

Councilor Cheney said this was not the correct way to handle this.

Mayor Myers asked for a show of hands to not approve the minutes.

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

Councilor DeDe made a motion to approve the minutes; seconded by Councilor McCusker.



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Councilor Weston said she would like to have her name removed as voting in opposition, because she did not vote.

Mayor Myers asked her if she wanted to list the five people who voted to adjourn.

Councilor Weston said she didn't think it would be accurate, because Councilor Carrier told her he didn't remember voting.

Mayor Myers said he seconded the motion.

Councilor Weston said he seconded the motion, but said he didn't remember voting. She said she wanted to remove her vote.

Mayor Myers asked her for the language she wanted.

Councilor Weston said, "Councilor Weston did not vote."

Councilor Scott said he did not vote.

Mayor Myers asked for the language to amend the minutes.

Councilor Weston said, "Councilor Weston did not vote." She said she wasn't willing to speak for the other Councilors.

Councilor Cheney seconded the motion.

Mayor Myers asked for a vote on adding the line to minutes.

Vote: 9/0.

Councilor Callaghan asked to do the same for himself and Councilor Scott; seconded by Councilor Scott.

Vote: 9/0.

Councilor Callaghan asked for the author of the document to be placed on the document; seconded by Councilor Scott.

Vote: 6/3; Passed. Mayor Myers, Councilors DeDe and McCusker were opposed.

Councilor Carrier said he wanted to clarify his vote to adjourn. He said there was a lot of turmoil at the end of the meeting. He said Councilor DeDe made a motion to adjourn and he seconded. He said when it came time to vote, some were standing and leaving. He felt since he seconded the motion, he would have definitely voted to adjourn.

Deputy Mayor Trefethen said he's hearing from some Councilors that the Council has to move on, but he was also hearing from those same Councilors that we have to nitpick and keep this alive. He said if five people voted yes, the meeting was adjourned. He said it is safe to assume the other people vote no. He said the Council knows the procedure for meetings. He said the Council knows that if they want to suppress the minutes, then a motion has to be made to do that. He said the fact that there were four Councilors, who were yelling and circling the wagon, not following procedure, and not being aware that there is a procedure to follow, is not an excuse for not suppressing the minutes if you wanted to do so. He said there were two Councilors that were in the negative, or non-vote, that are experienced Councilors with almost three years under their belt. He asked them if they didn't know the procedure for sealing the minutes for a non-public session. He asked when they will know the procedures. He said if they wanted to move on and get to the business of the citizens of Dover, then let's do that. He said if the Councilors wanted to point fingers, he could do that too, but he's not.

Councilor Callaghan said he appreciated Councilor Trefethen's exuberant behavior and speeches he gives the Council on a regular basis. He said he wanted to put it behind them, but he wanted the record to be straight and accurate.

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



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10. MAYOR'S REPORT

Mayor Myers said he did a few ribbon cuttings for the Chamber of Commerce. He said he gave the opening remarks at the 24th annual Apple Harvest Day, which was a fantastic event. He announced that Coast Bus had its 10 millionth rider on October 7, 2008. He reminded the Council and citizens that they have an opening on the Coast Board and Skyhaven Airport Board. He spoke of the USS Oklahoma City, a submarine being overhauled at the Portsmouth Naval Shipyard, and that the City of Dover is the host city for the crew. He said not only are these great sailors here, they want to be involved in the community and give back to the community. He said they had a ceremony called hanging the plaque. He said he accepted the plaque for the City, read the inscription, and said it would be hung in City Hall. He said Phil Rinaldi is the lead person to contact if you want to include the sailors in an event in the community.

Councilor Cheney said the USS New Hampshire is going to be commissioned on October 25, 2008, and said to go to "www.usshampshire.org" to find out more details and to get tickets. Deputy Mayor Trefethen made a motion to accept the Mayor's Report; seconded by Councilor Weston.

Vote: 9/0.

12.B.1. RESOLUTION: ESTABLISHMENT OF FY 2009 EXPECTATIONS BY MAYOR AND CITY COUNCIL FOR CITY MANAGER

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Scott.

Councilor Scott said he asked to move this forward, because when this was worked on no one was aware of the financial hurricane that was about to hit. Therefore, he would like to add an item onto the City Manager's objectives, which would read: "The City Manager will provide recommended policy changes to the Council to meet the challenges of the new banking and economic environment. The City Manager should present to the Council his ideas on how to meet these extraordinary challenges." Deputy Mayor Trefethen seconded the amendment.

Councilor Scott said much of his work is with banks, and unless you have extremely high credit, loans are not being given. He said companies are not getting funding to make their payroll, to make their capital improvements. He said there are going to people that won't be able to pay their December 1, 2008 real estate taxes, and felt that the City will have a shortage of cash flow. He said the City has to find ways to address what has been approved as the budget, to see if there aren't areas for improvements to meet what he considered a serious environment. He said he is looking to the City Manager to provide guidance to navigate through these perilous times.

Councilor Dede said he understood the reasoning by Councilor Scott; however he wouldn't support the change to the Resolution, because it replicates others goals that have already been established.

Councilor Cheney said she would support the change. She doesn't see where it is mentioned in the goals.

Councilor Callaghan said he would support the change. He said he didn't see anything close to what is being proposed.



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Councilor Weston asked Councilor Scott if he would accept a friendly amendment to Item #13. Mayor Myers said maybe it could be added to Item #4, and shorten it to say: "Handles emergencies and crisis effectively, including regular updates on financial and banking industry." Councilor Scott said he didn't care where it was put, but it should be a separate item. He said a real measure of a CEO is during a recession and crisis period. Councilor Weston said she agreed that #4 was a better place to put it. She asked that the wording be: "Handles emergencies and crisis effectively, to provide recommended policy changes to the Council to meet the challenges of the new banking and economic environment." Councilor Carrier seconded the motion to amend. Deputy Mayor Trefethen said he was reluctant to tag something on to the goals. He said he would be voting against this amendment. Mayor Myers said he wasn't going to support the amendment. Councilor Callaghan said it should be a separate goal. Councilor Cheney said she agreed it should be a separate goal. Councilor Weston said she rescinded her motion to include it in Item #4, and wanted to add it as Item #14. Councilor Scott removed his second. Mayor Myers this is not a mandate to reduce the budget or CIP. Councilor McCusker said the Council should be giving the City Manager goals that he can improve on, and not on things he already does. He said he wouldn't support it. Vote: 7/2; Passed. Councilors DeDe and McCusker were opposed. Mayor Myers asked for a roll call vote on the Resolution as amended. Roll Call Vote: 8/1; Passed. Councilor McCusker was opposed.

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING

1. ORDINANCE: HENRY LAW AVENUE THREE HOUR PARKING SPONSORED BY KAREN WESTON

Councilor Weston moved for its adoption; seconded by Councilor DeDe. Councilor Weston said the just made Henry Law Avenue one way, and said the next issue is the need for parking. She said that area has limited parking, and during the summer the issues for parking were realized. She said, after meeting with the people from the Children's Museum and Central Towers, they have decided to extend the hours from 2 to 3 hours. She said this is the recommendation of the Transportation Advisory Board, and she was looking for the Council's support. Roll Call Vote: 8/0. Councilor McCusker was absent from the chambers.

2. ORDINANCE: CHAPTER 140, REFUSE – REPEAL SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Carrier. Roll Call Vote: 8/0. Councilor McCusker was absent from the chambers.

3. ORDINANCE: CHAPTER 158, SUNDAY SPORTS – REPEAL



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SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor DeDe.
Roll Call Vote: 8/0. Councilor Callaghan was absent from the chambers.

4. ORDINANCE: CHAPTER 82, CURFEW – REPEAL SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Weston.
Roll Call Vote: 8/0. Councilor Callaghan was absent from the chambers.

5. ORDINANCE: CHAPTER 97, DUMPING, RUBBISH AND RECYCLING COLLECTION SPONSORED BY COUNCILOR DEDE

Councilor DeDe moved for its adoption; seconded by Deputy Mayor Trefethen.
Councilor DeDe said the City is working on the problems of cleaning up in Dover. He wanted to note that this Ordinance would not take effect until January 1, 2009, to give time to notify the residents of Dover of the changes. He said there will be a notification, and if an infraction occurs there will be a fine of \$25.00. He said that if the area persisted in not cleaning up the trash, the City can add to fines and can reach up to \$1,000. He said the fine will be part of the fee structure and will be voted on every year by the Council. He said it would generate a ticket just like a speeding ticket. He said someone may have a good reason for noncompliance, and the Solid Waste Manager will have the latitude to look at circumstances on an individual basis. He said the fines would go into the General Fund. He said the citations will only be given out for obvious abuse.
Councilor Weston asked if the time could be changed to 2:00, because she could be called a repeat offender when she worked second shift.

Councilor DeDe said they were looking for gross offenders. He said the Solid Waste Manager will arbitrate these matters. He said they chose 4:00 because that was after children have walked home from school.

Councilor Callaghan referred to 97-13, "unless expressly authorized by City Staff..." He thought that was vague.

Councilor DeDe said there is an anti-scavenger rule in place in Dover. He said if someone purchased a Dover tag to take away a piece of trash, it then becomes the property of the City and cannot be taken.

Mayor Myers said he felt Councilor Callaghan was concerned about it just saying "authorized by City staff," and wanted to add "in writing," so if someone is stopped and asked if they could take the trash, they would have to verify that.

Councilor DeDe said he would be happy to add that.

Councilor Callaghan made a motion to amend the Ordinance to have the sentence read:

"Unless expressly authorized by City staff in writing..." Deputy Mayor Trefethen seconded the motion.

Vote: 9/0.

Councilor Scott asked where in Ward 3 this was a problem.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
 Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
 Meeting Date: **Wednesday, October 8, 2008**
 Meeting Time: **7:00pm**

Councilor DeDe said he wouldn't say.

Councilor Scott didn't like the idea that anyone on the City's staff can give out a fine.

Mayor Myers asked for a roll call vote on the Ordinance with the one amendment.

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

B. ORDINANCES IN THE 4TH READING

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

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

Councilor Weston said the Transportation Advisory Commission was recommending that the Council vote this Ordinance as presented down. She said that they will be coming

back with a substitution as a whole on October 26, 2008, to be referred to a public hearing on November 12, 2008.

Roll Call Vote: 0/9; Failed.

12. NEW BUSINESS

A. CONSENT CALENDAR

1. PARADE – KIWANIS CLUB OF DOVER, NH
2. PARADE – ASSEMBLY OF SEACOAST LIBERTY
3. RAFFLE – FIRST PARISH CHURCH CONGREGATIONAL, U.C.C.
4. TAG – BOY SCOUT TROOP 173
5. TAG – PRIME TIME ALL-STARS BOOSTERS
6. TAG – SOMERSWORTH - BERWICK YOUTH HOCKEY
7. RESOLUTION: MERIT PLAN AMENDMENT PURSUANT TO CITY CHARTER C7-2
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 for the adoption of the Consent Calendar; seconded by Councilor DeDe.

Mayor Myers asked the Council if they had any items they would like removed for discussion.

Councilor Callaghan asked to remove Item 12.A.7.

Mayor Myers asked for a vote to accept the remaining items on the Consent Calendar.

Vote 9/0.



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CITY COUNCIL - MINUTES

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

Councilor Callaghan asked the City Manager why the Council can't eliminate a line item. City Manager Joyal said the government in Dover, City Manager and City Council, remove themselves from any personnel matters and hire a City Manager to deal with the administrative portion of the organization. He said it has been changed to where the City Manager cannot just arbitrarily create a position. He referred the Council to C7-2.: "The Manager shall submit any proposed amendments to the Council as an item on a regular Council meeting agenda. The Council shall within sixty days after having received the proposed amendments take action to approve or disapprove them at a regular Council meeting." He said it says approve or disapprove, not amend.

Councilor Callaghan said C7-3 talked about adjusting, but it doesn't talk about eliminating positions, especially if it is a vacant position. He asked what his intent was in leaving some of the positions in place. He said the Deputy City Clerk, Deputy Community Services Director, Recreation Program Supervisor, and the Superintendent of Public Works and Utilities are still on the list.

City Manager Joyal asked him to repeat the list.

Councilor Callaghan said Deputy City Clerk.

City Manager Joyal said he was not deleting the position. He said the City has a City Clerk/Tax Collector, and she needs to have a deputy. He said with the proposed reorganization he wanted one person to be a specialist in the Tax Collection area and one person to be a specialist in the Clerk functions. He said each of them in the absence of the City Clerk/Tax Collector can perform those specific functions.

Councilor Callaghan asked how those positions were funded.

City Manager Joyal said they are in the budget.

Councilor Callaghan asked if he was going to leave them in the Merit Plan and try to get it through the budget.

City Manager Joyal said they were already in. They have been positions that have been in existence for the last twenty years.

Councilor Callaghan asked about the Deputy Community Services Director.

City Manager Joyal said that was a new position that he has asked to be created to assist Doug Steele, Community Services Director, in the management of the Community Services Department.

Councilor Callaghan asked about the Recreation Program Supervisor position.

City Manager Joyal said the City had three Recreation Program Supervisors, two operated out of the McConnell Center and one operated out of the Arena. He said he no longer needed the position at the Arena, and wanted to consolidate those responsibilities with the Arena Marketing Position to the Arena Program and Marketing Supervisor.

Councilor Callaghan asked about the Superintendent of Public Works and Utilities position.

City Manager Joyal said that position is currently vacant. He said he is looking at some cost saving decisions, but has yet to make a decision on it.

Councilor Callaghan asked if these positions were financed in the budget.

City Manager Joyal said the Superintendent of Public Works and Utilities position was not, but if he chose to fill the position he would transfer the funds from an existing position to cover that.



CITY OF DOVER

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Councilor Callaghan asked the City Manager if he had to come to the Council to do that. City Manager Joyal said no.

Councilor Cheney asked if the combination position at the Arena would be a different pay grade.

City Manager Joyal said the combination of the position would be addressed at a different pay grade.

Councilor Cheney asked if the new positions have been defined in the Merit Plan.

City Manager Joyal said that was in the Merit Plan.

Councilor Scott referred to the two Merit Plans, 2006 and the new one. He asked why the position of the City Manager was on the 2006 Merit Plan, and not on the new one.

City Manager Joyal said when he upgraded the Merit Plan he felt it was ridiculous for him to set his own salary grade.

Roll Call Vote: 9/0.

B. RESOLUTIONS

1. RESOLUTION: ESTABLISHMENT OF FY 2009 EXPECTATIONS BY MAYOR AND CITY COUNCIL FOR CITY MANAGER SPONSORED BY MAYOR MYERS

Item was moved on Agenda to follow Mayor's Report.

13. COUNCIL MATTERS OF INTEREST

Councilor Weston said she forwarded the new Chapter 166, and said it is easier to read in color. She recommended the Council print it in color if possible. She also wanted to bring to the Council's notice the massive changes to the North End Fire Station. She said it will become operational on November 1, 2008, with the grand opening on November 20, 2008. She said they were really excited, they worked really hard, and they were still within budget.

14. ADJOURN

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

Vote: 9/0.