

**MINUTES
SPECIAL MEETING / PUBLIC HEARING /
COUNCIL WORKSHOP
DOVER CITY COUNCIL
WEDNESDAY
MAY 19, 2004
7:00 p.m.**

A. ROLL CALL

Present: Mayor Scott Myers, Councilor Otis Perry, Councilor Dean Trefethen, Councilor Darlene Colwell-Ellis, Councilor Doug DeDe, Mayor Pro Tem Jason Hindle and Councilor Robert Keay.

Absent: Councilor Jerry Reese

B. PLEDGE OF ALLEGIANCE

Councilor Colwell-Ellis led the Pledge of Allegiance.

C. SCHOOL PORTION PUBLIC HEARING

Mayor Myers opened the public hearing asking if anyone wished to speak:

Ron Huml, 199 Mast Road – stated he feels that since the State hasn't set its' budget figures yet, it is difficult for the city to set their budget. He feels that any money that is received from the State should be returned to the taxpayers otherwise it will basically be double taxing. Next he discussed the revenue shortfall. He also discussed the cutting of sports programs instead of the proposed cuts to text books and supplies.

Alice Briggs, 10 Cote Drive – stated she appreciates the efforts of the School Board to get their budget down to 2% over last year even though they had to make cuts to personnel, etc. She discussed the sports programs and the cost of transporting various teams to locations 2 hours away and feels that is an unnecessary expense as there are enough other schools in the area more closely located. She concluded by stating that the constant increase in taxes is extremely difficult for people especially those on fixed incomes and feels the city needs to start looking at what we are spending our money on.

Seeing no one else wishing to speak, the Mayor closed the public hearing.

Mayor Pro Tem Hindle moved to suspend the rules to introduce 2 resolutions, seconded by Mayberry. Motion passed on an 8-0 roll call vote.

Resolution RE; Supplemental Appropriation for FY05 Capital Improvements Program and Authorization for Bonding. Sponsored by Mayor Scott Myers by Request.

Hindle moved to refer to a public hearing on June 2, 2004 and to June 9, 2004 for adoption, seconded by Trefethen. Motion passed on a 8-0 vote.

Resolution RE: Unsealing of Minutes Pertaining to Contract Negotiations with Department Heads and Other Unions 1997-1999. Sponsored by Councilor Dean Trefethen.

Trefethen moved to adopt, seconded by Mayberry.

Trefethen stated that he doesn't know what is in these minutes but feels it is important to let the public see them.

Next, he stated that there are several emotionally charged issues coming before the Council in the near future and asked that everyone deal with each issue separately.

Perry stated that Attorney Wattendorf's signature was not on the resolution copy in front of him and asked if he was aware of this resolution. *(Clerk's Note: copies of resolution were made prior to Attorney Wattendorf signing original document)*

City Manager Beecher stated yes, George Wattendorf drafted the resolution and the documents will be available for public viewing in his office.

Motion to adopt passed on an 8-0 roll call vote.

D. ADJOURN

Hindle moved to adjourn into Council Workshop, seconded by Trefethen.

Motion passed on an 8-0 vote.

BUDGET WORKSHOP

Beecher asked Mark Broth of Devine Millimet and Branch to address the Council regarding the Department Head Memorandum of Understanding issue.

Mr. Broth reviewed his history with the City and referred to a Memorandum *(See 05/19/04 meeting folder)* prepared to address the question of does the City of Dover's City Manager have the authority to enter into Memorandums of Understanding with department heads which set their wages and benefits and are such memorandums of understanding binding on the City of Dover.

He explained that regarding the first question, yes, the Charter provides the City Manager with the responsibility for developing a Merit Plan, subject to approval by the City Council, which sets department head compensation. The Merit Plan currently in effect permits the City Manager to provide benefits and incentives to department heads which are in addition to the compensation set forth in the Merit Plan. Additionally, the Memorandums of Understanding satisfy the City of Dover's obligation to notify its department heads of their wages and benefits, in writing, pursuant to RSA 275:49, particularly to the extent that their wages and benefits may differ from those of other employees. Secondly, yes, the Memorandums of Understanding are binding unless and until changed by the City Manager in accordance with the Merit Plan process and the terms of the Memorandums of Understanding.

Colwell-Ellis asked for clarification of the term "evergreen clause".

Broth explained it was the term used in contracts which meant that it continued until both parties agree to change it.

Mayor Myers stated that the Council had just received this memorandum prior to the meeting and was unable to review it.

Beecher stated that Mr. Broth would be before the Council many times during the upcoming year to review contract negotiation issues.

Trefethen asked when do the Memorandums of Understanding end because if there are items that no longer pertain in the memorandums such as changes in the health plans, etc.

Broth stated that his sense is that modification of fundamental agreement can take place when both sides agree, but the entire memorandum can't be undone unless both sides understand that to be the case or if the person is fired or the position is eliminated.

Mayberry asked for clarification that the Memorandum of Understanding documents are valid for the length of the department head employment, but asked if the Council can direct the City Manager to negotiate changes to the "MOU".

Broth stated that there is a non-interference provision as the City Manager is the administrating officer for these employees. The Council can adopt a policy or direct the City Manager to get rid of the MOU's and he would have to try to do that.

Mayberry stated that the bargaining units have contracts that are good for 3 years, can the Council set a time limit such as 2010 for the City Manager to change the MOU's?

Broth again explained that the Council can direct the City Manager to do that, but the current MOU's can only be changed if both parties agree.

Mayberry asked about the provision in the bargaining unit contracts that allows employees with seniority to "bump" out another employee when positions are eliminated and does that employee remain at their current salary or go down to the salary of the position.

Broth explained that within the same bargaining unit with that provision the employee would be at the pay rate of the position. He further explained that moving from one bargaining unit to another i.e., DMSEA to AFSCME as was the case in the late '80's with the restructuring of the WWTP, can only happen if the bargaining unit is willing to accept those employees.

Mayor Myers asks what happens if a new department head comes in, does the Council have a say in that contract.

Broth stated that the merit plan applies for existing department head contracts and no Council approval is needed. If someone new comes in or a new position is created then the Council would be involved.

The Mayor then asked if the Council can propose buying out the existing accrued sick time at today's rate instead of waiting to pay out 10-15 years down the road.

Broth stated that only if both parties agree.

DeDe asked if the Council would be presented with the City Manager's proposed 3% budget prior to hearing the presentations.

Mr. Beecher stated he will hand that out after the presentations because he feels that the other departments were able to make their full presentations and wants Chief Plummer and Pete Lavoie to have the opportunity to do the same. He feels that the Council would then be able to see the effects of the 3% budget on the departments.

A. FIRE

Chief Plummer distributed a handout (See 05/19/04 meeting folder) and began his power point presentation.

DeDe referred to page 7 asking if there was a differentiation of types of calls when comparing 1200 calls in 1979 to the 5000 calls in 2003.

Plummer stated it is an apples to apples comparison and referred to page 8 for the explanation of the types of calls.

DeDe stated that only explains the call types for 2003 and would like the same information for 1979 provided.

Myers asked if the number of calls went up over the years due to ambulance calls being added. Plummer stated yes.

Plummer explained the instances of simultaneous calls has increased but they don't count unlocking cars doors or wet basements in that figure because they are still on call for emergencies and leave immediately when a call comes in.

DeDe asked about unlocking cars and feels that people should be told that this service is covered by insurance and referred to a locksmith.

Plummer stated that he is unsure that all insurance companies cover this service. He explained that the Fire Department has always offered this service and feels that it helps people get on their way more quickly and doesn't cost anything to provide, and that there are times when it is an emergency situation anyway, such as when a child is locked in the car.

DeDe asked if it can affect response time.

Plummer stated yes, it is the luck of the draw where they are when a call comes in.

Colwell-Ellis asked what the population was in 1979. *(At the end of the presentation, Plummer was provided with the figure of 22,680 for the population in 1980.)*

Keays asked about mutual aid and how often does Dover assist other towns.

Plummer explained that it is around 25 times a year including ambulance calls.

Colwell-Ellis asked about the removal of cell phones/pagers from the budget.

Plummer explained that they are getting a grant from FEMA.

Plummer then referred to several pages at the back of the handout regarding items that he feels must be replaced including Truck 1 Engine for \$30,000, Firefighter Bunker Gear for \$50,000 (incorrectly printed as \$25,000) and Defibrillators for the ambulances \$65,000. He explained that all of these items are a matter of safety.

Mayberry asked Beecher about staffing levels and if we are currently staffed at below recommended levels is leaving the city open to legal action.

Beecher stated no.

Mayberry then asked about hydrant rentals and how much we pay to "rent" them from the Water Fund. Mr. Beecher stated \$98,000 a year. He explained that this system has been in place for many years before he came here and that we pay \$100. per hydrant from the general fund to the water fund.

Mayberry asked if the Council can change this policy. Beecher stated we would have to make up the revenue in the water fund.

Mayberry then asked about the availability of Homeland Security Funds.

Plummer explained that there are some funds available but they specifically prohibit using them to offset budgetary items.

Mayberry asked if Dover is the 4th respondent to a scene with the ambulance who gets the money. Plummer explained that it depends on different things, but we are usually the first responders.

Mayberry asked if the firefighters go to paramedic school on their own time.

Plummer stated yes, the school takes approximately 1 year to complete the required 1,000 hours and there are 4 people graduating this year.

Mayberry asked if the public education staff fills in for vacations. Plummer stated that all staff is cross-trained.

Mayberry concluded by congratulating the staff of the Safety presentation he recently attended stating it was very entertaining and educational for the kids and the staff did a great job.

Plummer explained that the staff puts in many of their own hours into this presentation and that it will be appearing on Channel 22 in the near future.

Trefethen went back to the hydrant rental issue and asked what the impact would be on the water fund if we stop “renting” the hydrants. Mr. Beecher explained that it would have little impact on the water rate, and that \$98,000 extra in the general fund would be about a 1cent reduction on the tax rate.

Pete Lavoie explained that this has been in place for 27 years and that some communities put this charge on the water bills.

DeDe referred to page 248 of the budget document and asked about the increase in food and publications.

Plummer stated that he is looking to replace outdated firefighter manuals and is adding a food account because they do provide food during fire emergencies and have never tracked it before.

DeDe then asked about the fleet maintenance account and #4681 for a snow plow.

Plummer explained that there is one mechanic who works only for the fire department. He then explained that they have a 4 wheel drive vehicle and would like to get a plow so that they can plow their own lots and not tie up the Community Service staff.

DeDe asked what the difference between bunker clothing replacement and bunker gear replacement. Plummer explained that it is the same thing but we have 4 sets on hand to replace any that are destroyed.

Trefethen discussed mutual aid asking how on many calls have we received mutual aid.

Plummer explained that we don't receive as many as we give but that one incident can have 7 different towns responding.

Keays asked about the snow plow and doesn't the city plow them out. Plummer stated yes they do, but if they have one on hand they can free up the contractors to get to the streets faster for the citizens.

Keays asked about on-call firefighters. Plummer stated that it is difficult to have on-call firefighters maintain training etc.

DeDe referred to budget document page 222, item 4435, asking why we still have a dot matrix printer.

Plummer explained that it was still necessary to have a dot matrix printer for the medicare forms. Discussion ensued regarding the cost of billing, cell phone usage and staff training.

DeDe asked about holiday pay.

Plummer explained that every firefighter gets holiday pay and there is no difference in the pay whether they are working or not.

DeDe asked if there is an approval process for further education.

Plummer explained yes there are several levels of approval needed including the Captain, Deputy Chief and the Chief.

B. COMMUNITY SERVICES

Community Services Director Pete Lavoie distributed a handout to go along with his power point presentation (See 05/19/04 meeting folder).

DeDe asked how many supervisors are there. Lavoie stated he will be showing this figure throughout the presentation of the various divisions.

Colwell-Ellis asked about heating oil and do we pre-pay for it. Lavoie stated yes, we are locked into a price. He explained that more buildings fall under his budget than before including the McConnell Center and train station.

DeDe stated that the CIP money for renovations at the McConnell Center includes windows which should help seal it up. Lavoie explained that the whole building will not be done, but that falls under Planning Department more than Community Services.

Trefethen asked where the train station was in the budget before this year.

Beecher explained that the State paid for the first 2 years and then stopped.

Trefethen asked how much the lessee is paying.

Beecher stated they are paying the electric bill at approximate \$12-13,000. The lease will be up in February.

Lavoie then reviewed the Facilities, Grounds and Cemetery Division.

Perry stated that the revenues will be different due to the recent adoption of a new fee schedule and the money goes to a trust fund instead of the general fund. He also stated that we get free labor from Strafford County inmates. Beecher clarified that we pay for their meals.

Mayberry asked how many seasonal laborers are there and how much do they get paid.

Lavoie stated they get \$7-9.00 an hour depending if they come back the next year or not.

He explained that this is a very high turn around area and it is difficult to keep people.

DeDe referred to the budget document page 253, Item 4115, Personal Services and that it appears to have increased 606%. Lavoie explained that last year the Secretary position

was mistakenly included under salaried positions and so it is under the correct category this time.

DeDe asked about the Engineering Division with a 22.8% increase in item 4115 stating they are all Supervisory positions and feels this is a little over weighted.

Lavoie explained that the 3 engineers over see all of the projects going on through out the city and they also bring in revenue. (Revenue breakdown is on page 53 of budget document).

Keays asked if we really need 2 engineers. Lavoie again explained the various duties of the engineers and reminded Keays there had been 4 in the engineering division in the past.

DeDe asked about the streets and drains cleaning work and couldn't it be done by seasonal part-time employees during the summer. Lavoie stated that this work requires some knowledge and experience of the system even for cleaning. He further explained there are new EPA requirements that all of the drains have to all be cleaned every four years.

Discussion then ensued regarding private company striping versus the City.

Lavoie reviewed the increases for West Nile Virus Treatment which he feels must be addressed and will become a major problem in the near future if not dealt with. He would like to have a workshop session on this issue. He also has increased the snow removal budget because every year it is in the red and he would like to deal with it realistically and have the money there. He feels that we have been lucky that we haven't been hit harder in the last few winters and that he does try to get funds from FEMA when possible, but was turned down the last time he requested money.

Mayor Myers asked if we can hire more contractors instead of paying our guys overtime. Lavoie stated that most of the contractors are small operators who don't do this as their primary source of income so they aren't as readily available and the major contractors tend to do mall parking lots, etc. because they can leave their heavy equipment in one spot. He further explained how the crews work at night to clean out the downtown area so that it will be cleared for the morning commute.

Mayberry asked about \$50,000 for the ground speed control units.

Lavoie explained that these are computerized units installed in the trucks which controls the sand/salt disbursement which is regulated by the speed of the truck rather than by the operator and will save a lot in salt.

Perry asked about street lights. Lavoie explained that the city is not adding streets lights other than in new developments and only in the entrance and cul-de-sac areas. They are always looking for lights to remove when possible.

Mayberry asked about the city arborist stating he thought this had been contracted out several years ago. Beecher stated no, but there may be a change in the upcoming fiscal year.

Mayberry asked about light vehicles and can we get used vehicles instead of brand new. Lavoie explained that the price we pay as a city for a new vehicle is a better value than going with used vehicles that require more maintenance. He has purchased surplus

military vehicles in the past. Mayberry suggested that we need to decide if we would rather have half a loaf or no loaf at all.

Keays asked about the water meters and how many more need to be replaced.

Lavoie stated there are approximately 1,000 more to change out and explained that the new meters allow the crew to read the meters from the trucks and not have to get out at every property.

Keays stated that the water bills used to come out twice a year and now they come out quarterly and is upset that people are charged for the meters on every bill and suggested that it is a big slush fund. He stated that every time he starts working with the figures in the budget he throws his pencil in disgust.

Lavoie explained that the cost of the meters is being paid over ten years through the quarterly water bills. He stated that the cost of our water bills is comparable to other towns.

Mayberry asked about the overtime in the Water fund. Lavoie stated this is to pay for water main breaks and well monitoring.

Perry asked about the SCADA system and is it safe from tampering and also, are there homeland security funds available for this.

Lavoie stated they are concerned about this as well and have received a grant for fencing around the wells, but not large amounts.

Perry then addressed the water meters stating that the new meters should result in saving ½ of the labor time.

Mayberry asked for an explanation of the depreciation expense of \$107,000.00.

Harrington stated this is a figure required by the GASBE 34 implemented last year and is an accounting figure only.

Trefethen asked about the sale of compost stating that the revenue we get for the 13,000 lbs produced seems low in comparison to what is paid to private companies.

Lavoie explained that the quality is not good and needs to be treated with loam, etc. for resale and that the contractor pays \$1.00 a yard and hauls it away.

Mayberry relayed a story regarding a car wash asking a Councilor if they wanted to put the wash on the city bill and asked how this is tracked.

Fleet Maintenance Supervisor Sam Crowley stated that only the police vehicles are allowed to do that.

Hindle asked why the police can't get their cars washed at public works like the other city vehicles.

Lavoie stated that it is a high powered wash and that it would be too messy for the police uniforms because the drivers of the vehicles wash their own vehicles.

Recreation Director Gary Bannon then reviewed the Recreation/Arena Divisions.

Keays asked how much the arena is now in the red.

Bannon stated presently it is \$58,000 in the red compared to \$200,000 in the red at this time last year. He explained the various changes that have taken place to reduce the deficit over the last year.

Keays began to discuss specific personnel which cannot be discussed in public forum.

Mayberry moved to suspend the rules to go past 10:30 p.m., seconded by Trefethen. Motion passed on a 7-1 roll call vote, DeDe opposed.

Manager Beecher presented the Council with their requested 3% budget document and a memorandum explaining his changes which he read aloud at the Mayors request.

DeDe stated that this scenario cuts basic programs and gave the analogy of a sick bush being trimmed at the top and not cut down entirely. He stated that the personnel costs are the issue.

Mayberry thanked the City Manager for his proposal but feels there are some doomsday items and that different adjustments can be made. He suggested closing the Library on a Monday instead of Sunday as an example.

Mayor Myers stated this is a good starting point.

Hindle moved to adjourn at 10:40 p.m., seconded by Keays. Motion passed unanimously.

Valerie A. French
Deputy City Clerk