

**MINUTES  
DOVER CITY COUNCIL  
CITY COUNCIL CHAMBERS  
REGULAR COUNCIL MEETING  
JUNE 9, 2004  
7:00 PM**

**1. MOMENT OF SILENCE**

**2. PLEDGE OF ALLEGIANCE**

Councilor Keays led the Pledge.

**3. ROLL CALL**

Those present: Councilors Perry, Trefethen, Colwell-Ellis, DeDe, Mayor Pro Tem Hindle, Councilor Keays, Mayberry, Mayor Myers and City Manager Beecher. Councilor Reese arrived at 7:05 PM

**4. PROCLAMATIONS/AWARDS**

**5. CITIZEN'S FORUM**

Gary Gilmore of 39 Middle Road is here for the Solid Waste Advisory Commission, and the new business item #12B-6. They have been working with Madbury on this issue for a number of years and they will be generating some revenue with it; he thanked Mayberry and Perry for sponsoring this.

Tom Fargo is here as chair of the Conservation Commission and he is also chair of Strafford Regional Planning Commission. He is about the deletion of the dues and would like this placed back in the budget. Dover cannot be a member because they have not paid their dues, he broke down the numbers saying this is a little over \$15,000 per year. He also described how the Planning Commission uses its dues, primarily the dues are used for matching transportation projects. He continued they also do the road inventory every few years where they come through the City and inventory all of the roads including class 4 and 5 roads, this information is used to determine eligibility for certain DOT block grants. In the last round the DOT gave us \$1200 per mile of road length. The City could benefit from this and he urged them to reinstate these dues. Without paying its dues, Dover will be shut out from a number of opportunities.

Marcia Colbath of 114 Garrison Road strongly encouraged them to approve item # 12B-5; she uses the 400 acres of conservation land that exists off that road for horse back riding but fears for her safety and hopefully with these nice people moving in, this will make it a safer place for all of them to live if they pass this class 6 road building permit.

Peter Schmidt rose in support of the remarks made by Tom Fargo a moment ago, as he is on the municipal county government committee in the State Legislature and this is an important committee. The major reason he came before them tonight is regarding the editorial from Jim Jalbert in Fosters, it raises issues with some of the councilors that has been going on. He says your own best judgment should be their conscience. He hopes the editorial is not true; he has a third item that is the recent flap about the resolution and the violation of the right to know law and feels this is so close to the edge, councils should do business out in the open and he suggests some councilors have been left out of the discussions. Their experience should have been consulted; he urged them to just be mindful of the fact.

Eric Sweetser of 2 Wallingford Street does not see it as a scandal at all; he sees it as councilors doing their job, he understands the resolution will be withdrawn.

John O'Connor 15 Emery Lane stated earlier today he had sent a memo to the council requesting that during the school budget discussion they have a request to amend their portion of the budget this evening based on the adequacy money.

## 6. PUBLIC HEARINGS

### A. Ordinance #10-05/12/2004, Chapter 3, Administration Code, Section 3-72, Adding Business and Industrial Development Authority. Sponsored by Mayor Scott Myers. (See Item 11A-1)

The Mayor opened the public hearing, seeing no one he closed the public hearing.

### B. Ordinance #11-05/12/2004, Chapter 133, Peddlers and Vendors, Various Sections. I Sponsored by Mayor Scott Myers by Request. (See Item 11A-2)

Jack Story, President of Greater Dover Chamber of Commerce stated he had sent a memo to each of them on this issue. He has realized that usually he would have sent out the applications for Apple Harvest before now. His ability to get this going and have people vend will be a problem. He believes it will be much more confusing if it is passed. The Chamber has always taken their own applications for special events. He believes the provision should remain in City Code, Chapter 133. They require all vendors to provide proof of insurance. If fees are the issue, why not charge the chamber fees. He urged them to defeat this ordinance tonight, as this year's Apple Harvest Day will be severely affected if this is not voted down tonight.

### C. Resolution RE: Renaming and Renumbering Portions of Towle's Lane, Spruce Lane Extension, Union Drive, Niles Drive, Maple Street Extension, Ash Street Extension, Silver Street Extension and Walnut Street. Sponsored by Mayor Scott Myers, by Request. See Item 11C-

*This item should be sponsored by Hindle.* Hindle moved seconded by Perry to adopt. Motion passed on a roll call vote of 8-0.

### D. Resolution RE: Adoption of 162-6. Sponsored by Mayor Scott Myers. (See Item 11C-

The Mayor opened the public hearing, seeing no one wishing to speak he closed the public hearing.

## 7. MINUTES

### A. Special Meeting/Workshop – May 19, 2004

Hindle moved seconded by Trefethen with all in favor.

The Mayor stated he wanted to speak about a couple of resolutions that have passed recently and the Right to Know Law and the gray area and if they have overstepped the line. He wants to remove all the clouds of suspicion that may be hanging over them tonight. He asked for a motion to rescind these three resolutions.

Perry moved seconded by Mayberry to suspend the rules to bring these three resolutions back, motion passed on a roll call vote of 8-1, Reese opposed. Mayberry moved seconded by Keays to rescind the three resolutions from last week; including the 3% resolution, the business assistance resolution and the capital items resolution.

Hindle will be reluctantly voting yes on this resolution. He read a prepared statement. He feels every decision regarding this budget has been made in these chambers, however to move the process along, he will vote yes. Trefethen echoes Hindle's sentiments and he regrets this has taken on a life of its own. DeDe says consensus are taken and he too will reluctantly support this resolution. Mayberry says where the question of legality is up for interpretation, he will agree with the other councilors, they did this with good will and they don't want it clouded with wrong perceptions.

The Mayor spoke on their communications; he does not want this budget vote challenged. He appreciates all their comments. He feels this is for the good of the City. Hindle stated point of order

this will require a 2/3's vote of the council to pass. Motion to rescind passed on a roll call vote of 8-1, with Reese opposed.

## **8. REPORTS OF SPECIAL AND STANDING COMMITTEES**

- A. Appointments Committee – Councilor Otis Perry – no report
- B. Arena Commission – Councilor Darlene Colwell-Ellis – report submitted
- C. Arts Commission – Councilor Matt Mayberry –

Mayberry took a moment to tell them about the upcoming agenda for the McConnell Center Committee and the grant they have applied for.

- D. Planning Board– Councilor Dean Trefethen – report submitted
- E. Cable Franchise Negotiations Committee – Councilor Doug DeDe – no report
- F. School Board Liaison – Councilor Doug DeDe – the meeting is next week on the 14th
- G. Solid Waste Advisory Commission – Councilor Otis Perry – 2 issues there is a resolution on agenda to contract with Madbury to use the recycle center and he will have a report next month.
- H. Transportation Advisory Commission – Councilor Jason Hindle – there is an item on the agenda up for discussion tonight and they will meet on 7/8/04 to discuss parking concerns.
- I. Joint Building Committee – Councilor Jason Hindle – report submitted
- J. Recreation Advisory Board – Councilor Bob Keays – no meeting until next Monday at 7 pm,
- K. COAST Bus – Mayor Scott Myers - no report
- L. Joint Fiscal Impact Committee – Mayor Scott Myers – The JFIC met last week to discuss the windfall from the Ste on school money and they have taken a vote on it.

Hindle moved seconded by Mayberry to accept with all in favor.

## **9. MAYOR'S REPORT**

The Mayor stated he went to the DHA Community Center where they held the Champion for Kids Day awards for kids for helping, it was a good day. He also attended the Memorial Day Ceremony as well. He thanked everyone that participated.

Hindle moved seconded by Perry to accept with all in favor.

## **10. CITY MANAGER'S REPORT**

The City Manager stated they have the written report. Trefethen commented about the line items for the arena and that the food concession seems to have disappeared, is he looking at it right. The City Manager will get the information for him.

Trefethen says looking at the financials for 5-31-2004 some departments are over budget and others are not. Is the City Manager anticipating coming back to them with transfers. The City Manager confirmed this. Hindle moved seconded by Mayberry with all in favor.

## **11. UNFINISHED BUSINESS**

### **A. ORDINANCES IN 2<sup>ND</sup> READING**

1. Ordinance #10-05/12/2004, Chapter 3, Administration Code, Section 3-72, Adding Business and Industrial Development Authority. Sponsored by Mayor Scott Myers.

Hindle moved seconded by Mayberry to adopt. Motion passed on roll call vote of 8-0.

2. Ordinance #11-05/12/2004, Chapter 133, Peddlers and Vendors, Various Sections. Sponsored by Mayor Scott Myers by Request.

Hindle moved to table until the July meeting with Perry seconding the motion. Motion passed on a vote of 7-1 with DeDe opposed.

### **B. ORDINANCES IN 3<sup>RD</sup> READING - NONE**

## C. RESOLUTIONS

1. Resolution RE: Fiscal Year 2005 Budget Appropriations Fees and Capital Improvements Program. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Perry to substitute as a whole, motion passed on a roll call vote of 8-1. The City Manager cautions them to discuss all their proposed cuts and adjustments and be careful of any charter violations. DeDe motioned to amend the school department budget and to add \$600,000 to the school budget for assorted one time expenditures, and further that these expenditures not be committed until a lawsuit by other NH communities has been settled. The motion was seconded by Trefethen. DeDe says the joint fiscal committee had met some time ago and talked about the budget propositions. He explained the memo that was received today. (See June 9, 2004 City Council Folder) He mentioned the DHS transformer that has already been approved. This may have an impact of 5 cents on the tax rate. Hindle stated for housekeeping purposes we will have to accept \$1,201,734, Perry and Mayberry seconded the motion. The first motion to put one million and change on the table to amend, Trefethen wants to know what we need to discuss. The City Manager says his statement was not directed towards this issue. Perry raised the issue that donor towns may contest this. He feels we should vote to accept but be aware of this. Motion to accept the state adequacy grant,

DeDe moved seconded by Mayberry for the school's request of the \$600,000 for school repairs as pertained to in the memo. Mayberry wants to know what they are doing with the additional \$600,000 and how can we be sure it will go back towards tax relief. The City Manager stated with the action taken so far, it will go to the fund balance. Jeff says if not appropriated then it will offset the school tax rate. Mayberry says if another municipality sues us, Jeff can't predict what a judge would say and feels they would be hard pressed to have to return this money in January, if the tax rate was already set in October or November. Perry would like all this money appropriated to the school department, this for us is a windfall. He knows it is attractive to reduce our tax rate with these funds. DeDe says the reality is those assets are not a given; the state is just now returning them and he feels this is just coming back to us.

The City Manager says with respect to them he would like Jeff to explain this, Jeff explained there is a 1.2 million dollar when you look at what they received last year it is really only \$87,000, you are looking at a revenue shortfall of \$500,000 that will have to be raised by taxes. Mayberry wants to know what it does to the tax rate, Jeff says 25 cents additional. Mayberry stated that will that bring the tax rate up to 63 cents or around there. Jeff says the school tax rate with what they just voted is at a 40 cent increase. Trefethen says so the school board through many deliberations did their job and decided what they needed to do for this coming school year and made some hard choices. They have started or concluded the release of their employees and he is not going to sit here and not second guess that. If we want to look at this as a gift horse and spend it on one time charges, he feels it is a very wise thing to do. Keays says didn't we vote back along for \$250,000 for Horne Street School. He sees there is an extra \$50,000 for the gym roof. Hindle says the gym was not worked on previously. All were in favor of the amendment, motion passed on a vote of 7-2 Perry and Reese opposed to the amendment.

Mayberry wants to vote on the school budget separately. DeDe wonders why we can't vote separately. The Mayor clarifies we need to vote on the school portion with the overall budget and with the school amendments it is a 68 cent increase. Hindle wants the total City portion amount as of right now. The City Manager wants to get to a better discussion point and move the items that are going to be bonded, \$400,000 for sidewalks, DHS electrical upgrade take out \$770,000 in total, and really take out \$620,000 then the reduction of health insurance for all departments is \$367,000 this includes salary adjustments of \$367,081. Plus you can take out the \$200,000 for capital reserve. DeDe comes up with an amount of \$1,187,081. DeDe moved seconded by Mayberry to start at \$1,187,081 for an amendment which is \$400,000 for sidewalks, \$220,000 for public works equipment and \$620,000 for health insurance. Perry says taking capital improvements items out of the budget is a mistake as he said several weeks ago, we will be paying the interest and principal on these for 15 to 20 years and doing these kind of improvements with borrowed money is a mistake. DeDe says it is probable that the council in general would like to pay for these items. In reality to give some taxpayer relief especially where the interest rates are somewhat low, he does not feel this is any less wise for the City of Dover. Trefethen understands the comment about putting it in the operating budget and he knows it was the goal of the last council. The reality is to make that change, it is a heavy hit on the tax rate and in his conversations with taxpayer, they are in no mood for a heavy hit and this will be a little more palatable. The Mayor reminded them for next year to use some unanticipated revenues instead of bonding over years. Motion passed on a vote of 7-2 with Perry and Reese opposed to amendment. The City Manager says they just reduced the tax increase to 79 cents so they still need another 1.6 million dollars taken out. Hindle needs a new dollar figure; Jeff stated \$25,653,024 is the new bottom line figure.

DeDe moved seconded by Hindle as it is his understanding there was no representation and it makes more sense to fund COAST at where it was last year. Motion to level fund COAST at last year's amount passed with Reese and Trefethen opposed.

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DeDe moved to amend Main Street to fund it at \$20,000. the same as last year, Mayberry seconds the motion. Mayberry asked if DeDe would accept an amendment to make it \$22,500, DeDe accepted it. Perry has a general comment if we are going to take money out of the budget we should take it from sources that have alternative funding rather than the infrastructure of the City. His feeling on this is where it is a desirable program, it is a program that is funded by other sources and he would like to see this item cut entirely. The Mayor feels the Main Street Program does a great service for the community; he is in favor of last year's appropriation. Hindle stated point of clarification we are looking at \$22,500 right now. Motion to amend to \$22,500 passed on a vote of 5-4 with Keays, Mayberry DeDe, Trefethen and Colwell-Ellis in favor. Main motion passed on vote of 8-1 with, Reese opposed.

DeDe made a motion on the City Sesquicentennial to reduce it from \$20,000 to \$10,000, Mayberry seconded the motion. Trefethen would like this to go to \$0 but they need seed money, all were in favor of the amendment. Main motion passed on a vote of 7-2 with Hindle and Reese opposed.

DeDe moved to eliminate \$2,000 from city council supplies budget, item # 4611, the clerk feels they need at least \$2,000, Mayberry moved to amend to reduce this item by \$3,000, Trefethen seconded the motion to reduce supplies to \$2,000 motion passed on 6-3 vote with Perry, Hindle and Reese opposed.

DeDe moved to reduce item # 4110 by \$3600. Trefethen wants to know how it affects other items, this is the City Manager's merit. The Mayor wants a dollar amount on this, motion passed 6-3 with Perry, Colwell-Ellis and Reese opposed.

DeDe moved to reduce postage in this account by \$2500 Hindle seconds this motion. Trefethen says we are legally obligated to mail a number of things, is the City Manager going to be able to do this; the City Manager prefers the cut to not be that great. The City Manager says reduce it by \$2500; motion to reduce passed 7-2 with Reese and Hindle opposed.

DeDe moved to reduce the communication account to \$11,250. Motion was seconded by Trefethen to reduce. Jeff says the reduction is \$2750., Perry wants a clarification on what this is and what is the impact on what this is going to be. Motion to amend motion failed on a vote of 3-6 vote with Perry, Myers, Colwell-Ellis, Hindle, Trefethen and Reese opposed.

DeDe moved to reduce printing in the executive department, Mayberry seconds the motion. This will reduce this item by \$3650, Trefethen wants to know if it could be made available on line, motion passed with Reese opposed.

DeDe moved to reduce the travel account to \$4000. Hindle seconds the motion with a reduction of \$2300. Motion passes 8-1 with Reese opposed.

DeDe moved on item #4435, the McQuillan Software Hindle seconded the motion. Perry wants to know what this is. The Police Chief says this software produces case law from around the country. Perry wonders how often it is used. Joyal says it used to be a hard copy but now it is purchased thru Dovernet. Motion to eliminate, passes 8-1, with Reese opposed.

Mayberry moved seconded by Hindle to reduce item # 4640 on the McQuillan for the legal department by \$1920., motion passed on a vote of 6-3 with Perry, Colwell-Ellis and Reese opposed.

DeDe made a motion to reduce the business assistance budget to \$20,000, with Mayberry and Hindle seconding the motion. The City Manager says this motion may be a charter violation. DeDe understands this is subject to council review and there was a request of the City Manager to review this and come back with a report; there is an increased reliance on the residential portion of the city taxes for this item. What they are asking for is to reduce this to \$20,000. The City Manager says we have not had a conversation on this issue, he is still seeking direction from the council, he has asked what is wrong with this. Mayberry recalls three weeks ago that he gave his proposal to the City Manager but we have not had a workshop to discuss this. His question, is that a charter violation. Mayberry moves to amend the City Manager to reduce his overall Executive Department budget by \$67,000. then Mayberry moved to amend the overall City Manager's budget to reduce it by \$67,834 at the City Manager's discretion. DeDe seconds the motion. This is referenced on page 147, and this is in addition to the other cuts. Trefethen says we have only discussed this for a very short time and it looks like we are not happy with this program but we do not have a replacement. He feels at this point in time we would be better off not doing this and thinks we should have a workshop on this.

Mayberry has a problem with Trefethen's proposal. Perry understands Mayberry's interest in cutting the budget, but he feels we would tie our hands for any manipulation in the future. DeDe says while it is one thing for the council to take a position, he does not feel the executives have acted on this to give a good return, at some point there needs to be a down to earth discussion on this. This is an area that is considered problematic. The Mayor feels we need Economic Development and to give an open ended cut to a department could be doing a lot of other things that we don't want it to do. If this is our intent we need to revisit this and re-look at it. Motion to reduce failed on a 4-4 vote, Mayberry, Hindle, Keays and DeDe in favor. Reese handed the Clerk his resignation and left the room at 8:50 pm.

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DeDe made a motion on item # 4435 in the finance department to reduce postage by \$2,000, Hindle seconded the motion. Perry asked are these maintenance charges required to maintain our specialty equipment used to send bills. Joyal tried to explain that the two items including software and the other is charges for pc's for other departments, these funds are used to maintain the network system if something should happen to go down. Perry asked are these funds contracted, Jeff says in that account there is an amount of \$4,000. This number is usually \$10-12,000, motion passed on a vote of 7-1 with Trefethen opposed.

DeDe motioned to reduce item # 4534 reduce by \$1,000, Mayberry seconded the motion. Perry asked will we have enough money to send all the stuff out that is needed. Motion to amend passed on a vote of 5-3 Colwell-Ellis, Perry and Trefethen opposed.

DeDe moved on item # 4550, printing and binding, to reduce by \$1500 as this is available on line. Trefethen stated when we get to this point next year we need to have some money for this item for the printing of the budget. Mayberry wants to know where the public copies are located all were in favor of amendment.

DeDe moved on item # 4531, tax assessment, to reduce telecommunication Mayberry seconded the motion to reduce by \$456, motion passes 7-1, with Perry opposed.

DeDe stated in that same area item # 4534 on the postage line with a motion to reduce it by \$770. Motion seconded by Mayberry, and passes on a vote of 7-1 with Perry opposed.

DeDe moved on item # 4611 to reduce by \$1116. Motion to amend seconded by Mayberry and passed on a vote of 6-2 with Perry and Hindle opposed.

DeDe moved on item # 4130, Over Time pay to eliminate Over Time pay by \$200, motion passes 8-0.

DeDe moved on item # 4531 telecommunications in tax collection to reduce to \$3,000 by \$264, Hindle seconded the motion and it passed on a 7-1 vote with Mayberry opposed. The City Manager says that will remove one phone line. Trefethen asked do we have contractual obligations with Bay Ring. A few lines here and there won't hurt, Joyal stated. Motion failed 4-4.

DeDe moved on item # 4580 travel expense to reduce by \$100, Hindle seconded the motion and it passes 7-1 with Perry opposed.

Hindle wants to keep intact planning, recreation and the human services department, seconded by DeDe saying the public appreciates the recreation services that we provide and the planning department does an exceptional job of coming before them to express their needs. If we could afford it, they need more than this with respect to the housing boom in this City. Trefethen has a question. If we were to reduce the department by 25 but don't touch certain programs. Trefethen would like an amendment on this. His amendment is to reduce recreation by \$25,000 but direct the City Manager to not touch any of the summer programs, Hindle seconded this amendment. There are a number of things that occur during summer months and too many people count on these programs. Perry will support this amendment, motion on the amended amendment all were in favor.

All were in favor of amended amendment.

DeDe moved to reduce the police department item # 4130 Overtime budget by \$86,000, this will eliminate \$86,000 for contracted over time, and Hindle seconded the motion. Mayberry asked Jeff can we do that? Jeff says if you remove special detail then you would need to remove the revenue part of it as well, and that brings in \$151,342 in revenue. Mayberry asked does this overtime detail go towards their retirement. Jeff says there are retirement costs associated with this. Perry says if he understands what DeDe said that this is after the overtime. Jeff says on page 199 it lists the benefits that they receive as a result of receiving overtime pay. Are we creating a situation with these sworn Police Officers by any reducing this item; the City Manager called on the Chief. The Chief clarified if these are mandated contracts by the state then we have to fulfill these. If there is no special detail officer you could have a police officer from anywhere in New England. DeDe asks if it is possible that those same police officers could work the same day as having a detail. The Chief stated he would not allow this, and it is the Chief's prerogative to approve or disapprove any secondary employment. Trefethen asked the Chief if by his understanding and by the Chief controlling this if any officer can go out there or not that he controls fatigue so transversely and if we allow the contractor to hire just any policeman we may get an officer that may be tired or whatever.

Mayberry asked does special overtime cost the City anything, the City Manager says no we make money on this item of about \$50,000 to \$60,000. Trefethen commented, so on the retirement issue we are making the contribution to the retirement system on what an officer incurs for an income and if they make \$10,000 extra because of a detail, we must pay it. The Chief says retirement is based on what they earn.

Perry thinks that the net impact is that revenue would be lost and they should take out the expense that is tied to this revenue; this would be an amendment to the amendment. If we remove the expense we should also remove the revenue, Mayberry seconded the motion. Motion to amend the amendment fails on a vote of 4-4, motion to reduce by \$86,000, fails on 3-5 vote.

DeDe moved on line item # 4130 overtime for dispatch to reduce by \$32,000, motion seconded by Hindle.

Mayberry asked the Chief what this does to dispatch. The Chief promised himself 14 yrs ago he would not cry going through the budget process but this would destroy his dispatch. Mayberry stated if we cut \$32,000 the

Chief will staff dispatch anyway, Mayberry asked is there some overtime that the Chief could live without so they could have a reduction, the Chief gave the actual numbers for the last 3 years. Perry thinks this is an infrastructure cut, overtime sounds like a great place to cut money but in shift work they have to adjust to circumstances beyond his control and the Chief has said if we cut overtime he will have to make it up someplace else. Mayberry says if this were to fail, he cannot vote for the \$32,000 but maybe \$10,000, pay now or pay later. Keays says we could stay here for the rest of the night but it is up to the City Manager and his assistant. He does not want to hear from the department heads again. If he was the Police Chief he wouldn't want any cuts either; we should not have to sit here all night and pound their heads, we have a City Manager and assistant that are well paid. Motion to amend by reducing by \$32,000 failed on a vote of 1-7 with Myers in favor. Mayberry moved seconded by Hindle to reduce this item by \$10,000 DeDe says he has talked to the Chief about his overtime so he will support this. Motion to amend passed on a vote of 6-2 with Perry and Hindle opposed.

DeDe moved to reduce the overtime in the police item # 4130 on a motion to reduce by \$80,000, Mayberry seconded the motion. Perry wants the City Manager and Chief to tell us what this will do by reducing this item. The Chief says if he has to overspend, he will and then he will take it from something else, this account is used for vacation; sick leave is very low but he also has to pay for an officer to go to court and for someone to cover the officer's shift. Mayberry wondered if the court does not reimburse us, the Chief says at \$30. per hour. DeDe asked with regards to vacation schedules how far in advance do you let them schedule their vacations, the Chief says it is posted on January 1st and they must indicate by April 15th. DeDe asked how many officers do we have out on vacation at the same time. No more than two says the Chief. Motion passes on 6-2 vote with Perry and Colwell-Ellis opposed.

Hindle asked Jeff about the total reductions to date. Jeff says \$1,371,292 so far has been cut.

DeDe motioned on item # 4580 to reduce it to \$3538, motion to amend passes 8-0.

DeDe motioned on # 4742 to reduce by \$147,528, Keays seconded the motion. DeDe is confused about the number of police cruisers; it would appear there are 21 black and whites. There is a question as to whether all these are really needed. He believes this is a motion that is needed. Motion passes 7-1, with Perry opposed.

DeDe moved on item # 4745 to reduce by \$23,750 to eliminate these. DeDe made a comment about the officers having coffee in cars. Motion passes 7-1, with Perry opposed.

DeDe motioned on the Fire department that general expenses be reduced by \$200,000 and let the Chief figure out where he is going to reduce the money. The motion was seconded by Hindle and Mayberry. Mayberry knows we are short staffed and we will need to cut staff even more but he campaigned on the idea of preserving life and property. He feels the department needs to cut back by maybe \$140,000 and that is OK but he will not vote for \$200,000 and short staff an already short staff when they did not cut the recreation budget. His priority is life and safety and where are our priorities. DeDe did not make himself clear about the last year figure. Trefethen understands what Mayberry is saying but we have one large department left to reduce after this and it will get real serious real quick here. If we have to go back and visit Human Services and Recreation, we may just have to do that.

The Mayor agrees with DeDe and Trefethen on this and he will support this cut, Mayberry asked Jeff with the increased number of calls that the fire department is experiencing, have we seen an increase in their revenue and will we be losing some of our revenues. The City Manager says the answer is yes and no, we will spend overtime. The City Manager feels this is a large cut, he mentioned several of the items. Mayberry says if a fire fighter were to be injured and it was proven that we were negligible; that would be a Workers Comp claim Mike says. DeDe feels the Chief is free to designate where these cuts should go. Trefethen is double checking on the \$96,000 for hydrants. DeDe says that would be included. Trefethen compared these cuts with the Police Department's cuts made previously. Proportionally the \$260,000 is from the Police Department and we heard the Chief say he will find the money someplace else. Potentially we are looking at the same amount. Colwell Ellis wanted to know where the \$96,500 was coming from. Mayberry asked if we can add the two lines together if this is passed then yes says the Mayor. Trefethen stated then the effect of Colwell Ellis's point is then you will see the rate on your water bill increase. Motion to cut \$200,000 passed 6-2, with Perry and Colwell Ellis opposed.

DeDe deferred to Mayberry to make motion. Mayberry moved to eliminate \$96,500 from the Fire budget, Trefethen seconded the motion, Perry asked is there any contractual agreement. The City Manager says they will have to amend the DUC rules. Perry is in agreement then, this will offset the revenue in the water fund. So what is the net effect of those two items passing, this is the difference between the two. The City Manager says you would be taking \$96,000 out of fire budget. Mayberry says so we have to go back and subtract the \$96,500 from the \$200,000, Mayberry wants the \$96,500 to be credited to the Fire Department so how do we correct this now. Jeff says you want to remove the \$96,500 but it is already part of the motion. DeDe says he understand the Fire Department spends \$96,500 for fire hydrants and the motion would be to not charge them the rental of the hydrants. The City Manager says you already eliminated \$200,000, now you want to add the \$96,500 more. Jeff says you can clarify that you want this part of the \$200,000 and make that as a separate motion, Trefethen

seconded the motion. Trefethen stated so the net decrease from Fire is \$103,500; motion passed with all in favor. Vote to amend the amendment is unanimous.

DeDe moved to reduce, item # 4115 Community Services by \$150,000. The City Manager stated that is roughly 10 positions. Mayberry asked does public works include all water and sewer and cemetery. The City Manager can't take it out of utilities; but it will include recreation also. Mayberry is trying to ask about the 64 employees and how much do we spend on those 64 employees. The City Manager states go to page 243, and you can look at public works excluding water and sewer and you are looking at 1.2 million dollars. Mayberry stated so the \$150,000 that will mean 10 positions, Mayberry asked will we be in trouble with a charter violation; his concern is he knows these cuts mean personnel. The City Manager suggests that they roll these items by \$150,000 from the department. DeDe withdraws the original motion. Then replaces it by reducing the entire department, Mayberry seconded the motion to reduce all the items on the list of the Community Services sheet. (see Council Folder of 6-9-2004). DeDe feels there is a lot of money in this department. Mayberry stated we have cut \$728,428 so far from the budget so DeDe recommends this motion to cut \$150,000 from Community Services and in addition to all the items listed for a total cut of \$266,750 from the Community Services budget. Motion to cut passes 7-1 with Perry opposed.

Mayberry has two additional considerations, one is for eliminating the \$50,000 from Community Services for the grounds keeping salt spreader, Hindle seconds the motion and it fails on a vote of 4-4 with Myers, Perry, Colwell-Ellis and Trefethen opposed. Mayberry moved to reduce the West Nile virus spraying in the amount of \$54,000, Perry says if we had not cut the catch basin he might consider it but he will go on record against this cut. Mayberry stated it is not an easy time to cut this but in a state of 1+ million people, and there were only 2 people that got the virus. DeDe is also opposed with Perry to this motion. DeDe stated some of this spraying is deadly. It makes a great deal of sense to have this alternative. We do not know the danger of the unknown. Perry says that may be the low figure of people that have contracted the disease and that may be a tribute to the success of the spraying. Motion to amend fails on a 3-5 vote with Trefethen, Keays and Colwell –Ellis in favor.

Jeff says we have \$1,975,318 in cuts so far. With the school there is an added 68 cent tax increase. Mayberry wants to look at a small amount from our fund balance; he would like to use \$250,000 from the fund balance. Hindle states point of order you should make this as a motion. Trefethen seconded the motion for discussion. Mayberry asked Jeff if we use the \$250,000 where would we be. Jeff says last year we only used \$100,000 of the fund balance, Mayberry stands corrected. Perry asked is this likely to have any effect on our fund balance. Jeff says last year our fund balance was at \$3.8 million. Moody and Poors say our fund balance is adequate but not substantial and they are looking for additional reserves. One of the items being contemplated by the department of revenue is they are looking at 8-17% for fund balance for the entire budget. Perry asks Jeff if we have any estimate for the fund balance this year, Jeff says we are pretty flat and it could go either way. Keays asked the City Manager about an amount in the water fund account # 4820, on page 291, is that a payment back to the general fund. The City Manager says back to the general fund or back to me, the last council suggested we pay the general fund back for the oversight. The motion on the fund balance to use \$250,000; and the Mayor is not in favor of this. Motion failed on a vote of 2-6, with Mayberry and Keays in favor.

Perry moved to suspend operations to come another time or to extend our hours past 10:30 pm. Perry moved to suspend at 10:30 pm and come back tomorrow night to finish the meeting. DeDe wants to finish his four more motions tonight then come back tomorrow night. Motion to come back another night fails on a roll call vote of 4-4 with Perry, Hindle, Keays and Myers in favor. The City Manager suggests one other thing, a member of the audience is here for the class 6 building permit, he is here as owner of the lot, so we need to address that tonight. Mayberry wants to get the job done tonight so he will vote against the motion. Mayberry moved seconded by Trefethen to do the entire agenda. Motion to suspend to finish the agenda passes on a roll call vote of 7-1 with Perry opposed.

DeDe is moving on to the library, with a motion on item # 4748, books and collections to reduce it by \$15,755 and to combine it with # 4115 to reduce this by \$9,000 for a total reduction of \$24755. Motion was seconded by Mayberry. Perry feels the Library is one of the jewels of the City. He feels we are making a mistake as this is an important part of the City. Motion passes on a 6-2 vote with Trefethen and Perry opposed.

DeDe moved to cut DoverNet to level funding or as it was last year, Mayberry seconded the motion. This will reduce the budget by \$55,000, Mayberry asked Mike Joyal about level funding and what does this do to our services. Is there a way that we can realize a savings and if not what does that do. Mike says with regards to the school department, we already do a lot with the school. He cannot tell them what would transpire in terms of dollars. To cut this from DoverNet would have a huge impact. He did identify some cuts in the 3% proposal that they could live with.

Mayberry asked in the 3% budget, how much were his cuts as he wants to shift some employees around. Mike stated the cut in the 3% proposal by \$8,000 is for some software. Mayberry says we are a long ways from

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\$55,000. DeDe says this is an area that has gone up 20 some percent. He does not know where to specify to make these cuts. Trefethen says they must keep in mind they have cut a number of items where we would likely make this up. At some point in time you have to maintain what you have and add memory and this is probably a little steep, he could support about half of this motion. Colwell Ellis commented what dollar amount would that have, the City Manager says that was the \$8,000. Trefethen wants to amend the amendment to cut \$27,000 instead, Mayberry seconded the motion for discussion. Mayberry would like Trefethen to amend his amount to \$20,000 Colwell Ellis seconded the motion. Trefethen says the pain has to be shared everywhere. Motion to cut by \$20,000 passed with all in favor. Motion on the amended amendment passes 7-1 with Perry opposed.

DeDe motioned on page 118, on vehicles from fleet maintenance, to reduce this by \$35,000 to level fund it, Hindle seconded the motion. The City Manager says this is like monopoly money and Pete says you already reduced this by \$25,000 although it was not actually reduced thru a motion as it was rescinded at the beginning of the evening. Mayberry asked how many employees do we have in the City. Mike says 306 full time employees; Mayberry commented, then roughly we have two employees for each City owned vehicle. The City Manager says the alternative is to shut the garage down and contract all our vehicles out. Given the light that we have already reduced this by \$25,000 this is \$10,000, motion passes with Perry and Colwell Ellis opposed. All were in favor of the amendment to the amendment on a vote of 6-2, Perry and Colwell Ellis opposed.

Jeff gives an update of where we are at \$2,000,073 this equates to an increase of 41 cents or 5.5 percent. Mayberry asked to use last years level of \$100,000 from the fund balance Hindle seconded the motion for discussion. Trefethen stated what is going thru his mind is if we don't do this, what do we do? Should we call it a night at 5.5%; this is not going to get us to our goal, the City Manager says it is a nickel off our rate. Jeff says this would be a 36 cent increase or 4.6% with this and with the school, city and county. This is the increase in tax rate. The increase in expenditures is an overall increase of 4.3% the \$100,000 does not affect the tax rate, it just increases expenditures. The over all spending is 4.3%. Motion fails on a 3-5 vote with Mayberry, Keays and Trefethen in favor.

Trefethen moved to take \$50,000 from recreation with Mayberry and Hindle seconding the motion without any impact on the summer programs, passes 7-1, DeDe opposed.

Trefethen moved to take \$10,000 from Planning, Mayberry seconded the motion in order to share the pain. Perry does not agree on equalizing the pain and he is not sure where it would come from. DeDe says in addition the department head gave an excellent presentation and is one of the few departments that had a very small increase. He was swayed by Tom Fargo to keep the Strafford Regional Planning Commission.

He cannot support cutting from this department. Motion to cut the Planning Department failed on a 3-5 vote, with Myers, Mayberry and Keays in favor.

Keays says up at the ice arena do we have two maintenance specialists; he was told a person was laid off. Mike says this is one of the issues with bringing the arena back to the black area. At the time this was put together there were two of these positions. Keays asked do we need all these market managers. Mike says yes we do and we need a supervisor for the part time people. The Mayor says this is an enterprise fund.

Trefethen moved to reduce Human Services by \$10,000, motion to amend failed on a vote of 3-4.

Mayberry stated in the executive budget there is \$2500 dollars for train the trainer. The City Manager then asked to have his budget reduced down to the 3% proposal level and he will take care of the cuts in his office. DeDe seconds the motion. Perry wants to be clear; we made cuts earlier so that won't be included. Trefethen stated for a point of clarification since we have already cut some items from this one budget; the City Manager understands it is in addition to what was already taken out other than the one item, (Business Assistance), motion passed unanimously.

Hindle moved to reduce the water account by \$102,020 and reduce the sewer by \$5608. and to reduce the arena by \$6,279, with Mayberry seconding the motion and all were in favor.

Jeff gives the new number of \$2,050,073 in deductions with a tax impact of 38 cents or 5.1% with an over all rate increase of 4.7% for the entire City. The appropriations are at a 4.2% increase.

Trefethen moved to approve the budget resolution as amended, Perry seconded the motion saying he is not in favor of what we have done tonight, but he will vote in favor of it. Trefethen echoes what Perry says, this has been a very difficult process. He would hope this goes a long way to dispel everyone's fear that there is a conspiracy. He says if the media would go back to what people said when they were campaigning they have made a valiant attempt to do this including trying to cut Economic Development. You have to make some hard choices.

Hindle wants the numbers clarified again. Jeff says the total general fund amendments are at \$1,450,073 to include the school with a revised total of \$63,732,416 this represents a 2.5 million increase or 4.2% increase in

appropriations or a \$1.25 decrease on the tax rate with an overall rate of 4.7%. DeDe echoes the other councilor's comments, saying there is not an animosity within the council. People discuss things with one another and try to find out where people are leaning. He has learned some valuable lessons in how the process should be run next year, he is glad to see they have arrived at a consensus on this budget.

Mayberry says this is not easy for anyone. He hopes the public is OK with this.

The department heads have to deal with this tomorrow and their work is just beginning. The Mayor thanked everyone sitting around the table. Keays thanked the City Manager and department heads, he had wanted to get it down to 3 % but we are stuck at 4%. Main motion to adopt the budget passes on roll call vote of 8-0, Reese out of the room.

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

Hindle moved seconded by Mayberry to adopt. Hindle moved seconded by Perry and Mayberry to remove item #4, the electrical system upgrade. Amendment passed by all. Main motion passed on a roll call vote of 8-0.

3. Resolution RE: Renaming and Renumbering Portions of Towle's Lane, Spruce Lane Extension, Union Drive, Niles Drive, Maple Street Extension, Ash Street Extension, Silver Street Extension and Walnut Street. Sponsored by Mayor Pro Tem Jason Hindle, Chair, Transportation Advisory Commission.

Hindle moved seconded by Perry to adopt. Hindle says the TAC recommends that Walnut Street be removed. Any future development will not affect the numbering system. This is for clarification only. Motion passed on roll call vote of 8-0.

4. Resolution RE: Adoption of 162-G. Sponsored by Mayor Scott Myers.

Hindle moved seconded by Perry to adopt. Now these people will be appointed by the appointments committee. Motion passed on a vote of 8-0.

5. Resolution RE: Sale of City Owned Property. Sponsored by Mayor Scott Myers, by Request. **(TO BE REMOVED FROM TABLE)**, *then table again until July 14<sup>th</sup>.....see letter from Russ Newell.*

Hindle stated this item will remain on the table until the July 14<sup>th</sup> meeting.

## 12. NEW BUSINESS

### A. CONSENT CALENDAR

1. Tag Permit – Northeast Sensation – Competition Cheerleaders
2. Raffle Permit – Dover Main Street
3. Raffle Permit – Dover Baseball
4. Raffle Permit – American Legion Post #8
5. Parade – St. John's Methodist Church – Walkathon
6. Raffle Permit – Strafford County **(PREVIOUSLY TABLED – WITHDRAWN BY REQUESTOR)**
7. **Fireworks Permit – Dover Recreation – suspend the rules to introduce this item**

Hindle moved seconded by Perry to suspend the rules to introduce adopt. Motion passed on a roll call vote of 8-0. Hindle moved seconded by Mayberry to grant. Motion passed on a vote of 8-0.

### B. RESOLUTIONS

1. Resolution RE: Rescind Appropriations and Bond Authorization for Capital Projects. Sponsored by Mayor Scott Myers, by Request

Hindle moved seconded by Mayberry to adopt. Motion passed on a roll call vote of 8-0.

2. Resolution RE: Award of Purchase Order for Crushed Gravel and as needed Material Loading Services: Mast Road Sand/Gravel Pit. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry and Trefethen to adopt. Motion passed on a roll call vote of 8-0.

3. Resolution RE: Award of Blanket Purchase Order for Miscellaneous Hardware Items, As Needed. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Perry to adopt. Motion passed on a roll call vote of 8-0.

4. Resolution RE: Award of Purchase Order(s) for Animal Control, Boarding and Protective Custody Sheltering Services. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Motion passed on a roll call vote of 8-0.

5. Resolution RE: Authorization of Issuance of Building Permit on a Class VI Highway. Sponsored by Mayor Scott Myers, by Request.....**see addition of memo from Stancel and page 2 of Planning Board minutes.**

Hindle moved to suspend the rules to suspend to bring item #12 B 5 to the table, Perry seconded the motion. Motion passed on a roll call vote of 7-0 with Mayberry out of the room.

Hindle moved seconded by Perry to adopt. Perry moved to amend to include the Planning Director's memo with additional restrictions, Hindle seconded the motion. Trefethen says so this was discussed at Planning Board first and there were several recommendations with the minutes attached. Motion passed by all. Mr. Bough, the owner, stated they did file with the registry for a class six road. Main motion passed by all.

6. Resolution RE: Recycle Center Agreement with Town of Madbury. Sponsored by Councilor Otis Perry and Councilor Matt Mayberry.

Perry moved seconded by Mayberry and Trefethen to adopt. Trefethen asked if the rate was to be reviewed and set every year., Perry does not have a problem, the City Manager says it is only good until December anyway. He withdraws his amendment. Perry moved seconded by Mayberry and Trefethen to adopt. Motion passed on a roll call vote of 8-0.

7. Resolution RE: Establishment of Eunice L. Thompson Library Trust. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Perry to adopt. Motion passed on a roll call vote of 8-0.

8. Resolution RE: Authorizing the City Manager to Enter into a Joint Agreement with the New Hampshire Department of Transportation for the Construction of the Washington Street Over the Cochecho Bridge Project Authorized in the FY05-10 CIP. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Trefethen to adopt. Mayberry commended the Planning Department for their diligence; and Hindle commended councilor Mayberry for his support on this. Motion passed on a roll call vote of 8-0.

9. Resolution RE: Credit of NH Department of Environmental Services Land Reimbursement to Water Capital Reserve. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt.

DeDe asked if this amount was the result of a grant that was applied for by the City. Pete says this was the two parcels they purchased, one was the Dowaliby property with five acres and one was the Brown property with 12 acres that they purchased with a reimbursement from the state. DeDe says the reimbursement was negotiated by the open lands committee. Since they negotiated these, could any part of this money go back to the Open Lands Committee. Pete says this money came out of the water fund and finance is recommending this go back into the water fund. Motion passed on a roll call vote of 8-0.

10. Resolution RE: Fiscal Year 2005 Budget Amendment #1. Sponsored by Mayor Scott Myers, by Request. *(To be referred to a public hearing on 07/14/04)*

Hindle stated this item was not needed.

- 11. Resolution RE: Designation of the First Parish Congregational Church Hall as the Ward Two (2) Polling Place. Sponsored by Councilor Doug DeDe. Suspend the rules to introduce this item.**

Hindle moved seconded by Mayberry to suspend the rules to introduce item 12B-11. Motion to suspend the rules passed on a roll call vote of 8-0. DeDe moved seconded by Perry to adopt. DeDe stated the new facility has parking on the side and is more easily accessible. Motion passed with all in favor.

### **C. ORDINANCES IN 1<sup>ST</sup> READING**

1. Ordinance #11-06/09/2004, Chapter 166, Vehicles and Traffic, Schedule I, No Parking at Any Time, Lisa Beth Circle. Sponsored by Mayor Pro Tem Jason Hindle, Chair, Transportation Advisory Commission. *(To be referred to a public hearing on 07/14/04)*

Hindle moved seconded by Perry to refer to a public hearing on 7/14/2004 with all in favor.

2. Ordinance #12-06/09/2004, Chapter 170, Zoning, Section 170-8, Zoning Map, Dover Point Road. Sponsored by Councilor Dean Trefethen, Planning Board Council Rep. *(To be referred to a public hearing on 07/14/04)*

Hindle moved seconded by Trefethen to refer to a public hearing on 7/14/2004 with all in favor.

3. Ordinance #13-06/09/2004, Chapter 170, Zoning, Section 170-8, Zoning Map, Spaulding Turnpike between Tolend Road and Columbus Avenue. Sponsored by Councilor Dean Trefethen, Planning Board Council Rep. *(To be referred to a public hearing on 07/14/04)*

Hindle moved seconded by Trefethen to refer to a public hearing on 7/14/2004 with all in favor.

### **D. COUNCIL CORRESPONDENCE**

1. Wetlands Permit Application – Alex Nossiff
2. Letter – Marie Boucher and Claudette Colokathis
3. Letter – Comcast, Brian Christiansen

Hindle moved seconded by Mayberry to accept and place these on file with all in favor.

### **13. COUNCIL MATTERS OF INTEREST**

Hindle is wondering if we could schedule two meetings; one on the City Manager's evaluation and a workshop on 7/7 for a discussion on zoning issues

Keays would like to know what the City is going to do about Central Avenue as it was a mess for a few days and some of the stores got their rugs all messed up from the tar and are we paying for this job. Pete says we are waiting for the salesman to come back and review the project, the weather was part of the problem and they are currently working with the insurance company but he was not aware of any carpets that were messed up. Keays will it be ready for the soap box derby next Sunday but the road does not look like glass to him. Pete says it was not meant to be glass. Keays can see every imperfection and feels they sold us a bill of goods. Pete says you do not get the same effect as a full inch of pavement, he is not pleased either; Keays would like to stay with hot top.

### **14. ADJOURNMENT**

Hindle moved seconded by all with all in favor at 12:07 a.m.

**Judy Gaouette,  
City Clerk**