

**MINUTES
SPECIAL MEETING/WORKSHOP
DOVER CITY COUNCIL
COUNCIL CHAMBERS
MARCH 6, 2002
7:00 P.M.**

6:30 P.M.

The City Council will be meeting in closed session to discuss matters relating to labor negotiations.

NOTE: This session is considered a NON-MEETING IN ACCORDANCE WITH RSA: 91-a.

7:00 PM

1. ROLL CALL

Members Present: Councilor Hofemann, Mayor Nossiff, Councilor Quigley, Mayor Pro Tem Taylor, Councilors Tweedie, Whitmore, Christenbury, Dunnington, and Hindle.

2. PUBLIC HEARING RE:

A. Resolution RE: Bargaining Agreement Between the City of Dover and the DPA Local #466. Sponsored by Mayor Alex Nossiff, by Request.

The Mayor opened the Public Hearing.

Bob Lewis of 16 Whittier Street stated the DPA is close to what he considers acceptable but is still too costly and should be returned for more review. He continued on how he would change the contract to make it acceptable. He comes reluctantly and realizes there has been a lot of give and take on both sides of the negotiations.

Matt Mayberry of 322 Dover Point Road comes to talk about work, he sells real estate and he explained what he wears to work each day, however the police must wear a bullet proof vest to work everyday. He talked about the number of citizens in Dover, the number of taxable parcels of land, it costs each of the citizens of Dover one cent per day to fund this contract. It costs each parcel of land \$1.50 per month to fund this contract. Is the protection of your family worth two cents per day maximum? Is it worth the protection that you and your family must pay to have this contract for them to protect you? This contract has been negotiated in good faith. He asked a police officer to open his vest today and he was wearing a Guardian Angel, the officer stated he needs all the help he can get.

Ron Huml, 199 Mast Road is here with the opposite information. This contract was very difficult to interpret, so he broke it down. He explained the different factors that equal a 28% increase in pay and that is more than two cents per day. Mr. Huml thinks the overtime the city pays is excessive. He explained what other groups are getting for a pay increase today and they do not match what we are proposing to pay through this contract. Dover is on the high end of Portsmouth, Dover and Rochester.

Michael Downs of 2 Hubbard Road is here for the bargaining agreement of the PDA. He is speaking in favor of the contract. Mr. Downs has looked at the contract. He brought his mom's social security information and they get a national consumer price index (CPI) every year. He understands the city

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uses the regional CPI and that is used to determine increases instead of the national CPI. Also, we live in a very expensive area of the country. The step up plan of merit raises is for working people. These folks deserve their merits. He says these folks put their life on the line everyday and they deserve this increase. He wants to keep the best available police officers for Dover as he does with employees in his own business.

Tom Hardiman of 5 Lock Street commented about a great Irish playwright, Brendan Behan, he had a quote on police officers. If he needs a police officer, he wants a competent one, he feels it is fair, we always want the number one basketball team and the number one football team. He wants the number one police department here in Dover. Also, he does not feel the contracts and bargaining should be open to the public. If we have a turnover in our police force and the pay is fair, the problem is in management. He strongly supports the collective bargaining process.

Jan Boyatsis of 30 Roosevelt Ave has seen an outline of the contract and the Dover Police Department does a fantastic job and she would like the contract passed.

Richard Hughes, of 51 New Rochester Road, stated this is the first contract to come before the new council, he commented on the agreement, he feels this is the first time that health insurance has been tied to this contract. This plan costs the city more than 1% of salary. He explained his concept of the contract.

Laura Carter, 46 Maple Street stated the bottom line is the police department does an outstanding job. She supports what is before you and hopes they pass it.

Dom Domingo would like the raise approved. He lives at 5 Birch Drive and used to be a volunteer for the police department. This is only one phase of the contract that you have to face; firefighters will then want the same thing, then the city employees as well as the teachers. They do deserve these raises; they have super personnel. He asks for police surveillance when he goes away from his home and the police were checking in with him when he arrived home. You can depend on them at any time. He continued about different circumstances that showed he needs the police department. Mr. Domingo went on about other incidents. He wants them to seriously take a look at this contract before you vote.

Doug Conway – 41 Glenwood Ave. Mr. Conway supports the police contract; he is on a retired income now as well, he asked for their vote on the contract.

Eric Sweetser, President of Save Dover organization. Mr. Sweetser will speak for entire organization; he urged council to vote in favor of the contract. This contract is about public safety, respect and trust. A police officer's chance of returning home each day unharmed is lower than his chance. He wants the council to vote in favor of the contract. To vote in favor of this contract will show that you respect them enough to pay them a fair and living wage. This vote is about trust. The DPA negotiated in good faith and they trusted the city to do the same. To vote against that contract would belittle that trust.

Bob Letourre of 25 Birch Drive thanked the Mayor and council for bringing forth the contract negotiations agreement into the public. He has problems with this contract. The parody is against inflation and the cost of living adjustment (COLA). He sees a this as a clear attempt to use the COLA as a real pay raise. The City Manager agrees that the COLA figure is 4.3%. He continued about the CPI. Mr. Letourre asked why is the City of Dover so eager to pay an unrealistic amount. He proposes a different standard of reality. He urged the council to reject this COLA figure. This contract is not in the best interest of the citizens of Dover. There is a minimum cost of living increase for all 3 years of this contract. The Dover Police Department is better paid than Portsmouth or Rochester. If the police get

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5.5%, this year and 3.0% for the next two years, this is a 9% pay raise. He feels the contract needs to be renegotiated.

He hopes this council does not prove to be the old council with new names and new faces. The taxpayers have trusted you with their votes to put their interest first.

Lisa Dudley – 121 Glen Hill Road. Ms. Dudley is a mother and she has volunteered at the Police Department. She believes in the police. She believes Dover is the best place to live.

Kathy Derby – Henry Law Avenue. Ms. Derby stated we need to make sure the citizens are safe. We need to be sure both sides come away from the bargaining table having met their obligations. She is in support of the contract. Ms. Derby wants all the councilors to state how they will vote and their reason why.

Peter Schmidt – 53 Fourth Street. He is in support of this contract. One of the biggest concerns the old council had was the cost of health care. He feels good faith contract negotiations occurred. He urged the council to vote for this contract.

Chris Jacques – 24 Atlantic Avenue. He is here in support of this contract.

Lloyd Melanson – 413 Dover Point Road. He feels if this contract is passed, the council needs to look at not spending the money on something else down the road.

Seeing no other speakers, the Mayor closed the Public Hearing.

3. RESOLUTION:

A. Resolution RE: Bargaining Agreement Between the City of Dover and the DPA Local #466. Sponsored by Mayor Alex Nossiff, by Request.

Christenbury moved to adopt, seconded by Tweedie. Dunnington stated he feels this has been a difficult process. We must ask ourselves what are our priorities in this city. For 22 years he has worked in the court system, the city has one of the finest police departments in the State of New Hampshire. The department is not because of the facility that we don't give them. It is the people that work there. We should not have to cut this contract but he will be looking at future spending. He enjoys the quality of service that we have here. You get what you pay for. We owe it to the police department to support this. If we throw this package out, we will sit here for 3 years and not go anywhere.

Hofemann came with two prepared statements. One pro and one con. He read the pro; there is no question that they do deserve a justifiable raise. The taxpayers expect the councilors to keep the taxes down. He will vote to return this contract to the negotiators though.

Hindle stated some perspective as he was on the past council. He has reviewed every expenditure that has come along; he listed what he has voted against. We are looking at 15 cents for the public works garage, and this contract is about 6 cents. Hindle will support this contract; he reviewed the numbers, as he was on the last council. With regards to Mr. Melanson, he will look beyond this contract this evening. He we look at other requests such as the recreation department. We must also put into perspective that we received a visit from President Clinton. The City had to pay for the Secret Service, which is unfortunate. He will support this contract primarily because the last council did not heed his

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call to table all the contracts to this council. To vote this contract down, would be fiscally detrimental to the City of Dover and taxpayers.

Whitmore mirrored the comments of Hindle and Dunnington and assured everyone that came out tonight she has weighed the options of compromise, respect, and value. In compromise everyone is not going to be happy, she believes it is about respect and we respect the Police Department. We will look very hard in other ways to save money in this budget. It is in the best interest of the City of Dover.

Tweedie feels we are looking at a snapshot in time this evening. This will be going on well after we leave, we are trying to take care of our employees. We are also are trying to take care of our taxpayers money. He feels this contract was negotiated in good faith. We want to expand the tax base. We want to get more land on the tax rolls so more revenue will be raised. He will support this contract.

Christenbury says congratulations to the Mayor on getting the information out to the citizens this evening. The Mayor will probably disagree with him tonight. This is not about right or wrong, this is about managing our greatest asset, our people. He will be supporting this contract tonight. He goes down memory lane stating he used to work for Captain Hughes and with firefighter Conway. He also had to work a second job at that time. Somewhere in the 1980s and 1990s, the council decided they weren't going to have the firefighters and police working another full-time job to survive. We should not force our police officers or firefighters to work two jobs. We require them to live within 10 miles of town; they can't afford \$300,000 houses. Where he works the pay is actually higher. The State of New Hampshire only requires eight hours of training per year to be a police officer, but not in Dover. In the first year, this contract will cost \$98,000. Christenbury has told the police chief to find this money in his budget. He respects everyone who came here tonight, as well as, the councilors that will oppose him tonight. We are making a significant step forward in paying for the insurance. He will support the contract.

Quigley feels everyone should have a pay raise every year within reason. He will not be voting for this contract. He gave examples of the numbers. We don't have to pass this tonight. The City Manager and Assistant City Manager are taking their marching orders from the prior council. There is nothing saying we have to pass this tonight. There is not a shortage of police officers in Dover. We have not given any direction to the management team. He will not vote for the contract until we come to some better language. He can not support it. We have criticized the prior council, but this council has done nothing.

Taylor came listening to everything tonight. She agrees with what Quigley says until he got mad. She too will vote against this contract.

Nossiff will ask that this vote be postponed for several reasons. He is a gradualist and does not act until he has to. He mentioned what was shared with him this afternoon. There is no emergency on this vote tonight. He has never seen a contract passed so far in advance as the last 3 contracts have. Second, in taking this vote we will not be bound when we deliberate future contracts that are coming up. Third, he has regrets about the process and he needs to talk to the citizens about this. Nossiff commends his brothers and sisters on the council for looking into the camera and explaining why they will be or will not be voting for the contract. He says we have only met one time to discuss this contract in full attendance. We have an opportunity to not have our hands tied and if he as a 22-year attorney can not understand it, he wants people to know this.

Nossiff wanted to have a third meeting tonight at 6:30 p.m. Not enough councilors showed up. Nossiff has spoken to Hindle, Christenbury, Taylor, Quigley, Hofemann, and Whitmore. Tweedie did not return

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his call. The rules state a person calling the meeting must have 5 signatures or the City Manager can call the meeting. The councilor that he spoke to yesterday raised the procedural defect and we were unable to hear from the City Manager or the City Attorney. The effect of the tactic that was used tonight is an attempt to obstruct the meeting. Is this for the good of the city? It gets better; he received a phone call this afternoon questioning if the Mayor can vote here in the City of Dover due to ordinances and state laws. This issue is extremely serious; he now questions the authority of Mayor Boc. Suffice it to say we have an atmosphere of chaos here this evening. Nossiff stated he can not support a vote here this evening.

Attorney Wattendorf explained the background starting in 1985, in 1998 we elected a Mayor directly by the people. This indicates the Mayor can only vote to break a tie. An amendment was passed, but the amendment requires that it go back to the people for a charter vote. This rule is being researched. Nossiff says on the basis of that, he requests that this vote be moved to another meeting to continue the meeting to the next regularly scheduled council meeting, seconded by Quigley and Hofemann. Quigley asks if we postpone this vote with the 60-day rule for this contract, what are we placing in jeopardy here? Wattendorf says he is a member of this contract, so he defers to the City Manger.

Mr. Beecher wants to talk to an outside attorney on this. He does feel an unfair labor practice suit will be filed against us. This 60-day period will expire this Friday. Dunnington asks Wattendorf, as the law stands now, the Mayor can not vote unless it is a tie? Wattendorf explains how his vote may be challenged. Dunnington stated this does not sound ambiguous here, if that is what the law is. The Mayor does not vote unless there is a tie.

Christenbury says there is a motion to table. Quigley has a problem with previous votes and asked does it affect prior contracts? He wants a professional opinion before the council goes forward on this.

Wattendorf stated he has requested legal advice form NHMA.

Christenbury says he understands, but 5 people are going to vote for this. Nossiff stated he wants to vote. He was elected by the people of the City and this is not crystal clear. Tweedie agrees with Dunnington. The Mayor can not vote unless there is a tie.

Nossiff withdraws motion.

Wattendorf's advice to the Mayor is to only vote if there is a tie. He has not had a chance to look at legislative history or case law on this issue. He would like 48 hours and he does not feel comfortable giving a final decision tonight.

The City Manager recommends that given the city attorney statements to avoid a potential lawsuit, he wants to postpone this meeting until Friday.

Christenbury moves the question.

Motion passed on a roll call vote of 5-3. Hofemann, Quigley and Taylor opposed.

Other:

Quigley wants feedback on setting some type of direction to the administration on the cutting budget and to give some direction to the City Manager and Assistant City Manager. Nossiff asks that the City Manager show us a level funded budget in a couple of weeks, seconded by Hofemann and Whitmore.

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Christenbury wants to be able to inform the school board with the fiscal committee. Dunnington does not have any problem with this. He wants the City Manager to keep the level funding in mind. The City Manager is aware of the direction this council wants to go.

Whitmore offers that we are going to have to offer a level funded budget so they can take more cuts. The City Manager says based on what they, the department heads, feel they need to have to level fund. Some categories are going down. He explained his theory on the hierarchy of needed services here in the city. He will give 3 or 4 scenarios for them to look at.

Christenbury and Quigley each know there is \$3 to \$4 million as a set fee from the school already. Bills will be coming fast and furious.

Hindle feels we should look at the actual budget before us and take some type of scheme on our approach. The school board has gone line item by line item and has reviewed and completed 85 pages to date.

The City Manager clarified we still need to reschedule the dredging to the 20th of March, he feels this is critical for the new councilors to hear this. He feels it is imperative that we attend this workshop. Hindle stated he will have to cancel his TAC committee meeting.

4. OTHER BUSINESS

5. ADJOURNMENT

Taylor moved to adjourn, seconded by Quigley. Motion to adjourn passed by all at 9:05 p.m.

WORKSHOP

RIVERFRONT DEVELOPMENT AND COCHECO RIVER DREDGING UPDATE –

Rescheduled for March 20, 2002.

Judy Gaouette
CITY CLERK