



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, January 27, 2010**
Meeting Time: **7:00pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

Moment of Silence was observed during the Workshop.

3. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was held during the Workshop.

4. ROLL CALL ATTENDANCE

Present: Mayor Myers, Deputy Mayor Trefethen, Councilor Carrier, Councilor Cheney, Councilor Cruikshank, Councilor Garrison, Councilor Hooper, Councilor Nedelka, Councilor Weston.

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

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Councilor Cheney asked to remove Item 13.B.4.; seconded by Councilor Weston.

Vote: 9/0.

Councilor Hooper asked to add the School Board Report; seconded by Councilor Cruikshank.

Vote: 9/0.

Councilor Cruikshank made a motion to accept the amended Agenda; seconded by Councilor Nedelka.

Vote: 9/0.

7. PUBLIC HEARINGS

A. CHAPTER 3, ADMINISTRATIVE CODE, BOARDS AND COMMISSIONS – JOINT FISCAL COMMITTEE

SPONSORED BY DEPUTY MAYOR TREFETHEN AND COUNCILOR WESTON

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

8. CITIZEN'S FORUM

Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

David Montenegro, 55 Union Street: He stated that his comments were aimed at the experienced members of the Council. He said the City needed to learn to follow the laws, because they weren't just for citizens. He said there were laws that regulate how the City can



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operate, and he has seen over and over again City officials ignore the laws when it's convenient. He referred to RSA 91-A, the Right to Know Law, which allows citizens to gain access to public records. He said he expressed concern about the placement of surveillance cameras in City buildings, which passed at the last Council meeting, and filed an RSA 91-A Request for Information about this surveillance system. He said the City Attorney denied his request. He said he felt this should be public information, and the public has a right to know how the government of this City is spying on the people. He said this isn't the first time that the City has failed to comply with an RSA 91-A Request. He has had at least four requests denied. He found it appalling at the City's outright violation of the law. He said if he doesn't have the requested information in his hands tomorrow he will be suing the City of Dover. He already had the petition written. He said he was a patient man, but he was giving the City one last chance. He said it wasn't a threat, but a promise that he will be filing this suit bright and early Friday morning if the City doesn't reply or promise to reply to his requests. He said this flagrant violation of the law has to stop.

Douglas DeDe, 143 Locust Street: He commented on the weekly legislative report. He sent the Council an email regarding HB 1335, and said he is in opposition to the opinion of the City Manager and New Hampshire Local Government Center. It is their position that this will make real estate more fair, by adding the income that a property produces to the assessment formula. He didn't agree. He outlined to the Council and the press that income produced by a property is always a part of the process, and then that process determines the sale price. Therefore, the income is already a part of the assessment. He said to add this income in as a further element in this process is the same thing as taxing someone for the view that they have. He said it was a backdoor tax. He spoke about HB 1530, which he said probably wouldn't pass, because of pressure from the unions. He said it seeks to base retirement calculations only on regular pay. He said overtime, sick pay, car allowances, and calling allowances would no longer be a part of the calculation. He said if this passed it would go a long way to solve the insolvency of the New Hampshire retirement system. He said 7% of the people of New Hampshire are benefitting from the NH retirement system, which means that 93% are not being represented when the legislature does not support issues like this. He referred to HB 1128 and HB 1274, which reestablish some of the things that were taken away from the towns and cities: rooms and meals taxes and other revenue sharing. He said the public needs to hear what the towns and cities are being forced to pay by the State, and how the State is actually renegeing on what they promised to do. He referred to HB 1255, dealing with the principle of proportionality. He said he would submit to the City Clerk a letter he sent to the Judiciary Committee. He read a part of the letter into the record.

William Hunt, 245 Back Road: He spoke in favor of the conservation easement on Back Road. He said it was an important piece of land and should be preserved. He referred to the survey that was completed and people's comments to keep open lands.

Donna Layton, 161 Back Road, Chairperson of Dover Open Lands Committee: She was present to urge the Council's support for the resolution authorizing the Conservation Commission to purchase an interest in a 27.96 acre property on Back Road. She introduced Dwayne Hyde of the Nature's Conservancy.



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Dwayne Hyde, Director of Land Protection for the New Hampshire Chapter of the Nature's Conservancy: He discussed the 28 acres of beautiful and ecologically significant property off Back Road, with 1900' frontage on the Cochecho River, and over 500' frontage on Back Road. He said the Nature's Conservancy is purchasing this property on behalf of the Great Bay Resource Protection Partnership for \$1.25 million, which is well under the appraised value of \$1.65 million. He said their funds were not adequate to cover the purchase price, and that is why they are asking the Council for \$250,000 from the City's Conservancy Fund, 20% of the purchase price. He said with a favorable vote from the Council, they will purchase the property in February, and then transfer ownership of the property to New Hampshire Fish & Game. The City will hold conservation restrictions on the property, but it would allow for wildlife habitat management, hiking trails, and even a parking lot.

Ronald Huml, 199 Mast Road: He spoke about the tax cap and how the City/School computed it. He said the -0.4% CPI number should be used. The base numbers 207.342 in 2007, and 215.303 in 2008 came up to 3.8%. In 2009 it decreased by .776. He asked what will happen next year if the City doesn't use the decrease this year. He asked if they will go back and count it towards an increase next year, because the base has gone down to 214.537. He said it should be recorded as a decrease, which amounts to \$113,843 for the City/County, and \$124,288 for the School. He said it wasn't fair to use zero, and he didn't read anywhere that it could be zero, and felt the City could be liable if it isn't corrected. He spoke about the Arena's budget, which has done a great job holding down costs. He noticed going through the budget that they had sufficient excess funds to cover the bonds and interest, but no funds were put in to cover the energy savings contract, which are 34%. He felt that it should have been either in the savings of the arena or as additional revenue to cover that part of the bond. He said they are trying to break even, but he would like to see the budget modified to include the energy savings contract. He said he received a few letters from concerned citizens, and one of their biggest concerns is the wages of the two top employees in the library, and felt \$235,000 for wages and benefits for two employees is too much money.

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

9. CITY MANAGER'S REPORT

City Manager Joyal discussed two items on the budget that he wanted the Council made aware of that he will continue to monitor: overtime and salaries that were not anticipated to continue. He said they have continued to hold the two police officers for the Downtown patrol, and the current budget does not have sufficient funds allocated to continue with those positions. He said they are looking at deferring a purchase of a police car, or trying to minimize or delay some expenditures elsewhere in the budget, which is something that he felt the City shouldn't do, but didn't have a choice. He said they were trying to keep the Downtown patrol intact, but they were still not aware if the City would be receiving the grant funds to cover the employ of these two officers. He didn't want to lose the officers and then find out shortly afterwards that they received the grant. He said the second issue had to do with overtime in the Fire Department. He said they have two employees who are being deployed overseas. He said Fire Chief Plummer is working on hiring a firefighter to help with coverage. He said it is the City's policy



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that the two employees continue to receive benefits while they are providing service to the country. He said this is something they will have to make accommodations for at year end. He wanted the public to be made aware that there will be a Dover Discussions meeting on February 11th, at 6:30 pm, in the cafeteria at the McConnell Center. He hopes to get some feedback about priorities as they pertain to the budget. He said he has invited citizens from Wards 1 & 2, but anyone was welcome.

Councilor Cheney asked the City Manager about the Citizen's Forum's comments regarding the 91-A requests.

City Manager Joyal said he was aware of threats of litigation, and he will not speak to that issue. He said the City is very conscientious about responding to all 91-A requests. He said there are certain governmental records that either do not exist and cannot be provided, or are related to confidential matters, which may include security of public facilities, legal opinions, and certain internal records that relate to personnel performance evaluations.

Councilor Cheney asked about Mr. Huml's comments about -0.4% versus zero.

City Manager Joyal explained that the tax cap was modeled after the City of Laconia's tax cap. He said no one expected the negative CPI number. He said that they have been informed that Laconia will be using 0% in their formula, and the language in the tax cap only discusses the increase. Therefore, they have decided to use 0% in the formula, which resulted in the City having \$38,000 allowed in their tax levy, and the School Department will be allowed \$180,000 in their tax levy.

Mayor Myers asked the City Manager to explain the energy efficiencies showing up in the Arena's budget.

City Manager Joyal said the Council chose to absorb the Arena Fund into the General Fund. As a result of that, all of the expenditures for the Arena Fund are part of the General Fund. The energy improvements are being made based on fund; the Sewer Fund and the General Fund are paying for their share. The improvements made at the Arena will see a savings that will be reflected in the budget for the Arena on the expense side of the equation. He said these savings will essentially be what pays for the costs of making the improvements over the next several years.

Councilor Garrison referred to the two employees being deployed overseas and continuing to pay for their benefits. He asked if that included wages and all benefits.

City Manager Joyal said they keep them whole, in terms of their wages, but one of them is actually making more in the service than with the City. He said the City will continue to pay their health and dental. He said the retirement is not paid.

Deputy Mayor Trefethen asked about the base numbers in the tax cap, and the fact that the City doesn't use them. He said there would be no "making up" as they go along.

City Manager Joyal said they only use the percentage number that the Department of Labor calculates.

Mayor Myers invited Economic Development Director Dan Barufaldi to speak to the Council. Mr. Barufaldi gave a presentation to the Council on the accomplishments of the Dover Business and Industrial Development Authority (DBIDA) for the past 10 months.

Councilor Garrison asked if the Enterprise Park Tenants Association was a financial obligation or a committee that oversees what happens in the park.



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Mr. Barufaldi said the covenants for the park indicate that the tenants at some point will take on the landscaping of public areas. He said the Association, in combination with DBIDA, would govern the rules in the park, and DBIDA will have veto power for about 15 years.

Councilor Garrison asked if they pay maintenance fees for common areas.

Mr. Barufaldi said only on their property. He said this was the first year they had a landscaping crew in there to enhance the look of the public property. They also have three new signs.

Councilor Hooper asked about retail and empty stores..

Mr. Barufaldi said retail was suffering everywhere, but they have been able to help some companies improve their performance. He said there weren't many empty stores.

Mayor Myers said Mr. Barufaldi has done a tremendous job in a short period of time.

Deputy Mayor Trefethen moved to accept the City Manager's Report; seconded by Councilor Hooper.

Vote: 9/0.

10. APPROVAL OF MINUTES

A. January 6, 2010 – Workshop

B. January 13, 2010

Deputy Mayor Trefethen moved for the approval of the Minutes; seconded by Councilor Weston. Councilor Cheney referred to Page 7 of 9 of the January 13, 2010 and said she had a few corrections/additions. She referred to 13.B.3., the second sentence, "several" should be seven. She wanted to add her quote after "Krans.": "She said, "I am submitting the two letters I have from the attorneys, past JBC appointment lists, with the supporting resolutions for the record."" She referred to Page 8 of 9, after the Mayor asked her if she was planning to abstain. She wanted to add her quote: "If that resolution is currently the resolution on the floor it is a violation of my oath of office; yes." She referred to the bottom of the page, "During the oath of office," should be changed to "During my oath of office." She referred to "I swore to the regulations," and said it should be "I swore to the rules and regulations." The last change is between New Hampshire and the Charter, it should be "and the Charter."

Mayor Myers asked Councilor Cheney if she had these in writing to submit to the City Clerk.

Councilor Cheney said she would submit them to her.

Mayor Myers asked the Council if they had any objections to the changes. He went over the rules for minutes and the need for changes, which should be submitted to the City Clerk 24 hours prior to the meeting so there can be verification made. He said he was willing to look at these changes tonight. He also wanted to state that the minutes were not verbatim, but a summary for someone to get the gist of what occurred, because there are audio and video recordings available.

Deputy Mayor Trefethen said he will not be voting for these changes. He said he sees no reason to insert the language that could potentially be used in support of legal action. He said it doesn't need to be inserted because the exact wording is available on audio and video recordings.

Councilor Cheney said she did speak with the Clerk about not getting these changes to her sooner, but she felt as a courtesy and the only vote she has abstained to, that the record should reflect, and she quoted; "I respectfully request that the Council just update the minutes, and she will get the exact quotations from the record."



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Mayor Myers said he would be willing to support the change of several to seven if it was separated out, but he agreed with Deputy Mayor Trefethen's remarks. Councilor Cheney said she is just asking for a few verbatim quotes to be included in the minutes. Mayor Myers said there were two options: separate out the changes and vote on them, or table the January 13, 2010 minutes.

Councilor Cheney said she would be in favor of tabling the minutes.

Mayor Myers said it would be up to Councilor Cheney to submit the changes to the City Clerk, and the Council will have an opportunity to review the exact submissions.

Councilor Nedelka made a motion to separate the two meeting minutes; seconded by Councilor Cruikshank.

Vote: 9/0.

Mayor Myers asked for a vote on the January 6, 2010 – Workshop minutes.

Vote: 9/0.

Councilor Cheney made a motion to table the January 13, 2010 minutes until the next meeting; seconded by Councilor Carrier.

Vote: 8/1; Passed. Deputy Mayor Trefethen was opposed.

11. MAYOR'S REPORT

Mayor Myers asked for volunteers to serve on the Skyhaven Airport Commission and Arts Commission. He also asked for a Council liaison for the Arts Commission. He asked citizens who are interested in serving to contact the City Clerk's office. He attended Elizabeth Bennett's 100th birthday party last week at Watson Fields. He attended the Goals Setting meeting with the Council, and felt a lot was accomplished. He was 1 of 9 judges at the Cochecho Arts and Technology Academy's Poetry Out Loud competition. He attended the annual Greater Dover Chamber of Commerce dinner/award ceremony. He congratulated Phil and Donna Rinaldi as citizens of the year, Dover Rotary as non-profit organization of the year, Jewelry Creations as small business of the year, and Liberty Mutual as large business of the year. He attended his first Municipal Advisory Committee meeting at the Local Government Center. He thanked Federal Savings Bank and the Chamber of Commerce for hosting yesterday's Economic Outlook Breakfast Forum. He did several ribbon cuttings for the Chamber of Commerce. He said he'll be having one of his Coffee with the Mayor sessions this Saturday, at 9:00 am, at Café on the Corner.

Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Councilor Cheney.

Vote: 9/0.



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12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 3, ADMINISTRATIVE CODE, BOARDS AND COMMISSIONS – JOINT FISCAL COMMITTEE

SPONSORED BY DEPUTY MAYOR TREFETHEN AND COUNCILOR WESTON

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston. Deputy Mayor Trefethen said this was a complete replacement for the previous ordinance. He said the dates have been changed from the original version to better meet the timeline for the School Board.

Roll Call Vote: 9/0.

Mayor Myers asked the Council if they wanted to suspend the rules to move Item 13.B.3., because he felt the citizens in the audience were waiting for it to be discussed and voted on. Councilor Cheney made a motion to suspend the rules to move Item 13.B.3. up to be discussed at this point; seconded by Councilor Hooper.

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of Item 13.B.3.; seconded by Councilor Nedelka.

Deputy Mayor Trefethen clarified that the \$250,000 the City is contributing to this purchase does not come from property taxes, but from the fees collected from land that was taken out of current use and put into the Conservation Fund.

Roll Call Vote: 9/0.

B. ORDINANCES IN THE 3rd READING - None

C. RESOLUTIONS

1. RESOLUTION: ADOPTION OF FY 2011-2016 CAPITAL IMPROVEMENTS PROGRAM

SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Nedelka. Mayor Myers referred to the handouts on the Councilor's desks, which was a substitution based on the consensus that was reached last week. He said there was a consensus to take the \$200,000 under Community Services Heavy Equipment and change the funding source from Operating Budget to Reserve Finance. The second change was to push each segment of the Tolend Road/Watson Road project back a year. The third change was to reduce the amount to \$100,000 for the Amanda Howard Park under Culture and Recreation. The fourth change was anticipating adding a capital reserve sometime in the future for the parks under Culture and Recreation.



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Councilor Cruikshank made a motion to substitute the changes as a whole; seconded by Deputy Mayor Trefethen.

Vote: 9/0.

Councilor Garrison submitted a letter from Richard Long, 11 Fairview Avenue, into the record, and discussed it with the Council. He made a motion to amend the line item to improve the Amanda Howard Park back to \$200,000 and move the year back to 2014; seconded by Councilor Weston.

Councilor Cheney asked Councilor Garrison if he would agree to a friendly amendment to change the amount to \$150,000, and keep it a year earlier.

Councilor Garrison said that would be fine. Councilor Weston also agreed.

Mayor Myers asked for a vote on the amendment.

Vote: 9/0.

Deputy Mayor Trefethen said the Planning Board recommended that the Council review all the School Projects in the out years. He said the Planning Board wanted to voice their concerns with the numbers and have a discussion about it.

Councilor Weston said she was against pushing out Tolend Road. She referred to the 2007-2012 CIP where Tolend Road/Watson Road was on it, and that due to increases in the price of asphalt the cost has gone up \$500,000. She felt the City would be saving a substantial amount by coordinating the sewer and road reconstruction project, which would mean not pushing out the reconstruction a year.

Mayor Myers said the engineering work has just started a few weeks ago on this project, and the costs will be refined.

Councilor Weston made a motion to amend and shift Tolend Road/Watson Road back to 2011-2012, and amend the dollar amount back to \$2.5 million from \$2 million; seconded by Councilor Cheney.

Councilor Hooper asked how the clean-up of the Tolend Road Landfill is going to affect the road.

City Manager Joyal said there wouldn't be any significant truck travel. He said the sewer is being done this summer, and the road construction wouldn't be done until after that. He said they ideally wanted to let the sewer line sit for a year and then construct the road in the next construction season.

Mayor Myers said he doesn't want to move this project because he realizes that it needs to be done, but this was moved to save the money.

Councilor Weston asked the City Manager if the City has changed their philosophy to coordinate sewer and reconstruction projects together. She said there were parts of the road that were disintegrating and won't be there in the spring. She officially wanted to mention a pothole in front of the Towle property that needed immediate attention.

City Manager Joyal said the City typically does a project in consecutive construction seasons, because it allows for settling of the sewer line. He said the City does fill potholes and does not want to give the impression that the City allows the roads to be dangerous.

Mayor Myers asked for a vote on the amendment.



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Vote: 2/7; Failed. Councilors Cheney and Weston voted in favor.

Councilor Cheney made a motion to move the \$30,000 engineering study for catch basins to 2012, and the second piece for \$150,000 to 2013. There was not a second.

City Manager Joyal discussed the staff opinions on projects in the out years. He said the staff is comfortable with moving Broadway's reconstruction out one year; \$200,000 to 2013, and \$2.5 million to 2014. He said Broadway's water project for \$500,000 should also be moved to 2014.

Deputy Mayor Trefethen made a motion to amend the Broadway project; seconded by Councilor Hooper.

Vote: 9/0.

Councilor Nedelka made a motion to increase the amount to \$2.5 million for the Tolend Road/Watson Road project in 2012; seconded by Deputy Mayor Trefethen.

Vote: 9/0.

Councilor Hooper made a motion to adopt the Resolution as amended; seconded by Councilor Garrison.

Roll Call Vote: 7/2; Passed. Councilors Cheney and Weston were opposed.

2. RESOLUTION: APPROPRIATION FOR FY2011 CAPITAL IMPROVEMENTS PROGRAM AND AUTHORIZATION FOR BONDING SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Cruikshank.

Deputy Mayor Trefethen moved to remove Item #1, \$2 million for the Tolend Road/Watson Road project; seconded by Councilor Cruikshank.

Vote: 7/2; Passed. Councilors Cheney and Weston were opposed.

Deputy Mayor Trefethen moved to remove Item #2, \$200,000 for the Broadway project; seconded by Councilor Cruikshank.

Vote: 9/0.

Councilor Hooper made a motion to adopt the Resolution as amended; seconded by Councilor Garrison.

Roll Call Vote: 7/2; Passed. Councilors Cheney and Weston were opposed.

3. RESOLUTION: APPROPRIATION FOR FY2011 CAPITAL IMPROVEMENTS PROGRAM – NON-DEBT FINANCED PROJECTS SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Cruikshank.

Roll Call Vote: 9/0.



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4. RESOLUTION: REAUTHORIZATION OF GENERAL FUND CIP APPROPRIATION OF ENERGY EFFICIENCY PROJECTS AND AUTHORIZATION FOR BONDING SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Weston. Mayor Myers said this was back before the Council because of a technicality. He said nothing has changed from what was voted on months ago. Roll Call Vote: 8/1; Passed. Councilor Cheney was opposed.

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. RESOLUTION: AUTHORIZATION TO ENTER INTO AGREEMENT FOR DEPARTMENT OF JUSTICE GRANT SPONSORED BY MAYOR MYERS BY REQUEST**
- 2. RESOLUTION: B10023 CUSTODIAL SERVICES @ MCCONNELL CENTER SPONSORED BY MAYOR MYERS BY REQUEST**
- 3. RESOLUTION: COMPUTER EQUIPMENT STATE OF NH CONTRACT WITH DELL SPONSORED BY MAYOR MYERS BY REQUEST**

DRAFT

COMMITTEE REPORTS

- | | |
|--|---|
| 1. School Board Liaison | 6. Arts Commission |
| 2. Planning Board | 7. Solid Waste Advisory Commission |
| 3. Appointments Committee | 8. Transportation Advisory Commission |
| 4. Recreation Advisory Committee | 9. Joint Building Committee – Horne Street |
| 5. McConnell Center Advisory Committee | 10. Joint Building Committee – Woodman Park |

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

Councilor Garrison asked to remove Item 13.A.1.

Mayor Myers asked for a Roll Call Vote on the remaining items of the Consent Calendar. Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved to adopt item 13.A.1.; seconded by Councilor Garrison. Councilor Garrison discussed his conversation with Police Chief Colarusso. He said after receiving the Police Chief's assurances about this issue he fully supported this Resolution. Roll Call Vote: 9/0.



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B. RESOLUTIONS

**1. ESTABLISHMENT OF PARKS IMPROVEMENT CAPITAL RESERVE FUND
SPONSORED BY COUNCILOR NEDELKA AND COUNCILOR CARRIER**

Deputy Mayor Trefethen moved to refer to a Public Hearing on February 10, 2010; seconded by Councilor Cruikshank.

Vote: 9/0.

**2. INFILTRATION AND INFLOW REDUCTION DESIGN PROJECT SILVER STREET
UNDER SPAULDING TURNPIKE AND UNDER ROUTE 155
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Nedelka.
Roll Call Vote: 9/0.

**3. RESOLUTION: AUTHORIZATION FOR THE PURCHASE OF AN INTEREST IN
PROPERTY USING CONSERVATION FUNDS BY THE CITY OF DOVER
CONSERVATION COMMISSION
SPONSORED BY DEPUTY MAYOR TREFETHEN AND COUNCILOR NEDELKA**

Motion was made to suspend the rules and move up on the Agenda to after Item 12.A.1.

**4. RELEASE OF ATTORNEY OPINIONS DATED 9/4/2009, 12/21/2009 and
12/24/2009
SPONSORED BY COUNCILOR CHENEY**

Councilor Cheney withdrew Resolution.

C. ORDINANCES IN 1ST READING

**1. CHAPTER 3, ADMINISTRATIVE CODE; 3-73 MCCONNELL CENTER ADVISORY
COMMITTEE
(TO BE REFERRED TO A PUBLIC HEARING ON FEBRUARY 10, 2010)
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved to substitute as a whole; seconded by Councilor Weston.

Mayor Myers said the substitution change was to remove alternates on the committee.
Deputy Mayor Trefethen moved to refer the substituted resolution to a Public Hearing on February 10, 2010; seconded by Councilor Weston.

Vote: 9/0.

14. COUNCIL CORRESPONDENCE – None



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15. COUNCIL MATTERS OF INTEREST

Councilor Cheney said a lot of the Councilors ran their elections indicating that they wanted to be independent, open and transparent, and civil. She said part of that is to disclose information that is circulated among the Council. She said she would like the Council to get a handle on what is covered and what is not covered under RSA 91-A. She referred to the New Hampshire Attorney General's memo and discussed how everything is open to the public, and every department is subject to RSA 91-A. She also discussed that if the City feels threatened by a lawsuit or claim, that those records have to be kept at the City Clerk's office for a minimum of ten years. She discussed confidential memos received from the City Attorney, an attempt to circumvent disclosure, and the following Resolutions to release them.

Mayor Myers reminded the Council of the February 6th orientation at the New Hampshire Local Government Center.

16. ADJOURNMENT

Deputy Mayor Trefethen moved to adjourn; seconded by Councilor Cheney.
Vote: 9/0.

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