



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: Workshop Session  
Meeting Location: Council Chambers, City Hall  
Meeting Date: **Wednesday, August 1, 2012**  
Meeting Time: **7:00 pm**

1. CALL TO ORDER
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE

Councilor Garrison led the Pledge of Allegiance.

#### 4. ROLL CALL ATTENDANCE

**Present:** Mayor Trefethen, Deputy Mayor Carrier, Councilor Cheney, Councilor Crago, Councilor Garrison, Councilor Hooper, Councilor Weeden, and Councilor Weston.

**Also Present:** City Manager Joyal, General Legal Counselor Krans, and City Clerk Lavertu.

#### 5. DISCUSSION

Deputy Mayor Carrier moved to suspend the rules to have a Citizen's Forum after each topic of discussion, with a 3-minute time limit; seconded by Councilor Cheney.

Roll Call Vote: 4/4; Failed. Mayor Trefethen, Deputy Mayor Carrier, Councilors Garrison and Hooper voted in favor.

Mayor Trefethen asked for a roll call vote for 5-minute time limit.

Councilor Cheney motioned for a point of order, stating they don't have to vote for five minutes, because it's the Council rule.

Councilor Weston said the motion was to have a Citizen's Forum after each topic of discussion.

Roll Call Vote: 5/3; Passed. Mayor Trefethen, Councilors Garrison and Hooper were opposed.

##### A. SKATE PARK PRESENTATION

Recreation Director Gary Bannon gave a presentation to the Council regarding the relocation of Dover's Skate Park.

The Council discussed the new location, size of the park, and funding opportunities.

Director Bannon said they are researching grant opportunities. He said he was asking for a consensus for the site and to continue with creating a plan for the skate park.

#### CITIZEN'S FORUM

*Citizens are invited to speak on the subject matter of the Skate Park. Statements shall be limited to five minutes.*

**Joseph Tenuta, 262 Longhill Road, Recreation Advisory Board Chairperson:** He said the Recreation Advisory Board strongly recommends the site for the new skate park.

**Mary Hebbard, 97 Spruce Lane:** She said this was about the money to fund this project, and felt the presentation should have shown more where the money was coming from. She felt the funding should be obtained before any commitment is made.



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**Stephen Stripto, 9 Sonnett Street, Skate Park Subcommittee Member:** He said they were confident that they will get the money through donations. He said the location of Maglaras Park is a perfect fit. He said it can be done in phases.

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

Mayor Trefethen said the City Manager and Recreation Director are looking for direction from the Council on whether they approve of the relocation site.

Councilor Weeden referred to the payment the City will be receiving from the Waterfront development project since they have not started work on the development, and asked if it could be used to pay for the skate park.

City Manager Joyal said the contract with the Dickinson Developers calls for a \$10,000 payment starting at the end of August if they had not started work on the waterfront. He said the Council can use the funds as they wish.

Mayor Trefethen asked for a show of hands for a consensus vote on the relocation site.  
Vote: 9/0.

### **B. CREDIT CARD / ATM POLICY**

Finance Director Daniel Lynch and Treasurer Julie Labonté gave a presentation to the Council regarding implementing a credit card / ATM policy.

The Council discussed the different options, fees, and volume requirements for ATM machines.

Councilor Weston shared her experiences with ATM machines, and suggested purchasing the ATMs. She suggested separating out the ATM machines as three RFPs.

Director Lynch explained more in depth the process with the City's current software to process credit card payments. He said the first step that they have started is to work with the State of New Hampshire to become a one check establishment for motor vehicle registrations. It has been recommended to wait a few months to get that established and they will start to implement credit card/ATM use. He hopes to have this process completed by the beginning of 2013. He spoke about the 2.95% convenience fees and said he was looking for direction from the Council regarding who would pay for the convenience fees.

Mayor Trefethen talked about electronic payments as an option.

Director Lynch said the City doesn't have an electronic payment option in our software.

Mayor Trefethen talked about the recent change in the law to allow the City to take credit cards and ATMs.

Councilor Garrison said he felt the public should pay for the convenience fee, but he would consider a split in the fee between the City and public.

Councilor Cheney spoke about her concern for additional staff time to process and reconcile these payments.

Treasurer Labonté talked about the additional work involved for the staff, and said most of it in the beginning will be learning the process.

Councilor Weston talked about the Durbin amendment and said the City should look into a third party payment processor.

Director Lynch said the City would be working with a third party processor.



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Councilor Weston asked if the City's software will be upgraded to protect the customer's information.

Director Lynch said the City will be PCI compliant.

Mayor Trefethen asked for clarification on who will get charged the convenience fee.

Director Lynch said for all online payments the City is allowed to charge a convenience fee.

He said Visa will not allow a convenience fee be charge for over the counter payments.

Mayor Trefethen agreed with the crawl method that the Finance Director is suggesting. He doesn't feel the taxpayers should pay for this convenience.

### **CITIZEN'S FORUM**

*Citizens are invited to speak on the subject matter of the Credit Card/ATM Policy. Statements shall be limited to five minutes.*

**Mary Hebbard, 97 Spruce Lane:** She spoke about the locations for the ATM machines. She discussed the different options. She was concerned with security. She didn't see the need for these in any of the City's facilities.

**Arthur Burke, 2 Union Street:** He asked several questions: Is this change absolutely necessary? What are the advantages for the City? What are the advantages to Dover citizens? Will this change, especially in regards to property tax, tempt people to add to their financial debt? Should public space be occupied by a private entity? Why was legislation changed to allow use of credit card payments? Would a convenience fee be double taxation? Would this be a wise practice?

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

Mayor Trefethen said he would ask for a consensus vote on the three options for ATM machines:

Councilor Cheney said she will be abstaining because she has a potential conflict of interest. Councilor Weston clarified that if the City does purchase the machines that there is a service agreement to maintain the machines.

Consensus Vote: 8 in favor.

City Manager Joyal said he wanted to know if the Council wanted his staff to continue to pursue credit cards, and then if they want the City to absorb the convenience fee or pass it on to the customer.

Credit Cards: 8 in favor.

Service Fees passed on to customer: 7 in favor.



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### C. CITY CHARTER AUTHENTICATION

Councilor Cheney gave a presentation to the Council regarding the authentication of the City's Charter.

Councilor Crago suggested to the Council that they fix it and move on. He said if Chapter 5 wasn't compliant then moved it back to be part of Chapter 3. He said the Council shouldn't waste time on figuring out how it happened.

City Manager Joyal strongly suggested that they get advice from an attorney, recommending Attorney Loughlin. He said the information and history the Council has been given is disconnected. He urged the Council to tread carefully.

Councilor Hooper supported the City Manager's comments. She said they needed an expert in this field. She spoke about the undertones of Councilor Cheney's presentation that this might have been done deliberately or nefariously. She agreed with Councilor Crago's comment that it should be fixed and the Council move on to the business of the City.

Councilor Weeden agreed with Councilor Crago that they should fix it and move on. He said he wasn't a lawyer, but he could see that the ordinance was not in the correct format and therefore it's not legitimate. He said they are paying a lot of money for General Legal Counsel Krans and they don't need to attain an outside attorney.

Councilor Cheney said the ordinances have to be set in place before the Council can authenticate the Charter. She said they don't need an attorney, because it's a Council matter.

Councilor Garrison said he felt there has been an accusing manner in these presentations. He said there has been some conflicting information and they should bring in an attorney. He said they should look at it, but doesn't feel they should just make these changes.

Councilor Crago spoke in favor of Councilor Cheney's suggestion to put together an ordinance committee. He said the City would save the money for an outside attorney.

City Manager Joyal said there are source documents that have the exact wording of the Charter, but they don't have the signature page from the Council. He said the same is true with all the ordinances. He said the Council needs to read Councilor Cheney's updated version of the Charter, agree that it's correct, and sign the cover page to authenticate it. He referred to the green books of the Charter and Code that the Council received in December and said it shouldn't have been given them, because they are not a complete version of the ordinances. He spoke about the intent of previous Councils when they adopted ordinances. He stressed again that they needed an expert attorney to look that this issue.

General Legal Counsel Krans spoke about the administrative code changes in 2010. He reminded the Council that nine elected officials, after a public hearing, voted to change the ordinance. He said the issue is – does the fact that the ordinance didn't have the proper form negate the action of the Council that evening. He doubts the people were confused about what they were voting on.

Councilor Weston moved to suspend the rules to continue discussions past 10:30 pm; seconded by Councilor Crago.

Roll Call Vote: 9/0.



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Deputy Mayor Carrier said this issue is now bigger than one Councilor. He said the information doesn't always line up. He said Councilor Cheney brought forth valuable information, but it's beyond her expertise. He said he was uncomfortable with the fact that a lot of the top key players have been kept out of the loop with her research.

Councilor Cheney said she didn't see the rush to authenticate the Charter.

Councilor Crago said he will put forward a resolution to put Chapter 5 back into Chapter 3. He also recommended that General Legal Counselor Krans give a workshop to address some of these issues.

Mayor Trefethen said he wasn't convinced that it was the right course of action. He said the Charter is ready to be authenticated and asked Councilor Cheney if she would vote to authenticate it.

Councilor Cheney said she didn't think the voters would want this Charter.

Mayor Trefethen asked Councilor Cheney if the words of the Charter are correct.

Councilor Cheney said it wasn't. She felt a committee needs to be put in place.

Mayor Trefethen paused for a brief recess.

Councilor Weston said the City Manager Joyal, General Legal Counselor Krans, and City Clerk Lavertu were supposed to review Councilor Cheney's version of the Charter, and asked if that took place.

City Manager Joyal said he asked the City Clerk and General Legal Counselor to review the Charter over the weekend. He said he has not asked them for anything more until Councilor Cheney said it was her final version.

Councilor Weston said she felt the Charter should be brought before the Council to be authenticated, and a committee formed to get started right away on the City's Code. She felt it could be completed within the six month time period.

Councilor Weeden agreed with the Mayor and Councilor Weston that the Charter should be authenticated next week. He supported the resolution to form a committee to work on the Code, and he also supported the ordinance to put Chapter 5 back into Chapter 3.

Mayor Trefethen said he was in favor of taking this one step at a time.

Councilor Cheney asked for a public hearing.

Mayor Trefethen asked if they needed to advertise it.

City Manager Joyal said it didn't need advertising and would be put on the next City Council agenda.

### **CITIZEN'S FORUM**

*Citizens are invited to speak on the subject matter of the City Charter Authentication. Statements shall be limited to five minutes.*

**David Montenegro, 55 Union Street:** He spoke about the other people who left. He suggested that the Citizen's Forum should have been moved to when they suspend the rules at 10:30 pm. He said the Charter can be authenticated, but said the administrative code may not be valid. He said they should just pass another ordinance to reverse the previous ordinance. There would be no need to hire an attorney or create a committee.



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

### 6. ADJOURNMENT

Deputy Mayor Carrier moved to adjourn; seconded by Councilor Weston.

Vote: 9/0.

Handouts will be archived with these minutes.