



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 10, 2008**  
Meeting Time: **7:00pm**

### 1. MOMENT OF SILENCE

### 2. PLEDGE OF ALLEGIANCE

Councilor Dede led the Pledge of Allegiance.

### 3. ROLL CALL

**Present:** Mayor Myers, Deputy Mayor Trefethen, Councilors Callaghan, Carrier, Cheney, Dede, McCusker, Scott, Weston.

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

### 4. PROCLAMATIONS – AWARDS

### 5. APPROVAL OF AGENDA

Councilor Cheney made a motion to move 11.C.8., 11.C.9., and 11.C.10. to after the Mayor's Report; seconded by Councilor Scott.

Vote: 5/4; Passed. Mayor Myers, Deputy Mayor Trefethen, Councilors DeDe and McCusker opposed. Deputy Mayor Trefethen moved to substitute 11.C.1. as a whole.

Vote: 9/0.

Mayor Myers moved to add the Appointments Committee Report.

Vote: 9/0.

Councilor Weston moved to proceed with the Public Hearing, 7.G. Ordinance: Chapter 166-53 Schedule F Vehicles and Traffic, but refer 11.A.1., on the same topic, to a third reading on September 24, 2008.

She said it would allow for a special stakeholders meeting on September 15, 2008 with the Transportation Advisory Commission.

Vote: 9/0.

Councilor DeDe moved to add the McConnell Center Oversight Committee Report and the Cable Access Committee Report.

Vote: 9/0.

Councilor Scott moved to refer 11.A.2. to a third reading on September 24, 2008.

Vote: 3/6; Failed. Councilor Callaghan, Cheney and Scott voted in favor.

Deputy Mayor Trefethen made a motion to accept the agenda with the approved changes; seconded by Councilor Cheney.

Vote: 9/0.

### 6. 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.*

**Marilyn Follansbee, 25 Dover Point Road:** She said it was good to see a full Council. She thanked everyone who went to vote in the State Primaries. She requested that more people offer to help out at the polls. She wanted to thank the department that put up the banister and fence along the walkway at Route 108, where it meets Central Avenue or Stark Avenue. She said when the Councilors ask the City Manager or the City Attorney a question, and they give an answer, that means they know the answer. She said she has seen enough meetings that if they say they don't know, they then say they will look it up. She said the Councilors argue with the City Manager and the City Attorney, and the night goes on and on. She said they are paid to know the answers to the questions, and not to spend hours arguing a



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point that you have been told is not legal, or it is State or County regulated, and the City cannot change it. She said it is their job to keep up on laws and regulations, and she felt they deserved to be given a little more trust. She said we are governed by laws, rules and regulations and shouldn't expect to get everything our own way. She told the Council not to belabor all the points, and they can get out by 10:30.

**Harvey Turner, 4 Auburn Street:** He wanted to say some good things. He has been seeing a lot of great things happening in Dover. He said the Jenny Thompson Pool was mobbed when he went past there a few weeks ago. He said that last winter when he went to the Ice Arena it was packed. He said he goes to the McConnell Center twice a month and said it was a wonderful building. He said he goes to the Library with his daughter and there is always a small crowd. He said downtown Dover looks great. He said there have been several arts shows, and the Apple Harvest Festival coming up on October 4, 2008. He said the Children's Museum is open and was really cool for kids and adults. He said he has noticed other cities working on their own tax caps and how it showed leadership by example. He said the sidewalks in the North End are nearing completion, and he has already seen a lot of people using them. He said he was proud to be a Dover resident. He said his daughter will be a kindergarten student next year, and he is very happy that it is Dover kindergarten.

**Peter Allen, 43 Old Rochester Road:** He spoke on the contract the Council voted for on July 9, 2008 for natural gas. He hopes the Council will look at changes in the future, because he felt there were many flaws in the way the City approached this contract. He went over the background of this issue. He said last year the City contracted with Metro Meter Energy (MSI) for a fixed price and a fixed amount of gas each month. If the City purchased more or used less, it was bought or sold on the open market. He said that was called a swing price. He said the bid last year was for a \$1.13 per therm +/- the swing price. He said this year, in an effort to save more money, because the contract last year saved the City about \$40,000 from when the City was buying it from Northern Utilities, the City, School, and Dover Housing Authority were combined and came up with about 919,000 therms the City would be purchasing. He said this was sent out to bid and the City only received one bid back, from the City's current provider. The Council decided not to go with the bid because of the swing price. The next time there were two bids, one from Metro Meter and the other one from Santa Buckley, which was recommended. He said it was a true fixed price regardless of how much gas was used, \$1.715 per therm. He said the other bid was \$.14 cheaper per therm or \$128,000 less, and he believed the Council chose not to go with that because of the swing price. He referred to last year's bid of \$1.13, and said at the end of the contract it came in at \$1.11. He felt the City has lost \$128,000, and maybe more. He said the Council should look at some changes. One; to go with a fixed price for a variable amount of gas, that company has to put in a huge buffer zone, especially with today's market. He said another option is to do shorter contracts. He said there was also NYMEX PLUS, which was a New York Merchants Exchange, and they set the price for natural gas, and the City does a fixed price with a spread on it. He said another option is to buy back out the City, the School, and the Dover Housing Authority, and let them have a contest to see who can do better. He said he knew the Dover Housing Authority paid the City for the bid, to help them out, believing that the combination of the three would give them the better price of \$1.71. He said Rochester Housing Authority is paying \$1.45, and they are not paying anybody a fee to get that. He also felt that having a set date of coming before the Council to approve it doesn't lend to the natural gas business. He said the biggest problem the Council had was that they weren't listening to the people giving advice. He said he has been buying gas for four years now with the same company the City received it from, and their advice to him was not to sign a long term contract right now. He said this company saved the City \$40,000 last year, and if the City listened to them now he felt the City could have saved \$600,000 this year. He said he was looking at a contract for January, February and March for \$1.11 per therm. The City is going to be paying \$1.71. He said he listened, and he didn't feel the City's purchasing department did.



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**Jeffery Brissette, 11 Fieldstone Drive:** He said he came to continue his discussion about the gravel pit. He said the gravel pit was the single largest revenue source the taxpayers had. He said using Severino Trucking's estimate of 200,000 cubic yards annually that they extract, that should be bringing the City \$1 million minimum at \$5.00 per cubic yard, versus the \$320,000 that the City receives according to the amended contract. He said he found it interesting that Doug Steele, Community Services Director, didn't know how many days were left of the 45 days in the contract, and Mr. Steele also told him that he didn't know the specifics of the contract. He said keeping track of the contract specifics should be important to the City Manager. He referred to Paragraph 3 of the amended contract; regarding additional contracts that the City Manager agreed to that Severino Trucking wanted in order to agree to the new contract. The contracts read: Severino Trucking agrees to pay to the City of Dover the sum of a \$1.60 per cubic yard starting January 1, 2008, with the following factors taken into consideration: a discount for the wholesale extraction of materials on a volume basis. He said he thought the City was already paying the wholesale volume price. He said they also were looking for a discount for the operation of the day-to-day activities of the pit, including operation cost, equipment, loading, and personnel costs. He spoke on the reclamation of the pit, and said there was no top soil left in the pit, and it was sold for their benefit. He asked if the City had a bond with the contractor to insure that the pit will be reclaimed when all the materials are gone. He said his other big concern is quantity verification with the gravel pit, which is currently done by field survey and truckloads. He just doesn't see how it is done accurately. He also spoke of the gravel pit next door, Dover Sand and Gravel, and the request for them to fill in the bottom of the pit floor, because they had dug too deep and the water table was exposed. He said they complied with the requirement, but there are filling it in with concrete. He said according to the EPA, concrete can be treated as common fill, as long as it is not contaminated, and he asked how the City knew it wasn't contaminated. He asked if there had been any testing. He passed pictures to the Council.

**Edward Bleiler, 28 Isaac Lucas Circle:** He said he was amazed that the City Manager was given a pay raise last week. He gave the Council his version of the City Manager's evaluation. He said the City Manager was not interested in the job, but just to be named the interim city manager, and incredibly he became the only candidate; cost: \$160,000 a year in salary and benefits. He ended the employment of a police lieutenant by giving him guaranteed health benefits for life, but this employee was not entitled to the benefits; cost: \$300,000. He said the City Manager quietly paid the lieutenant a severance, and when it was discovered, he claimed he did it with the City Council's knowledge, but when most of the Council couldn't remember, he admitted he didn't tell them until eight months after the payoff; cost: his credibility. He said as Human Resources Director and City Manager, he paid the health insurance for life for two ineligible widows of retired City employees, and did this for 10 years; cost: \$50,000, unknown, never disclosed. He said the City Manager negotiated and promoted a lease of the Butterfield Gym for \$1 per year for sixty years, but left the City responsible for damage repairs over those sixty years; cost: \$650,000 in the first year, with 59 years to go. He said it should be noted that the City Manager let the City Council read the lease for the Children's Museum for three hours before demanding a vote on a 60-year deal. He said the City Manager was in charge of an \$8 million project to improve the McConnell Center, but eliminated replacing the roof shingles as a cost saving measure; cost: maybe \$40,000. He said the City Manager has promoted spending \$4 million in dredging and waste containment at the waterfront as absolutely needed for development, but has ignored a public marina as part of the plan; cost: \$4 million federal, local and county funds. He said the City Manager has referred to citizens asking legitimate questions about city business as the underground, and has not identified who these people are; cost: a divided city. He said the City Manager held secret meetings for six months to discuss the reopening of the Tolend Landfill and entered into an exclusive contract with a waste company without public knowledge; cost: \$25,000 in legal fees and the loss of trust of the Tolend Road neighbors. He said the City was successfully sued because the City Manager ordered the unlawful removal of citizens from public boards, violating their civil rights; cost: \$64,500. He said the City Manager held and participated in



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secret meetings of the Waterfront Core Committee; cost: violated RSA 91.A and forfeited the trust of many Dover citizens. He asked how the City's new Councilor could vote for any pay raise for the City Manager without the information he just presented to the Council. He said he had hopes the new Councilor was his own man, and not one of the good ol' boys. He said we needed a Sarah Palin in Dover. He referred to the Butterfield Gym and said he felt he should have been more specific when he said costs. He meant the total cost of renovating the armory, including what the contractor is looking for, above what the City Manager has told the City; including the cost of renovating the McConnell Center to accommodate the gym relocation; the cost of moving the gym to the McConnell Center; the amount of lost revenue from taking rental space at the McConnell Center, rent being charged to the Recreation Department for the Butterfield Gym in the McConnell Center; loss of revenue that taxes would generate if the building was sold to the Children's Museum; and lastly the loss of funds that would have been paid to the City of Dover if the building was sold to the Children's Museum. He said the estimate is between \$4.5 million and \$8 million that the City lost. He also asked how the Council likes the Comcast contract that the City Manager negotiated. He said the City Manager is doing a wonderful job for Dover.

**Michael Greenwood, 38 Maple Street:** He said he was waiting to speak, but felt he had to speak now after hearing Mr. Bleiler's comments. He said the new City Councilor was his new City Councilor, and lives right down the street from him. He said to accuse the City Manager of these accusations -- these same three people -- he watches them speak meeting after meeting after meeting, and bring up the same things 50 times. He said the City Manager answers it, but they leave way before the City Manager gets to answer what they're asking for. He said he was sure the Council reads what the City Manager gives them. He said he has called the City Manager and he gives him the information. So he didn't know what everyone else was saying when they say the City Manager doesn't provide the information to them.

**John Scruton, 99 Sixth Street:** He spoke of a conversation he had with a friend on why he didn't come to Dover anymore, and his friend replied that there were too many traffic lights. He said there should be a sign as you enter Dover that says there are 134 mile of roads in Dover, they are well maintained, but they are New England roads, meaning they are narrow and crooked. The City keeps adding more and more lights, backing up traffic. He said the town of Seattle, Washington put in over 700 traffic circles and they are having great success with them. He said Keene, New Hampshire is having success with their traffic up there, and he doesn't know what their planning department is doing. He said the City is not looking out for the pedestrians, because there are a lot of areas that are nowhere near pedestrian safe. He said Washington Street, from Henry Law Avenue, on down to Central Avenue, need center islands so you only cross half the street, because it's impossible to cross the whole street. He referred to Councilor Keays' request for a traffic impact study in the Henry Law Avenue area, and an air quality check, and he never got it. He said air quality is becoming more and more important. He said he felt the City could do a lot better with getting ideas, because there is more out there than just traffic lights. He said they needed to respect neighborhoods, because people go into quiet neighborhoods to avoid traffic lights.

**Peter Menounos, 720 Central Avenue:** He said he lives at the intersection of Central Avenue and Brick Road. He said he has almost been hit several times walking his puppies up on the sidewalk. He said the speed limit was supposed to be 30 mph, and using his speed gun for measuring baseballs he said the cars are going a lot faster. He said when cars turn on to Brick Road or into his driveway, the cars go around them and up on the curbs. He said the City put in higher curbs, but the drivers still go over the curb. He said the City did put up speed limit signs, but he felt the City needed to either monitor the speed or put a restricted speed sign up. He said he doesn't want to get killed when they come up over the sidewalk. He asked the Council to look into this problem.



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**Harvey J. Lynch, 26B Lincoln Street:** He said he was concerned about the Local Government Center, and asked how it helps Dover. He asked if the Local Government Center was a group of lobbyists that support Dover. He read a statement written by Adolf Hitler for his leaders into the record.

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

### 7. PUBLIC HEARINGS

#### A. RESOLUTION RE: RENAMING OF LONG HILL ROAD EXTENSION TO SANDY LANE SPONSORED BY COUNCILOR WESTON

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

#### B. RESOLUTION RE: RENAMING OF VARNEY ROAD EXTENSION TO LAURA LANE SPONSORED BY COUNCILOR WESTON

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

#### C. RESOLUTION RE: FISCAL YEAR 2009 BUDGET- AMENDMENT #1 SPONSORED BY COUNCILOR MCCUSKER AND COUNCILOR TREFETHEN

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

#### D. RESOLUTION RE: DISSOLUTION OF ARENA FUND INTO GENERAL FUND - FY09 BUDGET AMENDMENT #2 SPONSORED BY COUNCILOR TREFETHEN

**Edward Bleiler, 28 Isaac Lucas Circle:** He said he felt the Council was not curing the problem of the Arena by moving it into the General Fund. He said there are only two cures for the Arena: raise prices so they're making a profit, or sell the arena to a private enterprise that will run it in a profitable fashion, which will bring tax revenue.

**Ray Bardwell, 199 Spur Road:** He referred the Council to his handout. He said there has been a lot of talk about the Children's Museum making Dover a destination City. He said the Arena is already a destination site. During the winter months 7,500 people a week are at the Arena. He spoke of the outdoor ice rinks that the City flooded for kids to skate, and how they were dependent on Mother Nature. He said the controlled indoor system they have now is wonderful. He said the mistake they made was to say the facility would generate enough profit to give \$15,000 back to the City. He asked if a human life was worth less than that. He said to keep the Arena, clear the mess up and move forward.

**Jan Nedelka, 169 Dover Point Road, Member of Arena Commission:** He said no matter where the money goes the goal of the Arena will still be to try to break even or make a profit. He said this year they were in the black. He said anybody who says the rates haven't been raised was a liar. The rates have been raised 10% a year. For a child playing Dover Youth Hockey it costs about \$1,700 a year. He referred the Council to the handout, Pending Master Plan for the Recreation Department, and said they did a survey, which showed the Ice Arena was the second most used facility in the City.



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**Harvey J. Lynch, 26B Lincoln Street:** He said he recalled a year that the Council wanted to take \$3 million off the books for the skating arena, and asked if this was another way to bury all the money that is being lost.

**Jeffery Brissette, 11 Fieldstone Drive:** He said all the surrounding communities that have ice arenas are profitable and felt someone should find out what those communities are doing that Dover is not.

**Samuel Allen, Jr., 46 Watson Road:** He said he was involved with the Arena Construction Project. He said the City and Council have been talking a lot about Economic Development in the City. He said the Arena brings 400,000 people to Dover each year. He said the businesses look for handouts from the City to save their businesses, make them more profitable, but those businesses don't support the Arena. They don't support it with advertising, specials, or anything else for the people coming to the City. He felt that the City needed to be more serious about the resources the City has. We need to protect them, we need to develop them, and we need to make sure that they are maximized. He said the amount of money spent on the Arena is money well spent, and it brings people to Dover during a time of year when they wouldn't normally come here. He said the Council needs to approve this, and it's been a long time overdue.

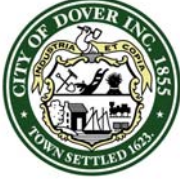
Mayor Myers, seeing no one else wishing to speak, closed the Public Hearing.

### **E. RESOLUTION RE: NAMING OF THE LIBERTY NORTH END FIRE STATION SPONSORED BY MAYOR MYERS BY REQUEST**

**Harvey Turner, 4 Auburn Street:** He said the City of Dover now has three fire stations. He said they all knew Liberty Mutual gave the City the land for the new North End Fire Station, but how many knew that part of the contractual agreement would be to name it the Liberty North End Fire Station? He asked the four councilors that were on the council at the time if they read the addendum that named the fire station. He said he lives in Dover North End, not Liberty North End. He said he was on the North End Fire Station Committee, and was unable to attend the meeting where this was on the agenda. He suggested that they dedicate the large vehicle bays wing to Liberty Mutual, with a plaque set into the woodwork, rather than renaming the whole building. He was surprised that Liberty Mutual wanted to do this. He thought they wanted their contribution to be anonymous. He said Liberty Mutual is not a monstrous assimilating egotistical company. He asked if Liberty Mutual really wanted to rename this building after them, a building all Dover taxpayers are paying for. He said it should be Dover First, since that is the slogan of the City. He said this needs to be brought to Liberty Mutual to find out if this is in fact what they want, or some other acknowledgment. He asked for the Council to table this Resolution, or vote no, and asked City Manager Joyal and Fire Chief Plummer to come up with other ideas. He felt his suggestion of a wing was enough.

**Marilyn Follansbee, 25 Dover Point Road:** She said North End Fire Station is an adequate name. She thought Mr. Turner's suggestion of a plaque was a good idea. She thought that Liberty North End Fire Station was a little much.

**Samuel Allen, Jr., 46 Watson Road, Chairman of North End Fire Station Committee:** He said he felt like he was having an out-of-body experience, because Mr. Turner didn't know what he was talking about. He said this issue was brought to the Committee at the very first meeting when they were presented with the agreement that had been signed by the City of Dover with Liberty Mutual. He said they could certainly discuss whether or not the agreement should have given the naming



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rights of the station to Liberty Mutual, but at the same time the City entered into an agreement that was signed by the City and Liberty Mutual. He felt strongly that the agreement had to be honored, but with that said the naming of a City facility still is the sole responsibility of the City Council. He said the North End Fire Station Committee agreed that the agreement be honored, and deferred the matter to the Council. He said as a child he was taught to extend gratitude when you receive a gift, be respectful, and accept the gift in the spirit in which it was given. He wanted it on the record that Liberty Mutual has never asked for anything in return, has not forced the naming issue, and has remained low key yet responsive to every request that they have had from the Committee. He reviewed the project with the Council. He said Liberty Mutual provided a free 3-acre parcel of land providing the access and location the City desired for a fire station, valued at \$300,000-plus. He said without this gift it was doubtful the fire station project would have moved forward. He said they donated the initial site design, and they provided a consultant to help the City work through various DES issues. He said they granted a 30-foot wide easement, traversing 1,500 feet across Liberty land, to allow the City to connect to their private sewer line, thereby allowing for future expansion onto Glenwood Avenue. They also agreed to pay \$10,000 for the sign. He said not to forget that they are the largest employer in the area and have robust plans to continue their operations. He said Liberty North End Fire Station shows our patriotism, but also shows our thanks for the generous contribution. He asked the Council to consider this name.

**Edward Bleiler, 28 Isaac Lucas Circle:** He said if Liberty Mutual had given the City the fire station, he would agree to name it after them. He said he asked Fire Chief Plummer to go with him to see the President of Liberty Mutual and ask them to pay for the whole station. He said it would have been a drop in the bucket for them, and he felt they would have done it. He said the City gave away a beautiful piece of property on Indian Brook Drive to James Jalbert of C & J Trailways, another good ol' boy. He said that land was supposed to be the land for the new North End Fire Station. He said Liberty Mutual gave the City a piece of property that is not comparable to what the City gave away. The piece of property was originally a junkyard, and is on the list for polluted spots in Dover. He said it would have been better to keep the City's land, and allow the citizens of Dover to name it.

**Jeffery Brissette, 11 Fieldstone Drive:** He said he wanted to echo Harvey Turner's comments and everything he said. He said he could not see Liberty Mutual feeling slighted if the Council or a representative of the Council went to them and asked them what they wanted.

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

### **F. RESOLUTION RE: INCREASE IN PRICE FOR DOVER TRASH BAGS AND TAGS SPONSORED BY COUNCILOR DEDE**

**Peter Menounos, 720 Central Avenue:** He said he was totally against this, and did not know why it was even proposed. He said he works for the Probate Court and works with people who are right on the line, paying for medicine, paying heating oil, and now we're going to nickel and dime them with trash bags, and he felt it was ridiculous. He said he listened to all the money that supposedly was spent between gravel, gas, and everything else, and he felt the trash bag issue ought to stand until next year, because these people are going to have to make choices. He said the people sitting at the table didn't have to make that choice, and he felt to nickel and dime these people on the edge is a bad thing to do at this time.

**David Dinzeo, 24 Birch Drive, Chairman of the Solid Waste Advisory Commission:** He said the Commission made the recommendation to increase the bag prices by \$.10 for the small bags and



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\$.15 for the large bags, and \$1.00 for the bulky item tags. He said the City is in the fourth year of a five year contract, and needs to maintain the fund balance. He said if they don't raise the prices the fund balance will be in the red by \$85,000. He said the City entered into this contract five years ago and had a little bit of a sticker shock. He said with fuel prices and diminishing landfill areas the City can expect some higher prices. He said they are trying to position the City for that as well. He said he would like to keep the fund balance at a level that helps with day-to-day operations and keeps them from drawing from the General Fund.

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

**G. ORDINANCE: CHAPTER 166-53 SCHEDULE F VEHICLES AND TRAFFIC  
SPONSORED BY COUNCILOR WESTON**

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

**H. ORDINANCE: HENRY LAW AVENUE ONE WAY  
SPONSORED BY COUNCILOR WESTON**

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

### 8. CITY MANAGER'S REPORT

City Manager Joyal said he just wanted to bring up one item to the Council's attention. He referred to Councilor Callaghan's request on the status FY2008, June 30<sup>th</sup>, Expenditure and Revenues. He said the City is at a point now where we are reconciling numbers with the audit. He referred the Council to the 3-page document. The first page was basically an analysis of the change in the unreserved fund balance for the General Fund. He said the City is projecting that the balance in the General Fund will increase by just shy of \$500,000, which is a result of revenues exceeding estimates in the budgets by \$523,000. He said to subtract out \$163,000 of user fund balance, which leaves a net increase of \$360,000, caused by revenues. He referred to the expenditures, which were under budget by \$1.3 million and there are certain items that will carry forward into next year, that accounts for \$800,000. He said the net out from that, the changes in cash requirements, totals \$445,000. There was deferred revenue that gets recorded every year for property taxes that remain unpaid, and that is \$330,000. This brings the City from a starting balance of \$5 million to an ending balance for Fiscal Year 2008 of \$5.5 million. He said the numbers were unaudited, and he will have finalized numbers once the audit is complete. He said there were several comments made during Citizen's Forum that were not factual. He asked Mr. Brissette to give him his list of concerns about the gravel pit because he found them interesting and wanted to follow up on them. He also wanted Mr. Menounos to know he will have someone follow up on the traffic issue on Central Avenue.

Councilor Scott said in July the Council was given four pages, which was revenue of major funds as of June 30, 2008, and expenditures of major funds. He said he would like to see what was given to the auditors, so he could understand it better, because based on what the Council was given it looked like there was \$1 million of revenue higher than budget, and from these figures expenditures substantially less than budget. He asked for a written report on that.

City Manager Joyal told Councilor Scott that he had explained this to him at almost every meeting since the question first came up, and asked him to turn to Page 28 of the City Manager's Report. He said he didn't know how to make it any clearer. The information that was presented on that page excluded certain items, and it is noted in the heading. The General Fund excludes the expenditures for the County,



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School and the Debt Service component. He said the new numbers that have been provided to the Council include those.

Councilor Scott asked for an update on this, of what you gave the auditors.

City Manager Joyal said if there are any changes to that he will provide them to the Council. He said as soon as the final audit is completed there will be a presentation by the auditors.

Councilor Scott said he hoped the changes by the auditors would be minor. He wanted to see what was given to the auditors.

City Manager Joyal said he hoped the changes would be minor. He told Councilor Scott that what he was looking at was what the auditors received in the City's preliminary statements.

Councilor Cheney referred to Page 3 of 31, under Recreation, 19 scholarships were granted. She asked how much was left of the \$20,000 in that fund.

City Manager Joyal said he didn't have that number, but he would get it to her.

Deputy Mayor Trefethen moved to accept the City Manager's Report; seconded by Councilor DeDe.  
Vote: 9/0.

### 9. MINUTES

- A. MINUTES FROM – August 6, 2008 (to be removed from table)**  
– August 27, 2008  
– September 3, 2008

Deputy Mayor Trefethen moved to remove from table the August 6, 2008 minutes; seconded by Councilor DeDe.

Mayor Myers said there was a change to a certain paragraph.

City Clerk Lavertu said it was changed to: "City Manager Joyal said Councilor Callaghan did not contact him..."

Mayor Myers asked for a vote on accepting the August 6, 2008 minutes.

Vote: 9/0.

Deputy Mayor Trefethen moved to accept the August 27, 2008 and September 3, 2008 minutes; seconded by Councilor McCusker.

Councilor Scott referred to the August 27, 2008 minutes, Page 4 of 28, Mr. Brissette's comments concerning the gravel pit. He said the minutes show \$1.3 million value remaining, and it's really only 1.3 million cubic yards remaining.

Deputy Mayor Trefethen made a motion to accept the minutes with the one change; seconded by Councilor DeDe.

Vote: 9/0.

### 10. MAYOR'S REPORT

He thanked the City Clerk and her staff for their work on the election. He reminded the Councilors that at the goal setting workshop, they were going to send him specific language to tie into certain goals. He said it's been a week and he hasn't heard from anyone. He spoke of the Parking Garage Committee meeting on September 4, and that there was going to be another one on September 11, 2008. He said the first public meeting didn't get a lot of posting time, and they're holding a second public meeting tomorrow, the Parking Garage Committee has asked that the Council extend their report time to October 15, 2008. He said Councilor Keays was the Council representative to the Recreation Advisory Board, and Councilor Carrier has indicated that he would enjoy serving on that committee. He said he attended several ribbon cuttings for the Dover Chamber of Commerce over the past couple of weeks. He said he attended the Tri-City Chamber Breakfast, with Dover, Rochester and Somersworth. He said this is National Assisted Living Week. He spent some time at the Wentworth Home and Langdon Place. He met with someone whose



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husband was the City Engineer, someone who actually filled an existing council term back in the 60's when someone was elected and had to relocate, and many of the people said they watch the Council meetings regularly on Channel 22.

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

Vote: 9/0.

**11.C.8. RESOLUTION RE: AMENDMENT TO COUNCIL RULES - RULE 10: FILING WITH CLERK (TO BE REMOVED FROM TABLE)**  
SPONSORED BY COUNCILOR CHENEY

Councilor Cheney made a motion to be removed from the table and for its adoption; seconded by Councilor Weston.

Councilor Cheney said the new language was on the Councilors' desks, and is not the one in the Resolution. The only change to Rule 10 was a housekeeping change, "the City Clerk will have available to each Councilor by noon on Friday." She said this does take a 2/3 vote of the Council and she would appreciate the Council's support.

Mayor Myers said amendment changes have to be in writing, unless there is unanimous support to allow the amendment. He asked the Council for a vote to allow the amendment.

Roll Call Vote: 4/5; Failed. Councilors Callaghan, Cheney, Scott, and Weston voted in favor.

Mayor Myers said the Council is voting on Councilor Cheney's changes submitted in writing. It needs a 2/3 vote.

Roll Call Vote: 9/0.

**11.C.9. RESOLUTION RE: AMENDMENT TO COUNCIL RULES - RULE 15: PROCEDURES AND FILING WITH THE COUNCIL (TO BE REMOVED FROM TABLE)**  
SPONSORED BY COUNCILOR CHENEY

Councilor Cheney made a motion to be removed from the table and for its adoption; seconded by Councilor Scott.

Councilor Cheney said this was brought to the Council in January, and she had worked with the City Attorney to get the language to a good point.

Councilor DeDe said this was actually unnecessary. He said the time guidelines were dealt with in the last motion.

Deputy Mayor Trefethen asked who would be delivering the materials to the Councilor's homes.

Councilor Cheney said she is not sure who would deliver them, but if they don't make the deadline the Councilors may individually opt to have the materials delivered. She said in January when the City Hall offices closed early and were closed on the following Monday, the Councilors didn't get the information, while other committees were having them delivered. She said a lot of this is available on the internet, so the Councilor might not opt to have the packet delivered to their home, but it was something that would be easier to do than not do, to make sure the Councilor has the materials.

Deputy Mayor Trefethen said he was concerned with two things. The first was the cost of having it delivered to the Councilors. His second issue was whether it was convenient to have it delivered at 2:30 in the afternoon on Friday, but if it's not available until 2:00 Saturday, then it is more than just the cost of the City employee, it's major inconvenience to the City employee. He said while it is true some boards have it delivered, most get it electronically, which the Council also does. He said he would not support this Resolution.



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Councilor Callaghan said he remembers only one time when the materials weren't ready when he came in to get them, and when he came back the City Hall was locked. He said he didn't think it was fair to make the Councilor come back.

Mayor Myers said he didn't think it needed to be a rule. He said the City Manager has said if any of the Councilors wanted to have their packets delivered them on an individual basis, to contact him and he will make arrangements. He said he would not support this Resolution.

Councilor McCusker said the Clerk could give it to Dispatch so the Councilors can still get them if they are coming in after hours. He said he wouldn't support this when there are so many other options that are available.

Councilor Weston asked the City Manager if he saw a problem with leaving the packets with Dispatch. City Manager Joyal said no, that would be fine.

Councilor Cheney asked for the materials for a Workshop the Friday before the meeting.

Councilor Dede asked to move the question; seconded by Councilor McCusker.

Vote: 9/0.

Roll Call Vote: 3/6; Failed. Councilors Callaghan, Cheney, and Scott voted in favor.

### **11.C.10. RESOLUTION RE: AMENDMENT TO COUNCIL RULES - RULE 15.2: COLLECTIVE BARGAINING AGREEMENTS (TO BE REMOVED FROM TABLE)** SPONSORED BY COUNCILOR CHENEY

Councilor Cheney made a motion to be removed from the table and for its adoption; seconded by Councilor Weston.

Councilor Cheney read the Resolution into the record. She said it specifically addresses a few issues, but mainly the issue that the Council has an Executive Session, is given the Collective Bargaining Agreement, and then the Council recesses to Council Chambers to vote on that Collective Bargaining Agreement. She said this will address the timeliness – the bargaining units will know that the Council received these agreements, after they ratify them, within eight days, in Executive Session. Then there won't be a vote that night by the Council, which enables the Council to look over the contract.

Councilor DeDe said he would not support this. He said there is an intimation that is implicit in this proposed Resolution that the Council doesn't get sufficient information, or that it is too hard to understand and make a decision. He said there are other issues that are peripheral as well. The Charter very clearly appoints the City Manager as the negotiator to work with the unions. The City Council's power is to review the cost of a contract, not the details. He said for the Council to become involved in trying to influence specific characteristics of an agreement is against the Charter, and it could constitute cause for a lawsuit by the Public Employee Labor Relations Board. When the City Manager has reached an agreement with the union, or the union says they want the agreement presented to the Council, as shortly thereafter as possible the City Manager has brought it before the Council. He said the cost items are clearly illustrated in a graph form. The City Manager explains the nature of the costs for all three years. He said the Council is told that they don't have to vote on it that night, and the Council isn't rushed into anything. He said he values the City's employees greatly. He said when an agreement is reached he doesn't want to see any barriers put in place.

Mayor Myers said he had a few concerns with this Resolution. He is concerned that the Council has to have an Executive Session just to be handed the document. He said it was his understanding that the City Manager has 30 days from when he reaches a tentative agreement to present it to the Council, and then the Council has 30 days to act on it. He said further down it says that a contract approved by the School Board shall be delivered to the City Council within one business day. He said first, he was not sure the Council has the authority to direct the School Board to deliver the Council a contract within one business day. Second he said it said the Council will vote on it one week later, and there might not be a meeting scheduled. He said he would not vote on this Resolution the way it stands. He suggested coming back to



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put something as simple as "any tentative agreement presented on the City Council Agenda shall automatically be referred to a second reading."

Deputy Mayor Trefethen said he supports the goals of this Rule change. He said the Council wants a chance to look at the contract and have time to digest it. He said the City Manager is aware of that and will probably do that. He said he had two problems with the wording of this Resolution. He said most of the rules here govern what the City Manager does, and they are supposed to be Council rules, not City Manager rules. The City Manager is very aware of the timetables that he needs to meet, and he has not missed one yet that he knows of, and he was sure that the City Manager will not miss one. He said the second thing, echoing what the Mayor said, dictates to the School Board what they are going to do. He didn't believe that the Council had any authority whatsoever to make a rule that tells the School Board how they are going to do their business.

Councilor Cheney made a motion to table the Resolution to clean up the language so that it will pass. She said it was very important. She said she knew the City Manager was doing a good job negotiating the contract, but the Council ultimately has to pass it.

Mayor Myers recommended that the change be killed, and submit a new specific language. Councilor Cheney said she would withdraw this change.

### 11. UNFINISHED BUSINESS

#### A. ORDINANCES IN THE 2ND READING

##### 1. ORDINANCE: CHAPTER 166-53 SCHEDULE F VEHICLES AND TRAFFIC SPONSORED BY COUNCILOR WESTON

Deputy Mayor Trefethen moved this to be referred to a Third Reading on September 24, 2008; seconded by Councilor Weston.

Councilor DeDe said he was fine that the stakeholders want to attend the Special Stakeholders meetings, but he wanted a letter sent to all the stakeholders, including the residents, along the roadways that are going to be impacted.

Councilor Weston said this meeting was posted. The residents can look at the Transportation Advisory Committee's agenda. She said the residents are aware that this is coming up. She said those same residents could have come tonight. She said they're having a meeting for the truckers because the City needs to notify them of the change. The residents are listening tonight, and they know we're going to have this next meeting, and she hoped that they would come.

Councilor DeDe said there wasn't one reference to a street name that was going to be affected in this Resolution.

City Manager Joyal said this will affect all of the City streets.

Mayor Myers asked Bruce Woodruff, City Planner, about notification.

Mr. Woodruff said the stakeholder meeting is meant for everyone. He said the public notice will be in Foster's Daily Democrat on September 11, 2008, notifying all residents of the City.

Councilor DeDe asked if there will be examples of the roads.

Mr. Woodruff said there would be a synopsis of what the Ordinance can do and what it is meant to do in the notice. He said this Ordinance will try to funnel all commercial vehicle traffic with a gross vehicle weight of 26,000 pounds or more onto State-numbered routes, State-maintained roads, or designated City streets where there is no other route for trucks to go. He said there will be no through trucking on local streets. He said that trucks that have a destination that is a local street, have to stay on the designated route until the last intersection to get to the destination.

Mayor Myers asked for a vote to refer this Ordinance to a Third Reading.

Vote: 9/0.

##### 2. ORDINANCE: HENRY LAW AVENUE ONE WAY



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### SPONSORED BY COUNCILOR WESTON

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

Councilor Weston said the City knows there is a traffic problem in the lower part of the City. She said the Transportation Advisory Committee (TAC) has tried and discussed on numerous occasions what could be done to improve traffic flow. She said Henry Law Avenue is under construction and people are traveling down Henry Law Avenue, up Williams Street, George Street, all the way out to Tennyson Avenue. She said what also works well with this is the City gains 16 parking spaces on the left hand side of Henry Law Avenue; there is a small drawing of this in the Agenda packet. She said she went down to the intersection of Henry Law Avenue and the lower part of Washington Street to observe the traffic, and said the situation right now is dangerous. She said if it does not work and causes more traffic problems, the Council always has the ability to change it back, but she felt the City needs to give this a chance.

Councilor DeDe said he spoke with a few people there and got their feedback on whether they thought this was going to be a problem. He said the biggest danger that exists at that intersection is pedestrians trying to cross the intersection in 15 seconds. He said changing the direction of Henry Law Avenue is going to make that a lot safer. He said as long as the City does a good job putting up signs and directing people to the Children's Museum and out, this is going to work. He felt it should have the Council's support.

Councilor Carrier said he has travelled that road many times over the years, and changing it to one way and gaining 16 parking spaces is definitely a great thing to have. He was concerned with people going down a side street; they go on to Central Avenue to go through town and there is a light there, and that area may back up with traffic there. He felt it was still a good thing. He said it will be safer for the people living in the elderly housing there. He said he would support making Henry Law Avenue one way.

Councilor Scott said it was worth a try, and does seem to solve some of the problems. He did have a few concerns. He said George Street is steep and he is concerned about the back up in the winter with snow on the roads. He was also concerned with impact on the people that live on Henry Law Avenue, both in Ward 2 and Ward 3, as well as Browning and Tennyson. They are going to see changes of traffic and they may not like that. He said to try it for three to six months and the Council can always change it if it doesn't work.

Mayor Myers said he would support this Ordinance.

Councilor Callaghan agreed that the intersection at Henry Law Avenue and Central Avenue was an awful place to pull out of, and he also agreed that the City had a need for parking. He said he couldn't see why the City can't fix the issue of pulling out on Washington Street with proper signalization. He said it was only five streets, and some metropolitan areas have many more roads. He was really concerned about the side streets being hills, and in the wintertime and snow, with people getting stuck and rolling back into each other. He felt that danger far outweighs what can be done with the intersection of Henry Law Avenue and Washington Street. He said he has always been in favor of the traffic going the other way. He said he wouldn't support this Ordinance.

Councilor Cheney said if this was going to be tried, it would be better tried later, perhaps after the bridge, when there is more of a loop. She said her initial reaction was not to support the Ordinance.

Councilor DeDe referred to the Councilors' comments about the timing of the lights. Councilor Carrier correctly pointed out that that can be a short light, and it will be very necessary for TAC to review the timing on the lights and the crossing pattern.

Deputy Mayor Trefethen said when looking at the traffic leaving the square and going away from downtown, he felt they consisted of two groups of people. The first, and predominant group, are



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people who live on the outer part of Henry Law Avenue, and they are using Henry Law Avenue to go from point A to point B. He said the second group of people are the people we're talking about, people we're concerned about, who are going to get stuck at the top of those hills in the middle of a snowstorm and they won't be able to budge. He said most of those people are there for one reason, to go to the Children's Museum. He said when there is a snow storm; people won't go to the Children's Museum. He said this Ordinance has his support.

Mayor Myers asked for a Roll Call Vote on the Ordinance.

Roll Call Vote: 6/3; Passed. Councilors Callaghan, Cheney and Scott were opposed.

### B. ORDINANCES IN THE 3RD READING – NONE

### C. RESOLUTIONS

#### 1. RESOLUTION RE: RENAMING OF LONG HILL ROAD EXTENSION TO SANDY LANE SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Councilor DeDe.

Councilor Weston said the City is trying to become 911 compliant with their emergency reporting system. She said TAC met with the people on the road and they chose the name Sandy Lane. She said none of the house numbers will change.

Vote: 8/0; with Councilor DeDe out of the room.

#### 2. RESOLUTION RE: RENAMING OF VARNEY ROAD EXTENSION TO LAURA LANE SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Councilor DeDe.

Councilor Weston said this was the same as 11.C.1. She said TAC met with the people on the road and they chose the name Laura Lane. She said none of the house numbers will change.

Vote: 9/0.

#### 3. RESOLUTION RE: FISCAL YEAR 2009 BUDGET- AMENDMENT # 1 SPONSORED BY COUNCILOR MCCUSKER AND DEPUTY MAYOR TREFETHEN

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

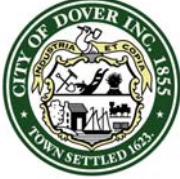
Deputy Mayor Trefethen spoke of the budget sessions and accommodating the increase of the County budget; the City Manager told the Council directly that one of the areas he reduced was road maintenance and general street and sidewalk improvements. He said the County has since revised their budget to a lower number, which means Dover pays them less money, which means the City has approximately \$64,000. He said this proposal moves the money from the County line item and moves it back to the general streets and sidewalk improvements where it originally came from.

Mayor Myers said as a reminder that this is not a budget override, but it still needs a 2/3 majority vote to pass.

Councilor Callaghan said the email indicated the amount of \$52,000, and the Resolution is for \$64,949, and he asked why the two numbers were different. He felt this required a workshop to sit down and hash out as a group, where we think the priorities are in spending this money.

Councilor Scott said he liked the idea about a workshop.

Roll Call Vote: 7/2; Passed. Councilors Callaghan and Scott were opposed.



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#### **4. RESOLUTION RE: DISSOLUTION OF ARENA FUND INTO GENERAL FUND FY09 BUDGET AMENDMENT SPONSORED BY COUNCILOR TREFETHEN**

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

Deputy Mayor Trefethen referred to Mr. Bleiler's comment that the building should be sold. He said it can't be sold because it sits on the Guppy Park Trust Fund Land, and has conditions that it is going to be used as a park, public recreation and public purposes, and not for private enterprise. He said the Arena was sold to the City incorrectly. He said they were told we will build it, people will come, we will make money, and this won't cost the taxpayers any money. He said the Arena was very close now, due to the efforts of the staff at the Arena, and the diligence of the Arena Commission. He said some months it is a few dollars in the black, and some months it is a few dollars in the red. He said the Arena is the only department that is expected to pay its own way, but when it runs a deficit the money comes from the General Fund. He said this Resolution brings the operation of the Arena Fund under the heading of the General Fund. Councilor DeDe said he was part of the Arena Committee a few years ago. He was part of it when the City Manager put out bids to get somebody to come in and run the Arena. He said the City has great recreation assets and this needs to become a part of that.

Councilor Cheney said this Resolution doesn't have a lot to do with whether or not you support the Arena. She said this Resolution is about taking the debt the Arena owes the City and taking it off of their books. She said the reason she will be voting against this has nothing to do with the Arena, but has everything to do with the truth. She said the truth is Dover has one of the highest bond ratings that is possible from Standard & Poor, an A+ rating. She says when the auditors come and see this minor blemish on our books that has to be paid, that it doesn't make it perfect. Councilor Scott said the Arena was a wonderful asset for the City of Dover, it is a wonderful recreation source for children, and he supports the Arena and its activities. He also complimented the people working on it, because he sees their revenue stream has increased very nicely. He said this is an Enterprise Fund, and the concept is to cover the costs. He didn't think the idea of transferring the debt off of the Arena and on to the General Fund was anything more than shifting of cost. He said he would oppose this Resolution.

Councilor McCusker asked either the City Manager or Daniel Lynch, Finance Director, to explain the accounting ramification of this change.

City Manager Joyal said it would still be its own separate cost center in the General Fund. You still will be able to see the revenues for the Arena. You will still see the expenditures. He said the change that Councilor Cheney alluded to is that the \$2.3 million that the Arena owes the City will no longer be reflected in the General Fund. He said this was a policy decision for the Council to decide, if the City's book should show positive numbers. It is not monkey business, the revenues and expenditures for the Arena are still there, but just under the General Fund.

Councilor McCusker asked if the \$2.3 million is money the City owes itself.

City Manager Joyal said yes. He said it was cash owed by our right pocket to our left pocket.

Councilor Callaghan said he wouldn't support this Resolution, because he felt it was similar to what he's heard said already. He felt the motivation to work hard will be diminished.

Councilor Cheney said she did not want this Council to set a precedent.

Councilor Carrier said he understands this Resolution to be an accounting procedure that is being recommended by auditors that have the knowledge to tell us how to do things. The \$2.3 million deficit will still be there. He didn't believe it would stop the motivation to make a profit. He said he was in favor of this Resolution.

Councilor McCusker made a motion to move the question; seconded by Councilor Carrier.

Vote: 3/6; Failed. Councilors Carrier, McCusker and Scott voted in favor.



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Councilor Weston asked the City Manager how many years it will be for the debt to be paid off. City Manager Joyal said a long time, 20, 30, 40, or 50 years.

Councilor Weston said she was going to vote for this. She felt the Arena employees were an aggressive group and will continue to work hard.

Mayor Myers asked where the City keeps the running tally, and how the Council will be getting regular updates on \$2.3 million.

City Manager Joyal said the monthly financial statements will show revenues versus expenditures.

Deputy Mayor Trefethen just wanted to say that the previous Council did feel the Arena was a good thing.

Mayor Myers said he wanted to correct a few statements that were made that aren't accurate. He said the City does have an A+ bond rating, but there are several steps up that are better than that. He said if this passes it does nothing to pay off the \$2.3 million, and it does nothing to all of a sudden create more capacity for the City to bond more. He said what this may do is clean up a blemish on the City's credit score, which may allow the City's credit rating to increase, which could lower the borrowing costs. He said it has his support.

Roll Call Vote: 6/3; Passed. Councilors Callaghan, Cheney, and Scott were opposed.

### **5. RESOLUTION RE: NAMING OF THE LIBERTY NORTH END FIRE STATION SPONSORED BY MAYOR MYERS BY REQUEST**

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

Councilor DeDe referred to Sam Allen's comments, which gave a good synopsis of the history of the naming issue. He said he wasn't sure if the Council needs to approve this, because the previous Council signed the deal and it's done. He said Liberty Mutual is the City's largest taxpayer. They encourage their employees to spend time and money in Dover. He said the company contributes on a regular basis to events that are for the public good; such as, the Cochecho Arts Festival, Dover Main Street events, and many more. He referred to Mr. Bleiler's comments regarding the land sold to C & J Trailways, and said the City sold it for \$300,000. He said this was something the City should do.

Councilor McCusker said he was embarrassed by the comments made during the Public Hearing, regarding Liberty Mutual's intent. He said it was the City, who didn't have land, who had been looking to put in a North End Fire Station. He said the Fire Chief was given direction to go to Liberty Mutual, by the Council, and ask for the land. He spoke of the many ways Liberty Mutual has given to the Dover Community, and wondered if anyone kept a tally sheet.

Deputy Mayor Trefethen moved to suspend the rules to extend the meeting; seconded by Councilor McCusker.

Roll Call Vote: 6/3; Passed. Councilors Callaghan, Cheney and Scott were opposed.

Councilor McCusker said when the City talked about the sign costing \$10,000, Liberty Mutual offered to pay for it. He said the phone is going to be answered Dover Fire and Rescue. He said he would support this Resolution.

Councilor Carrier said he supported the Resolution. He said Councilor McCusker couldn't have said it better. He said being on the Recreation Advisory Board, he saw behind the scenes how much Liberty Mutual did. He said they just donated \$1,000 for Buddy Ball Baseball without blinking an eye. He said this is just a small token of appreciation. He felt it would be an honor to name it the Liberty North End Fire Station.



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Councilor Weston said she waited until the end because she wanted to hear everyone's comment. She referred to her sitting on the North End Fire Station Committee, and the debate over the name has developed not because of Liberty Mutual and what they have done for the City, but over the procedure, of how the naming was done. She said this Resolution had her complete support.

Mayor Myers said he was Mayor in 2004 when Liberty Mutual came to the City and talked about expanding. He said he knew about the process at the time, and was a little embarrassed about the debate over the name. He said the contract should be honored.

Councilor Weston spoke of the tie-in to the Liberty Mutual sewer system. She said they also tied in Glenwood Avenue, so that eventually those houses will connect to a sewer system instead of having septic systems. She said Liberty Mutual has gone above and beyond what any business or any person had to do.

Councilor Callaghan said he has learned a lot tonight. He said they had a lot of people contact him about this. He thought the idea of a plaque was a good idea. He said the City has a contract and we should honor it. He said the City should go to Liberty Mutual and see if they would accept a plaque.

Councilor Callaghan made a motion to table the Resolution to allow time to go to Liberty Mutual; seconded by Councilor Scott.

Vote: 3/6; Failed. Councilors Callaghan, Cheney and Scott voted in favor.

Councilor Cheney said the only request she wanted to make was to add Dover to the name, Dover Liberty North End Fire Station. She said she would be supporting this Resolution and she appreciated all the work that has been done by the Committee.

Councilor DeDe made a motion to move the question; seconded by Councilor McCusker.

Vote: 4/5; Failed. Mayor Myers, Deputy Mayor Trefethen, Councilors Carrier, McCusker voted in favor.

Councilor Weston said the initial name was going to be Liberty Station. She had requested the City Manager and Fire Chief Plummer to go to Liberty Mutual to see if they would agree to Liberty North End Fire Station. She said she would hate to have somebody go back again to Liberty Mutual to see if they will change again. She said she felt it really needs to be called Liberty North End Fire Station.

Councilor Scott said his problem with this Resolution is that it is setting a precedent. He felt buildings should be named in honor of people. He said he didn't think the corporation would be resentful if the City said they wanted to reserve the name for an individual.

Councilor McCusker said this decision is to honor an agreement. He said the Council would be setting a precedent that they aren't good for their word if the City doesn't honor this contract.

Mayor Myers said he knew it then, the Council knew it then, Liberty knew it then, the Department Heads knew it then. He was 100% clear. He would love the Council to do this by a unanimous vote.

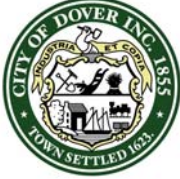
Roll Call Vote: 9/0.

### **6. RESOLUTION RE: INCREASE IN PRICE FOR DOVER TRASH BAGS AND TAGS SPONSORED BY COUNCILOR DEDE**

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

Councilor DeDe said he is a member of the Solid Waste Advisory Committee (SWAC) and he had two people waiting to speak to the Council. He asked Michael Moore, Solid Waste Coordinator, and Dave Densmore to address the Council.

Mr. Moore went over the proposed increases for the bags. The 15-gallon bags would be increased from \$1.35 to \$1.45; 30-gallon bags would be increased from \$2.00 to \$2.15; and the



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bulky waste tags would be increased from \$4.00 to \$5.00. He went through the reasons for the increases. He said they have been keeping track of the fund balance, and if the prices didn't increase there would be an \$85,000 deficit at the end of the current contract in 2010. He said the last increase was in 2006 and they made an agreement to hold those prices for two years, which they have done. He was hoping to hold off one more year, but with the economy the way it is, it just isn't possible. He said Daniel Lynch, Finance Director, went over his figures and is in agreement with the numbers and the proposal for the bag price increases.

Councilor Scott asked what the cost to the City was for the 30-gallon bag.

Mr. Moore said the cost was \$.17 for the 30-gallon bag, and \$.11 for the 15-gallon bag. The stores get \$.04 per bag.

Councilor Scott said he didn't understand the 8% increase, and it seemed like another tax.

Councilor DeDe asked Mr. Moore what it cost to drop off the trash at the center.

Mr. Moore said \$86 a ton.

Councilor DeDe said that was what the bags paid for. He said the bag and tag pricing pays for the Solid Waste Disposal Programs.

Councilor Scott said the City pays \$1.4 million for picking up the garbage. He asked if this wasn't another source of revenue.

Councilor DeDe said the \$1.4 million was for picking up the garbage, and the bag prices were for getting rid of it.

Mr. Moore said the trash bag program is designed to pay for the collection and disposal of the trash. He said the Solid Waste Program is an Enterprise Fund, and is totally self-supported.

City Manager Joyal explained that disposal of trash is only going to go up, because there are fewer and fewer places to bring the trash in New Hampshire. He said the business is becoming less competitive. He said the City needed to create a cushion for future price increases. He said at the end of the year, what the City wants to do, which is a Council policy, is we want to maintain a minimum 5% fund balance in the Solid Waste Fund. The SWAC would like it to be a 10% fund balance. He said they are seeing what will happen in the future, and recognize that the City needs to build up those reserves today.

Councilor Weston asked if the Recycling Center is looking for more ways to recycle for revenue, versus the price of bags going up.

Mr. Moore said the price of bags and the Recycling Center are two different budgets. The Recycling Center comes out of the General Fund. The Solid Waste Budget is strictly the bag and tag program.

City Manager Joyal said the program is set up to create an incentive to recycle.

Councilor Weston asked if the City pays for Pinard to pick up the recycling.

City Manager Joyal said yes.

Councilor Weston asked if the citizens could bring it to the center.

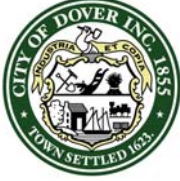
Mr. Moore said the City has to make it easy for the citizens, and that is why Dover's recycling rate is so high.

Councilor Trefethen said when they were talking about the Arena Enterprise Fund, it was said by one Councilor that they should raise rates, and now the same Councilor is not saying that on this Enterprise Fund. He said the Council really doesn't have a choice with this Resolution.

Councilor Callaghan said at first he thought the raise was extensive, but after looking at this it is probably a reasonable rate increase. He has heard a concern about the quality of the bags. The bags break, and they have to replace it, so it is costing them two bags to put the trash out. He said the vendor needs to know the City has a problem with the quality of the bags.

Mayor Myers said that will be another Resolution when the City needs to buy bags.

Mr. Moore said last year the City sold 550,000 bags, and he has received 20-30 complaints. He said residents need to contact him if it is a bigger problem.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 10, 2008**  
Meeting Time: **7:00pm**

Roll Call Vote: 9/0.

**7. RESOLUTION RE: MUNICIPAL INFORMATION TECHNOLOGY ACCEPTABLE USE POLICY (TO BE REMOVED FROM TABLE)**  
SPONSORED BY MAYOR MYERS

Deputy Mayor Trefethen made a motion to remove from the table and moved for its adoption; seconded by Councilor DeDe.

Councilor Dede made a motion to put it back on the table, because of time, seconded by Deputy Mayor Trefethen.

Vote: 8/1; Passed. Mayor Myers was opposed.

**8. RESOLUTION RE: AMENDMENT TO COUNCIL RULES-RULE 10: FILING WITH CLERK (TO BE REMOVED FROM TABLE)**  
SPONSORED BY COUNCILOR CHENEY

Moved up on Agenda to after Mayor's Report.

**9. RESOLUTION RE: AMENDMENT TO COUNCIL RULES-RULE 15: PROCEDURES AND FILING WITH THE COUNCIL (TO BE REMOVED FROM TABLE)**  
SPONSORED BY COUNCILOR CHENEY

Moved on Agenda to follow 11.C.8.

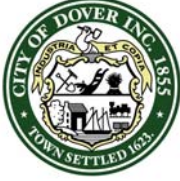
**10. RESOLUTION RE: AMENDMENT TO COUNCIL RULES-RULE 15.2: COLLECTIVE BARGAINING AGREEMENTS (TO BE REMOVED FROM TABLE)**  
SPONSORED BY COUNCILOR CHENEY

Moved on Agenda to follow 11.C.9.

**12. NEW BUSINESS**

**A. CONSENT CALENDAR**

- 1. PARADE - Benevolent and Protective Order of Elks**
- 2. RESOLUTION RE: WINTER ROAD SALT FOR DOVER, ROCHESTER AND SOMERSWORTH B09013**  
SPONSORED BY MAYOR MYERS BY REQUEST
- 3. RESOLUTION RE: CHANGE ORDER INDIAN BROOK DR B07041**  
SPONSORED BY MAYOR MYERS BY REQUEST
- 4. RESOLUTION RE: SUPPORT OF LGC POLICY PROPOSALS**  
SPONSORED BY MAYOR MYERS BY REQUEST
- 5. RESOLUTION RE: COUNCIL ADOPTION OF CITY MANAGER EVALUATION**  
SPONSORED BY MAYOR MYERS BY REQUEST
- 6. RESOLUTION RE: DUC MEMBERSHIP EXTENSION**  
SPONSORED BY MAYOR MYERS BY REQUEST



CITY OF DOVER

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 Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
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 Meeting Time: **7:00pm**

### COMMITTEE REPORTS

- |  |                                       |
|--|---------------------------------------|
| 1. <b>Appointments Committee</b>               | 7. School Board Liaison               |
| 2. Arena Commission                            | 8. Solid Waste Advisory Commission    |
| 3. Arts Commission                             | 9. Transportation Advisory Commission |
| 4. <b>McConnell Center Oversight Committee</b> | 10. Joint Building Committee          |
| – <b>Councilor DeDe</b>                        | 11. Recreation Advisory Board         |
| 5. Planning Board – Deputy Mayor D. Trefethen  | 12. Coast Bus                         |
| 6. <b>Cable Access Committee</b>               | 13. Joint Fiscal Committee            |

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor DeDe.  
 Mayor Myers asked the Council if they had any items they would like pulled for further discussion.  
 Councilor Scott asked to pull 12.A.4.  
 Councilor Callaghan asked to pull 12.A.3. and 12.A.6.  
 Deputy Mayor Trefethen asked to pull 12.A.5.  
 Mayor Myers pulled the Appointments Committee Report.  
 Mayor Myers asked for a Roll Call Vote on the remaining items of the Consent Calendar.  
 Roll Call Vote: 9/0.

#### 12.A.3. RESOLUTION RE: CHANGE ORDER INDIAN BROOK DR B07041 SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Callaghan.  
 Councilor Callaghan said he had a few questions on this. He said he looked at the total amount of money that is being asked for. He said \$142,000 from SUR, and he sees the adjusted amount is \$139,374. He said he was confused when he compared Section A and Section D, because Section A talks about item 692. Mobilization Costs, \$77,226, with a discount coming up as \$57,919. He said it appears Section D is what they could charge the City if they charged on an hourly rate, and Section A is saying what they are going to charge. He said there was no line item description on the breakdown of what is being charged in Section A. He spoke on Section D and what they could charge the City, 5,700 for SUR and 7,200 for AXL, for a total of 12,900. Compared with the line item on 682, \$57,919, that is a huge difference. He also had a question on the fuel adjustment request by Pike Industries, looking for fuel paving and liquid asphalt price adjustments, which is included in the SUR. He asked if there was a provision in the contract that allowed for fuel adjustment. He questioned the wetlands issues and asked if the project was shut down completely. He said it was unclear to him what happened.  
 Councilor Callaghan asked if there was a provision in the contract for fuel adjustment, and an adjustment for paving that Pike Industries is passing on to SUR.  
 City Manager Joyal said there are references to various standards, which are address in the letter from SUR, that are allowable for calculating adjustments to the contract.  
 Councilor Callaghan asked why there was a difference between Section A and Section D.  
 City Manager Joyal said they calculated four different methodologies to show what they felt was owed. He said essentially they were trying to show they were willing to compromise, but they felt that they were owed money because there were circumstances beyond their control.  
 Councilor Callaghan asked why Section D was significantly less than Section A. He said he needs line item breakdowns to define drastic differences. He also asked to see the breakdown of labor. He asked how the delay impacted this work.  
 City Manager Joyal said there were permits needs which took time. He said there was duplication of work, because SUR had to adjust their schedule. He said to Councilor Callaghan that he was looking for an incredible amount of details, but that was why the City hired professionals to oversee these projects. He said this was a reasonable compensation for the additional time that they had to invest in this project.



CITY OF DOVER

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Councilor DeDe made a motion to move the question; seconded by Councilor McCusker.  
Vote 7/2; Passed. Councilors Callaghan and Scott opposed.  
Mayor Myers asked for a Roll Call Vote on the Resolution.  
Roll Call Vote: 7/2; Passed. Councilor Callaghan and Scott opposed.

### **12.A.4. RESOLUTION RE: SUPPORT OF LGC POLICY PROPOSALS** SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor McCusker.  
Councilor Scott said he didn't believe the Council should get involved in the State legislature.  
Councilor DeDe made a motion to move the question; seconded by Councilor McCusker.  
Vote: 4/5; Failed. Deputy Mayor Trefethen, Councilors Carrier, DeDe and McCusker voted in favor.  
Councilor DeDe said the Council spent an entire workshop on this issue and doesn't understand why the Council is not ready to move on this.  
Councilor Callaghan said his problem was that he didn't feel the City should form an alliance with LGC.  
Vote: 7/2; Passed. Councilors Callaghan and Scott opposed.

### **12.A.5. RESOLUTION RE: COUNCIL ADOPTION OF CITY MANAGER EVALUATION** SPONSORED BY MAYOR MYERS BY REQUEST

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

### **12.A.6. RESOLUTION RE: DUC MEMBERSHIP EXTENSION** SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Callaghan.  
Councilor Callaghan said he had a problem with retaining a board member who is no longer a resident of Dover.  
Councilor Cheney doesn't want to set a precedent. She would not support this Resolution.  
Mayor Myers said he echoed the comments.  
Vote: 0/9.

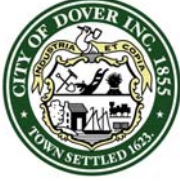
### **Appointments Committee Report**

Mayor Myers said the Appointments Committee met earlier this evening and conducted interviews. He wanted to put forward the appointments for the Council's final approval. Appointment to the Cable Access Committee: Aviva Grasso. Appointments to the Energy Advisory Committee: Andrew Most, Dona Layton, Elizabeth Goldman, and Eric Steltzer. Appointment to the Recreation Advisory Board: Jerry Newcomb. Appointment to the Planning Board: Kirt Schuman.  
Deputy Mayor Trefethen moved for its adoption; seconded by Councilor DeDe.  
Vote: 9/0.

### **B. RESOLUTIONS -- NONE**

### **C. ORDINANCES IN 1ST READING - NONE**

### **D. COUNCIL CORRESPONDENCE**



CITY OF DOVER

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### 13. COUNCIL MATTERS OF INTEREST

Councilor Weston spoke on the voting hours for the November 4, 2008 General Election. She has received a number of inquiries about changing the voting hours at the polls. She said the workers were very angry that they were never consulted about extending the hours.

City Manager Joyal said there was consultation with the Ward Moderators.

Councilor Callaghan asked if there was a way to provide a bonus for the poll workers on Presidential Election days.

Councilor DeDe said he was Ward 5 Moderator for several years, and at 8:00 in the morning on Presidential Election Day there was a line outside that was incredibly long. He said to hire extra people. He said he would support a different pay rate for Presidential Elections. He said the customers are the voters and that is who the Council is here to serve.

City Manager Joyal wanted to make a correction. He said Councilor Callaghan had asked if there was a fuel adjustment charge, and he didn't believe there was.

### 14. ADJOURN

Councilor DeDe made a motion to adjourn; seconded by Deputy Mayor Trefethen.

**DRAFT**