



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, October 25, 2006**  
Meeting Time: **7:00pm**

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**

Those present: Councilors Cheney, Ciotti, DeDe, Keays, Mayor Myers, Deputy Mayor Hindle, Councilors Scott, Trefethen, and Turner. Also present: City Manager Joyal and City Attorney Allan Krans.

4. **PROCLAMATIONS – AWARDS**

The Mayor invited Dover Fire And Rescue Emergency Division to the podium stating a couple of weeks ago there was a ceremony held at the Capitol Center for the Arts in Concord for various fire departments across the state and Dover was awarded the EMS unit of the year for the State of NH as he read the plaque presented to them from the Department of Safety.

5. **SUMMARY OF AGENDA**

The Mayor noted a couple of items on the agenda are the public hearing on the fire safety and sprinkler ordinance also the email resolution and issue of confidentiality under RSA 91-a.

6. **CITIZEN'S FORUM**

*Citizens are invited to speak to items that pertain to the business and/or interests of Dover, NH. Statements shall be limited to five minutes.*

**Edward J Bleiler** of 28 Isaac Lucas Circle stated he left an article from Wall Street Journal for them and it parallels Dover's problem of unfunded fiscal liability. He also thinks the million dollar overrun of the dredging and waterfront project was illegal as there was never a public hearing. He mentioned the Tuttle Family Easement. On the 91-a there is no need for two people to take care of the 91-a requests. He would like to be able to go directly to the source. Now comes the waterfront deal, Dickinson the developer is a friend of Wil Boc; he has several questions regarding this deal. (See council folder of 10-25-2006 for hand out). We should let the developer build the bridge over the Cochecho himself. He thinks there is a conflict of interest if there is a council person on both the Planning Board waterfront committee and city council. Why don't we keep this waterfront space a green space for the entire City of Dover.

**Suzanne Medbery** of 3 Covered Bridge Lane stated every day is payday in Dover. They sat here last Wednesday and listened to how we are taking a million dollars out of one of our funds, we the taxpayers just pay and pay. She mentioned the voice



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data at the McConnell Center; also Mr. Keays asked what other costs we are still not hearing about. She quoted the City Manager from last week stating how it will cost us \$20,000. to line the chimney. We would not need to line the chimney if we used oil heat. Mr. Keays also mentioned when this project was proposed the council was told it would not cost us a cent. Again it is the tax payer's money, she mentioned the waterfront development costs; the Finance Director may crow over the 70 cent decline in the tax rate but in most cases the assessments have increased. And because the rate has declined your taxes will remain the same. She quoted from the newspaper this was the largest decline in 4 decades. She listened to Mr. Corcoran and his formula for establishing the tax rate; how is the city going to continue to be able to spend at today's rate if our wallets cannot keep up with the increases.

**Doug George** of 120 Mast Road and a taxpayer for 25 years, the reason he is here is as a result of the muckraking that took place in Fosters about some citizens that are exercising their right under the freedom of information act; the response is to propose a \$40,000 tax to fund two part time people. The City Manager needs to tell department heads to reorganize their department to comply with these demands. If they cannot manage their department to comply with these they should find another job. Also he is here but is scared of the possible ramifications on speaking up about some of these things. If the council thinks there is no corruption in Dover, they are sadly naïve about it. He is a custom builder in Dover and has been his whole life. Recently he attended a meeting with other contractors and it was run by the Public Works Director who said "I want you to know anything said in this meeting will not be held against you; the city will not retaliate against you", another department head said "why I am held to a higher standard when in fact your own workers do not meet their own requirements and the department head said I cannot control my own people". He recently had a party in his back yard; and when he walked into his house the police were in his house. His civil rights were violated; there is corruption in the city, he added taking a tool home to use is also a violation.

**Don Medbery** of 3 Covered Bridge Lane says bravo for the speaker before. He has been intimidated also. He has an issue he wants to address; he met Mr. and Mrs. Desjardins of Wilbrod Road this week as he was campaigning and he sent an email to councilors and the constituent has not heard from either one. These people have a water accumulation at the end of their driveway since this roadway project was started. They talked to the contractor and he cannot do anything about this. The grading on the project could have been better with a rake; it is terrible. He expects the city to take some action. This week he had a call from a Fosters reporter asking what he has to say about city hall comments. It seems the City Manager wants to transfer all his ills to him and he is not going to accept it; do your job, he told the Manager. We need councilors that can get something accomplished. There is too much incompetence; he handed around a picture of Mr. Desjardins property.



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**Don Wood** of 12 Dover Point Road stated this is his second time here and he has sent them an email as well; he doesn't think they should put all their eggs in one basket. He is talking about the waterfront developer's site and some of the people that have spoken tonight say hire a judge; that sounds like more spending. When he needs something he goes to the department that would have the item. We need to stop living in the past the Boc regime is gone. Let's work with the new people.

**Mary Hebbard** of 97 Spruce Lane has two issues; the number 6 item on the consent calendar is missing a signature; she does not think this can be approved tonight because it lacks a signature. On the two employees that are proposed from the information that was presented she does not think this warrants two new people. She explained her thoughts on how some of these items will not occur every day of the year. She also wants to see the breakdown of right to know requests in 2004 and 2005. She cannot justify having more people to produce the documents. She does not think there is a lot of recurring items here. Maybe we should look at how we compile this information.

**Sharon Reynolds** of Court Street in Dover wants to make an announcement about the public library book sale that will occur this weekend. She too is concerned about the waterfront committee as their meetings are not being made public. She urged them to pay attention to who is going to develop the property. Environmental issues are also very important. She encouraged the waterfront committee to meet in public and to make it available to all income levels and all ages.

**Al Lobdell** of 16 Lisa Beth Circle wants to comment on the waterfront property, he lived in Ft. Lauderdale for many years with waterfront, then he moved to Dover and we now have waterfront. Why does the city want to develop it, lets make a park, it is public land, we need to preserve it for the public to enjoy, lets preserve it. Once they get rid of the property they will never, never get it back. They have an opportunity to act like a hero for future generations. He has another issue on 12B-1 sale of real estate; he hopes we are not going to sell it, we have a parking crisis here now.

**John Scruton** of 99 Sixth Street is here about uncontrolled spending in the city, his taxes have gone up every year for the last 6 years. He wants an audit team in here; this spending has got to stop. Most places it takes 10-15 people to have one supervisor. At our public works there is one worker with 2 supervisors over there and no one has done anything about it. He commented on Bleiler's comments about building on Brownfield sites and how developers would not be responsible for the hazardous waste. He continued about the master plan and how they want more industrial parks; he does not like the sound of it. Also we have is more traffic congestion and higher taxes. Glenwood Avenue residents were railroaded they did not ask for what they are getting.



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**Rick Hebbard** of 97 Spruce Lane thanked the number of people about expressing his disgust on what the city is doing to him. First he talked about the conservation easements; there have been a number of people that have been granted an easement and then they have been taxed higher and he thinks this is disgusting. Secondly you all were hoodwinked and so were the people on Black Water Road, they were told the people had to wait because the federal government was going to help us and had to wait to have a special box culvert built. The true reason is the city wanted the feds to pay for it and to do that they had to wait. It is really a shame that those people had to be put out for months and months. The council needs to know what is going on in the community they cannot depend on the administration. He also attended a TAC meeting recently and heard a request for a speed limit to be lowered and was told they cannot be changed. He called the State and speed limits can be lowered in the City. He also commends the person that spoke on corruption earlier.

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

### 7. PUBLIC HEARINGS

- A. Ordinance #13-10/11/2006, Chapter 166, Vehicles and Traffic, Section 166-50, Schedule C, Stop Signs, Mohawk, apache, Shawnee, Philip, and Allan Streets. Sponsored by Deputy Mayor Jason Hindle, Chair, TAC, **(See Item #11A-1)**

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

- B. Ordinance #14-10/11/2006, Chapter 109, Fire Safety, Sprinklers. Sponsored by Councilor Dean Trefethen. **(See Item #11A-2)**

**Matt Mayberry** of 410 Dover Point Road says the fun never changes. He told them they all try as best as they can. As many of them know the Fire Department is in favor of this ordinance. In his opinion this is not the place for local government to interfere. He agrees that multi family homes should have this. This should not be mandated by a local municipality; let the individual take responsibility for their own actions.

**Ed Bleiler** of 28 Isaac Lucas Circle stated it would be nice if we could have sprinklers in all homes as well as in all new homes. The real estate market is down and again today it is down further. It will cost \$5,000 to put in a sprinkler system in a home and will price Dover right out of the housing market.

**Don Medbery** is also opposed to having a sprinkler ordinance as he would rather have a fire department at the north end of town.



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**Sharon Reynolds** would love to have this ordinance in place and she would benefit from having this ordinance in her apartment as she has several smokers in her abode.

**James Byrnes** of 192 County Farm Road is also a builder. On the background of the ordinance paragraph 2 he read the comparison of Scottsdale AZ and the statistics. As a builder he can testify what goes into homes currently; new homes are not burning to the ground as much as older homes. If sprinkler systems are mandated there will not be enough companies to install them in NH. Also it mentions the building code that opposes sprinkler systems. The amount of lives saved with a sprinkler system is minute.

**Doug George** of 126 Mast Road is against this ordinance. Who would not want a sprinkler system in their house. He has emailed them all the reasons for opposing it. This should be his choice to make and not be mandated.

**Rick Hebbard** 97 Spruce Lane stated after the last workshop he sent them all an email about how he had a fire at his house when he was 6 years old and how he lost everything. Cheney wrote back and concurred with his fire event. He does not think this will be excessive government if this is enacted. This would be a smart move.

**Suzanne Medbery** of 3 Covered Bridge Lane has had experience with this in inner cities. If she was concerned about fire, she would be even more concerned about living in an apartment building with people that smoke as she agreed with Sharon Reynolds that spoke however 50 years from now the new home will be an old home. She agrees the materials used to build a new home today are much better than before.

**Jerry Lynch** of Lincoln Street stated what happened to smoke detectors and fire extinguishers, can anyone answer. For small houses why do they need a sprinkler system this would mean extra inspections by the fire department. He wonders will we do away with smoke detectors and have this.

**Peggy Carter** of 2 Cottonwood Drive stated this is only a band aid for the North End Fire Station. She mentioned the flaws in the sprinkler systems and commented on the recalls that have occurred. She got an insurance quote and this will only save \$22. per year. This option will be passed onto the consumer. Two years ago she spoke on a new north end fire station; she listed all the new commercial development in the north end as well as all the new development in single family homes. How long is it taking the Fire Department to get there; she would rather pay more in taxes and have a fire station in the north end.

**Peter Schmidt** of 53 Fourth Street is not here with a recommendation but would like to comment on some of the ideas that have been offered. He hopes the gentleman is home that wonders why he has a fire extinguisher if something happens. He is also in favor of the north end fire station; another comment was they won't save many lives but the newspaper says the



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amount of damage to a home is much less with a sprinkler system. Their consideration of the sprinkler ordinance is extremely appropriate and a small price to pay in a new home.

**Karen Curti Peloso** of 39 Spur Road has sent an email remind everybody our state motto is live free or die.

Seeing no one else wishing to speak, the Mayor closed the public hearing.

### 8. CITY MANAGER'S REPORT

Joyal stated in the agenda he had included the update on legal activities and the requested update on the Severino Contracts. Also any councilor that wants to attend the local government conference should let him know. In spite of what was heard on Blackwater Road it should be open in about 3 weeks. In regards to the letter on Turnkey Landfill and he has been in contact with Bob Davis, general manager of the landfill who suggested we set up some meetings about these concerns with odor at the landfill with that the council asked if the city representative to the TREE committee and Sam Crowley and Dean Peschel, could be here. Sam introduced himself. Sam thanked them for allowing him to serve on the committee saying recently there have been a few more odor issues in the neighborhood and he looks forward to reporting and resolving some of these issues.

Cheney knows we have had an assessment workshop but she is reading the extensive research from the city attorney's office and since her resolution in August we have not received any confidential information in their mailbox. The City Manager says they will certainly be receiving more information. Today he was informed they have completed some hydrological studies in the area and they will be reporting back to Planning Board the beginning of next month.

On tax assessment issues he was sent a notice about a suit filed by Verizon which is a mirror suit of the one in Rochester. In defense of that the city attorney is getting up to speed on that issue. The Planning Department is looking at the Class 6 roads to understand what the city requirements are. Cheney asked if there was an update on Verizon and do we have a date yet. The City Manager did meet with the Verizon representatives and they arranged a meeting with PSNH and discussed the pole locations and permitting requirements particularly with how they may interfere with other utility companies. He was satisfied about who is the contact and the system in place to remove the poles and the timely fashion that it was discussed. Cheney asked about the MTBE update. Joyal stated they are continuing to work with the State Environmental Services. At this point they have no conclusive results; this is up around the Smith Cummings Well. Recently they have been monitoring and notified us of a spike in the MTBE in the Madbury Metal site area as our aquifer is nearby to include the City of Dover to look at if a migration offsite will affect the quality of the water. We have no indications that this has reached any of our water systems.



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Keays asked what the Blackwater Road culvert is costing the city. The City Manager does not have the number here. Keays asked how much FEMA is paying. The City Manager says they will reimburse 75% of the cost of the bridge and the state will cover 12 ½% but we have seen nothing yet. Keays asked if there was a special deal made on the culvert. The City Manager says immediately after the storm they started speaking with engineers to construct the slope. Keays wonders why it took so long; Joyal says it was a manufacturing issue, it was ordered in July and took 6-8 weeks for delivery. Keays asked why it took so long to order the culvert. The City Manager says the engineers were working on a design to meet the need for the area. This involved the State of NH and there were wetland issues. Keays says if we had two culverts washed out; it would be over a year before we get them back in. Keays is looking for the real story; he is going up to Blackwater and look at it. The City Manager says this was 30-40 feet below road grade; there was considerable engineering work that went into the design. The City Manager says Middle Road was a simple project; they just needed to get the wetlands permit, there was no significant engineering study involved. Hindle moved seconded by Ciotti to accept with all in favor.

### 9. MINUTES - NONE

### 10. MAYOR'S REPORT

The Mayor stated this is the final meeting before Election Day on November 7<sup>th</sup> he urged everyone to get out and vote.

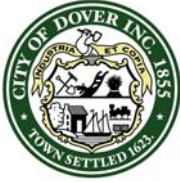
Main Street has done a wonderful job on our community with the flower beds and baskets. On November 4<sup>th</sup> the public is encouraged to come out and plant bulbs with them to show community support.

There is a lot of information about the waterfront on the website, it has the Charrette and plans and the minutes are all on the website except for the last couple of meetings. He confirmed with Trefethen that 11/2 and 11/9 will be a public hearing on this development. On Channel 22 there is a film from the waterfront meeting held at the school a couple of weeks ago. They welcome public input and he encouraged them to get involved.

He mentioned he was contracted by the TREE committee a citizen advisory committee, the Mayor of Rochester contacted him to see if we could have a council representative. He has asked the council if anyone was interested. He heard back from Turner but he is still looking for direction. Turner is interested and will make his decision later tonight. The Mayor says this is an important issue and he needs to know if we are interested so he can let Rochester know. This concludes the Mayors report. Hindle moved seconded by Ciotti with all in favor.

### 11. UNFINISHED BUSINESS

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



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1. Ordinance #13-10/11/2006, Chapter 166, Vehicles and Traffic, Section 166-50, Schedule C, Stop Signs, Mohawk, Apache, Shawnee, Philip, and Allan Streets. Sponsored by Deputy Mayor Jason Hindle, Chair, TAC,

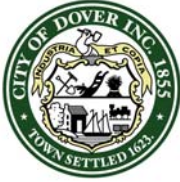
Hindle moved seconded by Ciotti to adopt. Turner says that area does not have any signs, he wondered if Hindle went door to door. Hindle says city staff went out there. Hindle explained they take citizen concerns and discuss them. Turner says the citizens he talked to were not aware of this ordinance and neighborhood input was very important on this. Hindle says they took the concern of the Ward Six councilor (Turner) and have put a plan in place. Motion passed on a roll call vote of 7-2 with Scott and Turner opposed.

2. Ordinance #14-10/11/2006, Chapter 109, Fire Safety, Sprinklers. Sponsored by Councilor Dean Trefethen.

Trefethen moved seconded by Ciotti to adopt. Trefethen thanked the constituents for coming to speak tonight. He turned some of the statements made around; he mentioned GFI's, smoke detectors, and that we require our kids to use seatbelts and car seats. We have air bags in our cars and people were all against these things when they first came out and our state motto is 'live free or die'. Tonight we are talking about the die part. His reason was to present some ideas and see what people think about it. He would like to hear what the council has to say. He feels it is a worthy idea but he has reservations; this is a concept, we should think about things. If we do not bring items like this out to discuss then nothing happens.

DeDe says having sprinklers in a home would save lives however he is not at this point ready to make it legislation. The idea of having a rush approach is problematic in his opinion. He is not ready to mandate a system for each new home. He has heard what if we had a sprinkler head over a boiler in areas without fire support he could support. Hindle thanked Trefethen for bringing this forward as well as Chief Plummer, he read a prepared statement (see council folder of 10/25/2006). There is no question that sprinklers put out fires and save lives. His will be a no vote tonight. If he wanted to build a home it would be his personal decision and responsibility to make this decision. We should work with fire department and City Manager on the pros and cons of placing a sprinkler system in ones home and allow the homeowner to decide if they want to spend the dollars for a system. He urged the council to vote nay.

Cheney thanked Trefethen for being brave and bringing this forward. She also will vote no as she is pro choice. The DVD they were given was great and she personally knows how devastating fire can be. She knows we are really low on fire loss in this state. She does not want any more restrictions on her freedoms.



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Scott thanked Trefethen for bringing up the subject and complimented Chief Plummer and the DVD was very interesting so people can appreciate the devastation a fire can have. As far as a single family home; he cannot vote to bar the rights of the people.

Turner says the north end needs a fire station. Sprinklers make sense and helmets make sense and he chooses to wear one. Let the people choose if they want a fire sprinkler system. The Mayor appreciates it when we get the citizens to come down to engage us in a proposal. He thanked Trefethen for bringing it forward as well as Chief Plummer. This is an issue that you are torn on; this particular one has a lot of persuasive reasons why we should do this. He has wrestled with this issue. The Chief has said no one has volunteered to do this when building a single family home on their own. We would not be appropriate in legislating this for single family homes.

Ciotti says everyone has done a great job but in 10 months on the council people have stopped him and said no overwhelmingly. He is for this but the public says no; there are no incentives from insurance companies; it is a great idea but maybe a little ahead of its time.

Keays says 30 years ago there was a fire at his house; he was outside and it took the fire department about 3 minutes to get there and they did an excellent job and saved the house. The first thing that came to mind was we live in a free country and he doesn't think it is right that we legislate this. He will support a fire station but not this ordinance. Trefethen followed up on the rights of the people but if you live in a condo or apartment house, it is OK; he heard there are two classes of people in the city. The condo owner or apt dweller does not have a choice. 7 years ago he built a new house and the subject of sprinklers never came up so he does not have one. Maybe people will have a choice in the future; most people who are building new homes in Dover and usually the house is completely built before they ever step into it.

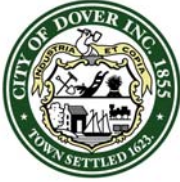
Under Roberts Rules he can vote yes or table it so he will motion to table; there was no second for the motion. Motion to adopt failed on a roll call vote of 1-8 with Trefethen in favor.

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

### **C. RESOLUTIONS**

1. RESOLUTION RE: ESTABLISHMENT OF FY 2007 EXPECTATIONS BY MAYOR AND CITY COUNCIL FOR CITY MANAGER. SPONSORED BY MAYOR SCOTT MYERS. **(TO BE REMOVED FROM THE TABLE)**

Hindle moved seconded by Ciotti to remove from the table with all in favor. Hindle moved seconded by DeDe to adopt.



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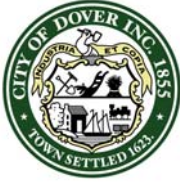
The Mayor says there is now a 3<sup>rd</sup> page with rankings on the City Manager evaluation. They had previously decided on the last sheet that the last 3 rankings would be eliminated because of the low council support. He suggests an additional 15% on the last rankings, the next get an additional 10% and the final group an additional weight of 5%.

We are 4 months into this fiscal year we should be passing these expectations so the manager knows where he stands. Trefethen asked how many councilors responded to the request. The Mayor had 5 with Keays not interested and 3 did not respond. Scott says the words here seem to refer to a staff assistant. He says the number one problem is the size of the tax bill; this seems unspecific and does an inadequate job. He will vote no. The Mayor says you did not turn in a sheet on ranking and you were part of these goals. We tried to put a specific number on the expectation of the city manager and it was a high priority but it was agreed the council needs to give the manager direction on this one. We agreed it was a high priority on whatever percent but it is up to the council to agree. He expects more of this council as a group, he is frustrated. Hindle corrected on score 3 second from the bottom; it should be crosswalks not sidewalks. Turner was pleased with the way it unfolded and the summary reviews were close to what he thought and gives clearer direction to the City Manager. Motion passed on a roll call vote of 8-1 with Scott opposed.

2. RESOLUTION RE: WRITTEN CORRESPONDENCE AND CONFIDENTIALITY UNDER NH RSA 91-A. SPONSORED BY COUNCILOR DOUG DEDE. *(TO BE REMOVED FROM THE TABLE)*

Hindle moved seconded by Ciotti to remove from the table with all in favor. DeDe moved seconded by Cheney to adopt DeDe moved seconded by Cheney to substitute as a whole noting it was sponsored by DeDe and Cheney with all in favor. DeDe deferred to Cheney. Cheney stated this has been a long time coming and she wants to protect constituents from having their emails on the World Wide Web. This supports openness, she read it. She thinks this covers the sharing of private information as she continued to explain. She thinks this covers accessibility to the council. If we talk to more than 5 of us at a time it becomes public. Hindle thanked DeDe and Cheney for working on this issue. His concern is originally email debates and comments to the entire council should be kept for the public record and he wants these preserved. The Mayor disagrees and thinks it really says excludes; the Deputy Mayor says they will still be preserved on the city server. DeDe says there are two separate issues, one is open to inspections; this only deals with on a regular basis but they will not be included in what the council produces. That said the state legislature may trump us in email and snail mail. For now this establishes a direction.

Trefethen is concerned with the wording; is the line drawn in the sand and what triggers it if it goes to only the City Manager and council or he thinks we need a hotlink for public or one for private this would address the people who cannot make it down here and would like their email to become public. He knows several people



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email the entire council and know they want their statements made public for the record. The Mayor does not know why we should not like to include the City Manager in these emails as we are a team.

The City Manager stated he needs to administer it. He understands the first part; the second part says we don't put any citizen email in the binder unless the city council and City Manager is copied. If someone emails a councilor and a councilor replies to only one, this causes some concern in dealing with the issue. We can set up an address for when a councilor receives an email that should be made public, it will be up to the councilor to forward it to the public folder. This is a convenience with intent for the public.

The Mayor wants to know how what makes it public or what makes it private, we are talking about a lot of self policing. This opens up a lot of ways to go around the world.

Trefethen is struggling with this and it seems to be coming more muddier. The underlying issue is not being addressed. That is the council agrees that email sent to the council is public or private. We are not deciding the issue and this has gone on since the inception of this council. It is because we cannot decide the basic issues of the issue. Hindle thinks this will get resolved in the house of legislature under 91-a. He has looked at a lot of other states and they say any communication sent to a public body is open for public inspection. The City Manager added until they do the court will decide this.

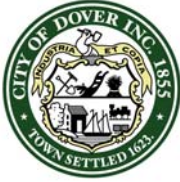
Keays has a comment, how many hours have we spent on this. He would like to put it to rest. The people of Dover are not interested in this all we do is bang heads. Let the city attorney draw up whatever he wants and put it to rest. He hopes we spend as much time on the budget when it comes around. The Mayor is open to direction on this. Cheney thinks this gives a policy to follow. The City Manager says if the council's intent is to vote on it; he needs to know what he is required to do as he asked for clarification on each sentence in the resolution. We will make this work by asking the council to self police themselves. Emails are backed up for right to know purposes. We will have a different email address, if they receive an email that needs to go to this public folder; they need to include the special email address. He wants them to take responsibility to put it in the public email folders themselves. He wants them to understand that they should not expect this to remain private if someone makes a 91a request we may have to make this email public.

Motion to adopt passed on a roll call vote of 9-0.

### 12. NEW BUSINESS

#### A. CONSENT CALENDAR

1. RAFFLE PERMIT –FIRST PARISH CHURCH CONGREGATIONAL
2. TAG PERMIT – DOVER LITTLE GREEN CHEERLEADING
3. TAG PERMIT – UNH WOMEN'S RUGBY
4. PARADE PERMIT – BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS OF DOVER #184 – CHRISTMAS PARADE



CITY OF DOVER

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5. PARADE PERMIT – MOMS ON THE RUN – MOTHER’S DAY ROAD RACE
6. PARADE PERMIT – DOVER YOUTH TO YOUTH

Hindle moved seconded by Ciotti to grant. Ciotti asked to pull the appointment committee report.

Hindle wants 12A-6 removed which is the Dover Youth to Youth, all were in favor of granting the rest of the items. On 12A-6 Youth to Youth, Hindle moved seconded by Ciotti to grant. Hindle says he thinks this is a minor over site and he wants someone to have a Youth to Youth representative sign the application and the clerk will email the council. Trefethen says if the permit is not signed they don’t get their permit. The Clerk will send an email to all of them when it is signed. Motion passed with all in favor.

Ciotti read the appointments committee would like to appoint the following:

Matt Taylor - Conservation Commission

Tom Hardiman - Personnel Adv Board –

Bob Weisner - Personnel Adv Board - City manager appointment and both of these will pick the third person to serve.

The following are reappointments:

Bunnie Belhemeur-DUC - alternate

Don Cichon - Trustee of the Fund

Bill Colbath- ZBA

Bob Whiting - Cemetery Board

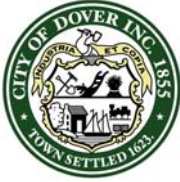
Trefethen asked what the Personal Advisory Board does. Ciotti referred to the City Manager. The City Manager says this was originally a body as an arbitrator for any merit plan issues. They would serve as the review board for those issues. He would like to make use of their expertise and have them to work with the human resource director to do a more thorough review of the merit plan. Hindle stated in addition it is charter regulated. The Mayor noted they were key in starting the hiring process of a city manager a few years ago. Hindle moved seconded by DeDe with all in favor.

### COMMITTEE REPORTS

- |   |  |
|---|--|
| 1. Appointments Committee                     | 6. <b>McConnell Center - submitted</b>     |
| 2. <b>Arena Committee -submitted</b>          | 7. Planning Board                          |
| 3. Cable Franchise Negotiations Committee     | 8. Recreation Advisory Board               |
| 4. COAST Bus                                  | 9. <b>School Board Liaison - submitted</b> |
| 5. <b>Joint Building Committee -submitted</b> | 10. Transportation Advisory Committee      |

### B. RESOLUTIONS

1. **RESOLUTION RE: SALE OF CITY REAL ESTATE ADJACENT TO THE THIRD STREET PARKING LOT. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**



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### ITEM PULLED

#### **2. RESOLUTION RE: HIRING OF PART-TIME EMPLOYEES TO ASSIST IN THE PROCESSING OF RIGHT-TO-KNOW REQUESTS. SPONSORED BY COUNCILOR DOUG DEDE.**

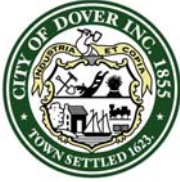
DeDe moved seconded by Ciotti to adopt. DeDe explained the resolution saying the comments that this is a personal attack has not been established in the resolution but he thinks the press has started this. He continued demand is increasing for information in these areas. He does not think this will cost the city \$40,000; minutes are due in 144 hours and they have not seen minutes, they are not done on time in a timely fashion. Lastly we need to get heavier into electronic archiving; a part time staff can help with this. This is not something designed to be an attack on anyone but we have ebbing and flowing demands on the City Manager to produce to be able to meet the demand of the citizens. He asked that they put aside some of the negative demands of this evening.

Keays hates to be so negative but this only comes to about 24 ½ hours and how many requests are we going to get. We should table this and get in touch with Portsmouth, Rochester and Concord and find out if they have this problem of all these requests. He thinks Mr. DeDe is on the board to study union contracts and if he was on the board he would be looking at the help but no he is looking at hiring two more employees. He doesn't think we should jump into this. Once you hire part time help before the year is up they are full time help. That means "bene's" and everything. He would like this item tabled. Scott agrees we should look at other towns. He thinks they do not have this problem because their information is much clearer; he listed several towns. This city has not done as well in their use of the computer.

Hindle shares DeDe's concerns of electronic format. He reminded them this is one of the items eliminated from the City Manager goals; he wants us to work with the City Manager in expanding technology here in the city. Some of the requests for 91A were requested by Foster's. He understands the need and the issue of timeliness of the law. We could perhaps change the time in 91a requests. He wants to take a more global approach.

Cheney has looked at the resolution and was listening to Open Mic talk about smart technology. We have to start first on what is a 91-A; they can walk into the superintendents office and other cities and get the information right away. We have to make government open and accessible. Also this is public information. This does not go along with the City Manager goals. She will not support this.

Trefethen recognizes we have problems; the assertions we have made is if we just provided this information, the requests would go away. Most of these requests do not deal with everyday or every year information; more than half of it is very time consuming. These requests do need to be fulfilled but what has been the outcome of these requests. It is just a dead end. He will not support this because it does not address the real issue which is a fundamental distrust of a select group of people.



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Turner agrees with Trefethen but when one of these resolutions are kept and are able to be copied so if the request comes in next year. This resolution does not add up and he won't support it.

The Mayor checked with Rochester and Portsmouth and they have very minimal requests for 91A.

DeDe asked is the fact that the info is on the 91A on the website decrease our need to supply the information. He indicated this is requests from the press and not necessarily Foster's. His intent is to see the city move to a structure to have a part time service capacity.

Hindle asked the City Manager and City Attorney what percentage of these requests have come from individual city councilors. Joyal stated in 2006 not that many; in 2005 there were a lot. Hindle pointed out as councilors they are exempt from the 91A. Hindle knows how busy the staff is and understands if he does not get information in a day or a week, this turn around time is OK with him.

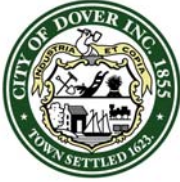
**Hindle moved seconded by Ciotti to suspend the rules to go past 10:30 PM.  
Motion passed on roll call vote of 8-1, with Keays opposed.**

Ciotti says we are hypocritical of the City Manager; we have the money already and a helping hand is needed. There is a lot more to this than just the 91A requests. He would like it to end this Fiscal Year and not exceed the \$40,000.

The City Manager wants them to be aware of some issues. He thanked DeDe for recognizing the backlog. He says this resolution does not target any one individual; the fact of the matter is we have a need for a service we want to provide and a need to provide, as a result we are generating more information, and we need to be able to accomplish this. This has an impact on the organization. When we get these requests we respond to every one of them whether or not they understand it, he is happy to sit and explain it to them. This city provides and inordinate amount of information on the website; is it as good as it could be. When people suggest the accounting system is flawed or the information is not there; this all takes time and resources to get to it. There are a number of activities and projects that need to get done and they take time. When these requests come in staff has to drop whatever they are working on to extract this info so the public can understand the requests. He continued to explain the process we go through to comply with these requests. He is very concerned about this problem and feels he needed to bring this issue to them. DeDe wants them to not look at this as a political issue and would not have asked for it if he did not feel we really needed to do it.

Keays stated this is the first time that he has heard we have a backlog in requests. The Mayor confirmed we eliminated a part time person in the finance department. Keays needs to be shown this is needed. The City Manager says this is because of the requests over the last two years.

After continued discussion the city Manager says how this adds up; if the public wants this info we will get it for them but the operational needs suffer and where it is



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accounting and the city finances they need to get done; he does not want us to have a backlog of activities.

DeDe says the City Manager has told him this is needed and it is our job to listen to him. Motion failed on a roll call vote of 4-5 with Hindle, Scott, Trefethen, Turner and Cheney opposed.

**3. RESOLUTION RE: McCONNELL CENTER APPROPRIATION AND RELATED FUND TRANSFERS FOR CHIMNEY LINING INSTALLATION. SPONSORED BY COUNCILOR DOUG DEDE.**

DeDe moved seconded by Hindle DeDe moved seconded by Ciotti to substitute as a whole with all in favor.

DeDe explained the resolution saying the committee decided to go with a high efficiency gas burner which will be much more efficient in heating the building.

We will also be credited by the fuel company; he is looking for support from the city council. This is an oversight and a mistake.

Turner says as long as there is nothing next; lets get it done, this is all he will vote yes on.

Keays says this is another \$24,000 and we had \$600,000 in the sand and gravel so if he is sure there is nothing else to do to get this place in operation.

He also sees where PSNH is going to pay \$15,390. DeDe asked Chris to explain so the net cost is really \$9,172 after we receive the rebate and this money is out of the gravel fund.

Motion to adopt passed on a roll call vote of 8-1 with Keays opposed.

**4. RESOLUTION RE: ACCEPTANCE OF NANTUCKET COURT AS A CITY STREET.**

SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. **(TO BE REFERRED TO A PUBLIC HEARING ON 11/08/06)**

Hindle moved seconded by Ciotti to refer to a public hearing on November 8<sup>th</sup>, 2006 with all in favor.

**5. RESOLUTION RE: FY07 BUDGET AMENDMENT #2 – MODIFICATION OF THE ACTION PLAN AND EXPENDITURES FOR THE FY06 CDBG ENTITLEMENT FUND**

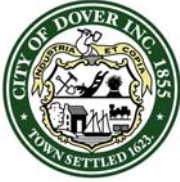
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved seconded by Ciotti to suspend the rules to introduce item 12B-5. Motion passed on a roll call vote of 8-1 with Keays opposed.

Hindle moved seconded by Ciotti to refer to a public hearing on November 8<sup>th</sup> with all in favor.

**C. ORDINANCES IN THEIR FIRST READING - NONE**

**D. COUNCIL CORRESPONDENCE**



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1. WETLANDS APPLICATION – PAUL AND KAREN O'BRIEN
2. WETLANDS APPLICATION – CITY OF DOVER – INDIAN BROOK AND SIXTH STREET

Hindle moved seconded by Ciotti to place on file with all in favor.

### 13. COUNCIL MATTERS OF INTEREST

Ciotti wants to let them know this Friday at noon will be the last meeting at the old senior center building.

Cheney wants to be sure we have a link for the email as it was not explicit in the resolution.

The City Manager says whatever if that is the will of the council is to exclude the City Manager from the email. Cheney says on the website our term ends 12/31/06 and beside that put the words public and private next to those with an explanation. She wants the citizens to have the option to choose. Trefethen does not understand the reason for excluding the City Manager.

Cheney says if you email the City Manager it is considered public not only is it a convenience it is a convenience with intent. Trefethen says we could have a link with the City Manager and a link without the City Manager as there are many times when a constituent has a need and we have to forward it to the City Manager. Why not have him included in the first place.

Cheney gave the example that if she gets a call she tells the person that she will forward it to the City Manager. She thinks she is the representative and she does not need to let the City Manager know who is emailing her. This is a simple thing, what does it matter.

The Mayor agrees in a majority of cases the City Manager should know.

Turner stated on the rare occasions if someone does need him they will forward it.

Hindle does not see why we are discussing this at 11:15 pm under council matters of interest and not during the actual resolution previously.

The Mayor says there is no will of the council to do this.

Keays ask for an update on the gravel pit water situation; Joyal stated the Planning Board has met with them the code enforcement officer has required pit operators to provide a study of the actual location of the water table and at the same time we are continuing to pump from the Griffin Well and are monitoring the situation. In a couple weeks we will have a detailed explanation. Keays was looking the other day and it does not look like the water level has dropped.

His other question is about Park Street and the City Manager says he would see if he could find the money and he has heard nothing about this. And will Glenwood be finished this winter. The City Manager says it will not be done as they are buttoning it up for the winter. Keays asked will the City be fixing up the lawns. The City Manager says if there are still issues they will take care of it as he wants it fixed also.

### 14. ADJOURN

Hindle moved seconded by Ciotti to adjourn at 11:20 pm with all in favor.