



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

### 1. MOMENT OF SILENCE

### 2. PLEDGE OF ALLEGIANCE

Councilor Ciotti led the Pledge of Allegiance.

### 3. ROLL CALL

Present: Councilor Harvey Turner, Councilor Catherine Cheney, Councilor Dennis Ciotti, Councilor Doug DeDe, Deputy Mayor Jason Hindle, Councilor Bob Keays, Mayor Scott Myers, Councilor David Scott and Councilor Dean Trefethen.

Absent: City Manager Michael Joyal

Staff present: Finance Director Jeff Harrington as acting City Manager, City Attorney Allan Krans, Community Services Director Doug Steele, City Planner Bruce Woodruff, City Planner Chris Parker, Police Officer Marn Speidel.

### 4. PROCLAMATIONS – AWARDS

### 5. SUMMARY OF AGENDA

Mayor Myers explained that Jeff Harrington is sitting in for City Manager Joyal this evening. He stated that some items of interest on the agenda this evening include Draft 11 of the Ethics Ordinance, the downtown “shuffling” parking ordinance and the release of legal opinions resolution.

### 6. CITIZEN’S FORUM

*Citizens are invited to speak to items that appear on this agenda.  
Statements shall be limited to five minutes.*

Mayor Myers opened the Citizen’s Forum asking if anyone wished to speak:

Ed Bleiler, 28 Isaac Lucas Circle – stated that at last week’s workshop meeting the auditor for Melanson and Heath did a tap dance. He stated that the report distributed at the end of the meeting was not signed, was not on letter head stationary so who was it written by. He stated that there is a city-wide problem with the numbers and the city should hire an independent auditor as Melanson would not admit to a mistake for fear of a lawsuit. He continued that Councilor Scott has been asking for an independent audit and has been massacred by Foster’s. He stated that the report distributed by Scott McIntire was only given out at the 09/06/06 meeting but was dated 08/16/06 and wonders why that is. He urged the voters to vote out the “big 5 spenders”. He stated he wonders if the report was distributed to some councilors and not others. Next he stated he wants the public to be able to speak at all meetings, not just regular meetings. He stated he will not believe the financial report until it is done by an independent auditor. Next he stated he doesn’t approve of the tire bid that is on the agenda stating that this blanket amount is too high and that someone should do the math.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

Jerry Lynch, 12 Lincoln St. – discussed the high combined salaries and benefits of 3 city employees and stated he wants to know the severance package of former Community Services Director Pete Lavoie. He stated there has been a serious lack of negotiation skills in these cases concluding that Dover is not Beverly Hills or Palm Springs.

Anna Boudreau, Executive Director of Strafford Rivers Conservancy – discussed the upcoming public hearing being held by the Department of Transportation on September 21<sup>st</sup> regarding the Newington/Dover bridge reconstruction. This hearing will be held at St. Thomas Aquinas High School. The gym will open at 3:30 for review of the plans, etc. with the hearing scheduled to begin at 6:30.

Sue Medbury, 3 Covered Bridge Lane – referred to a resolution passed 09/08/04 in which the City manager was directed to send a letter to Waste Management and the Commissioner of the Department of Environmental Services making them aware of the City's concern for the quality of life of its residents impacted by the odors from the Turnkey Facility, etc. which passed on an 8-0 vote. She stated that the resolution wasn't signed by the City Attorney at the time, nor was this ever followed up by the former City Manager nor by current Manager Mike Joyal. She stated that the residents of Wards 5 and 6 are continuously assaulted by the odor at the Landfill, but yet Turnkey has recently been awarded an 8 year extension. She stated that they have never been notified of any meetings or hearings during this process because this was not followed up by the City of Dover and perhaps if it had, there would be a better quality of life.

Chris Jacques, 52 Rutland Street- Thanked the City Councilor for approving the voluntary road toll permit for the Dover Professional Firefighters to raise funds for muscular dystrophy on August 26<sup>th</sup>. He stated that they addressed the concerns brought up regarding traffic and were able to raise \$6,400. He stated that the funds raised by them every year stays in New Hampshire 100%.

Don Medbury, 3 Covered Bridge Lane – stated that at last week's (09/06/06) meeting there was another attempt to discredit Councilor Scott with a scripted response by the auditor and a smoke and mirrors ballet. He stated that he contacted his Councilor to get a copy of the documents passed out at that meeting which were not on letterhead nor was it signed by anyone. He stated the documents were also dated August 16<sup>th</sup>, so why weren't they available before the meeting. He stated we paid \$3,000 for this and wants the author to please stand up. He concluded by stating that the citizens should take notice of the \$1,288,418.00 paid to 5 city employees during 2004 and 2005 and wonders where is the outrage. He stated that the Mayor and city councilors who voted to stop the city manager search are not accountable to taxpayers and they need to go in November 2007. He stated there should be no lifetime health benefits in any new contracts and they should start tonight with the City Manager contract.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

Rick Hebbard, 97 Spruce Lane – spoke regarding the ordinance on the agenda to add an additional alternate to the Dover Utilities Commission which is meant to make up for the inappropriate action taken by a Councilor who called the other members saying that they needed to make room for him (Hebbard) but did not give them a full explanation of why. He continued that last year the Council proposed an ordinance to lower the number of the members on the DUC which was not passed and he requests that this ordinance not be passed either. Next he discussed the quorum of 5 councilors for e-mails which also applies to 5 Councilors discussing city business which occurred on 08/29/06 at 7:00 p.m. and he expects that minutes should be done for that discussion as required under RSA 91:A.

Mary Hebbard, 97 Spruce Lane – discussed the resolution regarding the release of City Attorney Legal Opinions which did not include August 3, 2006 and the vote to add it back failed on a 4-4 vote because people wanted to wait until the appropriate time. She stated that she feels this is the appropriate time and wants that document released. This document is in reference to the reinstatement of Rick Hebbard to the DUC.

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

### **7. PUBLIC HEARINGS**

- A. Resolution RE: Fiscal Year 2007 Budget – Amendment #1. Sponsored by Mayor Scott Myers, by Request. (See item 11C-1)

The Mayor opened the public hearing:

John O'Connor, Supt. Of Schools and Marjorie Fisher, School Board Chair – asked the Council to support this budget amendment which will be used to offset the cost associated with the new teachers contract which they hope will be ratified by the teachers union and then adopted in October.

The Mayor closed the public hearing.

- B. Resolution RE: Designating Class VI Roads as Emergency Lanes Pursuant to RSA 231:59-a. Sponsored by Mayor Scott Myers, by Request. (See Item 11C-2)

The Mayor opened the public hearing:

Mary Hebbard asked that before her time begins, she would like to hear from the Planning Staff on this issue.

Hindle moved to suspend the rules to allow the Planning Staff to speak, seconded by Scott. Motion passed on a 9-0 roll call vote.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

Bruce Woodruff, Planner, stated he wasn't prepared to give a presentation on this issue but basically there are 6-7 Class VI highways which many came into being in colonial times and were considered public highways, but are not maintained by the city, although some have homes on them. He stated this ordinance mirrors the State law and gives the city authority to maintain the roads when they are impassable, i.e. plowing for safety reasons only.

Rick Hebbard, 97 Spruce Lane – was a member of the Class VI subcommittee, which he has a big folder of paperwork on. He distributed a list of the subcommittee recommendations to the Councilors, but the City Clerk did not receive one for the record. He concluded that this has not been an issue before but all of a sudden there is a problem. He stated that he has always worked on this road as did his father before him and hopes that the council is not violating his rights as a property owner which he owns to the center line of that road and the city only has an easement.

Mary Hebbard, 97 Spruce Lane – thanked the Council for allowing Bruce Woodruff to speak first. She stated that this is a personal issue but she is trying to be clinical about it. She feels this is an attempt to abridge abutters rights. She referred to the book "Hard Road to Travel" written by Bernie Wau which is available in the Planning Office. She read RSA 229:5 regarding Class VI roads. She continued that when homes are built on Class VI roads it has to be put into the deed that the city has no liability to provide municipal services and the owners have to agree to this and that they are responsible for the maintenance and repair work. She stated that if this resolution passes, the abutters won't be notified, nor were they notified prior to this. She reviewed the history of Old Garrison Road and stated that she feels there should at least be a workshop held to discuss this issue but would like the Council to vote no.

Ray Bardwell, Spur Road – would also suggest a workshop be held to fully address the issues that are attached to this action.

The Mayor closed the public hearing.

- C. Ordinance #10-08/23/2006, Chapter 166 Vehicles and Ttraffic section 166-57, Schedule J: Limited Time Parking. Sponsored by Deputy Mayor Jason Hindle, Transportation Advisory Commission Chair. (See Item 11A-1)

The Mayor opened the public hearing:

Robert Goss, 10 Royer Lane – stated he read this ordinance but feels it doesn't make sense. He stated he doesn't feel this can be enforced and that it will hurt business.

Linda Bertrand, owner Station House Restaurant - stated there is already a problem with finding places to park and that she herself is a "shuffler" as she feels she has nothing else she can do. She stated she pays all of her parking tickets and stated there are no places to park and does not want this ordinance passed.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

Mike Cartelli, owner Cartelli's Bar and Grille – stated this is a safety issue for the people who work in these businesses and are there late at night. He stated the 3<sup>rd</sup> Street parking lot is too far away to be walking that late and usually they have their tip money with them. He stated that Dover is a safe city, but there is still crime.

Scott Mason, owner, Barley Pub, stated Dover has felt the impact of the success of these local businesses with traffic and parking issues but to make people have to leave parking spots after 2 hours is not the right way to go. He stated that there are people that come to Dover to the Friday night concerts and eat/drink in the restaurants beforehand and then walk over to the park. If this goes into effect, they will be ticketed.

Martha Mason, 35 Park Street and owner of Cocheco Falls Gallery on Central Ave – used to get tickets as a commuter working in Dover and now as an owner of a business, she still gets tickets as she needs her vehicle available during the day for deliveries etc. She also feels that 2 hour time limit is not good for businesses as people like to park and walk around and eat etc.

The Mayor closed the public hearing.

- D. Ordinance #07-05/24/2006 – DRAFT 11 – Chapter 22 Ethics, Revision of Entire Chapter. Sponsored by Deputy Mayor Jason Hindle. (See Item 11A-2)

The Mayor opened the public hearing:

Phyllis Woods, 1 Barry Street – stated the Council has done a good job incorporating the suggestions and compromises on this ordinance. She then reviewed some areas that are still of concern to her.

Robert Goss, 10 Royers Lane – stated that they have done a good job on this so far but discussed section 22-10, Future Employment asking why this singles out Councilors as opposed to all elected officials. He also agrees with Phyllis Woods that there should be more teeth in the ordinance so that people will know that something will happen and not just dismissed.

The Mayor closed the public hearing.

### **8. CITY MANAGER'S REPORT**

The Mayor stated that the City Manager submitted his report in writing in the packet.

Scott asked about \$236,000 for the Brian Stern property and the legal problems that have arisen and have they been resolved.

DeDe stated this is still not resolved.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

The Mayor will have City Manager Joyal follow this up with him.  
Hindle moved to accept the Manager's report, seconded by Ciotti.  
Motion passed on a 9-0 vote.

### 9. MINUTES

- A. REGULAR MEETING – JULY 12, 2006
- B. REGULAR MEETING – JULY 26, 2006
- C. REGULAR MEETING – AUGUST 9, 2006
- D. REGULAR MEETING – AUGUST 23, 2006

Hindle moved to accept and place on file, seconded by Ciotti.

Scott has an amendment to August 9, 2006 minutes page 6, City Manager's Report. He submitted notes to the Clerk for insertion.  
The Mayor stated that the 08/09/06 minutes will be tabled until the tapes can be reviewed.

Motion to accept A, B and D passed on a 9-0 vote.

### 10. MAYOR'S REPORT

Mayor Myers began by thanking the Fire department for the 9-11 ceremony held at Henry Law Park stating it was very moving. He reminded everyone that Hazardous Waste Day will be held September 23 from 9:00 to 1:00 at the Mast Road Recycling Center. Also, he urged people to attend the previously mentioned Dept. of Transportation public hearing at St. Thomas Aquinas High School on 09/21/06 and gave some background of Council action regarding this project. He stated the State needs to hear from residents and he will be speaking on the mitigation package only at the Public Hearing on behalf of the City.

Scott asked how much money has been committed by the city.  
Finance Director Harrington stated \$1.5 million.

Hindle moved to accept the Mayor's Report, seconded by Dede.  
Motion passed on a 9-0 vote.

### 11. UNFINISHED BUSINESS

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

#### **1. #10-08/23/2006, CHAPTER 166 VEHICLES AND TRAFFIC SECTION 166-57, SCHEDULE J: LIMITED TIME PARKING. SPONSORED BY DEPUTY MAYOR JASON HINDLE, TAC CHAIR.**

Hindle moved to adopt, seconded by Ciotti.

Hindle stated there are representatives from both Police Department and Planning present. He stated that during the Rizzo fact finding in 2004 and 2005 the repeated theme by numerous



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

merchants was the problem of shuffling in the downtown core. He stated the last Council heard the concerns of merchants who had 15 minute turnover customers who had nowhere to park and those spaces were added. He stated they are also looking at better signage and lighting for the Orchard, Chestnut and 3<sup>rd</sup> Street municipal parking areas which day to day go unfilled. He stated these lots are all within walking distance of the businesses, they just aren't right in front of them. He stated he would rather table this to a workshop if there are negative feelings about it.

Keays agrees that there is ample parking available downtown, though people might just have to walk 10 minutes but it is good exercise. He stated he won't support a parking garage. He stated he wants to hear from the Police Department how many more employees will need to be hired to implement this and the cost.

Trefethen also would like to hear the mechanism of enforcement, how they keep track of 2 hours, and if they move from Central to 3<sup>rd</sup> to Washington all day.

Officer Marn Speidel explained the current system will not change dramatically or significantly and there will be no more personnel. He explained that they have technology available for this, but also rely on the eyewitness account by the officers. He stated that they do use chalk marks on tires which is the best system right now. He stated the chalk marks do wear off but again, the officers do recognize cars that are moving around.

Trefethen clarified that there will be no additional personnel added but what about equipment or software.

Speidel stated not beyond what is already currently budgeted, they already have the equipment. He continued that the typical customers of downtown are not the target, but it is the workers downtown. He stated that this is also a part of the Transportation Master Plan and is a short term solution to a long term problem and they are still looking towards a parking garage.

Myers stated that he knows what the people who spoke during the public hearing are saying as he has a similar issue with his restaurant in Hampton and there is the same problem in downtown Portsmouth as well. He stated this is to encourage long term parking out of the direct downtown spaces in the lots. There have been 11 spaces changed to ½ hour limits to encourage the turnover business and no one intends to hurt downtown businesses, just to get employees to park elsewhere. He stated they should still work on a long term solution and would agree with a workshop to educate everyone where the public lots are.

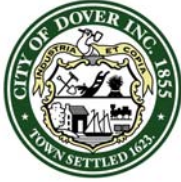
Ciotti asked if handicap drivers also are held to the 2 hour limit.

Speidel stated they are exempted.

Ciotti asked if the police department will still escort people to their vehicles if called as has been done in the past.

Speidel stated yes.

DeDe stated he will vote no as this is a band-aid to a larger problem and even if this goes to a workshop he will not vote in favor.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

Cheney stated she called different types of businesses in the downtown area and the consensus was that they did not want this ordinance, especially with the Children's Museum coming into town. She stated that she feels this will be a challenge to enforce.

Scott thanked the people for coming down and speaking during the public hearing and stated that he will either vote to table or vote no.

Trefethen stated there are a lot of issues and deals with 2 different groups of people; the workers who find it too far to walk from the lots and the downtown customers. He stated he has always supported the businesses but finds it hard to lend a helping hand when they are biting their own hand by parking in front of their own establishments. He will also vote no on this.

Hindle stated he agrees that this is a bandaid approach but this is the recommendation of the Rizzo Report while they are debating the parking garage. He stated the bigger issue is that there are municipal lots which sit idle. With more and more businesses coming into town there continues to be the need for a long-term solution, including parking decks at the Chestnut Street lots recommended in the Rizzo Report.

Myers stated this should be tabled back to the TAC for discussion with the residents and business owners.

Hindle moved to table to the TAC, seconded by Ciotti. Motion passed on an 8-1 vote, DeDe opposed.

### **2. ORDINANCE #07-05/24/2006 – DRAFT 11 – CHAPTER 22 ETHICS, REVISION OF ENTIRE CHAPTER. SPONSORED BY DEPUTY MAYOR JASON HINDLE**

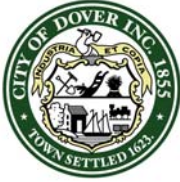
Hindle moved to adopt, seconded by Ciotti.

Hindle reviewed the background of this ordinance up to and including this the 11<sup>th</sup> draft.

Motion passed on an 8-1 vote, DeDe opposed.

Hindle stated that the issues brought forth tonight by Phyllis Woods will be beneficial once this ordinance is passed when the Ethics Commission puts together their own administrative rules which will then be referred to the Council for further review and vote.

Regarding the process of appointing members, he agrees that they should be elected, but when this was brought forward, he didn't think it would pass muster so they decided to have the Council appoint the members. He asked Attorney Krans for any comments regarding Sections 22-3 and 22-7.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

Krans stated that after the last public hearing he consulted with various attorneys throughout the State and tried to find some that aren't a part of the status quo, i.e. ACLU and received a mixed response. He stated that the consensus was that there should not be a provision to remove people from the boards if sued and regarding 22-7, he stated that confidential or privileged means the same thing and is mostly regarding attorney/client.

Myers asked if we leave in "privilege" does it open us up to something else.

Allan stated no, they can leave it in.

Hindle stated this is obviously not a perfect ordinance and has been the most scrutinized he has seen with 11 drafts and 5 public hearings. He stated that he would like to see this voted on tonight.

Trefethen thanked Hindle and everyone else for their efforts on this stating the larger the number of people with input, the longer the process and he appreciates the input. He stated there does come a time to move forward and even if it is not perfect, it is as good as possible. Secondly, he explained the concern with section 22-10, future employment, stating that this specifies the Council because the Council is the only board that allocates funds, creates programs, etc.

Cheney stated this has come a long way but still has a problem with 22-10 as it conflicts with C10-10 which says "elective or appointed officer". She stated she spoke with most of the Charter Commissioners who stated this is a conflict to the Charter and feels that this section could be removed and just refer to the charter section 10-10.

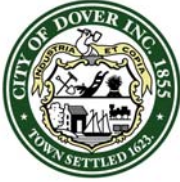
DeDe stated there is some anxiety for the lack of recusal for Commission members, but there is already provision that say "replaced". Also regarding 22-10, there was an actual case with Allan Krans having been on the Charter Commission as elected, but it was a temporary board and suggested that the wording could be changed to "election officials of a regular term".

Myers stated regarding 22-10 he recalls the discussion which included Supervisors of the checklist are also elected officials but only work 2-3 days a year, so it was changed to council. He stated that in the broader sense he is pleased with the document and thanked Mary Hebbard and Phyllis Woods for their input. He reiterated that the Ethics Commission will have to review their by-laws, etc. and come back to the Council.

Cheney stated that the Charter Commissioners were sympathetic with the poll workers but they are elected officials. She stated she is not trying to negate the hiring of the City Attorney but LGC did give an opinion that the Charter Commission members are elected and she still feels that this section is superceded by the Charter.

Discussion ensued.

Cheney moved to amend section 22-10 by removing "Councilor" and adding "elected officer", seconded by Scott. Motion passed on an 8-1 vote, Myers opposed.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

Scott moved to amend by removing 22-14B(v), seconded by Cheney.  
Discussion ensued.

Motion failed on a 2-7 vote, Scott and Cheney in favor.

Hindle moved to add "RSA 49C-13" to section 22-14B, seconded by Turner.

Motion passed on a 9-0 vote.

Main motion as amended passed on a 9-0 roll call vote.

B. ORDINANCES IN THE 3<sup>RD</sup> READING - NONE

C. RESOLUTIONS

**1. FISCAL YEAR 2007 BUDGET – AMENDMENT #1 - SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

Hindle moved to adopt, seconded by Ciotti.

Trefethen asked how does this affect the current/future property tax rate.

Harrington stated the rate that will be set in October will not be affected.

Discussion ensued regarding this amendment.

Dr. O'Connor stated that this money will be set aside for the teacher's contract settlement.

Myers clarified that there is no school reserve fund, and the money can be spent anyway they want to once it is appropriated by the Council.

Keays stated that the school already got the full budget they requested with no cuts and that this should wait.

O'Connor once again assured the Council if the \$425,000 is appropriated they will use it exclusively for the teacher contract. If a roof repair or something else unexpected comes along, they would come back to the Council for that specific item.

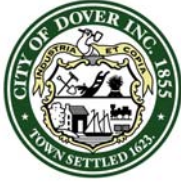
DeDe stated the School Board worked hard to bring this to fruition and it is understood that the Council cannot by State law direct them where to use the money so there must be an element of trust and confidence in the School Board.

Keays stated that O'Connor said during the budget process that it was a bare-bones budget, but now there is a new drive at Horne Street School.

Hindle stated that whether it is the Council or the School Board appropriating money, they are all elected officials and accountable to the people who elected them.

O'Connor clarified that the parking lot at Horne Street was done with CIP money approved last year.

Scott stated he is in favor of this money going to the school budget but does not mean he will be in favor of the teacher's contract.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

Ciotti stated that he wants the caveat of the approval of this amendment to be that it will be used for the teacher's contracts.

Dr. O'Connor stated the School Board assures him this will be so.

Myers stated he would rather do this as a straight forward amendment for accounting reasons so that it doesn't show up as a use of fund balance. He stated he is not anti-school or anti-teacher.

Motion to adopt passed on a 6-3 roll call vote, Ciotti, Keays and Myers opposed.

### **2. DESIGNATING CLASS VI ROADS AS EMERGENCY LANES PURSUANT TO RSA 231:59- A. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

Hindle moved to adopt, seconded by Ciotti.

Trefethen stated that this has been an issue for a long time which has all kinds of issues that go along with it. He stated that he is concerned that there is a good reason for this resolution, but not enough information and would prefer to table to a workshop.

DeDe feels that the information that Mary Hebbard provided was convincing and that he will vote no on this.

Cheney agrees with DeDe stating that the rights of citizens are more important and people want the city to stay off of their private roads. She stated 3 generations have taken care of this road and there is no documentation to show there have been emergency issues.

Scott stated that this is a violation of property rights the same as was the case with Back Road and the cutting down of trees by the city.

Myers was glad to hear from Mary Hebbard and feels that he doesn't have enough information to vote yes or no and would like to get educated.

Hindle moved to table to a workshop, seconded by Turner.

Motion passed on a 5-4 vote, DeDe, Cheney, Keays and Scott opposed.

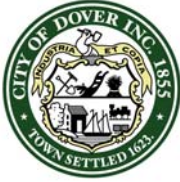
### **3. REVOCATION OF CERTAIN POLE LICENSES OF VERIZON. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. (TO BE REMOVED FROM THE TABLE)**

Item remained on the table.

## **12. NEW BUSINESS**

### **A. CONSENT CALENDAR**

1. RAFFLE PERMIT – DHS FOOTBALL BOOSTERS – CASH CALENDAR
2. TAG PERMIT – SEACOAST RIPTIDES



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

3. PARADE PERMIT – KNIGHTS OF COLUMBUS COUNCIL 807
4. PARADE PERMIT – COCHECO VALLEY HUMANE SOCIETY

Councilor Scott asked to remove items 12A-5 through 12A-10.  
Hindle removed the Joint Building Committee Report.

Hindle moved to adopt 12A-1-4 and the remaining reports, seconded by Ciotti.  
Motion passed on a 9-0 vote.

**5. RESOLUTION RE: AWARD OF BID #B07010 FOR IMPRINT MODIFIED-RESIN CROSSWALKS.**  
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Ciotti.

Scott stated that this should be rebid as there is only one bid.

Keays asked how many crosswalks is this for.

Community Services Director Doug Steele stated 15.

Keays stated this is too expensive for the taxpayers.

DeDe stated it is too expensive. He stated the material being used had to be repaired after snow plowing because it is raised, although there is a 2 year warranty. He stated that the Town of Durham is using the stamping and painting method for crosswalks and yes they do have to be repainted but we can't afford the ambiance of this type of crosswalk.

Hindle stated that when this came before the Council as a part of the Rizzo Report it passed on a 9-0 vote.

Trefethen stated that it wasn't too long ago that this Council was bemoaning the crosswalks were not visible enough and are unsafe.

Ciotti stated we need safer crosswalks, not prettier.

Scott stated his issue is different because he feels that the specs must be out of whack.

Steele explained that this company is the sole provider of this type of material in the northeast and this is considered a raised crosswalk which assists drivers in remembering that it is there and was a part of the Rizzo recommendation.

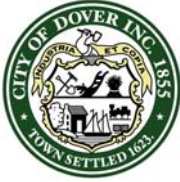
Bruce Woodruff spoke about the various types of crosswalks and the conflict between pedestrians and cars. He stated this type of crosswalk is for safety not for being pretty and paint wears out.

Steele explained that there are 3 of these crosswalks already in place in Dover; Chestnut Street, Bellamy Road and Central Avenue, downtown.

Discussion ensued.

Keays moved to table and refer to the TAC to be discussed in conjunction with their crosswalk policy review, seconded by Scott.

Motion passed on a 6-3 vote, Ciotti, DeDe and Trefethen opposed.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

Trefethen moved to suspend the rules to go past 10:30 and to finish the agenda, seconded by Ciotti. Motion passed on a 9-0 roll call vote.

**6. RESOLUTION RE: AWARD OF PURCHASE ORDER FOR CUSTOM COMPUTER SOFTWARE FOR USE IN SUPPLYING INFORMATION FOR DEVELOPMENT OF A STANDARD CRIME ANALYSIS INFORMATIONAL DATA BASE. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

Hindle moved to adopt, seconded by DeDe.

Scott stated he removed this because he thinks it is an unnecessary luxury.

Police Officer Marn Speidel explained the background of this resolution stating that Dover will be participating with the University of Georgia to supply it with historical crime incident information for use in the possible development of a standardized data base for future use of any authorized law enforcement agencies. He stated the more data that is available to law enforcement the more helpful it is to all agencies. The City of Dover will receive funds not to exceed \$21,294.00 to help defray expenses incurred for supplying this information.

Motion to adopt passed on a 5-4 roll call vote, Turner, Keays, Scott and Trefethen opposed.

**7. RESOLUTION RE: AWARD OF PURCHASE ORDER FOR FINAL DESIGN SERVICES FOR A REPLACEMENT VEHICULAR BRIDGE – WASHINGTON STREET OVER THE COCHECO RIVER. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

Hindle moved to adopt, seconded by Ciotti.

Scott stated that he has asked the State of NH if we find another bridge project can this money be transferred and he was told yes.

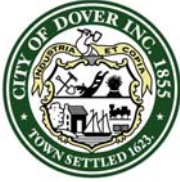
Myers stated that the city fought hard to get this project put in the State 10 year plan and the city portion is 20%.

Keays stated he has thought about this but feels that with condos going in across there he doesn't want that to happen. He would like to see the CWDAC withdraw all bids and put in parks and public boat slips instead. He stated that we already went through all of these problems with condos when they were going to be put in on Paul Street. He doesn't think that we should be putting anymore roads and utilities in for the city to take care of and feels that there hasn't been a bridge there for 35 years, so no need for it now.

Turner agrees with Keays regarding the condos, but he does feel that no matter what goes in over there, the bridge needs to be put in.

Cheney agrees with Keays and Scott and has attended the CWDAC meeting and was impressed with the proposal except that there were only 3 public boat slips and the sewer treatment plant still needs to be addressed.

DeDe stated that this has been in the works for quite some time and received favorable votes at the CIP stage. He explained that the vision of the waterfront was to reduce the taxes for the city



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

by using the valuable riverfront land which will be taxed at a higher rate. He further explained the background of the waterfront development.

Turner stated that this is a jointly funded project with the city paying 20% and we've already paid for phase I and this is the remainder.

Hindle stated that as the Chair of the TAC he received complaints regarding the traffic, bottlenecking, etc. so no matter what happens there needs to be access to the site. This was also a part of the Rizzo study to redirect Main Street traffic and will open up more business development in the lower levels.

Keays asked if we have worked it out with the property owner where this bridge is going.

Myers stated he isn't sure where this stands, but there is an alternative route as well.

Motion to adopt passed on a 6-3 roll call vote, Cheney, Keays and Scott opposed.

**8. RESOLUTION RE: AWARD OF BLANKET PURCHASE ORDER FOR TIRES AND MISCELLANEOUS AUTOMOTIVE SUPPLIES. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

Hindle moved to adopt, seconded by Ciotti.

Scott explained that he is opposed to blanket purchase orders for tires and supplies and there was no attempt to get the best price.

Myers explained that this is a piggy back on the State of New Hampshire bid.

Motion passed on an 8-1 roll call vote, Scott opposed.

**9. RESOLUTION RE: AWARD OF RFP#B07002 FOR HYDROGEOLOGICAL SERVICES – PUBLIC WATER SUPPLY/WELL STUDY. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

Hindle moved to adopt, seconded by Ciotti.

Discussion ensued regarding depth of the drilling and the scope of the service.

Motion to adopt passed on an 8-1 roll call vote, Scott opposed.

**10. RESOLUTION RE: AWARD OF PURCHASE ORDER FOR VARIOUS AUTOMOTIVE PARTS AND SUPPLIES. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

Hindle moved to adopt, seconded by Ciotti.

Scott stated he removed this item because there should be no blanket purchases orders and asked how much was spent over the last 2 years.

Harrington doesn't have the answer to that question but explained that this is before the Council because the aggregate amount for this particular vendor will be over \$10,000 for the year.

Steele further explained that there are other vendors used for these items as well, but the amount spent is under \$10,000 so doesn't need to come before the Council.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

Motion to adopt passed on an 8-1 roll call vote, Scott opposed.

### **COMMITTEE REPORTS**

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

Hindle reported that the Joint Building Committee will be holding a dedication of the Phase I and Phase II Garrison School renovation and is the 5<sup>th</sup> consecutive project to come in on time and on budget.

Ciotti moved to accept the report, seconded by Hindle.

Motion passed on a 7-0 roll call vote, Cheney and Trefethen out of the room.

### B. RESOLUTIONS

1. **RESOLUTION RE: APPROVAL OF MINUTES OF NON-PUBLIC SESSIONS.** SPONSORED BY DEPUTY MAYOR JASON HINDLE.

Hindle moved to adopt, seconded by Ciotti.

Motion passed on a 9-0 vote.

2. **RESOLUTION RE: RELEASE OF CITY ATTORNEY LEGAL OPINIONS TO THE COUNCIL FROM JANUARY 2006-AUGUST 2006.** SPONSORED BY DEPUTY MAYOR JASON HINDLE.

Hindle moved to adopt, seconded by Ciotti.

Hindle reviewed the background of why the 08/03/06 Hebbard letter was not included on this list.

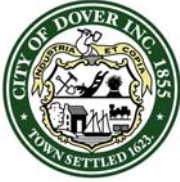
Motion to adopt passed on a 6-3 roll call vote, Ciotti, DeDe and Trefethen opposed.

3. **RESOLUTION RE: APPOINTMENT OF JOINT BUILDING COMMITTEE MEMBER.** SPONSORED BY DEPUTY MAYOR JASON HINDLE.

Hindle moved to adopt, seconded by DeDe.

Hindle explained that Ray Bardwell was recently appointed as a non-voting member of the JBC and State law now allows that citizens can be voting members, and there must be an equal balance of school and city representation. The School Board has appointed their citizen representative who is a voting member, and therefore, Ray Bardwell needs to be appointed the same.

Discussion ensued.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

Motion passed on a 9-0 vote.

**4. RESOLUTION RE: CITY MANAGER EMPLOYMENT AGREEMENT AMENDMENT.** SPONSORED BY MAYOR SCOTT MYERS, DEPUTY MAYOR JASON HINDLE, COUNCILOR DEAN TREFETHEN, COUNCILOR DOUG DEDE, COUNCILOR DENNIS CIOTTI AND COUNCILOR ROBERT KEAYS.

Hindle moved to adopt, seconded by Ciotti.

Myers stated there was updated copy of the contract which were minor revisions e-mailed and distributed to the Council on Monday.

Scott stated he doesn't like the long term financial impact of this, if he retires at age 50 he could have 37 more years of life.

DeDe stated this is a revenue neutral contract. He continued to read a prepared statement.

Cheney stated she is against this as her evaluation was slightly below expectations and feels there should have been negotiations.

Turner stated that Joyal has done an excellent job and is very energetic but he was hoping that when they went into negotiations he would "pull a Steve Stancel" and flatten his rate, but he has a contract and is asking for an amendment.

Myers stated the City Manager's evaluation was "meets or exceeds expectations" and feels that it was a good process that they went through. He stated the results were released that evening and he was offered a 4% merit and he was entitled to a 3.8% COLA. Instead he asked to not match his retirement, so this doesn't cost anything extra and the city already pays his match anyway. He stated that the 12 months pay without cause and the insurance coverage has already been in the contract right along. He concluded by stating that the contract was already approved 8-1 in a non-public session and this is to reaffirm.

Scott stated that the Mayor said there were no changes to the contract, but feels that there was.

Myers stated no, it is the same contract.

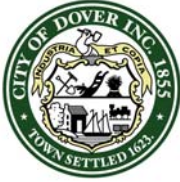
Discussion ensued.

Motion passed on a 7-2 roll call vote, Cheney and Scott opposed.

**5. RESOLUTION RE: TRANSFER OF ADDITIONAL FUNDS FOR ROUTE 108 SIDEWALK.**  
SPONSORED BY COUNCILOR HARVEY TURNER, WARD 6.

Turner moved to adopt, seconded by Hindle.

Turner reviewed the background and referred to a map of the area (See folder). He explained that the proposed sidewalks are too close to the "northend dragway" and this change moves them back behind the utility poles with a strip of grass between.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 13, 2006**  
Meeting Time: **7:00pm**

Keays asked how much will it cost to move the utility poles.  
Turner stated they may only have to move one pole.

Motion passed on an 8-0 roll call vote, Ciotti out of the room.

**6. RESOLUTION RE: MCCONNELL CENTER APPROPRIATION AND RELATED FUND TRANSFERS FOR STATE OF NH DEPARTMENT OF HEALTH AND HUMAN SERVICES FITOUT. SPONSORED BY COUNCILOR DOUGLAS DEDE, WARD 2.**

Hindle moved to substitute as a whole, seconded by DeDe.  
Motion passed on an 8-0 vote, Ciotti out of the room.

DeDe explained that this resolution is so that a private bathroom can be installed for the State of New Hampshire Department of Health and Human Services office of the Juvenile Probation and Parole which is required by law for drug testing of their clients. This will money will be reimbursed by the State with the first months rent.

Motion passed on a 9-0 roll call vote.

C. ORDINANCES IN THEIR FIRST READING:

**1. ORDINANCE #11-09/13/2006, CHAPTER 3, ADMINISTRATIVE CODE, SECTION 3-63, DOVE UTILITIES COMMISSION, ADDING 2<sup>ND</sup> ALTERNATE. SPONSORED BY COUNCILOR DENNIS CIOTTI, CHAIR, APPOINTMENTS COMMITTEE.**

**ITEM WITHDRAWN**

D. COUNCIL CORRESPONDENCE

**1. Letter – from Mayor Myers to Mayor Michael Watman of Somersworth, NH**

Hindle moved to accept and place on file, seconded by Ciotti.  
Myers explained that this is an example of a letter he sent to all Mayors in New Hampshire.  
Motion passed on a 9-0 vote.

**13. COUNCIL MATTERS OF INTEREST**

Hindle thanked the election worker and the City Clerk's office staff for their work at the September 12, 2006 State Primary election.

Cheney stated she still wants the confidential letter of August 3<sup>rd</sup> to be released and will bring forth a resolution. Secondly, she also agrees that the reports from the Accountants that were not on letterhead or signed were not official documents.

**14. ADJOURN**

Hindle moved to adjourn at 11:45 p.m, seconded by Ciotti. Motion passed unanimously.