



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: Wednesday, March 28, 2007  
Meeting Time: **7:00 pm**

### 1. MOMENT OF SILENCE

### 2. PLEDGE OF ALLEGIANCE

Ciotti led the Pledge.

### 3. ROLL CALL

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

### 4. PROCLAMATIONS – AWARDS

### 5. SUMMARY OF AGENDA

The Mayor stated there was a swearing in ceremony this evening for the new Police Chief also we have 2 main resolutions on the agenda.

### 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.*

**Jack Roche** of 3 Westgate Drive in Ward 5 noticed on the city council meeting when he was watching channel 22 this weekend and saw they were in negotiations with the cable company. He suggests that we ask the communities come here and give their pros and cons for their own cable business. Eliot is having the same to get a local channel over there. This is his suggestions. The Mayor says the cable renewal is being referred to April 11th for a public hearing.

**Edward Bleiler** of 28 Isaac Lucas Circle seconds the previous gentleman's remarks has just been reading his court order regarding his law suit and it is obvious to him that he won, he hopes to get with his attorneys to discuss it next week. He hopes to get some of the illegal funds back and give them back to the over taxed taxpayers of Dover. He wants to make the council and citizens aware that the offer from Mr. Dickenson on the 20 acres are substantially below the market value; there is also concern there is a secret core group that has been meeting he wants to know who has participated as this is against the charter if this information is not forthcoming, there should be an ethics charge. The fact that Mr. Dickinson and Mr. Boc were school mates in MA should not disqualify Dickinson from being allowed to bid on this parcel of land. He continued with information about the Dickinson proposal and how others were not given the same information in the bid process. He can't believe they hired a NY firm to give the appraisal; please Mr. Mayor tell us who was the client that gave such a glowing recommendation to this NY firm that does not have a license to practice in NH. He was hired by



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Dover and paid close to \$50,000 he was surprised. He continued to read a prepared statement. He complimented Trefethen, Keys, Scott and Turner for abiding by the rules of the City Charter. He concluded by saying we must not go into this project in a sloppy way such as the McConnell Center.

The Mayor clarified he has no knowledge of the appraisal firm from NY; he has not met them. It was not the city council that hired the firm; it was the DHA that hired the firm without his knowledge.

**John Scruton** of 99 Sixth Street stated there is an upcoming audit in the city when this audit is finished he would like it to have some meaning and not just have it balance the books but show where the City can do better. You can always do better if you have a coach behind you. It should not be coming from inside city hall; there should be a specific audit committee. Item #2 the SRPC put out a nice series on community planning; when you get up in impervious services; well Dover is over the 10% mark right now in water quality.

**Jerry Lynch** of Lincoln Street wants to talk about residents that live on a fixed income. He just lost a friend of 50 years that had to move out of Dover because he can't afford the taxes. He continued about the elderly that cannot afford their food, fuel taxes and medicine. He read a prepared statement. The final question is how can the council continue to raise taxes.

**Don Medbery** of 3 Covered Bridge Lane thanked the city for giving the new Police Chief a very good welcome to the job and a very good reception which he well deserves. Last night he was here and appeared before the Planning Board and then continued to comment on a particular developer and why were the abutters concerns not addressed. He congratulated the people on the Planning Board who at least put it off or table for another meeting. The particular individual that spoke has all this land thrown in his face and he understands the idea of the Open Lands Commission and how it works but Mr. Pasquerella came here a few years ago to live and was treated in this poor manner; it is hard to believe. He has no doubt in his mind that we will be looking at more litigation on this issue. We need to make this amiable to all the citizens.

### 7. PUBLIC HEARINGS - NONE

### 8. CITY MANAGER'S REPORT

The City Manager made the public aware that Anthony Colarusso was sworn in as the new Police Chief tonight. He urged people to contact the Chief and congratulate him. In the managers report he has included an update from the city attorney office; he is working with the boards and commissions and their practices that he is reviewing. He was informed by a newspaper reporter that a Strafford County Superior judge has granted a motion to reconsider in the matter of Bleiler vs. him which has to do with employee agreements and he does not see how that can be interpreted as a win.



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Scott complimented the City Manager on the selection of Chief Colarusso. Second he had asked for a report of the number of city employees by department broken down by department. There is a conflict with the info that was received with information that is on line. The City Manager says the sheet in the report calculates the number of 306 represents full time equivalents. The number in last months report was the number of bodies but does include part time people. Without doing a considerable amount of calculations he will not be able to provide the numbers Scott is looking for on a monthly basis because it will fluctuate depending on the season. Scott stated so the report with the head count the City Manager talked about last month was not actual. He wants to see it because he believes the part time people do not get health care. The City Manager explained again those are the full time equivalent people. Our payroll system does not allow him to track the info the way Scott wants it. The City Manager can give the actual tabulation on who is full time and who is part time. Scott does not understand if the budget was for 259 full time; why do we have 100 part time employees for February. The City Manager says that is a good assumption and the best he can do.

There are 25 part time people at the library plus several more that work for recreation.

Keays asked the City Manager what is considered a full time employee. The City Manager says a person that works 30 or more hours per week and that number of hours qualifies them for health insurance. But they are not required to join the retirement system until they reach 32 hours. Keays asked if an employee works 35 hours will that employee be eligible for benefits. The City Manager says if they are a regular full time employee they receive paid benefits.

Hindle moved seconded by Trefethen with all in favor.

### 9. MINUTES - NONE

### 10. MAYOR'S REPORT

The Mayor stated he had the opportunity to attend a wonderful ceremony of the ancient order of the Hibernians on the Friday before St. Patrick's Day where they honored Tommy Makem as an inductee who needs no introduction as he is wonderful storyteller and musician. The city attorney was also in attendance that day. Recently he did a coffee with the Mayor at Café On The Corner to give residents a chance to reach out and ask questions. This past Saturday they had a great tour of Liberty Mutual along with several other councilors and department heads as well that went on the tour where they are doing great job there. He recognized that Keays attended the sports banquet on Sunday for Dover basketball. He too mentioned the swearing in ceremony for the new Police Chief, wonderful selection Also with the acceptance of the Mayor's report he named the North End Fire Station committee appointments that will be Sam Allen, Richard Hughes, Karen Weston, Matt Mayberry, fire officer rep David Lindh and fire fighter rep will be David Hanna along with council rep Harvey Turner. Hindle moved seconded by DeDe to accept with all in favor.



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### 11. UNFINISHED BUSINESS

- A. **ORDINANCES IN THE 2<sup>ND</sup> READING - NONE**
- B. **ORDINANCES IN THE 3<sup>RD</sup> READING – NONE**
- C. **RESOLUTIONS- NONE**

### 12. NEW BUSINESS

#### A. **CONSENT CALENDAR**

Hindle moved seconded by Scott to adopt. Scott wants item 12a5 removed, DeDe wants 12a4 removed and Keays wants 12a3 removed and Ciotti wants the appointments committee report pulled. Keays wants to pull the windows, item 12a2. All were in favor of the raffle permit.

- 1. **RAFFLE PERMIT - SPONSORED AMERICAN LEGION POST 8 DOVER**
- 2. **RESOLUTION RE: WINDOW REPLACEMENT AT CITY HALL AND LIBRARY.**  
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved seconded by Ciotti to adopt.

Keays thinks he has seen this every year for 5 years. The City Manager says it will start this summer if the council approves this. The City Manager gave the history of why we have not got the window as yet. Motion passed roll call vote of 8-0.

- 3. **RESOLUTION RE: CONSTRUCTION EQUIPMENT RENTAL.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved seconded by Trefethen to adopt. Keays wants to know what we need to rent, we have back hoes etc. The City Manager says there is some specialized equipment that is needed.

Keays cannot believe we do not have the needed equipment. DeDe clarified this is not a spending authorization; it is simply a list of what might be needed for a specific purpose. Scott shares Keays concerns. It is hard for him to believe that we have to spend \$50,000 to rent additional equipment. The City Manager stated as the City Manager and we (as a City) need this equipment from time to time; he gave the snow plowing as an example. Motion passed on a roll call vote of 6-2 with Keays and Scott opposed.

- 4. **RESOLUTION RE: CONTINUED CITYWIDE MOSQUITO CONTROL SPRAYING SERVICES.**  
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved seconded by Ciotti to adopt. DeDe stated he thinks there is some additional



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clarification that is needed. The city manager says this is for work that has already been completed and left over from the transition of the Community Services Director. So he is bringing this to them after the fact. This did not get passed along in the transition of Community Service Directors. Trefethen stated even though we did not follow the correct procedure, this is money we had already budgeted.

Motion passed on a roll call vote of 8-0.

**5. RESOLUTION RE: N. PANDELENA CONSTRUCTION CHANGE ORDERS 1 & 2. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

Hindle moved seconded by Ciotti to adopt. Scott says on page 3 of the resolution it shows in 2006 there was an amount of one million dollar reconstruction. The City Manager clarified it was the Glenwood Avenue project. Scott asked if has it been completed. The city manager says it is in process and should be completed this season. DeDe has a question on this and does it have something to do with the new drug store. The city manager says it just occurred to him this resolution needs to go to a public hearing on 4/11/2007. Cheney moved seconded by Ciotti to refer to a public hearing on 4/11 with all in favor.

### **COMMITTEE REPORTS**

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

Ciotti says Turner was appointed to the Arts Commission and he has managed to get other people out to revive the old Arts Commission. Hindle moved seconded by DeDe to accept with all in favor. The Mayor says there was a no school board report as indicated.

### **B. RESOLUTIONS**

**1. RESOLUTION RE: POLICE CHIEF EMPLOYMENT AGREEMENT WITH ANTHONY F. COLARUSSO JR. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

Hindle moved seconded by Cheney to adopt. Scott will support the Chief because he is a very good one. But he does not agree that we should provide health care for life for any employee; he wants this action discouraged. The City Manager commented on what he was faced with. In this case the Chief is keeping benefits that he already has; in this case there is no loss or gain to the city. But in reality any new police officer brought in won't be given this option. Scott wants to know what other communities have this benefit. Scott can tell him that benefit is not there today. Keays wants to know if every



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year the City Manager can give a merit raise of 3-5%. The City Manager clarified the Chief can get from 0-5%. There is no automatic COLA just a merit and it is based on his performance. Keys is concerned he will be up over the maximum. Discussion ensued about the maximum amount that the Chief will earn. What Keys says is it used to be the council, we are going to be right back in the same boat as when Chief Fenniman was here. The City Manager assured him this is not how this contract is put together. And it is as soon as he reaches the max for the pay plan there is no more and it would have to be approved by council. He received about \$1,000 less as police captain. Trefethen wants to be clear he is 100% behind the decision to hire Chief Colarusso but he still has concerns with this contract. We have talked on many occasions about some of the things in the contract and he understands these things are not going to happen overnight. This is a night and day contract when you compare it to some that have been approved recently. He along with other councilors agree about terms they would like to see in the contract and he is OK with this because it won't happen overnight. Cheney wanted to have the City Manager explain this is pretty much the same contract he had as Captain. Also she wanted to know about the gap in insurance after age 65. The City Manager explained some of the accruals and how the Chief has agreed to lock in the value of these right now so this is fixed. The second part of the retiree health insurance of any employee that is under age 65 is they would be eligible for any of the health plans the city offers. Once an employee reaches age 65 it is required that the employee must enroll in Medicare insurance then the insurance that is approved by the city converts to Medi-Gap insurance or Medi-Comp obviously this is much less expensive. He continued to explain about the insurance from age 60-65. Cheney wants to say about Anthony Colarusso that she has worked with 3 Chiefs in the Goffstown area as she read a prepared statement about the new police chief concluding how Chief Colarusso holds Dover close to his heart and is a great choice. She thanked him for wanting to be our new Chief. Motion passed on a roll call vote of 8-0.

### **2. RESOLUTION RE: SETTING OF PROPERTY TAX EXEMPTIONS FOR ELDERLY, BLIND AND DISABLED FOR FY08. SPONSORED BY COUNCILOR DEAN TREFETHEN.**

Trefethen moved seconded by Hindle to adopt. Trefethen explained how the process had occurred and the unknown number of people that were going to take this exemption. There was a slight increase this year. He feels we did the right thing last year by increasing the levels.

The sponsor on the resolution should be Dean Trefethen. Trefethen continued there is no reason for anyone to have to sell their house for the lack of being able to pay their taxes. The Mayor agreed with Trefethen, discussion ensued. Cheney will support this as well. She stated there are many different programs out there but not in the State of NH. Motion to adopt passed 8-0 on a roll call vote.



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**3. RESOLUTION RE: COMCAST CABLE FRANCHISE AGREEMENT RENEWAL.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. ***(TO BE REFERRED TO A PUBLIC HEARING ON APRIL 11, 2007)***

Hindle moved seconded by DeDe to refer the attached franchise agreement to a public hearing on April 11<sup>th</sup> with all in favor.

**4. RESOLUTION RE: ACCEPTANCE OF THE ACTION PLAN AND EXPENDITURES FOR THE FISCAL YEAR 2007 CDBG ENTITLEMENT FUNDS.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. ***(TO BE REFERRED TO A PUBLIC HEARING ON APRIL 11, 2007)***

Hindle moved seconded by Ciotti to refer to a public hearing on April 11<sup>th</sup> with all in favor.

**5. RESOLUTION RE: LIBERTY MUTUAL OFF-SITE IMPROVEMENTS.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved seconded by Ciotti to refer to a public hearing on April 11<sup>th</sup> with all in favor.

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

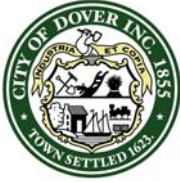
**D. COUNCIL CORRESPONDENCE:**

1. E-MAIL – GARY GREEN – DUC MEMBER
2. WETLANDS APPLICATION – CITY OF DOVER, WASHINGTON STREET BRIDGE REPLACEMENT

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

**13. COUNCIL MATTERS OF INTEREST**

Scott asked about CDBG on the first page and the \$360,000 grant. The City Manager says that is our entitlement that we will receive. And what does DELP stand for. The City Manager stated Dover Economic Loan Program. Scott asked for an explanation of this. This is a low interest loan program provided to businesses to keep job opportunities for lower income folks. Scott wants a list of them that are outstanding. Scott continued about the recommendations of the Planning Department that come to \$145,000; this seems extremely high who receives it and how it is used. The city manager explained the CDBG is a program administered by our Planning Department which means we are an entitlement community that means the funds are paid directly to the city. Also in the rules is what is allowed for administrative expense that includes one whole staff person including a portion of the secretary and a small amount for a portion of a planner in the administrative charge. Scott thinks it is very high. The city manager disagrees saying for what it provides it is a necessity.



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Trefethen noted that a comment at Citizen's Forum that was commented on at the Planning Board last night and he wants to address this; having been on the Planning Board for many years this questions come up from time to time. He explained how they have rules and regulations under State law for developers to follow and to adhere to in case of court rulings. The developers must meet these regulations with the help of the Planning Board and Planning staff. If they comply with these rules we must approve. The time to make changes in our rules and regulations is not when a particular development comes forward. These concerns come from NIMBY' s (not in my backyard). The time is before these developers come forward so they have to meet the rules and regulations. We should not be told what we should be doing. They are not the developer's rules and regulations they are our rules and regulations. The time to change them is before the developers come forward. If you own a piece of land in Dover you have rights, the guy next door has rights as well. We need rules and regulations that are fair to everyone.

Scott complimented the Planning Department for putting this developer on the table at the last meeting. The consensus was in Ward 3 that the developer had property rights over the abutter; he welcomes the opportunity to set new rules as Trefethen has suggested. He asked shouldn't the rights of the homeowner have precedent.

Scott has a petition from folks on Applevale and their concern is it has been a long time since their road was improved. He wants to present it. Hindle wants this placed as council correspondence on file with Ciotti seconding the motion and all in favor.

### 14. **ADJOURN**

Keays moved seconded by Cheney to adjourn at 8:38 pm with all in favor.