



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: Wednesday, April 11, 2007  
Meeting Time: **7:00 pm**

### 1. MOMENT OF SILENCE

### 2. PLEDGE OF ALLEGIANCE

Councilor Turner led the Pledge of Allegiance.

### 3. ROLL CALL

Present: Deputy Mayor Jason Hindle, Councilor Robert Keays, Mayor Scott Myers, Councilor David Scott, Councilor Dean Trefethen, Councilor Harvey Turner, Councilor Dennis Ciotti and Councilor Doug DeDe. Also Present: City Manager Michael Joyal and City Attorney Allan Krans.

Absent: Councilor Catherine Cheney

### 4. PROCLAMATIONS/AWARDS - NONE

### 5. SUMMARY OF AGENDA

Mayor Myers reviewed the agenda stating that the Manager will be presenting his FY 08 Budget during the Manager's Report.

### 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.*

Don Coffey, 28 Hawthorne Road – Began by addressing the Mayor, Manager and Council Scott of Ward 3 stating he wants Hawthorne Road repaved this summer. He stated he has discussed the proposals that were presented in 2005 and feels that it is unbelievably gross and feels that you shouldn't be fixing what isn't broken. He stated they should fix what is broken, which his road is and not Governor Sawyer, which was repaved. He would like the meeting to be adjourned so that the Council can go look at his road immediately. He stated he has received an answer to his e-mail from the Mayor, but not from the Manager or Councilor Scott who is his Ward 3 representative. He is concerned with not fixing these roads now and waiting another 3 years when it will cost even more to do and wants the Council to make the decision tonight to fix his road. Next he discussed the Christmas decorations in the downtown area stating it looked like Scrooge lived here compared to surrounding towns. Finally he stated that regarding the Waterfront Development he feels we should be addressing what is needed like road repairs instead of what is wanted.

Ed Bleiler, 28 Isaac Lucas Circle, - see submitted comments in 04/11/07 folder.



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Rick Hebbard, 97 Spruce Lane – began by stating that in the past he has asked the Council to direct the City Manager to provide recording devices for all public meetings as there are new technologies out there beyond tape recorders and would like this to be done for all boards and commissions. Next, he stated that the DUC has been tasked by the City Manager to find a more fair way to fund new water lines and as a DUC member he has come up with a method that is more fair which he has presented to the Manager and will bring before the DUC for their blessing.

Don Medbury, 3 Covered Bridge Lane – stated that all Dover citizens and taxpayers should become familiar with the judgment handed down regarding illegal contracts by Superior Court Judge Fauvre. He stated the ruling is in simple language and easily understood with no smoke and mirrors. Next he discussed the waterfront and definition of an appraisal and fair market value which is the most probable price in a competitive and open market. He stated there are a lot of inter-connected people on this project who stand to gain, including Peter Hamblett who is not a citizen or a taxpayer but is on the waterfront committee because he is a former president of Federal Savings Bank. He stated that Attorney Schulte put a spin on the term sheet, but there will be lots of money spent and he is concerned with the estimated cost for environmental cleanup.

Jerry Lynch, Lincoln Street – discussed the Waterfront project and the impact on the tax rate stating that the decisions should be made by the Council and not the DHA who are not accountable to anyone. He is concerned that out of the proposed \$4,611,700 for the property that only \$1,000,000 will come to the city and the rest credited to the developer. He discussed various costs of the project including moving the bridge, a Clerk of the Works, etc. and the use of the city services i.e. schools, utilities, etc. He asked what will happen if the developer doesn't follow through with the entire project and it ends up being another "The Meadows" situation that the taxpayers end up paying for.

John Keenan, 3 Lake Street – stated that he had many branches come down during the last storm and is concerned that there has been no notice by the city to put the debris roadside for city collection which has always been done in the past. Also, regarding snow plowing, there is a manhole cover in front of his house that sticks up which causes the snow to be dropped there and no one ever comes back to clean it up.

*The Mayor stated he will have the Manager address the debris issue in his report.*

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

### 7. PUBLIC HEARINGS

- A. Resolution RE: Acceptance of the Action Plan and Expenditures for the Fiscal Year 2007 CDBG Entitlement Funds. Sponsored by Mayor Scott Myers by Request. **(See Item 11C-1)**



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Mayor Myers opened the public hearing asking if anyone wished to speak. Seeing no one, the Mayor closed the public hearing

### B. Resolution RE: Comcast Cable Franchise Agreement Renewal. Sponsored by Mayor Scott Myers by Request. *(See Item 11C-2)*

The Mayor opened the public hearing and stated that there will not be a vote on this tonight as there are some minor legal clarifications that need to be made.

Ed Bleiler, 28 Isaac Lucas Circle – stated he was thrown off the cable committee but the city was told to put him back on, but he was never notified of any other meetings or of the proposed contract. He stated he was a minority member because Joyal wanted to give Comcast a long contract but he feels that 10 years is too long and we will regret it. He stated there are many new players coming to the ball game and we will be stuck for 10 years. He continued explaining his issues with Comcast. He stated that we can get anything from Comcast as long as we are willing to pay for it and any concessions on their part will result in rate increases. He concluded by stating we may want to try going without a contract for now or at least not signing for more than 3 years.

Jack Roche, Western Drive, Ward 5 – stated that 3 weeks ago he spoke regarding the cable contract and has since learned that there are communities in western New Hampshire that run their own cable and in the mid-west there are innovative measures taking place. He stated he had given the City Manager's Office a copy of an article regarding Verizon lines being bought by another cable company and it appears that competition is coming. He stated that he would like the Council and Cable committee to look into this. He concluded by stating he has submitted an application to be on the Cable Committee and Library Board.

Walter Forbes, 5 Green Street #208 – stated he recently moved back to Dover and his experience with Comcast was good, but does wonder what things will be like 10 years from now. He stated that he agrees it should be no more than 3 years and is concerned that only if we sign a 10 year contract will cable be provided to all of Dover, but not if there isn't one.

Ray Bardwell, Spur Road – stated it sounds like this should be referred back to the Cable committee for reconsideration. He stated in other parts of the country there are 304 competitors and feels that 10 years is too long.

Robert Torr, 215 Mast Rd. – stated that 3 years ago he built a new house and ran electrical lines from Durham Road for PSNH, but Comcast was going to charge him \$2,200 to run cable to his house even though he had already laid the lines. He concluded by stating that he still wants cable.

Jerry Lynch, Lincoln Street – asked why we are paying a user tax and does the city get any of this money.



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Linda Merullo, 21 Long Hill Road Ext. – stated she has been in contact with Comcast and doesn't agree with the proposed contract or the length of it. She stated we are one of the highest rate payers because we are put into the Boston area market category. She stated she wants competition to come in.

Don Medbury, 3 Covered Bridge Lane – stated he agrees with the previous speaker and does not want a contract any longer than 3 years.

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

C. Resolution RE: Liberty Mutual Off-site Improvements. Sponsored by Mayor Scott Myers by Request. *(See Item 11C-3)*

The Mayor opened the public hearing asking if anyone wished to speak:

Don Medbury, 3 Covered Bridge lane – asked why we are subsidizing a project for a big company like Liberty Mutual.

Ed Bleiler, 28 Isaac Lucas Circle – stated this seems like reverse linkage and related an experience he had in Portland Maine regarding his company being asked to contribute a large amount to city infrastructure. He stated that we've already given Liberty Mutual a fire station which he feels they should have built themselves and we shouldn't be giving them anything more.

Jerry Lynch, Lincoln Street – stated we've been giving Liberty Mutual a lot of benefits and should not be building them roads.

See no one else wishing to speak the Mayor closed the Public Hearing.

D. Resolution RE: N. Pandelena Construction Change orders 1 & 2. Sponsored by Mayor Scott Myers by Request. *(See Item 11C-4)*

The Mayor opened the public hearing asking if anyone wished to speak. Seeing no one, the Mayor closed the public hearing.

### 8. CITY MANAGER'S REPORT

Joyal began by addressing the issue of storm debris stating that a roadside collection has not been scheduled, but road crews are out collecting anything in the roadways. He asked that people not put their stuff in the roadway but they can bring it to the recycling center.



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Hindle stated regarding the citizen concerned with his road condition, he would like to have a neighborhood meeting scheduled to address the issue, but stated that this may require more extensive work such as water/sewer line replacement.

Joyal suggested that the Transportation Advisory Commission hold an informational meeting regarding road repairs once the list has been prepared by engineering. He apologized to Mr. Coffey for not getting back to him. He further explained that Hawthorne Road is beyond the point of an overlay so it will require a total rebuild. He stated that more and more roads are falling into the low category because they are not caught in time so if they continue with the overlay procedure it helps preserve some streets for another 15 years.

Keays stated that he read that Columbus Avenue is going to repaved already and he feels bad for Mr. Coffey who may be the only one here tonight because he's the only one who has the guts to speak out and feels that he shouldn't have to wait another 6 years for his road to be done.

Scott stated that before we begin the budget process he would like to have the FY06 figures regarding people costs. He stated that FY04 and FY05 are on the web, but feels that the FY06 should be available by now as well.

DeDe clarified for Councilor Keays that Columbus Avenue is up for sidewalk paving, not the roadway. Joyal stated that is correct.

Joyal addressed Councilor Scott's request for information.

### **PRESENTATION OF FY 2008 BUDGET**

Joyal presented an overview of the budget with a power point slide presentation. (See 04/11/07 meeting folder and Docutron for content).

He concluded by reviewing the proposed budget schedule stating that there will not be Department presentations unless specifically requested by the Council.

Hindle discussed the police vehicle lease proposal asking that a list of current vehicles for the whole city be provided to the Council and the functionality of each vehicle in each department. Scott asked for the revenues for the last 4-5 years from the Severino sand contract.

Joyal stated that this is found under the sale of city property account and flows into the capital fund.

Hindle moved to accept the Manager's Report, seconded by Ciotti.  
Motion passed on an 8-0 vote.



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### 9. MINUTES

- A. WORKSHOP – MARCH 7, 2007
- B. REGULAR MEETING – MARCH 14, 2007
- C. SPECIAL MEETING – MARCH 21, 2007
- D. WORKSHOP – MARCH 21, 2007
- E. REGULAR MEETING – MARCH 28, 2007

Hindle moved to accept and place on file, seconded by Ciotti.  
Motion passed on an 8-0 vote.

### 10. MAYOR'S REPORT

Mayor Myers stated he attended a ceremony at the Dover Baptist Church for the community response volunteers who are a faith-based group that responds to natural disasters and stay and help longer than the first responders. Also, he had lunch with Governor Lynch along with School Supt. O'Connor and School Board Chair Marjorie Fisher where they discussed various Dover related issues including education funding and the retirement system. Finally he stated that he is pleased to announce that the Partnership for Prescription Assistance (PPA) which has Montel Williams as its spokes person, will be coming to New Hampshire and will be in Dover on April 24<sup>th</sup> from 1:00 – 3:00 p.m. and will be parked outside of City Hall. He explained that this organization works with various non-profit organizations helping residents in need that are either uninsured or under-insured. He stated the information gathered will be completely confidential and used only to match people with the appropriate programs. He stated people can call the Human Services Department at 516-6500 or go to the website at PPARX.org for more information.

Hindle moved to accept the Mayor's Report, seconded by DeDe.  
Motion passed on a 7-0 vote, Keays out of the room.

### 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
  - 1. Resolution RE: Acceptance of the Action Plan and Expenditures for the Fiscal Year 2007 CDBG Entitlement Funds. Sponsored by Mayor Scott Myers  
Resolution

Hindle moved to adopt, seconded by Ciotti.



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Scott stated he will vote no on this because of the administrative costs and also does not feel we should be making decisions for people on who to give charitable contributions to and let them make these personal decisions.

DeDe clarified that these are federal grants and not taxpayers money.

Mayor Myers stated yes and if we don't accept this money it won't come back to us in another form and will be given to other communities.

Scott stated he wants details of the administrative cost.

Joyal referred him to page 178 of the budget document and explained the breakdown.

Myers explained that this process starts with the Planning Board who spends a lot of time reviewing and prioritizing the requests.

Ciotti encouraged Councilor Scott to visit the CDBG coordinator Rick Jones and stated that this program is federally mandated and further explained the process. He concluded by stating that it is unfair to call these handouts and that the funding for these programs becomes less and less each year.

Motion to adopt passed on a 7-1 roll call vote, Scott opposed.

2. Resolution RE: Comcast Cable Franchise Agreement Renewal. Sponsored by Mayor Scott Myers by Request.

Hindle moved to table indefinitely, seconded by DeDe.

Motion passed on an 8-0 vote.

3. Resolution RE: Liberty Mutual Off-site Improvements. Sponsored by Mayor Scott Myers by Request.

Hindle moved to amend by substituting as a whole, seconded by Ciotti.

Motion passed on an 8-0 vote.

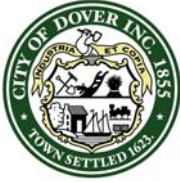
Hindle moved to adopt, seconded by Ciotti.

Scott stated that this should be put off because we are using \$2,000,000 of taxpayer money to subsidize an insurance company when other roads in the city need to be improved and feels this is a waste of money.

DeDe stated that the studies of the traffic in this area show that the increase is more from the development of northern Sixth Street and that the Liberty Mutual impact is little in this regard, but has provided many jobs. He stated that Liberty is putting in the greater percentage of this project and we will be paid back with even more jobs within 3 years.

Myers stated that this is a very equitable agreement except for the State of NH DOT contribution which is coming up short on their portion.

Trefethen stated that the other issue is that the Exit 9 ramp surface road problems are caused more by the traffic that is not even going to Dover, but to other surrounding communities and the



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box stores but we are getting no additional money from the State for those issues. He continued that Liberty Mutual is putting up a substantial amount of money and yes, they will contribute to the increase of traffic but so are other companies in the area, but they are all taxpaying, job-providing entities. He stated at last night's Planning Board meeting they approved a hotel and Margarita's Restaurant and part of the approval was to put money towards this improvement.

Scott asked how much taxpayer money will be spent.

Joyal again explained the allocations.

Scott asked who will be hurt if this is put off.

Joyal stated we will be sued as we negotiated an agreement in good faith in 2005.

Scott stated it will be a shame if we will be sued by Liberty Mutual for not spending taxpayer money.

Joyal stated the shame will be going back on good faith negotiations.

Turner stated he is appalled that the State has not stepped up more. He stated the north side of the bridge is unsafe and the entire area is an artery for the State.

The Mayor stated he agrees and that the State had already planned on \$300,000 for the Park and Ride and only added an additional \$100,000 for the rest of this project. He stated that Commissioner Murray was also here at City Hall at which time he addressed his concerns, but nothing changed. Finally, he wants to clarify that the Fire Department is not being built for Liberty Mutual, they donated the land, but it was not a prerequisite to them building here and these statements are not true.

Joyal stated to further clarify that the taxpayer money is an investment in a traffic project which addresses a need and when Liberty Mutual completes their project as required by contract, there will be an additional \$750,000 a year in tax revenue which will pay back our \$150,000 in 2 years.

Discussion ensued.

Turner stated he is concerned that with all of the building that goes on up there, there is still no interconnectivity between sidewalks for pedestrians.

Ciotti stated that the area where the Margarita's and new hotel are going in is a dangerous area for pedestrian traffic as it is a major interchange.

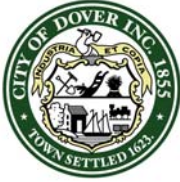
Joyal clarified that there are 2 pieces of this resolution; first to approve the contract and secondly to approve the appropriations. He stated this requires a 2/3 vote.

Motion to adopt passed on a 6-2 roll call vote, Keays and Scott opposed.

4. Resolution RE: N. Pandelena Construction Change orders 1 & 2. Sponsored by Mayor Scott Myers by Request.

Hindle moved to adopt, seconded by Trefethen.

Trefethen explained that this is related to Walgreen's and they are paying for all of it.



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Joyal clarified that they are not, they are paying for the additions they are forcing on the project but there is also the cost of replacing the gas lines in the city right-of-way which we have to pay to Northern Utilities for the extra length.

Discussion ensued regarding why the city has to pay for this relocation.

Motion to adopt passed on an 8-0 roll call vote.

### 12. New Business

#### A. CONSENT CALENDAR

Hindle moved to grant items 1 and 2, adopt items 3-6 and accept and place on file any committee reports, seconded by Keays.

Scott asked that Item #3 be removed from consent calendar.

Keays asked that items #4 and 5 be removed from consent calendar.

Motion to grant items 1 and 2, adopt item #6 and accept committee reports passed on an 8-0 roll call vote.

1. TAG PERMIT - UNIVERSITY OF NEW HAMPSHIRE FIGURE SKATING TEAM
2. PARADE PERMIT – DOVER KNIGHTS OF COLUMBUS COUNCIL #807
3. RESOLUTION RE: SAND AND GRAVEL PRODUCTS. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Trefethen.

Scott asked how much we get from Severino.

Joyal stated \$1.35. He explained that there are 2 different issues however and this resolution is not related to Severino and that this is for washed and screen sand, which we don't have the equipment to do ourselves.

Motion to adopt passed on an 8-0 roll call vote.

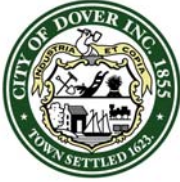
4. RESOLUTION RE: ASPHALT TRENCH PATCHING SERVICES. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by DeDe.

Keays asked why we don't have our own people do this work.

Steele explained that our employees do the small patch jobs but these are larger patches that require a paver, but are not large enough for Pike or Brox to do.

Motion to adopt passed on an 8-0 roll call vote.



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5. RESOLUTION RE: TRAFFIC CONTROL FLAGGING. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Ciotti.

Keays again asked why this can't be done by our own employees.  
 Scott asked how much money was spent on this service last year and how much of this included overtime.  
 Steele stated \$12,000 - \$15,000 and explained the overtime requirements.

Motion to adopt passed on an 8-0 roll call vote.

6. RESOLUTION RE: POLICE RADIO STATION RF COMBINER SYSTEM. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

### **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 - submitted   |
| 5. Joint Building Committee               | 10. Transportation Advisory Committee |

### **B. RESOLUTIONS**

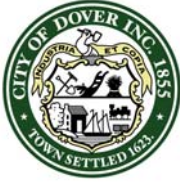
1. RESOLUTION RE: ROADWAY IMPROVEMENT AGREEMENT CITY OF DOVER AND STATE OF NEW HAMPSHIRE. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Trefethen.

Trefethen asked what is the difference between this resolution and Item 11C-3.  
 Joyal explained that this is the agreement with the State of NH and no funds are being expended with this resolution.

Motion to adopt passed on an 8-0 roll call vote.

2. RESOLUTION RE: REFLECTIVE PAVEMENT LINES. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. *(TO BE SUBSTITUTED AS A WHOLE)*. **ITEM REMOVED FROM AGENDA**



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- 3. RESOLUTION RE: CHARTER AMENDMENT – DEFINITION OF DEFAULT BUDGET.**  
SPONSORED BY COUNCILOR DAVID SCOTT. *(To Be Referred to a Public Hearing on May 9, 2007)*

Hindle moved to refer to a public hearing on May 8, 2007, seconded by Scott.  
Motion passed on a 7-1 vote, Trefethen opposed.

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

**D. COUNCIL CORRESPONDENCE:**

1. LETTER – PETER LEBLANC RE: FIRE DEPARTMENT RESPONSE
2. WETLANDS APPLICATION – DOVER SCHOOL DISTRICT, WOODMAN PARK SCHOOL

Hindle moved to accept and place on file, seconded by Ciotti.  
Motion passed on an 8-0 vote.

**13. COUNCIL MATTERS OF INTEREST**

Keays stated that on Glenwood Avenue there was a sign limiting traffic to one-way but there were no flaggers out there and wonders how a private company can get away with not having flaggers. Next, he discussed the heavy trucks that travel along Sixth Street as he is concerned that they are ruining the road.

Hindle stated the truck routes were established in 1996 by the TAC.

Scott discussed the Charter amendment resolution stating he voted no on the budget last year because of the higher taxes and that others had said that they wanted to vote no on it as well but didn't because of the fact that the Manager's budget would automatically go into effect and feels this is a backwards process.

Trefethen discussed the paving of roads issue as he has received e-mails from the Applevale and Hawthorne Road areas as well as other streets throughout the city and he has driven around the various areas and understands that there are bad roads out there. He stated that there is a reason for the street paving program that we have in place as discussed at a workshop in the fall and that we can't react to demands of the residents because it will just bring in more demands and how will we end up deciding which roads to do first, by the loudest demand? He stated the way the program runs now takes the decisions out of the Council's hands and keeps it non-political and is a policy. He stated if we want to change the policy then fine, but reminded people that when some roads have been repaved, the problems were replaced with speeding cars instead.

**14. ADJOURN**

Hindle moved to adjourn at 10:04 p.m., seconded by Keays. Motion passed unanimously.