



CITY OF DOVER

## CITY COUNCIL MINUTES

Meeting Type: **SPECIAL MEETING**  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, May 2, 2007**  
Meeting Time: **6:00 pm**

### 1. **PLEDGE OF ALLEGIANCE**

Cheney led the Pledge of Allegiance.

### 2. **ROLL CALL**

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

### 3. **PUBLIC HEARING:**

#### **A. RESOLUTION RE: FISCAL YEAR 2007 – BUDGET AMENDMENT #2. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

**Edward J. Bleiler** of 28 Isaac Lucas Circle stated first he would like to ask if the meeting will be on Channel 22 so the residents can see how their tax dollars are being spent as last weeks meeting has not been televised. The issue of \$750,000 for funds without any regard to how it is going to be spent is not acceptable. What happened to the funds spent a year ago on that flood. It seems to him the problem should have been cured at that time. Before we spend we must know what the funds will be spent on, he thinks this should be tabled until we can come up with a plan by the city engineers. He thinks there must be funds available. He mentioned the retiree's big payouts again. The Mayor clarified that last weeks meeting was not blacked out; there are simply problems with the old recording equipment that will be fixed if and when we sign a contract with the cable company.

**Jack Buckley** resident of Dover and member of the Board of Director's of the Children's Museum is here for the budget amendment on the agenda with a request to make structural repairs to the Butterfield Gym as they know the Children's Museum will be moving to Dover next year. This is a most important thing for the downtown.

**Mark Moeller** of 80 Cottonwood is here to recommend the supplemental appropriations for the flood damaged building. It is hard to anticipate two 100 year floods. He too shares Jack Buckley's view on the Butterfield Gym. He strongly supports what we have here in Dover including the Butterfield Gym.



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**Aaron Wensley** of 2 Hartswood Road in Dover is here as a parent, Dover Main Street volunteer and a member of the Board of Directors of the Children's Museum; he too concurs with Jack and stated lets not do anything to stand in the way of that happening.

**Linda Hagen** owns Jewelry Creations in downtown Dover stated she lives in Milton but she wants to echo the sentiments to pay for the damaged buildings that were flooded. She thinks we have no control over these situations. She wonders if there will be any federal money coming to repay us. She still thinks we have an obligation to repair this. There is a moral obligation; she listed all the places she volunteers at, they must look at the big picture, this is a growth benefit to the city and the children of the city. There are a lot of naysayers out there. The Mayor added the President has declared some counties in the State disaster areas from the recent storm so FEMA will be checking these areas and the city manager will discuss this further.

**Keith Savage** of 8 Robinwood Avenue understands that money is tight and stated we have to watch where money goes. He is a new parent also a teacher and we do need to repair the Butterfield Gym this is just as important as the waterfront development.

**Brint Shone** stated he is the Property Manager for 1 Washington Street in the mill and commented they also received a lot of damage from the storm. This could not have been foreseen. The buzz is already there for the Children's Museum coming to Dover. He is in support of the budget proposal.

**BJ Hickman** of Sixth Street is here to support the amendment and any other money to repair the damage to the streets as well as the museum. We should be cautious but this is important for the City.

**Steve Goren** of Sunset Drive supports the amendment; he was thinking what if the damage was to his home. There were two horrendous storms that no one could anticipate. He hopes the council passes this.

**Tom Murphy** of 1 Susannah's Crossing echoes what Jack said and #2 no one is in a rush to spend money without planning it out but he does support the repairs to the Butterfield Gym. #3 he thinks it may save a little time to ask for a show of hands from the audience to see who is in opposition.

**Doris Grady** stated she is taking off her school board hat and has debated all day whether to address the council. With her age she has witnessed more than one flood at that building. She thinks the Children's Museum is a good move for the city. She just wants them to take their time to evaluate this building once and for all. She stated she might have to go to Tom Hindle to see when



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Hannan's Restaurant was down near the bridge when we had the same problem. Her concern is this emergency. She has been here since 1943 and lives on 43 Long Hill Road. She read a prepared statement. She does not think this resolution followed the City Charter for the expenditure of the resolution. The recreational center has been a focus in every spring flood that we have had. This has been a joint decision between Portsmouth and Dover. She is extremely concerned about the children of Dover. The Children's Museum should be a joint concern between the two groups; how are we going to prove there are 6 inch gaps in the building (she has been told of these). Who is responsible, it sounds by what she has heard tonight it is the city's responsibility. Her concern is for the safety of the children of Dover. Can they promise us if we spend \$250,000 it is a permanent repair; will it always be a continuing cost to us. She wants them to take the time to make the right decision. In 2001 there was a meeting on the structural foundation repairs, she read the prior council minutes where they only spent \$75,000 not the proposed \$300,000 at that time. In 2003 there was \$250,000 in the CIP in 2004 and in 2006 more money was appropriated for this.

**Don Medbery** of Covered Bridge Lane stated Doris has saved him a lot of wind. Are we going to spend good money after bad. He is not sure if this building is in the flood plan. If we take the liability for this building with this lease and maintain it, all the liability falls with the City. He does not believe we should rush into this. He discussed the roof patch on the McConnell Center, an \$18,000 roof patch and the building is several years old and has leaked all these years. The roof should have been repaired previously during the construction. We have spent 7 or 8 million and we still have a leaky roof. He has seen the insurance adjuster walking around the city and he does not believe they can have an insurance company pay for this. He wants the city manager to tell them if the insurance company is going to pay for this. We overlooked a leaky roof on a building that was supposed to cost us \$0 and has cost us 7 or 8 million dollars to date.

**Kirt Schuman** of 30 Cushing Street stated it is the council's responsibility to fix things.

**Shawn O'Connell** is an Attorney with Shaheen and Gordon and past chair of the Children's Museum stated he wants to say they may not see anything going on but there are all kinds of things from all aspects taking place. He hopes the council will support spending the funds to stabilize the place.

**Jerry Lynch** of Lincoln Street wonders why we are not supporting our own museum and why are we going to have another one now. Is the city going to pick up the cost of the museum or will they be self supporting. He wished them good luck with it.



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**Britt Schuman** of 30 Cushing Street thinks Dover is the envy of so many cities in the State. She urged them to please keep in mind the contract that was made with the Children's Museum.

**Jan Nedelka** of 169 Dover Point Road is here to voice his support for the Children's Museum. He takes it seriously and he thinks they should also. He is excited about the idea of 6600 people coming to Dover every month and eating, shopping and staying here and the 20,000 per quarter other people that will be visiting and eating and going to Henry Law Park that is a nice place to visit as they will be putting their dollars in to support the city. If we can show them a business that does not wish to invest in its infrastructure he will show them a business that no longer is. There was applause from the audience.

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

### **B. FIRST STUDENT INC. TRANSPORTATION CONTRACT. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

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

**Edward J Bleiler** of 28 Isaac Lucas Circle will surprise the council as this is a contract that should be pushed through tonight. He commends the School Department and wants them to vote for it.

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

## **4. RESOLUTIONS:**

### **A. RESOLUTION RE: FISCAL YEAR 2007 – BUDGET AMENDMENT #2. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

Hindle moved seconded by Ciotti to adopt. The city manager stated there are 3 significant items that need attention at the moment. He first explained about the road repairs and the barricades that have been put into place. The 3 items are the indoor pool and gym building, the damage to the library roof as well as the McConnell Center roof. He stated they have met with staff to get quotes. They took a tour of the indoor pool and gym last Thursday. He referred to a picture he had printed and distributed (with nothing for the clerk) saying there has been significant settlement in the basement wall. It has become evident something is going on. There is no foundation; it is built on rubble. Mrs. Grady is correct in 2001 there was a proposal to repair; but it was not done. The fact is we have a



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building that is serving as the indoor pool and a contract with the Children's Museum to have the building in repair when they take over. As Mr. O'Connell stated earlier they cannot do anything until we secure the foundation. It will cost upwards of \$350,000 to go around the partial perimeter of the building or maybe upwards of \$500,000 to go around the complete perimeter by estimates he has received recently. It depends what the building is sitting on for soils. The structural engineer will suggest the design. Herical piers or large screws will be put on support beams that are supported on the edge of the building and the building then becomes resting on bedrock. He continued listing the quote for the geo-technical repair. Another issue is the HVAC, the boilers were under water and some components need to be replaced. He has met with the HVAC contractor and the Children's Museum and they learned the Children's Museum has alternative plans for a heating system so that means the City only has to repair the boilers that service the pool. The cost for that is \$423,000.

On the McConnell Center roof, last night thanks to the Fire Department he was lifted in the aerial ladder truck to the roof to see for himself what is going on; he took pictures, people have told him the roof is slate; the roof is old, it could be replaced and probably should be if we were going to do it right. At one point in the storm we had hurricane force winds; we had wet vacs in the hallway of City Hall and in two specific spots of the McConnell Center. He continued with how the water came into the McConnell Center. As far as the roof goes they found shingles out in the parking lot, and there is a 10 to 15 foot section where the shingles were ripped off; this needs to be taken off and replaced. The estimate to repair is \$3,000 of which \$500 is the lift to get the guys on the roof to fix it; but the whole roof should be replaced and this is his recommendation. As far as the frequency of the leaks and Mrs. Grady has filled him in since the building was renovated there has been no evidence of a leak until that storm for the last six months. Lastly at the library he had put in \$7,000 to replace some slates on the library roof. Also because of the wind there is a copper strip they have recovered but replacing it is going to cost some craftsmanship. He has calculated it will cost \$7-10,000 to fix this roof and it needs to be fixed soon.

He looked for Mr. Medbery saying as of 1:30 PM this afternoon the insurance adjuster says we are reviewing the claims and at this point they will not cover the boilers in the gym as it is a result of the flood at least by their boiler insurance policy. He is still looking to see about the property and liability policy. He thinks they will cover the wind damage. He has no further information. He concluded his intention is to proceed immediately with these repairs. They also need to know the indoor pool is currently closed and will be until a structural engineer rules it is safe and the boilers are brought back on. The Mayor asked if there is any money recovered will it be appropriated back. The city manager says it will be credited back to the funds it was taken from.

Trefethen wants to amend the resolution to remove "and further be it resolved" which would put us back to our regular purchasing procedures with DeDe seconding



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the motion. Any contracts put out would have to follow the normal purchasing process. And any over \$25,000 the city manager would have to come to the council for approval. Keays asked the city manager about the Recreation Center and he would like to see that we have a complete study by an engineer. He thinks if we are going to lease the building we want to make certain the building is safe for the kids. We need a firm in that does that type of engineering and then come back to us and let us know what we want to fix on the building. They might come back and say the building should be taken down. We need a study done and we should get a firm bid on this. We had a study done previously for \$300,000 and that did not work. He had already told them about the McConnell Center that the roof was no good and why wasn't a tarp put up on the roof. It should not be sitting in the weather like it is. He won't support it. Before we have a beautiful building there he would want a sound and safe roof. The Mayor reminded them they were only voting on removing the one paragraph from the resolution. Scott wanted clarification. Turner wants to be sure we can talk about items in the resolution before it is voted on. Motion to amend passed 8-1 with Keays opposed.

Hindle appreciates Trefethen's amendment to remove the paragraph. There is no question these buildings need to be repaired and we need to do it in an expeditious manner. The Butterfield Gym has a considerable amount of history over the past 6 years with the councils he has served on. He would like to continue reading the minutes that Mrs. Grady was reading earlier and about this concern of a band-aid approach. In 2001 Mayberry asked is there structural support in place. He continued reading the old minutes. Hindle says if we had spent the \$300,000 back then for the repairs and he was the lone person in favor of spending this money back then. Now he would hope we could have the engineers come before them to tell them about the needed repairs. We have an obligation to the members and the Children's Museum. Secondly with regard to the Library and McConnell Center he would like to see some sort of analysis; he too does not want to do a band-aid approach as we could end up in the same predicament. Hindle asked about the FEMA money of last year and was there any that reverted back into the repairs that were invested in the Butterfield Gym last year. The city manager does not recollect any structural repairs only the cleaning of wallboard, etc. Hindle wonders why we are not using contingency money; the city manager says we don't have any snow money leftover, we used it on salt. As far as contingency we have spent half already for assistance in the accounting office also we have allocated \$10,000 for the upcoming audit. Hindle asked would any of the smaller repair items be able to come out of contingency. The city manager's recommendation is to take it from the fund balance as he has an overtime issue in the fire department and he will need the contingency money. Also this is exactly the kind of reason why we need a healthy fund balance. The city manager does expect some reimbursement from FEMA and we may end up charging \$750,000 to the fund balance. Hindle wants to be sure any



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reimbursements received could come back to the fund balance. Hindle wants to know how soon the structural engineer will get their results back. The city manager reiterated the indoor pool will remain closed and he thinks in a couple of weeks we should have something back from this engineer. He pointed out the McConnell Center is waiting for us and on the renovations of the Children's Museum. Hindle says his concern is within days or weeks he wants the engineer to come in and give a full report and analyses. Also he wants to be sure there is enough information so a council down the road know that this was done so the impact on the taxpayers is at a minimum; likewise on the McConnell Center and the Library if we could have a plan.

Trefethen commented about the various CIP funds that have been previously appropriated and you can read the minutes but you need to go further to see that some of these things were not expended. Also the \$75,000 we spent on the wall a few years ago, the wall that was fixed is sound, it is every other wall around it that is not. Also he mentioned the gym, on the list of storm damage there are 24 different items that need to be addressed through out the entire city. As he looks through the list most are not repeats of last year's damage, the rest are. He thinks this is an important point to be made. He will be in favor of the resolution pretty much as it is. Regardless of the source of the money he will vote to expend.

Scott congratulated Keays and Doris Grady on their explanation. He does not think we can get a good structural engineer in a very short period of time; this cannot happen until the next fiscal year. Secondly he just received the actual expenses and perhaps we have a fund that has not been expended as yet in 2007. He mentioned a particular line item in the finance budget also on page 68 under Community Services there is a figure under miscellaneous charges for buildings. Where there is \$67,000 available. He listed assorted monies that are still unspent. So before we allocate any additional money let's go through this book and bear in mind for every new million dollars of spending there is an addition of \$100 to the average tax payer's bill

Turner stated his daughter is going to be 2 years old and he hopes the Children's Museum moves to Dover. He would like to know how many people here knew the repair was going to cost half a million dollars. He asked how many have been through the building. The city manager clarified it was only Children's Museum staff that had taken the tour. Before the tour he thought there were cracks; it is a well built building and it is not going anywhere right now. Turner also thinks we need a structural engineer. This needs to be done properly but he is looking forward to having the Children's Museum move to Dover. He also asked about the Isinglass Pump Station. Turner asked what the purpose of this pump station that is located in Rochester. The city manager explained the Isinglass River was designed so that when we built the Calderwood and Campbell Well and designed it so when there is plenty of water in the spring it allows them to recharge the aquifer and then in the summer months we do not run that well but it is an essential part of the Calderwood Well. Why are we



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building up one aquifer asks Turner. The city manager says the wells are not in the same place they hire engineers to study where wells will be placed. This is just proactive good municipal well management. Also the Bouchard Well is over towards Route 9 and drawing from a different aquifer. He explained the assorted aquifers that the water is feeding from. The Mayor agrees with a lot of the things said here tonight including Keays concern with safety. Going back to last year we found the money within the budget and we shortchanged other items. And we all now know the condition of our roads in the city. This will only set everything further and further back. We have to find this money somewhere; we cannot continue to take money from what has already been allocated. The fund balance is for a rainy day, we had a real rainy day and the money was not in the contingency fund.

The Mayor continued we are also talking about streets that have been washed out. This appropriation will start to tell us what we can do; it will all come back to the council for approval and at that time we will know what FEMA has approved. He thinks we have all the info we need going forward to start the analyses. DeDe mentioned the roof on the McConnell Center; we cannot draw analyses between the Library and the shingles on the McConnell Center. We really should spend the \$22,000 on the McConnell Center not the \$3,000 requested. He wants to amend to bump up the McConnell Center roof. There was no second. The city manager does not feel the amendment is necessary and stated he will do the right thing. DeDe withdrew the amendment. Cheney thanked Trefethen for his amendment. She continued about what was considered an emergency. She stated she went on the tour and they saw the pump station and roads and she asked the city manager if FEMA had given to repair the McConnell Center. The city manager says there is a meeting next week and they will see the gym then. She commented on the screws that need to be put in the foundation. The city manager explained again the first study that needs to be done is the engineering study and they will need to do some test boring. Cheney does support the museum. She is not convinced this whole rumbling is happening because of the flood as it is built on broken bricks. She commended Deputy Mayor Hindle for not being short sighted. She looks forward to seeing the report from this. She does not think FEMA will give us money though. The city manager feels that is a good observation. She commented on the flash boards again on the dam and how they need to contact John Webster and she mentioned the retaining wall and council minutes from 2001. She still wants to follow up on the flash board issue. This affected her neighborhood and she would like to see the flash boards gone.

On the McConnell Center she continued she was here and supported the McConnell Center project and she know Keays has mentioned the roof several times and she had been assured the roof was OK. With regard to the McConnell Center the previous answer given about the roof was stated the tenants would pay for any repairs. However she is in support of the library repair on the roof.



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Keays wants to know if we are collecting rent at the McConnell Center and can the money be used to repair the roof. The city manager says we only started renting the building in the past 3 or 4 months and there is not enough money in the fund to fix the roof. The city manager says this is a city building and we have to fix it. DeDe answered that they had been assured by engineers that the roof would hold. DeDe says there is a 40 cent per square foot to take care of repairs and they could not foresee that the roof would blow off. At this initial stage there is not enough money from rent. Keays asked if this is the only damage to the McConnell Center; the city manager is not sure until the engineers study the issue. Discussion ensued about where the water damaged inside the McConnell Center.

Trefethen commended Scott on going through the budget to find potential money to make these repairs but the procedure is the council has to give this direction; the city manager just can't arbitrarily do this. It is an idea to look at but requires a vote to do it. This is a separate action over and above this resolution. Cheney does not understand why we are doing this tonight. More discussion ensued on the water damage.

Scott pointed out there was \$350,000 taken out of the Police Department budget, the city manager says no transfer has been done without their recognition. The Mayor interrupted that he wants this in writing as this is serious. Scott continued there is money that has not been spent that can be used to fix the McConnell Center; he pointed out assorted accounts. He will vote against the emergency requirement to save the taxpayers money. He then did the math on what the taxpayers would have to pay according to him.

Hindle clarified that Trefethen's amendment eliminated this issue. Hindle read 3-36 from the City Code. This puts the original bidding procedure back into place.

Cheney wants the wall and window issue addressed. The city manager says the Recreation superintendent's office is below ground level and water came through and they believe it came in through the drains. And when the contractors were working on the building it was decided there would be plexi-glass put inside the old stain glass windows so they would not get damaged. There was a significant amount of water that was driven back through the windows that were put in the original building. The city manager will recommend the best thing to do on the McConnell Center roof. Currently he is going to have a study done to determine the need.

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

### **B. FIRST STUDENT INC. TRANSPORTATION CONTRACT. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

Hindle moved seconded by Ciotti to adopt.

Trefethen does not support this because a lot of our school buses run at a low capacity both morning and at night. It was his hope that they would do a complete review of this. He thinks



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the City would be better served if we maintained and added sidewalks and this would reduce our busing significantly. His question is do we have a law suit that is still active and there still have been no victories as have been contested in the chambers. We do not have the authority to vote on expenditures which we have no control over. His question is where is the line that says we can approve this 5 year contract where we cannot approve other such contracts. The city manager asked Dr. O'Connor if there was a non appropriation clause. Discussion ensued about the non appropriation procedure and how this allows them to enter into a multi year contract. Dr. O'Connor stated the public hearing allows this. Turner says one of the largest costs for any busing service is the fuel and it is in here. He will support this but what if the price of fuel went to \$4. per gallon and we found they were running in the negative. Laurie Verville came forward saying there is a non fuel escalating clause that if the costs go up they are not passed back to the district. She stated this is their contract. The Mayor clarified this is a national company. Discussion ensued. Ciotti asked if there is a background criminal check for the drivers that are driving our children. Parents have been asking him for the answer. Verville clarified there is a background check that is required. If in the event they are not satisfied with some of the drivers they have the option to not have a particular driver. Scott will support this. Motion passed on a roll call vote of 9-0.

### **5. ADJOURN INTO WORKSHOP**

Hindle moved seconded by Ciotti to adjourn into workshop session after a 5 minute break with all in favor.