 CITY OF DOVER	CITY COUNCIL - MINUTES
	Meeting Type: Regular Meeting
	Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
	Meeting Date: Wednesday, July 11, 2007
	Meeting Time: 7:00 pm

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

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

4. **PROCLAMATIONS – AWARDS**
5. **SUMMARY OF AGENDA**

Mayor Myers reviewed the agenda items and also welcomed Finance Director Daniel Lynch and his wife who were in attendance.

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.

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

Marilyn Follansbee, 25 Dover Pt. Road – thanked people for keeping Henry Law Park clean and thinks that the bricks in the sidewalk look good. Next, she stated that the last time she spoke she thought they were all trying to keep taxes down but she has recently heard that Councilor Scott has been at the recycling center getting a petition signed to keep taxes down via a charter amendment and feels that this will be a lot of work for the Clerk's office. She is glad that he is working to keep taxes down but doesn't feel an amendment is necessary. She then asked about the electronic file cabinet that she keeps hearing about and where can this be found. Next she discussed the staffing in the Assessor's office stating that the Assessor should have regular hours for people to see him. She thanked Manager Joyal for doing a good job with employment agreements and feels that it takes time to get them all to be more affordable. She concluded by stating that there should be a line item in the budget entitled "Mother Nature" for unexpected storm expenditures.

Mary Hebbard, 97 Spruce Lane – Discussed item 12B-3 regarding the First Street parking Lot stating that the background refers to a former resolution passed back in 1988 but feels that just because it was done before doesn't mean that have to do it now 20 years later. She stated that the downtown merchants have been very vocal for more parking and this resolution takes away from future growth. She stated that the city shouldn't be subsidizing for tenants. She referred to the agreement which stated if the lessor (city) takes any spaces, then replacement spaces would be provided and would like to know where those would be. She would like to



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know if it is a permit lot or public lot and if it is a permit lot, then the merchants should be given the chance to purchase those spaces first.

Carolyn Mebert, 254 Dover Pt. Road – member of the Joint Building Committee, spoke in support of the McConnell Center roof as they are not willing to go forward with the renovations until the roof is replaced and there are no more leaks.

Rick Hebbard, 97 Spruce Lane – asked the City Manager in his report to explain the Long Hill water line situated as he has heard that they won't be charged per linear foot and has also heard that it is not going forward and wants to know which is correct. He continued that he has heard that the Sixth Street portion is going forward but that those people do have to pay the linear foot charge. He stated that Sixth Street was to be done in 2 phases and has found where they approved phase I, but has not found a resolution approving phase II and wants to see that.

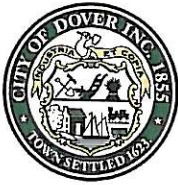
Don Medbury, Covered Bridge Lane – supports Mary Hebbard's position on the parking spaces and stated that soon all of the spaces will be permitted. Next he discussed the wrecking ball fiasco at the Dover Adult Learning Center building referring to a resolution passed on 06/27/07 giving the job to H&H Hauling of Carolton GA for \$25,000 and that this process was a total catastrophe causing people to leave their homes. He stated that there were 30 bidders with prices up to \$56,000 and feels that any fool would know that this job couldn't be done for \$25,000 especially when they were traveling from Georgia. He stated their original bid was even lower at \$15,600 but we felt bad for them and let them add another \$9,400 and feels that this should have been rebid. He stated this became a dangerous situation and we had a Dover company take care of it anyway. Next, he discussed the McConnell Center roof replacement stating that he doesn't understand why this wasn't done as a part of the original \$8 million renovations and feels that both of these situations show incompetence. He concluded by stating that he has learned that the City Clerk did not retire on her own.

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

7. PUBLIC HEARINGS - NONE

8. CITY MANAGER'S REPORT

Joyal began by stating that he has an item to introduce regarding the purchase of potential property for the school although it is not urgent to act upon tonight, it would be good for the Council to give their authorization. Next he discussed the pending Comcast contract stating that there are language issues with Comcast that have been supposed to be resolved but have not yet been including provisions for a technology grant and how it would be administered. He stated that the attorney continues to work on the agreement and he expects that there will be one, but in the meantime there are month to month extensions. Next, he addressed Mrs. Follansbee's question regarding the electronic file cabinet explaining that the Council receives many reports etc and are sometimes requested repeatedly so now there is a central location for



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all of these documents that can be retrieved when needed and are public documents. If they are confidential documents, then they will not be in that cabinet and stated that the link can be found on the City Manager's page on the web. Lastly, he discussed the demolition of the DALC church building on Atkinson Street giving the background on the relocation of DALC to the McConnell Center and going out to bid on the demolition of the old church building. He explained that during the demolition there was apparent difficulty with a portion of the building and at that point city staff took control of the area. He stated the best course of action was to bring in a bigger piece of equipment to remove the steeple. He stated that the bid was \$25,000 and that is what the city will pay and the vendor is aware of that. He continued that there were some residents that were inconvenienced and there were additional costs for police monitoring and traffic control and the contractor will be covering those expenses as well as any damages to other buildings. He apologizes to the residents in that area.

Hindle asked if there was a city representative there when the company arrived.

Joyal stated yes they were onsite the entire time and they had discussed the scope of the project prior.

Hindle asked why it was started so late in the day.

Joyal stated it started at noon and they thought it would take 6 hours which seemed reasonable, but at 4:00 it was apparent that it was not. He again stated that there will be no additional cost to the city and we are holding surety until all costs are recovered.

Turner stated that last Friday he had his second tour of the Butterfield Gym and asked if this has been condemned.

Joyal stated it is not condemned but the public is not allowed. He stated that a soil engineer has been contracted to do an analysis and a structural engineer has completed the plans for underpinning the building and will be going out to bid and they hope to award it by the end of the month.

Turner wants a second opinion as he feels that the building is structurally sound.

Scott agrees with Turner's request for a second opinion as the cost is now over \$600,000.

Keays asked when the sign on the Butterfield Gym building was taken down and who authorized it.

Joyal doesn't know when but it was probably done by the city staff.

Keays stated he may be the only one who knows Bumpy Butterfield but he won't see him pushed under the carpet to please the museum and will fill this room if he needs to. He then gave the history of the Butterfield Gym building.

Ciotti stated he didn't work with Bumpy Butterfield but was a product of his programs and stated it will always be the Butterfield Gym and feels it was probably just an oversight that it was taken down.

Myers stated it was put into the resolution that this would remain the Butterfield building.

Keays discussed the staffing levels and stated that if we can afford to pay all of these people then they didn't do a good job cutting the budget or running the City.

Joyal stated he can account for every one of those positions and listed some of the reductions that have been made.



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Cheney asked about the figures regarding the Jenny Thompson Pool stating they seem to vary. Recreation Director Gary Bannon stated the per day count varies depending on whether there is camp going on or not.

Cheney then asked about the Tolend Road Landfill remediation and if the current plans have been approved.

Joyal stated the EPA has to sign off and the consent decree is in its final form. He stated he is planning a workshop on Tolend Road at the beginning of September.

Cheney then asked about the Cocheco Dam.

Joyal stated he has some letters to forward to her and has been in communication with FERC who is has the oversight over the dam operation and they will be seeking they comply with the request to provide the city with further information, but have not heard anything back yet.

Scott asked for the monthly running total of the Tolend remediation.

Joyal stated he will get him the information.

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

9. MINUTES - NONE

10. MAYOR'S REPORT

Mayor Myers began by stating there was a reading of the declaration of independence on the city hall steps on July 4th as well as a wonderful fireworks display at Dover High School that evening. Also, the Cocheco Arts Festival opened last Friday with a crowd of over 1,000 to see the Air Force Pops Band. Today he attended a function at Sprague Energy where they made a generous donation to the Children's Museum. Next, he stated there are 2 openings on the Energy Committee and asked that anyone interested in serving contact the City Clerk's Office for an application. He then addressed a letter he received from the State asking for a representative from Dover on the Little Bay Bridge Committee and stated that he is appointing Tom Fargo and asked that this be accepted with his report.

Hindle moved to accept the Mayor's Report and the committee appointment, seconded by DeDe. Motion passed on a 8-0 vote.

11. UNFINISHED BUSINESS

- A. ORDINANCES IN THE 2ND READING - NONE**
- B. ORDINANCES IN THE 3RD READING - NONE**
- C. RESOLUTIONS - NONE**



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12. New Business:

A. CONSENT CALENDAR

Hindle moved to grant items 1 and 2 and adopt 3-9 and committee reports, seconded by Ciotti. Scott asked that items 12A-6, 12A-8 and 12A-9 be removed.

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

1. FIREWORKS PERMIT – DOVER POLICE CHARITIES – DOVER NIGHT OUT
2. BLOCK PARTY PERMIT – FLORENCE STREET
3. RESOLUTION RE: CHEMICALS FOR RECREATION AND COMMUNITY SERVICES DEPARTMENTS. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.
4. RESOLUTION RE: CRACK SEALING SERVICES. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.
5. RESOLUTION RE: ARENA CHILLERS MAINTENANCE. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.
6. RESOLUTION RE: POLICE CRUISER ACQUISITION. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Scott.

Scott stated that the city passed a 7.2% tax increase and feels that we should be frugal beginning with the police cruisers which he always sees 5-6 parked outside and in other lots. He feels we should keep our current ones running and not buy new ones.

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

7. RESOLUTION RE: LIBRARY MAGAZINE SUBSCRIPTION SERVICES. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.
8. RESOLUTION RE: MUNICIPAL LEGAL COUNSEL SERVICES ON AN "AS NEEDED" BASIS. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Ciotti.

Scott asked how much was spent in FY07 for all legal services.

Krans stated \$150,500.

Scott feels that all of these expenditures should have Council approval and not be a blank check.

Trefethen stated it is not a blank check as it was a line item already approved by the Council and if it is for more then it does come back to the Council.



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

9. RESOLUTION RE: ENVIRONMENTAL LEGAL SERVICES ON AN "AS NEEDED" BASIS.
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Trefethen.

Scott asked for an estimate for the upcoming fiscal year.
Joyal stated it is going to be similar to this year, \$30,000 - \$40,000.

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

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 |
| 5. Joint Building Committee | 10. Transportation Advisory Committee |

B. RESOLUTIONS

1. RESOLUTION RE: DIRECTOR OF FINANCE AND TREASURER EMPLOYMENT AGREEMENT WITH DANIEL R. LYNCH. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by DeDe.

Joyal introduced Daniel Lynch who will start on July 30th and will help with the combination of the City Clerk/Tax Collector offices and make software improvements.

Trefethen thanked the City Manager for incorporating council concerns into this contract and the last several.

Keays wants to know how much was spent on the interim finance director which was through an outside company.

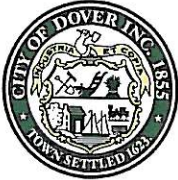
Joyal will have to get those figures later.

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

2. RESOLUTION RE: REVERSE 9-1-1 SYSTEM. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Trefethen.

Fire Chief Perry Plummer and Police Chief Tony Colarusso explained the reverse 9-1-1 system and its various uses.



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

3. RESOLUTION RE: FIRST STREET LOT LEASE AGREEMENT FOR RESIDENT PARKING. SPONSORED BY DEPUTY MAYOR JASON HINDLE, CHAIR, TRANSPORTATION ADVISORY COMMISSION.

Hindle moved to substitute the background of the resolution, seconded by Trefethen.

Hindle explained that this came before the Transportation Advisory Commission prior to going before the Planning Board.

Myers asked if the TAC took any position.

Hindle stated no.

Joyal explained the background of this stating that once the parking studies have been done and the rate structures change, the lease will accommodate this change as well. He stated that if there is a parking garage built, these spaces will be moved there.

Krans explained the provisions of the lease.

Discussion ensued regarding the rates which are considered to be very low and the lack of parking spaces in the various city lots.

Motion to adopt failed on a 4-5 roll call vote, Myers, Hindle, Trefethen and Turner in favor.

4. RESOLUTION RE: RESERVATION OF MCCONNELL CENTER SPACE FOR ARTS COMMISSION. SPONSORED BY COUNCILOR HARVEY TURNER.

Turner moved to adopt, seconded by Ciotti.

Turner reviewed the background and reason for the request for the room.

Ciotti stated that he has one issue regarding if a suitable tenant were to come forward to lease the space there should be a 72 hour clause included that the Arts Commission pay the rent or relocate.

Discussion ensued.

Ciotti moved to amend the Now, therefore section by deleting "for 1 year effective July 1, 2007", and adding "and obtain funding, and if a potential lessee comes forward, the Arts commission have 30 days to sign a lease agreement or it will revert to available space to the interested lessee.", and to remove the "Further be it resolved" section, seconded by DeDe.

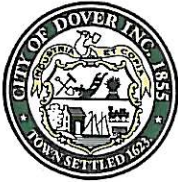
After more discussion, the motioner and seconder amended the amendment to be "90 days" instead of "30" days.

Motion to amend passed on a 7-2 vote.

Motion to adopt as amended passed on a 7-2 roll call vote, Keays and Trefethen opposed.

5. RESOLUTION RE: MCCONNELL CENTER ROOF REPLACEMENT. SPONSORED BY COUNCILOR DOUG DEDE.

DeDe moved to adopt, seconded by Ciotti.



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DeDe explained that at the time of the renovation they were told the roof had another 3-5 years but then Mother Nature proved otherwise. He stated that with the SAU administrative offices moving to that space and the space crunch in city hall, this needs to be done quickly. He stated the JBC is ready to sign off on the SAU renovations but not until the roof is rebuilt and if they were to spend the \$500,000 without the roof rebuild and something were to happen, it would be a waste of taxpayer money.

Keays stated that DeDe has a lot of moxy. He stated we have already spent \$8 million over there and feels that the roof should have been a part of that then and doesn't want to spend more money there.

Trefethen stated he understands that the City Manager still needs to go out to bid but is there an estimated amount?

DeDe stated \$200,000.

Discussion ensued.

Mayor Myers asked for clarification on the last sentence which says that the debt service will be paid from the McConnell Fund and is that the tenant fund?

Joyal stated yes, but it has not built up yet because this roof was anticipated to last another 3-5 year and he would rather find another source.

Discussion ensued regarding the funding source.

Keays asked where will this money come from right now.

Joyal stated he will have to borrow from the general fund a/k/a the taxpayers, or the gravel proceeds.

Keays stated that the gravel money is not meant for that purpose.

DeDe stated it comes down to we have a problem that needs to be fixed that is interconnected with other issues so it has to be done, bottom line.

Motion to adopt passed on a 7-2 roll call vote, Keays and Trefethen opposed.

Hindle moved to suspend the rules to introduce item 12B-6, seconded by Cheney.

Motion passed on a 9-0 roll call vote.

6. Resolution RE: Purchase of Bellamy Road Parcel for School District. Sponsored by Mayor Scott Myers, by Request.

Hindle moved to adopt, seconded by DeDe.

Joyal explained that this items has been discussed by the Council in 2 non-public sessions and follows the vote of the School Board to purchase the land.

Trefethen stated that procedurally the public should have a chance to speak on spending issues.

Mayor Myers stated that is correct.

Trefethen moved to table to the next meeting, seconded by Ciotti.

Joyal interjected that this should be done at a special meeting on 07/18/07 as the School department has lined up survey work.



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Motion to table to 07/18/07 passed on a 9-0 vote.

C. ORDINANCES IN THEIR FIRST READING - NONE

D. COUNCIL CORRESPONDENCE - NONE

13. COUNCIL MATTERS OF INTEREST

Mayor Myers clarified that on the school purchase of property resolution, the funds are encumbered so the money won't show up as a withdrawal of use of fund balance. Joyal stated-yes.

Turner stated that residents on Willard Street are having an issue with truck drivers going down their road because it is being mistaken with Willard Street in Somersworth. Joyal stated the building officials will contact Somersworth and address the E-9-1-1 street names. Ciotti suggested a sign be placed in the meantime.

14. ADJOURN

Keays moved to adjourn at 9:45 p.m, seconded by Cheney. Motion passed unanimously.