



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: Wednesday, July 25, 2007  
Meeting Time: **7:00 pm**

### 1. MOMENT OF SILENCE

### 2. PLEDGE OF ALLEGIANCE

Turner led the Pledge of Allegiance.

### 3. ROLL CALL

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

### 4. PROCLAMATIONS – AWARDS

### 5. SUMMARY OF AGENDA

Mayor Myers reviewed the agenda and explained that the meeting was starting a few minutes late (7:08 pm) because they were in non-public session discussing the City Manager's review and will have to reconvene that session after this meeting is over.

### 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.*

Rick Hebbard, 97 Spruce Lane – stated he is wondering how the review of the City Manager went as one of the Manager's requests was to be able to work from home which the Council approved as long as it didn't interfere with work but he has been to city hall several times asking for information and has not received it. He continued that under the background information for the Longhill Road water loop resolution the Dover Utilities Commission (DUC) minutes that are attached show that he was not at that meeting so he came to city hall to get information from the Manager and feels he was blown off. He feels that the City Council should instruct the City Manager to give answers when requested. He stated he is also disappointed with DUC Chairman Gary Green as he also did not forward along the requested information. Next he discussed the resolution regarding sidewalks stating that unless they spend the money on fixing the drainage, then it is putting good money to bad. He stated that there is an RSA which allows the city to charge property owners half of the cost of installing sidewalks and feels if we can do it for water mains, we could do it for sidewalks. Finally, he stated he wants answers on the Sixth Street water line which was supposedly a 2 phase project. He stated the resolution he has been able to find refers to Phase I, but there is nothing authorizing Phase II, which was also done.



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John Scruton, 88 Sixth Street – discussed the Master Plan committee which discusses residential, commercial and industrial development but they keep skipping open lands and feels this should be a major part of the master plan. He stated they have been having issues with traffic congestion since the 1970's and it's still going on now with all of this development.

Eric Kelsey, 19 ½ Hough Street – stated he is a member of the Energy Advisory Committee but is here to discuss another issue. He stated he is looking to start a community garden and has been working with Planning Director Chris Parker and Open Lands Chairman Marcia Colbath to find an appropriate site. He listed various advantages of having a community garden and stated that some of the harvest would be donated to the food pantry and soup kitchen. He stated he has already had a dozen volunteers and asked any one interested to call the Planning Department.

Shawn O'Connell, Attorney, Shaheen and Gordon – stated he is here as an attorney and immediate past president of the Children's Museum stating he has been appearing before the Council on behalf of the Museum since 2005 and gave the background of their efforts to this point to bring the museum to Dover. He stated they have raised \$2,000,000 for the improvements they will make to the building and will be starting the Capital Campaign very soon with a goal of \$3.5 million. He stated that it was reported in tonight's paper that they are having trouble raising money and wants to clarify they are NOT having difficulty. He stated that in 2005 the City of Dover became their landlord and they are looking to their landlord to maintain the building as it is the obligation of the city to do so. He stated that the Children's Museum is very excited to move to Dover and he expects that the Council will do the right thing and approve the repairs needed for the building.

Ray Bardwell, 199 Spur Road – stated the previous speaker is a hard act to follow and feels that it sounded like a threat. He continued that if the citizens have to spend \$650,000 to get \$1.00 a year for 99 years then they need to know how we are going to pay for this. He listed various other projects that will cost the city a lot of money and stated that they need to get the word out about this so that people can come down and speak. He also discussed the traffic problems and the condition of the streets and agrees with Mr. Hebbard that the drainage needs to be addressed. He stated that the citizens need to be able to decide on what projects need to be done and that the roads need to be repaired.

Mary Hebbard, 97 Spruce Lane – stated at the 07/18/07 meeting she spoke against the purchase of land for the School Department. She stated that 2 days later she received a call from the previous owner of that property who was upset that the School had bought the land now when she had previously offered it and was told no because "What would we do with it?" She stated that the previous owners feel that the money should have been spent on things that are needed more for the students. She stated that if there is a surplus of money, then it should be used to for a new roof or something and gave an analogy of credit card debt. Next, she discussed the 30 parking spaces that were requested by the Masonic Building and the potential of a re-vote. She urges that there not be a re-vote stating that Councilor DeDe had given a



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number of reasons which she agrees with 100% and in August 2006, when this was presented to the Planning Board, C.S. Director Doug Steele was opposed. She stated at a recent Transportation Advisory Commission (TAC) meeting she had asked if there were any companies leasing the First Street lot and was told by Sgt Speidel that there was one, the Mill. She concluded by stating she doesn't want them to set a precedent or be sued by other developers and feels that the city subsidizing parking is wrong.

Ed Bleiler, 28 Isaac Lucas Circle – read a prepared statement (see 07/25/07 meeting folder). He addressed the recently submitted petition for a tax cap charter amendment question with 1200 signatures.

Donald Andolina, 59 Littleworth Road – first addressed the Children's Museum issue stating that he feels that this represents a valuable asset that will reap many economic benefits to the city. He agrees that \$650,000 to repair the building is a lot of money and asked if this is a gross number or a net number and does this take into account any insurance money that may be coming from that and asked that this be clarified. Next, he addressed the resolution regarding the purchase of Dover trash bags asking that the please make sure the bags fit over the galvanized cans.

Karen Weston, French Cross Road – began by addressing the 30 spaces on First Street stating that she has been a proponent of removing the recently added 5 spaces to Main Street especially if there are 30 spaces available on First Street. She has a petition to present to the City Clerk with 850+ names that she got in 3 days asking that these spaces be removed as they cause a hazard and disruption of traffic flow. She stated that cars are constantly cutting through the Janetos Parking lot to avoid the light and it is even worse now with the Oak Street Bridge being closed. She stated she hopes that nobody gets hurt by one of these cars cutting across her lot because she would have to sue the city if she gets sued. She stated that it too her 5 months to get the lights turned on in front of City Hall after she had fallen and gotten hurt and was told that there wasn't money in the budget, only to find out that the light switch had to be turned on. She feels that the city needs to protect its citizens.

Jerry Lynch, Lincoln Street – feels that the Butterfield Gym building is the wrong place to have the Children's Museum because of the flooding issue.

Rick Hebbard came to the podium for the second time and was called out of order by the Mayor. The Mayor recessed/reconvened.

Don Medbury, Covered Bridge Lane – commended Rick and Mary Hebbard for their insights of the State RSA's. He stated that more people need to come down and speak at meetings to let the Council know how they really feel. He stated they collected names for 3 weeks and could have gotten a lot more on the petition for the tax cap. He discussed the trash bags stating it looks like we went with the low bidder and hopes its not like the Dover Adult Learning Center building demolition stating that the low bid is not always the best way to go. He stated he



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wants the City Manager to give the actual numbers for the waste collection cost and how much profit is made from the trash bags. He stated that he never sees green trash bags or recycling bins in front of the City Manager's house. He continued that he doesn't want the 30 space given to the Masonic Building as it sets a precedent we can't afford to have. He stated he would like to have a report on how many subsidized parking spaces are in the city and how are paid for them. Lastly he too remembers the light switch incident in front of City Hall.

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 if Mr. Medbury is making accusations about illegal dumping, his son would be happy to not have to bring the bags to the road. Next, he addressed Karen Weston's concerns with Main Street stating he is seeking assistance from a sight engineer to address the zone of confusion and hasn't seen the report yet but believes it involves removing one of the spaces. He then discussed the State DOT projects recently mentioned in the paper stating that he wants to clarify that they are looking to fund the projects with other sources which may include raising tolls, but they are still on track to be done. He stated that it is always a sensitive issue when discussing raising tolls because it increases the traffic onto Dover Point Road. Finally, he addressed Mr. Hebbard's disappointment stating that he does not read every board and commission meeting and would not know that he was not in attendance at any particular meeting and that all of the information is included with the resolution. He explained that there will be no liens assessed to owners but they will have to pay the fee if the tie into the water main.

Scott discussed the Butterfield Gym repairs stating that there was \$250,000 approved by the Council in April so how is he looking to spend \$650,000?

Joyal explained that when he came to the Council for the appropriation in Capital repairs back in April he had said that the gym repair figure was unknown and could exceed \$500,000. He stated that a report is being assembled.

Turner asked if there has been a second opinion given on how to repair this building to see if this methodology is correct.

Joyal stated there have been a total of 3 engineers involved in reviewing this project and also has names of structural engineers although he is not anticipating spending any more money on that but will if it is the will of the Council. He stated he is comfortable with the current plan.

Hindle addressed the Main Street issue and asked the City Manager to have City Planner, Bruce Woodruff give an update and to let the abutters know when this will be done.

Joyal stated the TAC will have a meeting to update the abutters.

Cheney asked what Mr. Hebbard was referring to regarding the 6<sup>th</sup> Street water main and 2 phases.

Joyal explained the background of this project stating he has copied the Council with this information already.



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Cheney then asked about the Cocheco Dam that was referred to in the City Attorney portion of the City Manager report and if the NH Hydroelectric had submitted the requested information. Joyal stated he will get it to her.

Ciotti stated that Don Andolina brought up a good point about the insurance claims of the past 2 storms and asked that the Council be given the status of these claims.

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

### 9. MINUTES

- A. COUNCIL WORKSHOP – MAY 29, 2007
- B. SPECIAL MEETING – JUNE 6, 2007
- C. NON-PUBLIC MEETING – JULY 11, 2007

Hindle moved to adopt, seconded by Trefethen.  
Trefethen corrected page 7 of 05/29/07 minutes stating the figure should be \$200,000 and not \$20,000.

### 10. MAYOR'S REPORT

Mayor Myers stated he had planned to give the results of the City Manager's evaluation but they have not finished yet so he will release the scores etc when they are done.

Next, he stated that with the acceptance of the Mayor's Report he would like to appoint Robin Estee to the Energy Advisory Committee. He stated he attended the DBIDA meeting at which time they began drafting a job description of a Director. Finally he reminded everyone that on 07/26/07 the annual Dover Night Out will be held at Henry Law Park with fireworks concluding the event.

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

### 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 to adopt the Consent Calendar and accept the committee reports, seconded by Keays.



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DeDe removed the McConnell Center Committee Report.  
Trefethen removed Item 12A-1.  
Hindle removed item 12A-2.

No vote was taken on consent calendar.

1. RESOLUTION RE: DOVER TRASH BAGS. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Ciotti.

Trefethen stated a few months ago there was a discussion on the trash bags and that they weren't strong enough, but since then they have spent a little extra money and his perception is that the bags are better now. He stated he just wants to make sure that if this is approved that they will continue to be the same material or better that is being used now.

Keays stated that he feels there is a big profit made by the city on the bags.

Joyal explained how the bag and tag program works as a self-funded account and pays for the collection and disposal.

Myers asked the Manager to clarify that if there is a surplus that it is used to build up a reserve and not used on other areas of the budget.

Joyal stated that is correct.

Discussion ensued.

Joyal explained that they are now taking the trash to Turnkey and not Berlin as originally stated because of the increase in fuel.

Turner stated the better bags will continue to be used.

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

2. RESOLUTION RE: SIDEWALK IMPROVEMENTS. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by DeDe.

Hindle asked the City Manager for the list of sidewalks that will be improved and reminded everyone that a portion of this was removed during the budget to go towards street improvements. He stated he and Councilor Keays both received calls from a constituent regarding an injury that someone got on a sidewalk on Fifth Street. He asked is Fifth Street so bad that it needs to be it's own CIP item or will it be done on next year's list.

Joyal explained that this year they are concentrating on the downtown core existing sidewalks and also try to coordinate sidewalk repairs with street reconstruction.

Cheney asked if Fifth Street is on the list and can the Council get the list.

Joyal stated it is not on the list for this year.



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Steele explained that it was on the list originally for this year but was removed due to the funding cuts.

Keays asked what is being done this year.

Steele stated Cushing Street \$100,000; Portland Avenue, \$213,000 and St. Thomas Street \$48,000.

Discussion ensued.

Motion passed on a 9-0 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 |

### MCCONNELL CENTER REPORT

DeDe stated he wanted to let everyone know that there will be a picnic at the Senior Center on Friday the 27<sup>th</sup> hosted by WTSN and stated that the Senior Center has many new programs and activities and gains 5 new members a week.

Motion to accept Committee Report passed on a 9-0 vote.

### **B. RESOLUTIONS**

1. RESOLUTION RE: LONGHILL ROAD/LONGHILL ROAD EXTENSION/OLD ROCHESTER ROAD WATER MAIN LOOP LINE. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Trefethen.

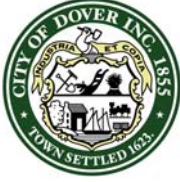
Joyal gave the background information.

Mayor Myers read the Dover Utilities Commission letter dated June 26<sup>th</sup> into the record. (See 07/25/07 folder)

Trefethen stated he supports this because the people out there didn't ask for the water line and many have existing wells. He stated he knows that the DUC is reviewing the rules and will come back to the Council and encourages them to drastically change them to reflect this resolution.

Keays asked if the water pressure will be affected by this.

Discussion ensued.



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Cheney stated she didn't support this in the CIP because she wants to know who is going to pay for this. She stated she also has heard that water was diverted to Somersworth and would like someone to address this.

Steele stated the only time that water was diverted to Somersworth was during the flood when their WWTP was down, but assured Cheney that water has not been diverted to any other city.

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

2. RESOLUTION RE: RELEASE OF JULY 12, 1007 CITY ATTORNEY OPINION. SPONSORED BY COUNCILOR CATHERINE CHENEY.

Cheney moved to adopt, seconded by Hindle.

Cheney explained that is not meant to release any contractual or negotiation information or to challenge the City Manager's authority just to release the City Attorney's opinion.

Mayor Myers asked the City Attorney if this opened us to anything down the road. Krans stated no.

Motion passed on a 7-1 roll call vote, Trefethen opposed, Keays out of Chambers.

3. RESOLUTION RE: CHARTER AMENDMENT - SCHOOL BOARD. SPONSORED DEPUTY MAYOR JASON HINDLE. **(TO BE REFERRED TO A PUBLIC HEARING ON AUGUST 8, 2007)**

Hindle moved to refer to a public hearing on August 8, 2007, seconded by Ciotti. Motion passed on an 8-0 vote, Keays out of Chambers.

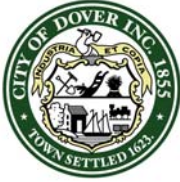
### **C. ORDINANCES IN THEIR FIRST READING - NONE**

### **D. COUNCIL CORRESPONDENCE**

1. LETTER FROM CALIFORNIA PROPERTY MANAGEMENT RE: MASONIC BUILDING PARKING

Hindle moved to accept and place on file, seconded by Cheney.  
Motion passed on a 9-0 vote.

Hindle moved to add the petition presented by Karen Weston at Citizen's Forum regarding Main Street parking spaces, seconded by Trefethen.  
Motion passed on a 9-0 vote.



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### 13. COUNCIL MATTERS OF INTEREST

Cheney referred to Rick Hebbards' comments regarding an RSA allowing the city to charge for half of sidewalk stating she would like further information on that as well as information on the parking fees and water/sewer fees charged.

Joyal stated that DUC is reviewing the water/sewer fees, there is a comprehensive study being done regarding parking fees through the TAC.

Mayor Myers asked if the Council would entertain a motion to suspend the rules to allow the representative from California Property Management to speak as she did not speak during Citizen's Forum because she waited for the item to come up on the agenda.

Trefethen moved to suspend the rules for the above stated, seconded by Scott. Motion passed on an 8-0 roll call vote, DeDe out of room.

Christine Sandock, Property Manager for California Property Management – reviewed the background of the Masonic Temple Building request for parking spaces on First Street and asked that the Council reconsider the vote as allowed under Robert's Rule of Order

Turner addressed the e-mail server that the Council is required to use for city e-mail stating that he would prefer to use Outlook as he does for his other e-mail. He explained that the city server is slow and only allows him to open one item at a time and it is cumbersome.

Joyal explained that this is being addressed by the IT people and was a part of the recently adopted budget.

Trefethen stated that he would like the City Manager to clarify the permit parking issue with the total number of parking permits currently issued and of those how many different entities, not just the mill, but permit holders and how much they pay.

### 14. ADJOURN

DeDe moved to adjourn at 9:05 and return to the Non-public session, seconded by Turner. Motion passed on a 9-0 vote.