



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Wednesday, September 12, 2007
Meeting Time: **7:00 pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor David Scott led the Pledge of Allegiance.

3. ROLL CALL

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

4. PROCLAMATIONS – AWARDS

5. SUMMARY OF AGENDA

6. CITIZEN'S FORUM

Citizens are invited to speak to items that pertain to the business and/or interests of Dover, NH. Statements shall be limited to five minutes.

Steven Hagen, 17 Grove Street – stated he came down tonight because he just heard from a neighbor that the Senior Center Building in his neighborhood was on the agenda to be sold and he wondered why he had never received any notification about this.

Mayor Myers clarified that this was actually decided 1 ½ years ago when the Senior Center was being relocated to the McConnell Center.

Mary Hebbard, 97 Spruce Lane, candidate for at-large city Councilor, spoke regarding item 12A-10, Henry Law Avenue, Phase II Construction asking what was Phase I and also stated that the background information was conflicting as to where Phase II actually was taking place. She stated she would also like to know what parking accommodations are going to be made for those who park on the street in that area while construction is going on. Next, she discussed resolution 12B-7, Necessity to Acquire Land and referred to the Petition for Highway Layout signed by the City Manager and City Engineer. She stated that the Rousseau Farm is a working farm and that all of the land is used for that purpose. She stated that she knows that Mr. Rousseau does not want to give up the land and that something else should be done.

Deborah Guppy-Leahy, resident of Barrington, property owner in Dover – discussed the resolution 12B-3 regarding the sale of property off Maple Street extension stating she is against any development on that property which abuts her parents home and that it would cost the city money in the long run if it was developed.



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Dave Gosselin, 130 Grove Street – stated he is a bidder on the property and reiterated the previous speakers comments that this land should not be developed and that the highest bidder does get the land.

Rick Hebbard, 97 Spruce Lane, Ward 4 Council candidate – discussed resolution 12A-8, Winter Road Salt for Dover Rochester and Somersworth stating that he doesn't understanding why we are putting Rochester and Somersworth in our resolutions. He then addressed various discrepancies he feels are in the resolution and stated this resolution should be tabled until the Purchasing Agent can address them.

Robin Estee, 8 Cherokee Street - stated she would like to address some reasons why a tax cap may not be in the best interest of the City of Dover although she too hates to pay taxes. She stated that not all increases are due to fiscal irresponsibility and there are expenses that are out of the Council control i.e. County budget, State retirement system, etc. She stated that taxes are higher in every community and feels that Dover offers excellent services compared to other cities.

Jerry Lynch, Lincoln Street – stated the tax cap is a good thing and we should leave that decision up to the people of Dover.

Peter Schmidt, Fourth Street, State representative for Wards 1 and 2 – discussed the proposed ballot question regarding at-large school board stating that he is opposed to this concept. He stated that this proposal is meant to alleviate the problem of not having candidates to run in every ward but feels that the cost of running a city-wide campaign may eliminate people from running when they may be able to afford running for a Ward seat. He urged voters to reject the proposal.

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

7. PUBLIC HEARINGS

A. RESOLUTION RE: SCHOOL IMPACT FEE TRANSFER. SPONSORED BY DEPUTY MAYOR JASON HINDLE AND COUNCILOR CATHERINE CHENEY.

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

Aviva Grasso, Pebble Hill Road – stated we should take advantage of this impact fee and use it for its' intended purpose, the Woodman Park School repairs.

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



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8. CITY MANAGER'S REPORT

Manager Joyal began regarding Councilor Turner's recent inquiry for an update of the Route 108 sidewalk project in the north end area, he explained the background up to the present and stated that there are still some easements that need to be secured and that this needs to be done by the end of this month in order to get bids back and start site work by the end of the year for the project to be finished next summer. Next, he discussed Willand Pond stating that there has been an ad-hoc committee formed and the Planning staff has been meeting with Somersworth and Dept. of Environmental Services officials. He stated the State has recognized the issue and will provide assistance to both cities to restore the water quality. He stated that currently the water has receded, but may rise again with a significant rain fall. He stated there is a grant available to fund studies and they will be coming back to the Council to discuss the issue further. Next, he addressed questions raised during Citizen's Forum beginning with the question about Phase I of the Henry Law reconstruction project stating that Phase I has not been done yet because of the right-of-way issue so that is why Phase II is being done first. Next, regarding the question of whether the land being sold on Snow Avenue is conservation land, it is not, but it is a wetland.

DeDe asked about a previous resolution that had been tabled regarding the imprinted crosswalks.

Joyal stated we are not pursuing the imprinted crosswalks at this time.

DeDe asked about the Butterfield Gym repair and the reference to technical issues as well as an update on the McConnell Center roof repair.

Joyal stated they went out to bid and received 2 responses and were working with the lowest bidder to adjust the bid to include testing. He expects to sign a contract with Horne Construction tomorrow and that they will begin right away.

Regarding the McConnell Center roof repair, Joyal explained that Advanced Roof Systems will be doing a visual inspection and will test the decking and then the specs to go out to bid will be developed and will hopefully happen within the next few weeks.

Hindle asked Joyal to address the question regarding whether there will be any change orders for the Henry Law Project.

Joyal stated yes there will be change orders to the original contract coming next month.

Cheney asked the Manager to add a special section to his report updating them on the Pike Industries situation.

Hindle moved to accept the Manager's Report, seconded by Ciotti.

Motion passed on a 9-0 vote.

9. MINUTES

- A. WORKSHOP – AUGUST 1, 2007
- B. SPECIAL MEETING – AUGUST 15, 2007
- C. WORKSHOP – AUGUST 15, 2007

Hindle moved to accpt and place on file, seconded by DeDe.



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Councilor Trefethen noted 2 corrections on the August 1st minutes on pages 2 and 5.

Motion to accept and place on file as amended passed on a 9-0 vote.

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

10. MAYOR'S REPORT

Mayor Myers began by reminding everyone that Hazardous Waste Collection Day would be Saturday, 09/15/07 from 9:00 – 1:00 p.m. Next he stated he attended a ribbon cutting at Heine USA at their new environmentally friendly building. He also attended the Greek Festival and presented a proclamation. He and the City Manager attended the opening of CHAD at Wentworth Douglass Hospital which is a pediatric specialty floor affiliated with Dartmouth-Hitchcock with leading edge technology.

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

11. UNFINISHED BUSINESS

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

12. New Business:

A. **CONSENT CALENDAR**

Hindle moved to grant Items 1-5, and to adopt items 6-10, seconded by Ciotti.

Turner asked to removed items 8 and 9.

Keays asked to remove item 10.

Motion to grant remaining consent calendar passed on a 9-0 roll call vote.

1. TAG PERMIT – DOVER LITTLE GREEN CHEERLEADING
2. TAG PERMIT – GREAT BAY FIGURE SKATING CLUB
3. RAFFLE PERMIT – COCHECO VALLEY HUMANE SOCIETY
4. RAFFLE PERMIT – ST. THOMAS' EPISCOPAL CHURCH
5. RAFFLE PERMIT – GEORGE J. FOSTER & CO. INC.

6. RESOLUTION RE: AWARD OF PURCHASE ORDER FOR AUTOMOTIVE PARTS AND SUPPLIES.
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.



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7. RESOLUTION RE: AWARD OF BLANKET PURCHASE ORDER FOR TIRES AND MISCELLANEOUS RELATED SUPPLIES. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.
8. RESOLUTION RE: WINTER ROAD SALT FOR DOVER, ROCHESTER, SOMERSWORTH. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Turner.

Turner explained that he removed this item to have Mr. Hebbard's concerns addressed. Joyal stated that there is no mystery or confusion with this resolution and would like it if in the future any concerns be discussed with him directly. He continued to explain that the title includes Rochester and Somersworth to show that we are working with other communities to get better prices with larger quantities. Also, regarding the figures, these are all estimates as we never know how much snow we will have any given year. He continued to explain the bid results and that this is a not to exceed budget amount.

Cheney stated she has heard from people that we should be working with other communities and is glad to see this is being done.

Scott stated the numbers are confusing and moved to table, seconded by Keays.

Motion failed on a 2-7 vote, Keays and Scott in favor.

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

9. RESOLUTION RE: WOODMAN PARK TENNIS COURT RECONSTRUCTION AND BASKETBALL COURT RESURFACING. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Turner.

Turner explained that he removed this item because this does not address the drainage issue and feels that it should not be resurfaced until this is fixed.

Recreation Director Gary Bannon explained that this is being done in 2 stages and this first one is addressing the tennis courts and only resurfacing the basketball courts for now and the drainage issue will be addressed in the Spring.

Discussion ensued.

Motion to adopt passed on a 6-3 roll call vote, DeDe, Trefethen and Turner opposed.

10. RESOLUTION RE: HENRY LAW RECONSTRUCTION PHASE II – RIVER STREET TO BROWNING AVENUE. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Ciotti.

Keays asked when this project will start.

Community Services Director Doug Steele explained it will start at the end of September if approved tonight.

Keays asked about the November 15th deadline for digging.



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Steele stated only if they get a deep frost, but they will start with the sewer replacement and take about 2 months and then will do the next part in the spring.

Discussion ensued regarding delays in projects and the costs associated.

Hindle stated there were 2 other questions raised during citizen's forum; first regarding the discrepancy of where Phase II begins/ends. Steele clarified it is River Street to in and around Browning Avenue.

Hindle stated the 2nd question was regarding parking on Henry Law during the construction. Steele stated they will have to work with the Police department on this issue.

DeDe stated the winter parking ban goes into effect in December, so they must have to find alternatives anyway.

Myers addressed Councilor Keays concerns of the cost increasing with the delays and agrees that this is true but it hasn't been due to the contractor or the city that this has been delayed and this is why we are starting at Phase II.

DeDe stated that in the discussion phase of this there was the issue of the impending waterfront development and not doing that end of Henry Law because of the heavy truck travel.

Joyal stated that is why we were starting at the back end of Henry Law.

Motion to adopt 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. Class VI Roadway Committee |
| 5. Joint Building Committee | 10. Transportation Advisory Committee |

B. RESOLUTIONS

1. RESOLUTION RE: SCHOOL IMPACT FEE TRANSFER. SPONSORED BY DEPUTY MAYOR JASON HINDLE AND COUNCILOR CATHERINE CHENEY.

Hindle moved to adopt, seconded by Cheney.

Hindle stated the project is going well and is on schedule.

Cheney distributed handouts showing the intention of this from the beginning and asked for the Council support.

Trefethen stated he is concerned because we are using most of the "rainy day fund" and that there are other projects that will be coming up in the next few years and there won't be enough built up by then as it took 4 years to build it up to this point.

Hindle explained that there are smaller projects coming up which will be smaller costs.

Keays does not support this because they recently bought land for \$275,000 and now they want to take all of the impact fees.

Discussion ensued.



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

2. RESOLUTION RE: CITY CLERK/TAX COLLECTOR OFFER OF EMPLOYMENT. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by DeDe.

Cheney stated she does not support this because she has a problem with the severance clause and clarified that she does not have any issue with the person.

Hindle moved to amend the title of the resolution with the passage of the resolution to state "...Employment Agreement", seconded by Trefethen. Motion passed on an 8-0 vote, Keays out of room.

Discussion ensued regarding city employment contracts.

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

3. RESOLUTION RE: AUTHORIZATION TO SELL SURPLUS CITY PROPERTY LOCATED OFF MAPLE STREET EXTENSION AND SNOW AVENUE (MAP 29, LOT 68F). SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Ciotti.

Cheney stated she supports this as she has had all of her concerns addressed and believes that the high bidder on this property will not develop it.

Motion passed on a 9-0 roll call vote.

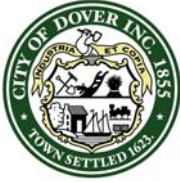
4. RESOLUTION RE: AUTHORIZATION TO SELL SURPLUS PROPERTY LOCATED AT 35 THIRD STREET. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Ciotti.

Discussion ensued regarding the buyers request for a variance on the property and the concern of neighbors not being notified of the sale. It was discussed that there has been a "For Sale" sign at the property for over a year.

Ciotti moved to amend by adding "A further contingency should be added to the agreement requiring the Buyer to provide a performance bond or other similar surety, in the additional amount of \$50,000 over the initial deposit of \$50,000 to insure the completion of the renovations" to the Now, Therefore, section, seconded by DeDe. Motion passed on a 7-2 vote, Keays and Scott opposed.

Cheney moved to table, seconded by Scott. Motion failed on a 4-5 vote, Cheney, Keays, Scott and Turner in favor.



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Motion to adopt as amended passed on a 6-3 roll call vote, Keays, Scott and Cheney opposed.

5. RESOLUTION RE: ESTABLISHMENT OF FY2008 EXPECTATIONS BY MAYOR AND CITY COUNCIL FOR CITY MANAGER. SPONSORED BY MAYOR SCOTT MYERS.

Hindle moved to adopt, seconded by Ciotti.

Hindle moved to amend by moving first item under 2nd highest priority to the highest priority list, seconded by Ciotti. Motion passed on a 5-3 vote, Cheney, Keays and Scott opposed, DeDe out of room.

Turner stated that Henry Law Avenue was on top of his list but also had another item he wanted to add which is the Rte 108 project and made the motion to add it, seconded by Ciotti. **(No vote was taken on amendment motion)**

Trefethen stated that he appreciates the concern of having this project get done but feels that it is out of the Manager's control if people don't want to give up their right-of-way. Motion to amend failed on a 4-5 roll call vote, Hindle, Ciotti, DeDe and Myers in favor.

6. RESOLUTION RE: RELEASE OF CITY ATTORNEY OPINION DATED SEPTEMBER 4, 2007. SPONSORED BY COUNCILOR CATHERINE CHENEY. **(ITEM WITHDRAWN)**
7. RESOLUTION RE: NECESSITY TO ACQUIRE LAND. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. **(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 26, 2007)**

Hindle moved to refer to a public hearing on 09/26/07, seconded by Ciotti.
Motion passed on a 9-0 vote.

- C. ORDINANCES IN THEIR FIRST READING - NONE**
- D. COUNCIL CORRESPONDENCE - NONE**

13. COUNCIL MATTERS OF INTEREST

Trefethen moved to reconsider item 12B-5, seconded by Turner.

Motion passed on a 6-3 vote, Keays, Cheney and Scott opposed.

Trefethen moved to amend by adding Councilor Turner's previous amendment regarding Rte 108 sidewalks, seconded by Turner. Motion to amend passed on a 6-3 vote, Cheney Ciotti and Scott opposed.

Hindle moved to amend the Priority list by moving #1 under 2nd highest

To the Highest Priority List, seconded by Ciotti.

Main motion as amended passed on a 6-3 roll call vote, Cheney, Ciotti and Scott opposed.

14. ADJOURN

KEYAS MOVED TO ADJOURN AT 9:40 P.M., SECONDED BY SCOTT. MOTION PASSED UNANIMOUSLY.