

**MINUTES
DOVER CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR COUNCIL MEETING
FEBRUARY 9, 2005**

6:00 P.M.

**CITY MANAGER'S OFFICE
NON-PUBLIC SESSION**

The City Council will be meeting in non public session to discuss Labor Negotiations.

NOTE: **This meeting is not open to the public per RSA 91-A:2 (c).**

7:00 P.M.

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**

Perry led the Pledge of Allegiance.

- 3. ROLL CALL**

Those present: Councilors Perry, Lewis, Trefethen, DeDe, Mayor Pro-Tem Hindle, Councilors Keays, Mayberry and Mayor Myers, also Acting City Manager Joyal.
Councilor Colwell-Ellis was absent

- 4. PROCLAMATIONS/AWARDS**
- 5. CITIZEN'S FORUM**

The Mayor opened citizen's forum asking if anyone wished to speak.

Janet Perry of 37 Arch Street also co-owner of Nicole's Hallmark of 386 Central Ave is here about the UNH cycling team who wants Central Ave to be closed down on May 1st. She is not in favor of closing it down on that day as that is one week before Mother's Day this year and her busiest weekend of the year. She regrets having to be opposed to this, but the downtown businesses rely on this day to retrieve a lot of their business, she cannot recoup a day lost. She is asking them and has calculated out what this will mean to her business by last years totals and last year it was not even held on this critical day. It would be very costly to have this race on this day. She feels tens of thousands of dollars will be lost if they are allowed to close the street on that day. She asked for their consideration on this issue.

Don Medbury of 3 Covered Bridge Lane is here to discuss inequities in assessed property values in Dover. He explained his successful abatement process that he has gone through recently for the years 2002, he has one pending for 2003 and plans to file one for 2004. He mentioned his neighbors too that are ridiculously over assessed in value in the pot of gold real estate market. He urged every tax payer to go to the assessor's office to apply for an abatement. We need a whole new reassessment for the whole damn city. He urged people to do this before the deadline of March 1st.

David Scott of 220 Back Road seconds the comments of Mr. Medbury. He complimented Councilor Keays for asking the right questions. He mentioned the loader that was recently purchased; he feels Case should have been given more information to bid on this item. He feels the council is to be

praised for getting a head hunter to hire a new city manager. He wants one of the questions asked of a proposed city manager candidate to be what is their spending record and what kind of efficiency has the person had and thirdly is he concerned about the bond debt. 3 years ago it was \$35 million, now it is \$70 some million. He says our debt service is doubled and for the average person their tax bill has about \$900 in debt service. We elect people to look after their pocketbooks so don't delegate this responsibility.

Ryan Kelly from the UNH cycling team, stated they have done all that they can do to minimize the impact on downtown business also they have agreed to stay away on Easter and Mother's Day in future years and they also will go to the schools to drum up business for the race beforehand. They also agreed to make up programs to advertise what you can do in downtown Dover on that day. There are over 350 team members and they along with their fans and families will be coming to Dover that day to see the race as well. They hope to have the race here and keep it going annually.

Phil Morrissette stated he seems to have the same problem every year, 35 years ago the Senior Center was created, this council wants to move it down to the McConnell Center and this is not going to work. He continued no one calls us and no one lets us know what is going on, he does not feel this is fair as they are the taxpayers of the city also. There are two problems, one is parking on Fourth Street and he feels because they have made that building into the art center the council should have thought of that before granting them the art center, it is not the seniors fault there is no parking there. He wants them to look at the history of Dover, he listed several buildings that were not useful to the seniors, he addressed several rumors, including the one of selling the senior center to repair the McConnell Center, he continued you cannot mix young people with older people as it just does not work. It is too bad that he hears that someone wants to buy the building and take it down or make it an apartment complex, we have enough apartments now. He invited all the council to come see what they have at the senior center on Monday, February 14th as they are celebrating their 33rd anniversary between 1 and 3 pm; he ended by saying the senior center is their home.

Roland Hofemann of Wellington Avenue echoes what Phil Morrissette just said saying the seniors just need some reassurance that they will not be moved out of their senior center. DeDe says point of order the council rules suggest that if there is a group only one person is allowed to speak from it. Mr. Hofemann feels this point of order is amplifying what has been said on this. Mayberry says this is citizen's forum and they should be allowed to speak this evening. Mr. Hofemann was going to say he goes to these senior meetings once a month and these people are very nervous about being moved out of their home at the Senior Center. As you know they are being moved out because of the high property taxes. He feels it is either the seniors or the children that have the problems. He wants the Council to reassure the seniors.

Tom Fargo of 14 Cobblehill Drive is representing the Dover Conservation Commission and is here for the endorsement of 12B-1, the resolution on the community trail system. He wants them to reaffirm the commitment to the trail system. He explained the map he brought of Washington Street down to Central Avenue through the center core of the city. This resolution is about the study of the old rail bed, and planning will provide more information. The Conservation Commission has committed monies to help this become a reality out as far as Watson Road and County Farm Road. He feels it is important to recognize this is not only a drain on the tax dollar but the City will receive almost \$700,000 for this and the other money will come from vehicle registrations. He believes people will come from all over to ride their bikes and enjoy the scenic views of the city on the trail. He also feels this would generate a significant amount of money for the City.

Dona Layton of Back River Road is here to introduce herself to the council as the new chair of the Open Lands Committee; she could not do her work without them, they are working to make Dover a more beautiful place. She is here for the LCHIP resolution. She mentioned the Cassily property along the Cocheco river that has already been funded through this. She explained the LCHIP and how much they have funded and how much of a meaningful impact on the State and Dover this will have.

Marcia Colbath is also here about the community trail funding project and feels this is part of a comprehensive plan. She was at Pawtucket, RI today to see their trail, and while there she saw many people out walking out on the trail on this wintry day.

DeDe has another point of order on an issue that is common to a group. She apologized to Mr. DeDe, but she just wanted to make a point.

The Mayor clarified that people can come and speak with different points but if there is something different that is being said then by all means say it.

Scott Mainella of 399 Back Road stated it seems ironic that on the Mayor's birthday, the world champion, Patriots were celebrating their 3rd super bowl victory parade in 4 years. He wished him a happy belated birthday. It seems ridiculous that we are here to rehash Back Road but rumor has it we must. Last month the TAC came forward with a worthy study to resolve the issue and repair Back Road. He continued with the issues on Back Road as he read his prepared statement. This part of Back Road is a very short 1 ½ miles long, this is statistically documented with low traffic counts and no citizens are forced to take this route. Additionally no one living on Back Road is further than ¾ mile from Middle Road or Henry Law Avenue.

Must all the unstriped roads be striped now, on this 1 ½ mile section his family has lived on for 15 years on Browning Drive and another 8 years on Back Road without widening fog lines, with out stripes or even speed limit signs. In terms of liability there are many more pressing areas of the City. Despite what anyone else may say, the fact is, remember please, Mr. Joyal has said that we have spent over 50% of this project monies. Reasonable care has been taken by the TAC, as they have recognized the qualities of every road in town. The TAC wisely noted that since 39% of the drivers, the Mayor asked him to wrap up his comments. He concluded by saying please vote to accept all of the recommendations of the commission's long and hard work towards resolving the Back Road issue.

Greg Hunt of 295 Back Road is also here about the situation on Back Road.

DeDe stated point of order, this group has had ample time to speak on this issue, he read his prepared statement. He directed the Mayor to stipulate enforcement of the council rules. The Mayor stated he will allow this, then Mayberry moved to suspend the rules to allow any one to speak this evening. All were in favor of the motion except DeDe.

Mr. Hunt continued about the resolution on Back Road, he would like to see the issue finally resolved, tonight is an opportunity for the council to show that it keeps the commitments that they promised, he reviewed the history of the trees being cut thru the current events. There were several issues related to this and the council voted to send the issue to the TAC and he thanked them for doing this. He is glad to see Mr. Joyal sitting in the city manager's seat as he has tried to get things resolved. Now the question is can the people have faith in the process. There is still a little anxiety about the new part of the road that was striped so there is a little concern. The Mayor asked him to wrap up his comments. He also answered Keays question of the last meeting saying if Mr. Joyal had answered correctly he would have said it is one third complete. He urged them to follow the recommendations of the TAC.

Cheryl Niles of 200 Sixth Street is here in favor of the Newington Branch community trail project, this will have a positive effect on the quality of life for all who use it; she urged them to adopt it.

The Mayor stated seeing no one else, citizen's forum is now closed.

6. PUBLIC HEARINGS

- A. Resolution RE: Ratification and Confirmation of Resolution relating to the Adoption of RSA 162-G. Sponsored by Mayor Scott Myers.

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

- B. Ordinance #01-01/12/2005 – Chapter 166, Vehicles and Traffic, Section 166-50, Schedule C, Stop Intersections, Pleasant View Circle, Hampshire Circle and Mineral Park Drive. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

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

- C. Ordinance #02-01/12/2005 – Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at any time, Mill Street. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

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

- D. Ordinance #03-01/12/2005 – Chapter 166, Vehicles and Traffic, Section 166-50, Schedule C, Stop Intersections, Overlook Drive, Quaker Lane, Canney Lane. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

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

- E. Ordinance #04-01/12/2005 – Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at any Time, Overlook Drive, Quaker Lane and Canney Lane. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

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

7. MINUTES

- A. Workshop – January 5, 2005
- B. Regular Council Meeting – January 12, 2005
- C. Workshop – January 19, 2005
- D. Workshop – February 2, 2005

Hindle moved seconded by Perry and Mayberry to accept with all in favor.

8. REPORTS OF SPECIAL AND STANDING COMMITTEES

- A. Appointments Committee – Councilor Otis Perry

See report submitted in council folder of 2/9/2005. Perry stated with the acceptance of the reports, this will confirm the appointments. Lewis moved seconded by Mayberry to appoint with all in favor.

- B. Arena Commission – Councilor Darlene Colwell-Ellis - **None**
- C. Arts Commission – Councilor Matt Mayberry

Mayberry says there are 6 vacancies on the commission and the next meeting will be on Feb 22nd at 5:30 PM at the back of the council chambers.

- D. McConnell Center Reuse Committee – Councilor Matt Mayberry - no committee currently
- E. Planning Board– Councilor Dean Trefethen - **Report Submitted**

Trefethen mentioned the Tolend Road land swap resolution to be heard later.

- F. Cable Franchise Negotiations Committee – Councilor Doug DeDe

DeDe stated the minutes are attached but tomorrow's meeting will be cancelled because of the weather.

- G. School Board Liaison – Councilor Doug DeDe

DeDe stated the report is included and the School Board is now working on their budget. And they have a 7.7% increase right now and benefits and contractual agreements are the largest portion of it.

H. Solid Waste Advisory Commission – Councilor Otis Perry

Perry stated they had met on January 13th and discussed issues on accepting Christmas trees which are ground up and sent to a company in Barrington. Also Recycle First which is a Dover based company that is working with the recycling manager to recycle cell phones for the Womans Crisis Response Center. They are making plans to hold a spring clean up to be held in May, this is a bargain day for trash collection. They have also begun the process of re-negotiating the contract with Waste Management. Also the town of Madbury has signed a contract to use our recycling Center and tonight it is on the agenda for a adoption. The next meeting is tomorrow and has been cancelled. Keays asked if we are doing our own Christmas trees ourselves. Perry confirmed this saying and then they are sent to a recycling facility in Barrington at no cost to us.

- I. Transportation Advisory Commission – Councilor Jason Hindle**
- J. Joint Building Committee – Councilor Jason Hindle**
- K. Recreation Advisory Board – Councilor Bob Keays**

Keays stated they had met on 1/9 and elected officers, then Gary Bannon stated all winter sports are going well and the work on indoor pool is going well. He is working on the layout for Hancock Park. Meeting was then adjourned so they could discuss the Don Heyliger awards night.

- L. COAST Bus – Mayor Scott Myers – No Report**
- M. Joint Fiscal Impact Committee – Mayor Scott Myers – No Report**

Hindle moved seconded by Trefethen to accept items B – M with all in favor except DeDe who was out of the room.

9. MAYOR'S REPORT

The Mayor stated he had taken part in several ribbon cutting ceremonies and had done a ground breaking ceremony and took part in Mike Pomp's open mike show on WTSN. He also did a ribbon cutting and reading at HUB. Additionally Governor Lynch invited all Mayors to Concord to present his education plan to them, it was an open meeting and the details are now out in the press. He felt this was a great opportunity for them. Hindle moved seconded by Perry to accept with all in favor.

10. CITY MANAGER'S REPORT

Joyal stated he had submitted his report in writing. Mayberry asked for clarification on Don Medbury's request on abatements that they have to be filed by March 1st in the assessor's office. Hindle moved seconded by Mayberry with all in favor.

11. UNFINISHED BUSINESS

A. ORDINANCES IN 2ND READING

1. Ordinance #01-01/12/2005 – Chapter 166, Vehicles and Traffic, Section 166-50, Schedule C, Stop Intersections, Pleasant View Circle, Hampshire Circle and Mineral Park Drive. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

Hindle moved seconded by Lewis to adopt. Motion passed on a roll call vote of 8-0.

2. Ordinance #02-01/12/2005 – Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at any time, Mill Street. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

Hindle moved seconded by Perry to adopt. Motion passed on a roll call vote of 8-0.

3. Ordinance #03-01/12/2005 – Chapter 166, Vehicles and Traffic, Section 166-50, Schedule C, Stop Intersections, Overlook Drive, Quaker Lane, Canney Lane. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

Hindle moved seconded by Trefethen to adopt. Motion passed on a roll call vote of 8-0.

4. Ordinance #04-01/12/2005 – Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at any Time, Overlook Drive, Quaker Lane and Carney Lane. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

Hindle moved seconded by Mayberry to adopt. Motion passed on a roll call vote of 8-0.

B. ORDINANCES IN 3RD READING – NONE

C. RESOLUTIONS

1. Resolution RE: Ratification and Confirmation of Resolution relating to the Adoption of RSA 162-G. Sponsored by Mayor Scott Myers.

Hindle moved seconded by Mayberry to adopt. Perry moved seconded by Mayberry to amend to add the individual names as listed in his appointments report just this one time. All were in favor of the amendment. Keays said that it says the DIDA should be the controlling authority. Is that the industrial parks. The Mayor explained DIDA was first created to oversee the industrial development authority for Dover only, then later on the legislature adopted a resolution that brings other communities along to do similar things so they passed a law to encompass all communities. Later still the name was changed to DEDC and they have control of the industrial park currently. Motion passed on vote of 8-0.

2. Resolution RE: Adoption of the City of Dover Hazard Mitigation Plan. Sponsored by Mayor Scott Myers, by Request. **(TO BE REMOVED FROM THE TABLE)**

Hindle moved seconded by DeDe to remove from the table with all in favor. Hindle moved seconded by Mayberry to adopt. DeDe stated he did take time to go through the report. There is a lot of redundancy in the plan, he has discussed this with Chief Plummer, and this is the wording that the Government specifies. Motion to adopt passed with all in favor.

12. NEW BUSINESS

A. CONSENT CALENDAR

1. Tag Permit – Dover Girl Scout Troop 491
2. Tag Permit – Xtreme Fastpitch Softball
3. Tag Permit – Dover Swiftwater Girlscouts
4. Tag Permit – Strafford County Stars Girls Basketball
5. Tag Permit – Dover Little League
6. Tag Permit – Girl Scout Troop #96
7. Tag Permit – Dover Youth Football
8. Raffle Permit – Cocheco Chapter – the 300 Club
9. Parade Permit – UNH Cycling Team

Hindle moved seconded by DeDe to accept. DeDe moved to remove #9 for discussion. Mayberry moved seconded by Keays to accept items 1 through 8 with all in favor. DeDe's motion was seconded by Perry for discussion on item 9. DeDe says the reality is he does not want to make this decision; this was a poorly thought out time for this event to be brought to Dover. He really does not think this motion should be supported at this time. While it will be welcome in the future with more appropriate timing, now is not the time. Mayberry feels this is a tough one and he knows the UNH cycling team has met with and is working with the downtown merchants. They get big accolades on moving the time, he feels they are trying, he would like the time tweaked a little more and take the awards ceremony down to the pavilion and open the streets back up sooner; that would be a big consideration. The merchants want to work with you. Please take this as a big lesson learned; he feels this could be a great event.

Perry is also in a quandary on this issue and it seems to him that the purpose for this kind of activity is to promote an interest in the downtown, unfortunately the way it is currently set up it does not meet an acceptable standard. The Mayor has also been involved with this and has talked with some of the merchants and the Chamber and Dover Main Street; they all say they support this event as this is what they are trying to attract. He can share the concerns of the small business owners though. He stated most of these teams are coming from around the northeast and they will be impacting the hotel rooms and will be spending their dollars here at the restaurants. The cyclists have volunteered to take brochures around to the businesses and go to the elementary schools to promote interest to the kids to share with their families. He felt there was a lot of give and take but this is not a good weekend for the downtown businesses. But this is their championship race and he will support it.

Trefethen was contacted by two downtown business owners that were willing to compromise and he does understand. By the fact we have moved it up earlier is good and he will probably support this but he would like the schedule pressed even more to open the road sooner. Lewis would like to table this; he says we are still 2 ½ months away from this event. He regrets some of this was not worked out prior to coming here. He wants a chance to go back and then come back and compress the time limit and maybe re-route the race, there are other places to find a balance here to make it work. He wants it to go back to the cycle group one more time. The Mayor does not know the answer if we do not have the race on this weekend as planned. Hindle commented that the UNH cycle group came to the TAC meeting in December and they looked at the route at that time to no avail because of what they want to do, it was kind of problematic. Mayberry asked if there is any way to carve 30 minutes off the end and move the awards ceremony to the pavilion. One of the UNH students (from the audience) stated they could work on this but there is a time trial that they have to work on. If it comes down to moving the time; we can work and do that according to her. Mayberry will now support this. Keays would vote to support this because he is a sports fan but he is looking at the merchants and they have had some tough years in Dover. If they could change the date he would support it. The Mayor says the date would not be able to be changed but in future years it won't be this weekend. Lewis moved to approve with a half an hour less time and the merchants can live with it. Perry feels Lewis amendment reduces the time and that it should say that the race will be over by 12:30 PM; Lewis withdraws his amendment. Motion to amend passed 7-1 with Keays opposed to the amendment. Vote on the main motion passed 5-3 with Perry, Keays and DeDe opposed.

B. RESOLUTIONS

1. Resolution RE: Award of Purchase Order for Continued Engineering Assistance for Another NHDOT TIP Project – Dover 13482 – Newington Branch RR Community Trail. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Trefethen wants to caution that anybody's house that is abutting the old rail bed that this should not be a surprise to the neighbors at all hours of the night people may be on the trail. DeDe says the idea of a trail has been the vision of the Conservation Commission for some time. The Conservation Commission and OLC has worked very hard on this. By opening up this trail bed it will be an excellent community trail in the city of Dover. He feels there is always the opportunity for abuse though. Perry says that in the 20 odd years he has been on the Planning Board this trail system has been on peoples minds at one time or another; they talked to B&M, this is not a new idea and not new to the folks that live there and it is something that we need. He is in favor of it. Keays has been reading the background and there will be CIP money next year. He cannot support this as we are over 70 million dollars in debt at this time, let's think of the taxpayers in Dover, if they want a bicycle trail in this city let them raise the money and here we are coming back in the CIP next year for more money for this. He has listened to the Planning Board and they say the under pinning is in excellent condition on the bridge on Second Street and but he can see how bad the underpinning really is on it and here we are going to spend this money for a certain group of people. Joyal says we only need a 20% match, this is not being financed, we have planned this

for a number of years. He would like to think we are going forward with it. Mayberry asked is our portion \$97,000 or will we be reimbursed. Joyal says 20% of the \$97,000 is ours and Perry says the fund set up by motor vehicle is to be used for the 20%. Motion to adopt passed on a roll call vote of 6-2 with Keays and Trefethen opposed.

2. Resolution RE: Award of Purchase Order for Professional Engineering Services for a Water Mutual Aid Feasibility Study. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Motion passed on a roll call vote of 8-0.

3. Resolution RE: Modification of the FY2004 Action Plan Expenditures of the Community Development Block Grant Program. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Motion passed on a roll call vote of 8-0.

4. Resolution RE: Support of Continued Funding for Land and Community Heritage Investment Program (LCHIP) Sponsored by Mayor Scott Myers, Mayor Pro Tem Jason Hindle, Councilor Dean Trefethen, Councilor Otis Perry, Councilor Doug DeDe and Councilor Robert Lewis.

Hindle moved seconded by Mayberry to adopt.

Mayberry asked will this be sent to the governor's office and legislature. Mayberry would like all councilor's names to be included on this if passed. All were in favor of adding the names. Motion to adopt passed on a vote of 8-0.

5. Resolution RE: Acceptance of NHDES Grant Funds for Illicit Connection Identification and Remediation and Storm Water Drainage System Characterization. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. DeDe requests Joyal give a brief explanation of this. Joyal explained we are part of a larger group to get lower rates. Motion passed on a roll call vote of 8-0.

6. Resolution RE: Final Acceptance of School Construction Project. Sponsored by Mayor Pro Tem Jason Hindle.

Hindle moved seconded by Mayberry to adopt. Motion passed on a vote of 8-0.

7. Resolution RE: Authorization for Continued Participation in Multi-Year Rate Guarantee Insurance Program with the Local Government Center – Property Liability Trust. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Motion passed on a roll call vote of 8-0.

8. Resolution RE: Appointment of McConnell Center Committee. Sponsored by Mayor Scott Myers.

Hindle moved seconded by Lewis to adopt. The Mayor stated for the record he is the sponsor and the "by request" should be removed. The Mayor read the new members for the records also. DeDe asked if he should vote on this where he will be one of the members. Trefethen asked about the committee expiring on the December 31st and is this because this committee ends when this council does, yet the full amount of the money is not spent, and you then have to appoint a new committee. This was confirmed by the Mayor. Motion passed by a vote of all.

9. Resolution RE: Appointment of Joint Building Committee for **Garrison School Construction and Renovations, Phase II**. Sponsored by Mayor Scott Myers.

Hindle moved seconded by Mayberry to adopt with all in favor.

10. Resolution RE: Renewal of Recycle Center Agreement with Town of Madbury. Sponsored by Mayor Scott Myers by Request.

Perry moved seconded by Mayberry. Perry explained the agreement with Madbury and how the fee works. Motion to adopt passed on a roll call vote of 7-0 Keays out of the room.

11. Resolution RE: Acceptance of Thornwood Lane as a City Street. Sponsored by Mayor Scott Myers by Request. ***(To be referred to a public hearing on March 9, 2005)***

Hindle moved seconded by Mayberry to adopt on a vote of 6-1 with Trefethen opposed and Keays out of the room.

12. Resolution RE: Acceptance of TAC recommendations for Back Road Reconstruction Project. Sponsored by Mayor Pro Tem Jason Hindle.

Hindle moved seconded by Mayberry to substitute as whole with all in favor. Hindle thanked the Community Services Department and Engineering Department, Doug Steele, the Planning and Police Departments and residents who spoke on both sides of the issue. He continued we have had multiple site walks; he is now looking for comments. DeDe has a question pertaining to what he feels is a violation of the city charter on this issue. He read a prepared statement opposing this resolution. Hindle respects DeDe's comments but during the process they took recommendations from the Planning Department and the Engineering Department on the legality of the road width and the legality of the bike path and with that in all their discussions, he is hurt by the accusation that he violated the charter. Perry has a question, did Hindle look at old council minutes and Perry wants to explain the resolution that they substituted as a whole and he is in favor of it and it does not say anything about when the striping wears off. Hindle responds on another issue; the 3 way stop sign. Mayberry asked if Hindle would read the substitution. Trefethen asked staff about the issue on the specification for roads, as he reads through them he believes they apply to new roads and not already existing roads. He asked for clarification on this, Joyal says in all cases where the city has the opportunity to require these regulations. In this case they wanted to accommodate a bike path, he again apologized to all the residents and we should have had a lot of up front meetings. The bike path was not officially memorialized for that section. Staff has recommended all along that we stripe that road. His concern is to the taxpayers and if we deviate from the professional recommendation he feels someone could put us in a situation that we could end up waiving our immunity. Staff agrees with the resolution as it stands. Perry says there is a bit of a precedent for waiving. Keays says he feels we have batted this around since last June or July and we should take a vote on it. There is no other road in Dover that has drawn so much attention. The Mayor wrapped it up saying we did make several mistakes in the process and he is glad that we have a sounding body for folks to go to. TAC is a great place to bring people together but staff is the professional and they should be doing the recommendation. However he will support the resolution with the 22 foot width. Motion passed 7-1 with DeDe opposed.

13. Resolution RE: Award of Purchase Order for Existing SCADA System Enhancements/Upgrades. Sponsored by Mayor Scott Myers by Request.

Hindle moved with Perry seconding the motion. Motion passed on a roll call vote of 8-0.

14. Resolution RE: Award of Purchase Order for SCADA IFIX Software Upgrades. Sponsored by Mayor Scott Myers by Request.

Hindle moved seconded by Mayberry to adopt. Motion passed on a roll call vote of 8-0.

15. Resolution RE: Delegation of Waterfront Redevelopment under NHRSA 205. Sponsored by Mayor Scott Myers, by request.

Perry recused himself because of a conflict of interest. Hindle moved seconded by Mayberry to substitute as a whole and noted this resolution is sponsored by the Mayor.

The Mayor explained the resolution. Lewis commented that he is very satisfied more so than at any time before; he feels this will provide the protection the city needs to go ahead. Motion passed on a roll call vote of 7-0.

16. Resolution RE: Establishing a Charter Commission Budget. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Perry recalls the \$20,000 figure as well, DeDe also agrees that they may need counsel so they will need funding. Motion passed on a roll call vote of 8-0.

17. Resolution RE: Land Exchange Between City of Dover and Tolend Road Properties LLC. Sponsored by Mayor Scott Myers by Request.

Hindle moved seconded by Perry and Mayberry to adopt. Mayberry asked Trefethen to explain the Planning Board's perspective. Trefethen says the Planning Board has not yet voted on this but they have been working on this since last June when they changed the zoning ordinance of an additional parcel. He also feels this is a win/win situation all the way around. This swap will be used to increase the density all the way around. Keays says it seems funny to him that the outfit will give up 14 plus acres; you would think a developer would want to keep it. He asked about the land they are giving is there much wetland on it. Stancel came forward and explained that 12 of the 14 acres are upland and not wet. Trefethen added the developer is willing to give up this parcel because of access. Also it would be contiguous with the industrial area out there. Motion passed on roll call vote of 8-0.

18. Resolution RE: Public Hearing and Vote for Petition pursuant to RSA 231:163 for changes in Pole Licenses. Sponsored by Mayor Scott Myers by Request. ***(Petition to be referred to a public hearing on March 9, 2005)***

Hindle moved seconded by Perry to adopt. Joyal asked that they vote in the affirmative to authorize the petition to go to a public hearing.

Perry asked if this is the first step in the process of starting to tax the poles. Joyal clarified there is a specific exemption on taxing poles, conduits, etc. We must charge property taxes where the pole stands. Perry asked how this relates to others that lease the poles. Joyal says they are tenants of the owner of the pole. Perry understands this only applies to Verizon. Joyal feels 50% of the poles are owned by Verizon and 50% by PSNH. Mayberry feels people from outside of the city should be allowed to testify. Joyal says Rochester was successful in pursuing this in the last month. In order to lock in the values, they need to be locked in by April 1st. Joyal then read the background. Motion passed on a roll call vote of 8-0.

C. ORDINANCES IN 1ST READING

1. Ordinance #05-02/09/2005 – Chapter 131, Offenses, Section 131-19, Use of tobacco products on the grounds of the McConnell Center. Sponsored by Councilor Dean Trefethen. ***(To be referred to a public hearing on 03/09/05)***

Trefethen moved seconded by Perry to refer to a public hearing with all in favor.

D. COUNCIL CORRESPONDENCE

13. COUNCIL MATTERS OF INTEREST

DeDe says it is not always easy to follow the rules of the council and unfortunately if council rules are going to be rules they should be enforced. Certainly in the course of the evening if the time is unrealistic, they should be amended as they provide order. Certainly there has been access to the process so sometimes this event becomes a public form, he would like to look at the rules in the future. The Mayor will poll the council on changing the rules.

Trefethen commented on the senior center raising its head again and it was unfortunate that it came up to sell the Senior Center to pay for the McConnell Center. he wants this put to bed. The 2nd item is the part of Central Avenue up near the pharmacies that was paved and was supposed to provide better traction and that is in fact true. And third the cost of Back Road paving and the \$300,000 budget, he feels this was only an estimate and now we are finding out this may be true. It was part of the CIP and only an estimate.

Keays stated his issue is the neighbors that have called him about the sidewalks not being plowed so he called Rochester, NH and they plow every sidewalk in Rochester, he also called Somersworth and they plow every sidewalk in Somersworth and Portsmouth does also except for the narrow streets where they have to put the snow; so what is the problem in Dover. He does not want to hear about the lack of staff, we put new sidewalks in every year and none of them are plowed. He was walking on Central Avenue and a lady fell in front of him; she too feels there is a problem here. He wants us to do something about it. The Mayor says we will get information on this issue.

14.

14. ADJOURN

Hindle moved seconded by Lewis to adjourn at 9:56 pm with all in favor.

Submitted by,

**Judy Gaouette,
City Clerk**