



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, February 13, 2008
Meeting Time: 7:00 pm

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Trefethen led the Pledge of Allegiance.

3. ROLL CALL

Councilor Keays was absent. Councilor Karen Weston arrived a few minutes after roll call.

4. PROCLAMATIONS – AWARDS

5. SUMMARY OF AGENDA

6. CITIZEN'S FORUM

Mayor Myers opened the forum and invited citizens to speak.

Tom Fargo, Chairman of Dover Conservation Commission: Discussed Resolution 12.B.3. regarding exemption from the Comprehensive Shoreland Protection Act. He endorses the resolution. He would like an amendment to the resolution that would let the Conservation Committee look at the application before the Planning Department completes it and it goes for approval.

Anthony McManus, Vice-Chair of Planning Board: Discussed Resolution 12.B.3. He and the Planning Board endorse the resolution. It allows greater flexibility of planning in this area of substantial waterfront, and more productive development in the downtown area. Regarding Tom Fargo, it would be a collaborative effort between Planning Board and Conservation Commission. He urged the Council for their support in this proposal.

Kirt Schuman, Planning Board: Discussed Resolution 12.B.3. He urged the Council to support the exemption. The area in question has already been developed in a fairly dense manner for the last 100 years.

Marcia Colbath, Chair, Open Lands Committee & Member of Conservation Commission: Encouraged Council to support Resolution 12.B.3.

Michael Provost, Executive Director of Dover Main Street Program: On behalf of Dover Main Street Program, he encouraged the support of Resolution 12.B.3.



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CITIZEN'S FORUM (CONT'D)

Joyce Elkouarti, 19 Northway Circle: Supports the exemption from the comprehensive shoreland protection act with the amendment supported by Councilor Dede.

Don Medbery, 3 Covered Bridge Lane, Ward 5: Spoke about the City Council's February 10, 2008 meeting, which denied his City Councilor an opportunity to present her suggested rule changes. He said that the Council has deprived him and all Ward 5 taxpayers of their rights.

He also talked about the tax-limiting measure amendment. He said it doesn't allude to a county tax, state or school tax measure as part of the amendment. He spoke in depth of the City Manager's position to implement changes directed by the voters or City Council. It is up to the City Manager to implement this tax-limiting measure. He asked the Council to refrain from attempting to change the language that was voted upon. He talked at length about deficit spending.

Jean Hausman, 14 Strafford Road, Ward 6: Discussed the Willand Pond funding. She talked about all the new businesses and parking lots which are impacting the pond and affecting the water table. On Mother's Day 2006, she experienced flooding in her basement where she lost everything, and she still has a mold problem. On September 12, 2006, she wrote a letter to then-Councilor Turner and copied other members of the Council. She talked of a petition she started and other stories she has heard. Several neighborhoods got together and had a meeting at Horne St. School with Dover and Somersworth representatives, State and County officials, where she presented the petition to Mayor Myers. She is a member of the Willand Pond Ad Hoc Committee. Chris Parker has worked with Somersworth and put together the final DES Grant which will provide funds to develop a plan of action to solve the problems surrounding the pond. Ms. Hausman had been told by a former Councilor that, including interest, it would cost each Dover taxpayer \$30.00, and she felt that was a small price to pay to help the Dover residents in the North End. She then addressed Councilor Callaghan directly, whereupon Mayor Myers interrupted her to address the Council as a whole. Ms. Hausman then asked the Council to support Willand Pond 100%.

Cherie Bartlett, 14 Apache Street: She lives in the North End, Willand Pond area. She is also a member of the Willand Pond Ad Hoc Committee. She asked the Council for support in approving the Willand Pond project. She asked the City of Dover and Somersworth to contribute what they can to restore the pond.

Seeing no one else wishing to speak, the Mayor closed the Citizens Forum.

7. PUBLIC HEARINGS



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A. RESOLUTION RE: APPROPRIATION FOR FY09 CAPITAL IMPROVEMENTS PROGRAM AND AUTHORIZATION FOR BONDING. SPONSORED BY MAYOR MYERS BY REQUEST

Mayor Myers opened the forum and invited anyone to speak.

Betsy Parker, 22 Midwood Ave: She had two issues. She spoke of the Horne Street School renovations. She wants it to remain in the budget. She mentioned that it wasn't for cosmetic reasons, but a priority set by the school department. The school currently has a maze of wires along the roof. There is no more space for electrical upgrades at Horne Street School and to add anything would pose a danger. She also would like to see an upgrade of air systems to improve the air quality in the school.

The second issue is Willand Pond, \$500,000. She mentioned that the Ad Hoc Committee has done everything that the City Council has asked them to do. Last year the money wasn't in the budget and this year she's just asking for up to \$500,000 to be allocated. She asked the Council to leave the item in the CIP.

Gary Green, Chairman of Dover Utilities Commission: He came to the meeting to bring the Council up to date on discussions the commission has had on the North End water pressure situation and the tower. He wanted to state publically that the water/sewer bills are not governed by the tax cap. He discussed the \$6 million in the CIP for the water tower in 2010. The subject was on the agenda in December, 2006. The DUC voted to recommend that the Council put money in the CIP for purchasing land for a tower. In September 2007 they decided they needed a copy of the URB tech report. In December discussions continued about possible land purchases. After reviewing the URB tech study, discussions with city officials, and individual members of the DUC, Green has the following questions: 1. How many existing water customers live at the same elevation of the Garrison Hill water tank or higher? 2. How many existing customers in the project area actually have unacceptable water pressure? 3. When should the tower be built? 4. What point of development in our City requires construction of a water tower? 5. What would be the short-term solution for the two or three dozen customers with severe water pressure problems? 6. How would the new water tank be financed? He did mention that it would have to go through the water/sewer department and that some of the cost would be a surcharge on water bills. In conclusion, he said we will need some additional water supply in the North End at some point. To date, this water tower has been presented as a solution for water pressure issues. The public would be best served if the URB tech study were looked at by the Master Plan Committee. Once the Master Plan is complete, it should be discussed by the Planning Board.

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



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- B. RESOLUTION RE: APPROPRIATION FOR FY09 NON-DEBT FINANCED PROJECTS. SPONSORED BY MAYOR MYERS BY REQUEST

Mayor Myers opened the forum and invited anyone to speak.

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

- C. ORDINANCE RE: INDEPENDENT FINANCIAL AUDIT COMMITTEE. SPONSORED BY MAYOR MYERS

Mayor Myers opened the forum and invited anyone to speak.

Joyce Elkouarti, 19 Northway Circle: She told the Council it's a great idea and she is glad they're doing it. She also mentioned that the Parking Committee is a great idea.

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

- D. ORDINANCE RE: HORNE COURT VEHICLE RESTRICTIONS. SPONSORED BY MAYOR MYERS BY REQUEST

Mayor Myers opened the forum and invited anyone to speak.

Beth Setear, 29 Horne Street: She asked the Council to consider tabling this resolution as written. She felt it was well intentioned, but did not adequately address the concerns they have regarding commercial traffic on Horne Court. Her understanding was the resolution would require police to be present to view any illegal action by commercial traffic. She asked that the Council hold off on this resolution until the residents meet with the City Manager.

Martin MacNeil, Esq., Attorney for Peter Widmark, owner of the property that is significantly impacted by this proposal at the end of Horne Court. He mentioned that the property is zoned for industrial use. He said when Mr. Widmark heard of the problems, they met with the City Attorney and the Police Chief, and were willing to work to resolve issues, but it had to be done in a fashion that respects the zoning of his property. He also mentioned that he feels that Councilor Callahan, because he a direct abutter, should recuse himself from any consideration of this project. He said the compromise that is before the Council is a good faith attempt to resolve a neighborhood issue, but any further attempt to limit legitimate use of the property is inappropriate.

Peter Schmidt, Member of the Transportation Advisory Commission: He told the Council how this issue was brought before the TAC some months ago by Mr. Callaghan. They had recommended that they attempt to reach an



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accommodation that would respect the fact that it's a commercial property and has been for a long time and clearly anybody residing next to it has to anticipate some inconvenience resulting from that fact. He also said that the converse is also true and the commercial property abuts a residential area and the residents' rights should be considered. He concluded by saying that he agreed with Council MacNeil statements about the inappropriateness of Councilor Callaghan to vote on this as he's a property abutter and this represents a conflict of interest.

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

8. CITY MANAGER'S REPORT

City Manager Joyal discussed snow removal. The City has currently spent over \$210,000 just on snow events. The City has overspent its snow removal budget. He'll need to make an adjustment to the budget at the end of the year. He asked that residents and businesses be aware conscience of where they're placing snow, trying to keep the sidewalks clear, fire hydrants accessible and storm drains opened. He wanted to mention that Firefighter Craig Como has just completed paramedic school at the top of his class. He mentioned that Craig went to training on his own time and he wanted to congratulate him.

Mayor Myers asked if anyone had any questions about the City Manager's Report.

Councilor Dede asked about Enhanced City Services where it mentioned Patrol Division beginning enhanced enforcement of the Pedestrian/Crosswalk Laws. He asked why it was specifically overtime that was being used. City Manager Joyal said the officers are being placed at crosswalks and are unavailable for other routine calls.

Councilor Dede asked about reservations of the open area at the McConnell Center. He said the number looked low. City Manager Joyal responded that the Clinton campaign has a bill outstanding, approaching 30 days overdue. He said they would send another bill and if it was not paid in full it would go to collections.

Councilor McCusker made a motion to accept the City Manager's Report, seconded by Councilor Weston. Passed 8/0.



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9. MINUTES

- A. JANUARY 7, 2008 ORGANIZATIONAL MINUTES
- B. JANUARY 28, 2008 ORGANIZATIONAL MINUTES
- C. JANUARY 23, 2008 REGULAR MEETING MINUTES

Councilor McCusker made a move to accept the minutes, seconded by Councilor Dede. Mayor Myers asked if anyone had any additions or corrections to the minutes. Councilor Weston had a correction to the January 7, 2008 Minutes, Page 2-4, last paragraph. Where it says Myers, Dede, Trefethen opposed, it should be corrected to say Myers, Dede, McCusker opposed. Councilor Dede made a motion to accept the minutes with the one amendment, seconded by Councilor Weston. Passed on an 8/0 vote.

10. MAYOR'S REPORT

Mayor Myers discussed the Mayor's Round Table meeting he went to in Concord. He discussed the gathering at Newick's with the Chamber of Commerce. He spoke of the County Budget Public Hearing. He said there was still an opportunity for anybody to contact the legislature regarding the posted budget. Right now it stands at 17%, which is an increase that is passed on to the taxpayers. He talked of the Winter Wonderland event and thanked Dover Main Street for that event. Council had a Goal Setting meeting and set some priorities with specifics and time frames. Lastly, he discussed the Dover Reads kickoff event at the City Hall.

He asked if there were any questions or comments on the Mayor's Report. Councilor Dede asked if he was going to make any appointments. Mayor Myers responded that those would be done during the Appointment Committee Report. Councilor Dede asked the Mayor if he went to Concord to testify. The Mayor responded that he and Councilor Dede went to testify on the binding arbitration hearing and the Evergreen hearing.

Councilor Dede made a motion to accept the Mayor's Report, seconded by Councilor Trefethen. Passed on an 8/0 vote.

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING –

- 1. ORDINANCE RE: INDEPENDENT FINANCIAL AUDIT COMMITTEE. SPONSORED BY MAYOR MYERS

Moved for adoption by Councilor McCusker, seconded by Councilor Trefethen. Mayor Myers mentioned that this was another way to utilize the city volunteers, to use this as a tool for our City Manager, Finance Director and City Council. It would



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be independent of any City relationship, and would report directly to the City Council. He asked for the Council's support in creating this tonight.

Councilor Cheney said she would not be supporting this change. She thinks the city will need an audit done sooner, similar to what Newmarket had done, before having a committee started.

Councilor Scott said he would not be supporting this. He feels the Council is the audit committee, and didn't want to see it put off to another group that's appointed by the Mayor.

Councilor Dede said that we just had an audit by Melanson. He further stated that this would be an Ad Hoc committee that reports directly to the City Council. He didn't see anything wrong with having this implemented. He felt this was one more insurance step to make sure funds are handled appropriately. He hoped the rest of the Council will support this resolution.

Councilor Callaghan said he didn't get the impression that they're truly independent. Councilor Weston stated that she brought it to her accountants who are Yellow Book certified and also do government audits for the State of New Hampshire. She stated that they told her that CPAs are not always certified to do government audits. She said she couldn't support this because she didn't feel confident enough that we have people who are going to volunteer their time and be able to do an audit on the level of a Yellow Book audit. She also mentioned that there are possible liability problems.

Councilor Trefethen said we're trying to get our citizenry more involved. It doesn't take away any powers of the Council, but it gives us another group of people just to look and to advise if they see something that is out of order, could be done more efficiently, or something that is extraordinary. He said that to strike this down because it takes away from the Council could be said of any issue proposed.

Councilor McCusker said he agreed with Councilors Dede and Trefethen. He said that the Newmarket situation is a classic situation where an auditing firm is showing everything is fine on the surface when there are issues that are not accounted for. He said as a legislative body he would accept any assistance.

Councilor Dede spoke about Councilor Weston's concerns about liability, and stated that H – Section 7 on Page 3 addressed this issue. He asked if Councilor Weston would be amenable to changing the language to Yellow Book qualified.

Councilor Weston thanked Councilor Dede. She said she feels that it would get into an environment where it's going to cost money. She stated that there wasn't anything in the proposal about budgets and she just couldn't support it.

Councilor Cheney said that Councilor Dede had said that Melanson is correcting the issues in Newmarket; however it was a different firm that found the problem. She said that since then Newmarket has started a committee and have a punch list of things to do. She feels that it's the Council's responsibility. She stated that Melanson has been the City's auditor for 14 years and that some things might have gone unnoticed in that time, but she still doesn't support this measure.

Mayor Myers cautioned the Council to be careful with their remarks and allegations. He also mentioned that the City shouldn't be compared with Newmarket. He



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mentioned that our Finance Department has won awards recently. He also mentioned that Councilors had brought up that the Committee would be his appointments and that this was not true. They would be appointed through the Appointments Committee, brought before the Council, and the Council would vote on them. There would be no loss of power to the Council. He said that this is a tool that the Council should be using.

Councilor Callaghan said this truly meets the spirit intended. He said he would support a committee to check the recently completed audit. He said he would support a committee that will develop the scope of work, and a contract with an independent audit firm. He said that he just doesn't see how they can be totally independent. He said the only clean way to do it is to have a contract with people you don't know.

Mayor Myer reviewed the bullet points.

Roll Call Vote 4/4, Failed. Councilors Scott, Weston, Callaghan and Cheney opposed.

2. ORDINANCE RE: HORNE COURT VEHICLE RESTRICTIONS. SPONSORED BY MAYOR MYERS BY REQUEST

Moved for adoption by Councilor McCusker, seconded by Councilor Weston. Councilor Callaghan asked to delay this until the 3rd Reading on March 12th because one of the abutters has been out of town. Mayor Myers asked if he wanted to discuss it first before making a motion. Councilor Cheney said she seconded it because she wanted to hear more on the issue. Mayor Myers reminded the Council that there were people in the audience who were interested in this issue. If it was appropriate, there could still be a motion to move it to a different date after some discussion.

Councilor Callaghan stated that the City Manager has put together a presentation letter to the residents.

Councilor Dede reminded the Council of an earlier suggestion that because Councilor Callaghan is an abutter, that recusal would be appropriate and that Councilor Callaghan should not even sit at the table. Mayor Myers said that Councilor Dede is correct, but that it's up to the Councilor to decide if he has a conflict, and since Councilor Callaghan was bringing up the issue that he assumed that Councilor Callaghan doesn't feel he has a conflict.

Councilor Callaghan withdrew his motion to allow discussion. Councilor Callaghan said he would like the neighbors to meet with the City Manager and go over the issues.

City Manager Joyal said that City Attorney Krans and Police Chief Colarusso met with Mr. Widmark and Attorney MacNeil to discuss some neighborhood issues. One issue in this Ordinance has to do with truck traffic on what some consider a residential street when there is alternative access to the property. The City Attorney met with some residents, and it was agreed that a letter would be drafted and sent to



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the City Attorney outlining the agreement. He stated that he's still waiting to receive that.

Mayor Myers asked Attorney Krans if the Ordinance only restricted tractor trailers trucks from entering that property from Horne Court, or if there were other things it restricted.

Attorney Krans said just tractor trailers, and anything over 26,000lbs were restricted. The City already has an Ordinance where tractor trailers are restricted, and it would be added to the list.

Mayor Myers asked about how we enforce anything over 26,000lbs. Does the City own a set of scales?

Attorney Krans said that trucks were rated by classification. He stated that this Ordinance addresses vehicle classification.

Mayor Myers asked about a truck making a local delivery and if they were exempt. Attorney Krans agreed that they were.

Mayor Myers asked if going to that business was a local delivery.

Attorney Krans agreed, but that there was an agreement that the tractor trailers should use an alternate driveway. He said that by passing an Ordinance it would allow the City to put up signs that indicate that there would be enforcement action taken if tractor trailers used that street.

Councilor Cheney asked if the March 12th date would be enough time to get these informal agreements.

Councilor Callaghan said he didn't expect the letter to be too extensive.

Councilor Cheney said she supports the March 12th date to have additional information.

Councilor Weston asked about weight classification of vehicles. Attorney Krans responded that it was 26,000lbs. empty. She then asked what the classification was if they were full. Attorney Krans said he didn't know.

Chief Colarusso was asked if he knew about vehicle classifications.

Mayor Myers asked about where the traffic was being shifted to, and the concern about getting the same complaint somewhere else.

Councilor Callaghan said there is a private drive owned by Free Trade and they'll be using that access.

Chief Colarusso said that the way the Ordinance is written it would restrict the larger tractor trailers.

Councilor Weston asked that if the Council does table this to March 12th, that they take a ride out there because if there are other mitigating circumstances, the Council needs the whole picture before a vote on this.

Councilor McCusker asked that if they voted tonight to restrict tractor trailers, is there a time where the Council can vote on something that further restricts. He wanted to know what additional information the Council was waiting for. Mayor Myers said yes, they could further restrict later.

City Manager Joyal said that the concerns are all commercial traffic on that street.



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Councilor McCusker asked about the loading ramp, and noted that Horne Court is the best access to it. A compromise seems to have been reached. He felt that since the issue was before them, that he was a proponent for voting on it. Councilor Trefethen said he had been out there and talked with Attorney MacNeil, and felt it's not the duty of the City Council to mitigate this matter. Councilor Callaghan said that he would like to let the question go unanswered for a month.

Mayor Myers asked if Councilor Callaghan was making a motion and if it would include another public hearing. Councilor Callaghan asked if he needed to include the site meeting. Mayor Myers said that the site meeting will be posted as a Council Workshop.

Councilor Callaghan requested a 2nd Public Hearing and 3rd Reading on March 12th. Councilor Cheney seconded.

Voted 7/1 to a March 12th date. McCusker opposed.

B. ORDINANCES IN THE 3RD READING – NONE

C. RESOLUTIONS –

1. RESOLUTION RE: REPROGRAMMING OF BOND PROCEEDS TO CREATE PARKING AT GARRISON ELEMENTARY SCHOOL. SPONSORED BY COUNCILOR CHENEY BY REQUEST (TO BE REMOVED FROM TABLE)

Moved to the table by Councilor McCusker, seconded by Councilor Callaghan. Councilor Cheney made a motion to put this back on the table until a later date. Seconded by Councilor Weston.
Passed 7/1 – opposed by Councilor Dede,

2. RESOLUTION RE: APPROPRIATION FOR FY09 CAPITAL IMPROVEMENTS PROGRAM AND AUTHORIZATION FOR BONDING. SPONSORED BY MAYOR MYERS BY REQUEST (TO BE REFERRED TO WORKSHOP AND SPECIAL MEETING ON 2/20/08)

Moved by Councilor McCusker, seconded by Councilor Trefethen. Passed 8/0.

3. RESOLUTION RE: APPROPRIATION FOR FY09 CAPITAL IMPROVEMENTS PROGRAM- NON-DEBT FINANCED PROJECTS. SPONSORED BY MAYOR MYERS BY REQUEST (TO BE REFERRED TO WORKSHOP AND SPECIAL MEETING ON 2/20/08)

Moved by Councilor McCusker, seconded by Councilor Trefethen, Passed 8/0.

12. NEW BUSINESS:



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A. CONSENT CALENDAR

1. TAG PERMIT-DOVER GIRL SCOUT TROOP 2218
2. TAG PERMIT-DOVER GIRL SCOUT TROOP 12503
3. RAFFLE-DEREK LAPANNE MEDICAL DONATION ACCOUNT
4. RAFFLE-SUSAN G. KOMEN BREAST CANCER 3 DAY-3 QUILTS DATE TO BE DETERMINED
5. RAFFLE-SUSAN G. KOMEN BREAST CANCER 3 DAY-VARIOUS ITEMS ON 8/15-17
6. RESOLUTION RE: CUSTODIAL SERVICES AT MCCONNELL CENTER. SPONSORED BY MAYOR MYERS BY REQUEST
7. RESOLUTION RE: TROJAN UV 3000 PLUS LAMP AND SLEEVE SERIES. SPONSORED BY MAYOR MYERS BY REQUEST
8. TIRE AND ELECTRONICS RECYCLING SERVICES. SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

- | | |
|-----------------------------|---------------------------------------|
| 1. Appointments Committee | 6. McConnell Center |
| 2. Arena Committee | 7. Planning Board |
| 3. Arts Commission | 8. Recreation Advisory Board |
| 4. COAST Bus | 9. Class VI Roadway Committee |
| 5. Joint Building Committee | 10. Transportation Advisory Committee |

Moved to adopt by Councilor McCusker, seconded by Councilor Weston.
Mayor Myers asked if any Councilors had any items they wished moved to discussion.
Councilor Callaghan asked for 6. Custodial Services at the McConnell Center
Councilor Cheney asked for 8. Tire and Electronics Recycling Center
Councilor Weston asked for 7. Trojan UV 3000 Plus.
Mayor Myers said he would like to discuss the Appointments Committee meeting and offer some appointments made for the Council's deliberation.
The remainders of the Consent Calendar are the two tags, three raffles, and the other Committee Reports. Voted 8/0.

Resolution 12.A.6. moved to adoption by Councilor McCusker, seconded by Councilor Cheney.
Councilor Callaghan asked why the Council didn't get a quote from UNICO.
City Manager Joyal responded by explaining that the City was extending this contract for six months so that we can coordinate with the school department's decision. He mentioned that the City has a one-year trial period that is coming to an end. He had the vendor contacted and asked if they would agree to a six month extension to allow us time to work with the school department.
Councilor Callaghan had a question about whether background checks and drug screenings were done.



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City Manager Joyal said that they require a comprehensive background check. The City approve or disapprove any employee, and they must then be replaced promptly. He doesn't believe there is random testing unless there is reason or suspicion.

Councilor Callaghan asked what is included in background checks.

City Manager Joyal said that it's the same type of check that the City requires.

Councilor Callaghan asked if there is an actual contract, and wanted to see it.

Councilor Cheney asked City Manager Joyal about the 3% increase after one year. She wanted to know if the six-month extension included the 3% increase.

City Manager Joyal replied that all the provisions for a second year apply, but the City is only committing to six months.

Roll Call Vote 8/0.

Resolution 12.A.7. moved to Adoption by Councilor McCusker, seconded by Councilor Weston.

Councilor Weston said the original bid was from November 2006, and the wording says that they're offering – so is it a new bid? She asked if the City put this out to re-bid. She wanted some clarification.

City Manager Joyal said this piece of equipment is part of our primary requirement with the DES. This particular item is only offered by one vendor, and the City just wanted approval from the Council because of the price, and to maintain the warranty that the City has.

Roll call vote 8/0.

Resolution 12.A.8. moved to adoption by Councilor McCusker, seconded by Councilor Cheney.

Councilor Cheney said she just wanted an explanation from the City Manager about the disbursement of funds from the vehicle reclamation trust, how it works, and what the \$30,000 is that is in the trust.

City Manager Joyal explained that when motor vehicles are registered in the City, by state law the city is allowed to charge a fee that allows the City to dispose of certain vehicle waste and tires. He explained that the fund was specifically allocated for this type of service.

Roll call vote 8/0.

Appointment Committee Report moved to adoption by Councilor McCusker, seconded by Councilor Trefethen.

Mayor Myers discussed the Appointment Committee meeting from earlier in the evening. He wanted to put some reappointments and appointments to the Council so that they can start working on the various boards and commissions. For reappointments to the same committees, the Committee recommends Dave Denzio to the Solid Waste Advisory, Tom Fargo to the Conservation Commission, Frank Torr to Planning Board, and Judy Mettee to the Solid Waste Advisory Commission. For new appointments, the Committee recommends Chris Prior as an Alternate to the Zoning Board of Adjustment, Mike Early to the Dover Utilities Commission, Joan McCloullough to the Solid Waste



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Advisory Commission, and Otis Perry as an alternate to the Dover Utilities Commission. Mayor Myers also wanted it on the record that there were positions that no appointments were selected for tonight. With approval of this report tonight the appointments will be in place.

Moved by Councilor Callaghan, seconded by Councilor Dede. Voted 8/0.

B Resolutions-

9. RESOLUTION RE: SETTING PROPERTY TAX CREDIT FOR VETERANS FOR FY09. SPONSORED BY COUNCILOR TREFETHEN

Moved to adoption by Councilor Trefethen, seconded by Councilor Cheney. Councilor Trefethen said the State allows the City to offer a maximum \$500 tax credit for veterans. Several years ago the Council made a promise to the veterans of Dover that we would raise the credit \$50 every year until we reached \$500. This resolution raises the level from \$350 to \$400.

Councilor Scott had a question for Attorney Krans regarding whether or not he should recuse himself because he's a veteran and would benefit from this. Attorney Krans said no.

Roll call vote 8/0.

10. RESOLUTION RE: DOVER UTILITIES COMMISSION RULES AND RESOLUTIONS. SPONSORED BY MAYOR MYERS BY REQUEST

Moved to adoption by Councilor McCusker, seconded by Councilor Dede. Councilor Cheney asked for a presentation or workshop on this resolution. Councilor Dede asked for Attorney Krans to comment on the process because he was involved with it.

Attorney Krans said the process started before he was employed with the City two years ago. This resolution is a complete redraft from the old DUC Rules and Regulations.

Mayor Myers asked if the Council should see the presentation.

Gary Green, Dover Utilities Commission, went through the PowerPoint presentation with the Council of Rules and Regulation changes of the DUC. He submitted to the Council that the DUC has deliberated at length to get rules updated. He felt that the members did an excellent job and is asking for a yes vote on the DUC resolution.

Councilor Dede said he felt they did an excellent job and is ready to go with it now.

Councilor Cheney would still like a motion to table it until next meeting. She wants to see the old rules.

Moved to table motion until February 27th by Councilor Cheney, seconded by Councilor Scott.

Vote 3/5. Motion to table failed. Mayor Myers, Councilors Dede, McCusker, Trefethen, and Weston opposed.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers-288 Central Avenue
Meeting Date: Wednesday, February 13, 2008
Meeting Time: 7:00 pm

Councilor Cheney requested the old rules, and City Manager Joyal said he would get them to the Council. Councilor Cheney said she supports the rate changes, but has questions about the differences in liens. She also asked about the Long Hill Project and the reasons why residents didn't have liens put on them. Was this because the City deemed it was necessary and not people petitioning the City, and were those fees passed on to the water payers or tax payers?

Gary Green said the Long Hill Project did have the potential to create sizeable liens for the property owners. The DUC does not have the authority to do a blanket waiver, so a resolution was passed by the Council around July 25.

Councilor Cheney discussed five year waivers for water hookups, neighborhood petitions and the reason she wanted this put to a workshop. She wanted to know if all the taxpayers are paying for the Long Hill Project. If it was all the people who are hooked up to the project, or all the people in Dover.

Gary Green said he would ask his experts on this.

Councilor Cheney said this is why she wants a workshop on the Utility Commission and how the water is serviced in Dover.

Gary Green said the Long Hill project would be funded by the water/utility user, completely separate from the general fund or tax base.

Councilor Cheney asked how it was before – how was the Sixth Street situation paid?

Gary Green said a lien or an assessment would be placed on that line, based on the frontage of the property. You would pay your fair share for that line to run past your property. So what the new rules are doing is, if a new line is put in by petition, or at the residents' request, then they would pay their fair assessed value. But if the City decides to extend the main, then the City or water users would pay for that for the betterment of the entire system. That is what happened with the Long Hill Project.

Councilor Scott said that Long Hill residents would pay the new investment fees.

Councilor Cheney asked if it was legal to put a lien on a person's property if the water and sewer goes by that property.

Gary Green said that the statute allows for that. The DUC has decided to change the format to an investment fee, which represents the value of the whole system. The resident pays for the hookup.

Councilor Cheney asked what happens if a resident doesn't hook up.

Attorney Krans said if a resident is not involved with the sewer system, then they have their own leach field, and when that wears out they'll have to hook up into the City's system. That's the basis for granting a five-year waiver.

Gary Green said if they need to hook up, they have to pay the investment fee at that time, and it may be higher.

Councilor Callaghan asked about waivers for a new septic system.

Gary Green said the DUC would grant a waiver for five years.

Councilor Callaghan asked if they keep coming back every five years.

Gary Green said that could happen.



CITY OF DOVER

CITY COUNCIL - MINUTES

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Councilor Callaghan asked how they validate that their septic system is still working. Gary Green says that the state is lax on this. He restated that if the DUC said no, then they would bring it to the Council.

Councilor Callaghan also asked about the connect fees.

Gary Green said \$5,100 for the sewer and \$1,300 for water are assessed upon connection to the system.

Councilor Callaghan asked about the difference in fees for over 100 feet.

Gary Green responded that the \$6,400 is the buy-in fee to hook-up to the system. If you are within 100 feet of the system, it's state law that you have to buy into the system, if you are over 100 feet you are not required to do so.

Councilor Callaghan asked how they measure the sewer bill if someone has their own water supply.

Gary Green replied that they measure it with a river meter.

Councilor Scott asked how much it costs for a hotel to hook up.

Gary Green went to the appendixes and explained the differences in prices, and water flows. It could be as much as \$50,000-\$60,000.

Mayor Myers thanked Gary Green.

Roll Call Vote 8/0.

11. RESOLUTION RE: EXEMPTION FROM THE COMPREHENSIVE SHORELAND PROTECTION ACT. SPONSORED BY MAYOR MYERS BY REQUEST

Moved by Councilor McCusker, seconded by Councilor Trefethen.

Councilor Trefethen said that we have multiple buildings that would fall into this zone. He felt that the Council should focus on the buildings that exist. He said the Department of Environmental Services is recommending that we do this.

Councilor Dede said he wanted to offer an amendment to the last paragraph: "The Planning Department is authorized to apply to the New Hampshire Department of Environmental Services to seek an exemption from the Comprehensive Shoreland Protection Act for the area identified on the attached map after consulting with the Conservation Commission and securing their agreement."

Mayor Myers asked if there was a second to Councilor Dede; seconded by Councilor Trefethen.

Mayor Myers asked the Conservation Commission to place this on their agenda at the first possible opportunity.

Vote only on amendment to put the language on: 8/0

Mayor Myers asked if there was any discussion of the resolution as amended.

Seeing none; he asked for a roll call.

Roll Call Vote 7/0.

12. RESOLUTION RE: DOWNTOWN PARKING FACILITY AD HOC STEERING COMMITTEE. SPONSORED BY MAYOR MYERS



CITY OF DOVER

CITY COUNCIL - MINUTES

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Moved to adopt by Councilor McCusker, seconded by Councilor Trefethen.
Mayor Myers discussed this resolution.

Councilor Trefethen said he would be supporting this resolution. He had two points: this resolution does not offer any expenditure, and it does not commit us to anything. Councilor Dede said that this committee will clearly determine whether or not the City is in the position to build a parking garage without impacting the taxpayer. If we don't do this, then we can't find out if it can be done without adding to the taxpayers' bills. He felt that the Council needed to support this resolution.

Councilor Cheney agreed that it should not impact the taxpayer. She will be supporting this resolution.

Vote 8/0.

13. RESOLUTION RE: ELIMINATION OF NON-EMERGENCY LOCK OUT SERVICE. SPONSORED BY COUNCILOR DEDE

Moved for adoption by Councilor Dede, seconded by Councilor Trefethen.
Councilor Dede discussed this resolution. He said that 37% of the calls to the Fire Department are lock out calls. He feels the Fire Department should not be doing free lock out service.

Councilor McCusker said he had experience with this since he spent time working the Dover Fire & Rescue. A large percentage of those lock outs are residential to elderly housing, and that becomes an issue of safety. He said he couldn't support this resolution.

Councilor Weston said she called Chief Plummer and asked what the cost per year was for this service and he said \$2,000, which comes out to \$.015 per resident. She thinks the benefits from this far surpass Councilor Dede's concerns. She said she couldn't support this resolution.

Councilor Trefethen said he understood what Councilor Dede is trying to do. He discussed certain procedures and situations, but feels the cost isn't much. He feels that it comes down to the Council making a policy decision. He feels from a humane standpoint it's hard to justify eliminating it. He feels the Council is going to get tough on the taxpayers in June when many of the services are going to disappear.

Councilor Dede said that we're sending out the equipment with a full staff to unlock someone's door. He has spoken to Jack Buckley about this and he claims that they will be able to handle it through the Housing Authority.

Councilor Callaghan said he wouldn't be supporting this resolution. He was concerned about what warrants an emergency, and about delaying response times. Councilor Cheney said she wanted a little clarification from Chief Plummer. She said that he told her that the Police Department used to do it before the Fire Department.

Mayor Myers asked Chief Plummer to come up.

Chief Plummer said he didn't know why the Police stopped doing it.

Councilor Cheney asked if he had an estimated cost.



CITY OF DOVER

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Chief Plummer said the \$2,000 was an inflated cost, but he figured that's what it would cost next year with fuel cost increases. He said they're trying to educate the public and reduce calls. He said that last year they had 816 lock out calls, 640 were motor vehicle lock outs, and 176 were residential lock outs. Of those 176, 112 were Dover Housing Authority properties. It costs about \$1.94 per call, and that covers wear and tear on vehicles, mileage and tools.

Chief Colarusso said they used to split the calls. The Fire Department did residential lock outs and the Police Department did the motor vehicle lock outs. He said the Fire Department was quicker to respond and better at it.

Councilor Callaghan asked Chief Plummer if his statistics showed which were emergencies and which were not.

Chief Plummer said of the 640 motor vehicle lock outs, 68 would be deemed emergency. For residential, it was 16.

Councilor Cheney asked if the motor vehicle calls have been dropping because the new cars make it more difficult to lock yourself out.

Chief Plummer said they have been going down.

Councilor Cheney asked if there were a lot of repeat calls.

Chief Plummer said no.

Councilor Weston asked what type of vehicle is sent out.

Chief Plummer said he sends the ambulance because it's the smallest vehicle.

Vote 1/7, Failed, with Councilor Dede in favor.

14. RESOLUTION RE: APPOINTMENT OF CITY COUNCIL'S STATE OF NH LEGISLATIVE LIAISON.
SPONSORED BY MAYOR MYERS

Moved to adoption by Councilor McCusker, seconded by Councilor Callaghan. Councilor Callaghan thinks this resolution is lacking because it didn't mention that the county, city, LGC and any other form of government would be tied into this liaison work. He felt that the Council needed someone to represent us on all those issues. Mayor Myers discussed this resolution.

Councilor Cheney said she would be supporting this.

Vote 8/0.

15. RESOLUTION RE: REAFFIRMATION OF 2007-2008 LEGISLATIVE POLICY POSITIONS.
SPONSORED BY MAYOR MYERS

Moved to adoption by Councilor McCusker, seconded by Councilor Dede.

Mayor Myers discussed this resolution.

Councilor Dede moved to accept.

Councilor Scott asked if the Council was going to give a blanket approval to these issues or proceed one-by-one.

Mayor Myers said that last year they went through these one-by-one, and tonight we would just reaffirm them in their entirety, so Councilor Dede could use it as our liaison in Concord.



CITY OF DOVER

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Councilor Scott said he had confidence in Councilor Dede, but he reacted negatively to asking for a blanket approval of all these without discussing them.

Mayor Myers said we did this last year. Councilor Scott said this is a new year.

Mayor Myers replied that it's the same language.

Councilor Scott said he couldn't support this.

Councilor Callaghan said he didn't understand everything without background information and was uncomfortable with that. He couldn't vote this whole package in without doing more research.

Vote 6/2. Councilors Callaghan and Scott opposed.

Councilor Dede asked for a motion to suspend the Rules, for the purpose of introducing a resolution that has to do with him attending a meeting tomorrow in Concord.

Mayor Myers asked him to hold that issue as a courtesy, because he had four things he wants to refer to Public Hearing.

16. RESOLUTION RE: VEHICLE REPLACEMENT PROGRAM. SPONSORED BY MAYOR MYERS BY REQUEST (TO BE REFERRED TO PUBLIC HEARING)

Moved to Public Hearing on March 12, 2008 by Councilor McCusker, seconded by Councilor Cheney.

Vote 8/0.

B. ORDINANCES IN THEIR FIRST READING-

1. ORDINANCE RE: TAX CAP BUDGET ORDINANCE. SPONSORED BY MAYOR MYERS

Moved to Public Hearing on February 27, 2008 by Councilor McCusker, seconded by Councilor Trefethen.

Vote 8/0.

2. ORDINANCE RE: CHAPTER 97, DUMPING, RUBBISH AND RECYCLING COLLECTION. SPONSORED BY COUNCILOR DEDE

Moved to Public Hearing on March 12, 2008 by Councilor McCusker, seconded by Councilor Weston.

Vote 8/0.

3. ORDINANCE RE: VIDEO/AUDIO RECORDINGS OF MEETINGS. SPONSORED BY COUNCILOR CHENEY



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Moved to Public Hearing March 12, 2008 by Councilor McCusker, seconded by Councilor Callaghan.
Vote 8/0.

Councilor Dede asked for a motion to suspend the Rules for the purpose of introducing a resolution that has to do with him attending a meeting in Concord tomorrow.
Seconded by Councilor Cheney.
Roll Call Vote 8/0.

Moved for adoption by Councilor Dede, seconded by Councilor Cheney.
Councilor Dede discussed HB1645. He wanted to get the Council's approval to go before the legislature to testify and deliver the letter.
Councilor Cheney thanked Councilor Dede for going there tomorrow.
Councilor Callaghan asked about the letter and if the money had to be returned to this fund.
Councilor Dede and Mayor Myers explained this matter.
Vote 8/0.

Mayor Myers mentioned a request from the Local Government Center, which they have made of every committee in the state. The LGC wants to challenge some of the provisions of the retirement system. To participate will require a percentage of our current contribution that we pay for dues to the LGC, possibly $\frac{1}{2}$ of 1%.
City Manager Joyal mentioned that he had already indicated that the City would participate subject to the Council's approval. We do have the money to become participants.
Councilor Weston(?) asked how much money was required.
City Manager Joyal replied that it was between \$6,000 and \$7,000.
Councilor Trefethen made a motion to authorize the City Manager to pursue this with the LGC, seconded by Councilor Dede.
Roll Call Vote 8/0.

D. COUNCIL CORRESPONDENCE

13. COUNCIL MATTERS OF INTEREST

Councilor Trefethen talked about receiving several emails regarding the Garrison School Parking lot issues. He wanted it known that he had received them.
Councilor Cheney wanted to ask the delegates to attend the dinner on February 25th.



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Councilor Cheney said she was going to be bringing forth a resolution with her rule change. It will require a 2/3 vote. She met with Attorney Krans to solidify the wording. It has to do with when the Council will receive materials before we vote on them.

Councilor Callaghan discussed the Willand Pond budget of \$500,000. He was wondering if he could get a detailed list of what that \$500,000 represents.

14. ADJOURN

Motion was made to adjourn by Councilor Trefethen, seconded by all.
Vote 8/0.