



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, April 9, 2008**  
Meeting Time: **7:00pm**

### 1. MOMENT OF SILENCE

### 2. PLEDGE OF ALLEGIANCE

Councilor Trefethen led the pledge of allegiance.

### 3. ROLL CALL

Present: Mayor Myers, Councilors Trefethen, Weston, Callaghan, Cheney, Dede, McCusker, and Scott. Also Present: City Manager Joyal, Attorney Krans, and City Clerk Lavertu.

Councilor McCusker filled in as Deputy Mayor.

### 4. PROCLAMATIONS – AWARDS

None.

### 5. APPROVAL OF AGENDA

Mayor Myers asked the Council if they had any changes to the agenda.

Councilor Dede wanted to add 12.B.3. regarding HB1436, and 12.B.4. regarding HB1645.

Councilor Cheney wanted the Minutes from the JBC to be inserted in the Committee Reports.

Councilor Weston made a motion to accept the agenda with the three additions; seconded by Councilor Dede.

Vote: 8/0.

### 6. CITIZEN'S FORUM

*Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.*

**Marilyn Follansbee, 25 Dover Point Road:** She talked of the waste of taxpayer money being spent for outside opinions on the tax cap. She said she knew that some of the Councilors voted for the tax cap without knowing what they voted in, which was presented to the voters as being based on Laconia's plan. She felt that if Dover needed a tax cap, then one should have been prepared for Dover, which is not Laconia. The Council should have discussed it, had citizen input, made a judgment and then let the people vote. She talked about Laconia's tax cap being 2.8 percent with county and state tax included. She said she did not vote for the tax cap. She agreed with the City Manager and City Attorney opinion that this was the residents' perception of the tax cap. She said she was angry that some of the Council voted to exclude the county and state taxes. She said that Councilor Scott even mentioned that the City should consider the 417 cap. She said she was angry that the Council didn't accept the word of the City Manager and City Attorney, but had to have three outside legal counsel to interpret it. They agreed with the two men the City already pays to know these things. The money could have been spent on the City Hall improvements which



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need to be done. The City Manager has made changes in personnel to satisfy the Councilors who want fewer City workers. That money could have also paid for the salaries of several seasonal recreational program associates or other part-time City employees, who we may not be able to rehire due to budget restrictions. She said she felt some of the Councilors had their own agendas, and are not considering what is best for Dover. She said she understood them asking for an explanation, but she doesn't like the arguing when they don't receive the answer they want to hear. She said that she and her husband were among the elderly on a fixed income in Councilor Scott's Ward 4. Since he is the Councilor who instigated the tax cap, she implored him to stop asking for outside opinions, which have to be paid for with our tax dollars. She also said a suggestion to slow down traffic in Dover is to not fill the pot holes. She thanked the public service department for filling them in.

**Beth Setear, 29 Horne Street:** She discussed the letter she received from the City Manager regarding a meeting they had concerning issues regarding the industrial property located between Maple Street and Horne Street. She said that when she and her husband bought her property in 1988 the gate to that industrial property was closed and padlocked. She believed the letter says it has been open for 20 years. She just wanted to clarify that with the Council.

**Don Medbery, 3 Covered Bridge Lane:** He spoke about the Economic Development presentation that the Council heard at the last meeting. Mr. Gottlob spoke at length about the changes here in Dover, and described how lucky the City is to be attracting highly skilled and educated people. He said he and many others were offended by this characterization that we as a community need to focus on this elite group. It is his contention that Dover needs to attract a diverse multi-skilled population. This City was built on the backs of a diverse population, many of whom still reside here, and they are special folks. Mr. Gottlob also described Dover as a dysfunctional democracy. He wanted to know when Dover was a democracy. He said the last democracy was 2500 years ago in Greece. He said Mr. Gottlob thinks Dover is dysfunctional because his views don't always prevail. He said his message to Mr. Gottlob is to get a life in Boston or New York City. He said he recently learned of unenforceable truck signs posted in the City. Truck route signs are posted on Central and Atlantic Avenues. He said they were confusing and contradictory to the truck route standards. These have not been approved by the City Council, recommended by TAC, and cannot be enforced by any law enforcement agency. He asked how the City can have traffic signs without enforcement. He asked how the City can have traffic signs without an ordinance to support them. He asked how the City can have traffic signs without a vote by the City Council to approve them. He asked how these unenforceable signs materialize. All these signs should be removed before there are any future legal ramifications. He also wanted to make a comment on what was said previously about spending money for outside counsel. The City spent a lot of money looking for a replacement City Manager to find out that behind the scenes Mr. Joyal had been hired. The City spends hundreds of thousands of dollars for outside legal counsel and consulting services. We need to look at the whole picture and not one thing.



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**Ed Bleiler, 28 Isaac Lucas Circle:** He referred to the list that was printed in the April 2<sup>nd</sup> Foster's. He considered it to be a huge eye-opener to the city taxpayers. He said he now sees why his taxes are so high. He said he didn't believe any other New Hampshire community was paying anywhere near the wage scale in Dover. He said he agreed with the editorial in Foster's Daily Democrat regarding this. He read it to the Council.

**Carole Robinson, Horne Court:** She said she wanted to back up her neighbor about the gate at the end of Horne Court being locked until recently. She wanted to credit the City Manager and the Chief of Police for meeting with them last Friday. She felt that the meeting went very well, but felt that the City Manager came to the table with preconceived ideas. She wanted the Council to know that she is having a hard time sleeping because of trucks idling all night. She wanted to speak about the warehouse on this property. She mentioned the state statutes for the length of time for idling trucks, and that this is not being enforced. She spoke of the associated air pollution and garbage.

**Peter Schmidt, 53 Fourth Street:** He spoke of the Foster's article. He thinks it would be helpful for the Council to put out a statement explaining what those numbers really mean, because some people believe that that is the salary that people are taking home. He said he knows police officers are being compensated for large numbers of overtime hours and in some cases the cost of that overtime is paid by outside entities which required police enforcement on the streets.

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

### 7. PUBLIC HEARINGS

**A. RESOLUTION RE: RENAMING OF VETERANS HALL IN HONOR OF ROLAND "BUNNY" BELHUMEUR**  
SPONSORED BY MAYOR MYERS BY REQUEST

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

**B. ORDINANCE RE: VEHICLE AND TRAFFIC RESTRICTIONS - HORNE COURT**  
SPONSORED BY MAYOR MYERS BY REQUEST

**Paul Goodwin, 43 Hough Street:** He said he and his wife have lived there for 14½ years, while this warehouse was still occupied by a shoe factory. They worked from 8:00 to 5:00 and we never heard any noise at night. Since the business has changed to a moving company, the situation is radically different. He said he is not a light sleeper, but the noise made at night does wake him and keeps him awake. He spoke of the problem with trucks idling for a long time and the pollution this entails. The use of the property has changed in such a way that it adversely impacts the property values and our quality of life.

**Carole Robinson, Horne Court:** She handed out pictures of the area. She bought her house in the early 1980's before Free Trade owned the warehouse. She said that the



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back area of the warehouse was not open for business. In June 2005 there was a meeting held in the City about which she was never informed. At that time changes were made allowing a duplex to be built on the western portion of the land so it would face Horne Street. There was also a large metal garage built at the back of the warehouse to house an RV that belongs to Peter Widmark, who is the president of Freetrade. That is when the deluge of noise and truck traffic, disgusting polluting smells, lights on all of the time, decreased safety, and harassment by the employees who work there began. Historically Horne Court was a short, quiet dead-end street with a large locked fence at the end keeping the warehouse separate from the residential area. The trees were removed at the back end of Horne Court. The fence has been removed. Repaving was done to enhance the entry and exit, in an attempt to make another entry into a commercial zone. The area is zoned as light industrial. The trucks have completely blocked her driveway. Some of them do get out of the way, but some of them get annoyed. She suggested that the City post a no outlet sign at the beginning of Horne Court. She had heard that the Council wanted to post it as No Commercial Trucks. She felt that the road should be a residential dead-end street, providing safety in its intended use for the general public.

**Malcolm McNeil, Represents Mr. Widmark:** He said the sole legislative issue is banning tractor trailer trucks on Horne Court, and the issue is not code of conduct, not over fences, and not how to operate a legally permissible industrial property. This property has been used for industrial purposes since the 1930's. The use has been recognized in the City's Ordinances. The property owner has been taxed based on its permitted use. Under Dover's Zoning Ordinance a broad range of use are permitted on this site, including a commercial parking facility, a gas storage facility, a trucking terminal, used car sales, wholesaling, light industry, public utilities, and manufacturing facilities. He said that anyone living in this neighborhood should have the expectation that the industrial facility will be used, including truck noise, traffic, workers coming and going, long work hours. This is not a quiet residential neighborhood. He mentioned that Ms. Robinson and Mr. Widmark are in a dispute over a boundary issue. This matter also came forward when Councilor Callaghan was elected, because he lives across from Horne Court. He said he was concerned about Councilor Callaghan voting on this issue. Since this issue was brought up they have met with the City Manager, City Attorney, Police Chief and City Planner with regard to all issues. Freetrade has agreed to this limitation to truck traffic to be a good neighbor. With all the comments that have been made, he wondered if they made the right choice. They did not participate in the report drafted by the City Manager. He wanted to recommend to the Council that that report, dated February 20, 2008 contains the following relevant findings: 1. No building code violations. 2. No violations of land use. 3. Agreed to provide the name of property manager. 4. The use of the property does not go beyond the rights of Mr. Widmark. As a result of this Mr. Widmark is basically willing to make a compromise, but any compromise beyond this is thoroughly inappropriate.

**James Schulte, Esq., Represents Carol Robinson:** He passed out a subdivision plan to the Council, which was prepared for Freetrade. He explained the history of Horne



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Court. He agreed that there has been an industrial building here since the 1930's, but for most of that time the primary access to this property was Maple Street. The end of Horne Court had a fence with a locked gate until recently. This side of the industrial facility was not used. There was minimal impact on the neighbors, because the access was from Maple Street. In 2005, the property was subdivided and 90 feet of street frontage was carved off of their property. They took down the gate and Horne Court became their alternate access into this property. He asked the Council to pass the Ordinance.

**Jonathan Kenyon, 15 Horne Street:** He said there is a lot of truck traffic in the area. He agreed with Mr. McNeil about a few things. He disagreed with him about the area not being a quiet neighborhood. He felt that the industrial owner should be responsible.

**Clia Goodwin, 43 Hough Street:** She and her husband went to the Planning Board meetings a few years ago when they talked with Freetrade. Freetrade was told what they could and could not do. They were asked to be a good neighbor. Last summer there was also very loud music. She hoped the Council would take that into consideration when they make their decision.

**Peter Schmidt, 53 Fourth Street, Member Transportation Advisory Committee:** He said he could attest to the fact that there was a fence there, and essentially Horne Court was a dead-end street. This matter was brought to the Committee's attention eight or nine months ago. He disagreed with Attorney McNeil's comment that the business could operate all hours of the day and night, without regard that they are in the middle of a residential neighborhood. He agreed that the only issue before the Council was the adoption of the Ordinance prohibiting semi-trailer traffic on Horne Court.

**Lisa Vonthurman, 43 Maple Street:** She said she lives on the other side of this property across from their other access. She said they already have a major issue with traffic. She asked if there was some ordinance regarding trucks parking within city limits. She had a problem with all the traffic being diverted to Maple Street.

**Beth Setear, 29 Horne Street & 6 Horne Court:** She asked the Council to consider the Ordinance limiting the tractor trailer traffic with the understanding that they're asking that it not enter or exit on Horne Court, but use the Horne Street entrance which is located between the condominiums and the Wilson property.

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

**C. RESOLUTION RE: ACCEPTANCE OF THE ACTION PLAN AND EXPENDITURE FOR THE FISCAL YEAR 2008 CDBG ENTITLEMENT FUNDS**  
SPONSORED BY MAYOR MYERS BY REQUEST

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



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### **D. RESOLUTION RE: CHANGE ORDER NORTH END FIRE STATION B07076**

SPONSORED BY MAYOR MYERS BY REQUEST

**Samuel Allen, 46 Watson Road, Chairman, Building Committee for North End Fire Station:** He commented on the status of the construction. The building has been started, and he is very happy with the progress that is being made despite the dreadful winter. The Resolution before the Council is not an additional expenditure, but a change in order. Last November the bath was approved without the completed sewer engineering; therefore it was removed from the approved contract. The sewer line would connect to the City sewer behind Liberty Mutual. As presented, the Fire Department and Community Services will share the cost of this sewer line, because it will service not only the fire station but also provide future access for the Glenwood Street area. He is asking for a redirection of existing leftover sewer funds from other projects. The money is already in the budget to fund the Fire Station's portion of that, which is \$42,000. He is looking to redirect \$45,955 from the City Sewer Fund to provide for this upgrade.

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

### **E. RESOLUTION RE: APPROPRIATION FOR JENNY THOMPSON POOL BATHHOUSE REPLACEMENT**

SPONSORED BY COUNCILORS KEAYS AND WESTON

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

Mayor Myers said he would entertain a motion to suspend the rules to move Item 11.B.1. up to accommodate all the citizens who were present.

Councilor Scott made a motion to move Item 11.B.1. up on the agenda; seconded by Councilor Cheney.

Mayor Myers asked for a call of the roll to suspend the rules to bring up Item 11.B.1.

Roll Call Vote: 8/0.

### **11.B.1. ORDINANCE RE: VEHICLE AND TRAFFIC RESTRICTIONS - HORNE COURT**

SPONSORED BY MAYOR MYERS BY REQUEST

Councilor McCusker made a motion to adopt; seconded by Councilor Scott.

Councilor Callaghan read a prepared statement into the record. He recused himself from the current Horne Court Resolution.

Councilor Dede asked if the resolution would prohibit all commercial traffic from Horne Court.

City Attorney Krans said the Ordinance is for tractor trailer traffic.

Councilor Dede said that the Ordinance said commercial traffic, which would go beyond tractor trailers.

City Attorney Krans said he was correct. It does say commercial vehicle traffic restriction, but the actual restriction will be on tractor trailers.



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Councilor Dede asked if tractor trailers were the only thing that would be restricted from Horne Court. Councilor Dede said that would leave the other access available, which is what the owner has agreed to. A "yes" vote on this is agreeing with what the owner proposed.

City Manager Joyal said the owner wasn't proposing that. It was a request from the residents, and it was acceptable to the owner.

Councilor Trefethen spoke of the comments during the Public Hearing. There was a time in Dover when there was no zoning and you could build whatever you wanted, wherever you wanted. When zoning did come to Dover in 1949 it was a recognition that the City wanted to try to make as many pieces of land as conforming as possible. He said the resolution is dealing with only one thing, and that is restricting vehicles of the FHWA classification A through 13, which is apparently tractor trailers trucks and above. This means other commercial traffic will still be allowed to use Horne Court. This needs to be understood. The litany of problems that the Council has heard has nothing to do with the resolution. He said he would be voting for this resolution.

Councilor Scott said he went out to the property and talked with the abutters. He said would vote to support this resolution, but agrees that it won't solve all the problems.

Councilor Cheney also went out to the property. This won't stop employees from whizzing in to the establishment. She said she is glad to support this.

Councilor Weston also went out to the property. She witnessed harassment from some of the employees that arrived on the scene. She said something should be done about the loading dock so trucks don't block driveways. She said she would be supporting this.

Councilor McCusker said he commended the building owner for agreeing to change the traffic law. He will be supporting this resolution.

Mayor Myers said the only issue was limiting large trucks. Attorneys for both sides asked the Council to support it.

Roll Call Vote: 7/0, Councilor Callaghan recused.

### **8. CITY MANAGER'S REPORT - PRESENTATION OF FY09 BUDGET PROPOSAL**

City Manager Joyal gave a presentation on the FY09 Budget Proposal.

He also handed out a memorandum summarizing the adjustments made to the budget that we might want to add back in.

Mayor Myers asked if this was going to be posted online.

City Manager Joyal said the budget and budget presentation will be posted online tomorrow. A copy of the budget will be available in the Library and City Clerk's office.

Councilor Weston made a motion to accept the City Manager's Report; seconded by Councilor Dede.

Vote: 8/0.

### **9. MINUTES**

#### **A. REGULAR MEETING MARCH 26,2008**

Councilor McCusker moved for adoption; seconded by Councilor Dede.



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Councilor Cheney said on Page 2/18 it says “answered by the Council as yes”; it should read it was answered yes. The Council was not at these forums. The third line should also say the answer was yes. On Page 7/18 it wasn’t the District Attorney’s signature, it was the City Attorney’s signature.

Vote: 8/0.

### 10. MAYOR’S REPORT

Mayor Myers mentioned the culmination of the Dover Reads program at the Middle School. Councilor Callaghan was also present. Mayor Myers said he attended the Highlander awards with Councilor Trefethen. Mayor Myers said he attended the grand opening and ribbon cutting of Maple Suites. He also attended three ribbon cuttings for new businesses entering the Chamber of Commerce.

Councilor Cheney wanted to recognize the Boy Scouts present.

Councilor McCusker made a motion to accept the Mayor’s Report; seconded by Councilor Dede.

Vote: 8/0.

### 11. UNFINISHED BUSINESS

#### A. ORDINANCES IN THE 2<sup>ND</sup> READING

#### B. ORDINANCES IN THE 3<sup>RD</sup> READING-

##### 2. ORDINANCE RE: CHAPTER 3, BOARDS AND COMMISSIONS - RECORDING OF MEETING

SPONSORED BY COUNCILOR CHENEY

Councilor Cheney made a motion to adopt; seconded by Councilor Callaghan.

Councilor Dede made a motion to amend this Ordinance to read all public meetings of the City Council, Planning Board, ZBA and Conservation Commission, and strike the rest of it; seconded by Councilor Trefethen.

Councilor Dede said the City is not in the position to provide all these recordings at this time.

Councilor Weston said the next sentence says if the video recording equipment is not available then an audio recording of the proceedings shall occur. She asked if there was a problem with audio recordings.

Mayor Myers asked what an allowable reason for not videotaping something is. The Arena Commission meets at the Arena. Is the only conflict that is allowable is if the room is not available?

Councilor Callaghan said the first sentence is the Council’s ultimate goal and objective. The second sentence is an audio recording. He doesn’t think that is an unreasonable expectation.

Mayor Myers said that it says “in the event video equipment is not available.” It makes video recording the first priority.



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Councilor Cheney said she will not support the amendment. She would support an amendment to change video or audio recorded in the first sentence.

Councilor Scott said he would not support the amendment.

Councilor Dede said this puts a burden on the chairpersons of these committees. It also states that they have to provide written notice of equipment failure within five days. He felt that this was punitive. He felt that the City wasn't ready for the full scope of this resolution.

Councilor Cheney asked the City Manager to speak to the burden of implementing this. City Manager Joyal said he didn't read it that way, but he can see now how others can perceive it that way. He said we invest a considerable amount of time creating almost verbatim minutes and we shouldn't have to. We can move towards electronic recording of meetings and make them available to the public. He does think some adjustments are in order on the language of this Ordinance. The effective date needs to be changed, because the City is not yet set up with the recording equipment.

Mayor Myers asked about the added cost to this and if there was funding for it.

City Manager Joyal said the budget anticipates three board meetings on their regular schedule. The cost is typically around \$50 a meeting. There will be some costs for buying audio equipment, and software to archive these recordings with a server so they'll be available to the public.

Councilor Dede said there is another concern that has not surfaced here. There is also a learning curve involved here.

Vote: 2/6 Failed. (Mayor Myers and Councilor Dede voted in favor.)

Councilor Cheney made a motion to amend the first sentence to read video or audio recorded.

Mayor Myers asked if that would completely eliminate the need for the second line.

Councilor Cheney said that the next line could be taken out. She also wanted to add the words by "equipment failure" or other reason. She said she wanted it to be flexible. She said it should read "in the event a recording is not an option for any reasons."

Councilor Weston seconded the motion to amend.

Mayor Myers said he would support this amendment.

Councilor Callaghan asked if the Council could meet this criteria if we just audio recorded it.

Councilor Cheney agreed.

Councilor Callaghan said he didn't want the amendment to mean they can audio record in preference when they could video record.

Mayor Myers asked for a vote on the amendment.

Vote: 6/2 Passed. (Councilors Dede and Trefethen opposed.)

Councilor Trefethen asked why the City Manager was mentioned in this. It is the City Clerk who keeps the minutes.

Councilor Cheney said she talked with the City Attorney and the City Manager is responsible for the equipment. She also felt that this would alleviate a lot of the wording in minutes.

City Manager Joyal said he would be responsible for the administration of an Ordinance like this, but the City Clerk is the keeper of the records.



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Councilor Trefethen said he is against this Ordinance for three reasons: 1. The City doesn't have the equipment now. 2. It does not engender trust and confidence. Some members are not adept at public speaking and the minutes are written to convey what was meant by the statement. 3. He doesn't see this as a problem now and doesn't foresee one. The only problem he sees now is the potential of people nitpicking over individual words and statements. He said he would not be voting for this Ordinance. Councilor Callaghan said he thinks this is important for several reasons. It does make the job easier for the recording secretary. The minutes can be done more efficiently, thus saving administrative time. If there is a legal review the minutes are indeed part of the record. He felt that recording everything would actually engender public trust. Councilor Cheney said she hears from people that when they watch the Council meeting it is not at all like being here. There will always be some clarification needed. According to the Local Government Center, many cities are already doing this. This will provide insight for those who can't attend the meetings, to keep records accurate. Mayor Myers asked for a roll call vote on the amended Ordinance. Roll Call Vote: 6/2 Passed. (Councilors Trefethen and Dede opposed.)

### C. RESOLUTIONS-

**1. RESOLUTION RE: RENAMING OF VETERANS HALL IN HONOR OF ROLAND "BUNNY" BELHUMEUR**  
SPONSORED BY MAYOR MYERS BY REQUEST

Councilor McCusker moved for its adoption; seconded by Councilor Trefethen. Councilor Trefethen said he had no objections to this. He felt it was a fitting way to remember this gentleman. His only concern is that the building already has two names; Veterans' Building and Community Building. He is willing to do this, but would like this to be the one and only name for the building. Mayor Myers said that he and the Council are in full support of this because Bunny gave a lot to the City. Roll Call Vote: 8/0.

**2. RESOLUTION RE: ACCEPTANCE OF THE ACTION PLAN AND EXPENDITURE FOR THE FISCAL YEAR 2008 CDBG ENTITLEMENT FUNDS**  
SPONSORED BY MAYOR MYERS BY REQUEST

Councilor McCusker made a motion to substitute as a whole and adopt; seconded by Councilor Trefethen. Mayor Myers said there was an additional table included, and it did not change the figures. Councilor Trefethen hoped the Council would support it. Councilor Weston asked if the grant itself was for \$348,000. Mayor Myers agreed. Councilor Weston asked if the rest were proceeds which equal \$487,000. Mayor Myers agreed. Councilor Weston said the 38% in administrative costs sounded excessive.



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Mayor Myers said that CDBG money, the federal money, has been shrinking, while the administrative costs are very onerous. They are required to work within the federal guidelines of the grant.

Councilor Scott asked if he was reading this correctly, and the City was getting \$348,000 in cash, the total program costs \$487,000, so Dover is spending \$140,000 in taxpayer money.

City Manager Joyal said it actually offsets taxpayer money.

Councilor Scott asked the City Manager to explain the \$180,000 in Easter Seals. Mayor Myers asked Richard Jones, Community Development Coordinator to speak.

Mr. Jones explained that the higher the number for administrative costs, the more is offset for the City. The \$180,000 is for the back part of the third floor of the McConnell Center, where Easter Seals will be taking over the spot. He said that the second wherefore in this resolution has another \$4,262, which the School Department currently has as a reserve for the money that they gave them to install a stair lift at the high school. The bid came in at \$42,738. We gave them \$70,000 last year to do the work. The School Department decided to only do one stair lift because of the traffic flow. So we reprogrammed \$23,000 of this year's budget into the next year.

Councilor Scott asked again about the Easter Seals, where their money was coming from.

Mr. Jones said the City was giving Easter Seals \$180,000.

Councilor Scott asked where the money was coming from.

Mr. Jones said it was federal taxpayer money. It is not from the City of Dover.

Councilor Cheney asked for clarification on a few points. She asked if there was any leftover money from last year.

Mr. Jones said the \$23,000 was leftover.

Councilor Cheney asked for clarification on the CDBG program going away and how that is going to affect the budget.

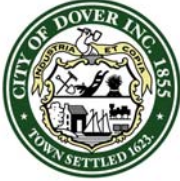
City Manager Joyal said that the City is an entitlement community, which means we receive money directly from the federal government for HUD for Community Development Programs. Other smaller communities get the money from the State. The federal government is cutting back on their budget and in the last few years we have seen a decrease in the amount the City is receiving. As this money is decreasing, that means the costs are going to shift back into the General Fund, and that is going to be a decision the Council will have to make whether to continue these programs.

Mr. Jones said the money for Easter Seals was to help them build out and not for operations.

Councilor Callaghan asked if the money received was specifically earmarked.

Mr. Jones said no. The program can spend the money at its own discretion. The only requirement is that it has to either go to eliminate slums or blight, meet an urgent need of the community, or it has to benefit people that are of low to moderate income. The Planning Board acts as the Citizens Advisory Committee.

We receive these applications and have a public hearing to hear the applicant's



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presentations; the staff comes up with the recommendations for the Board, the Board makes their decision on who to fund, and then we ask for the Council's approval.

Councilor Callaghan asked what the \$82,587 in administrative costs represents. Mr. Jones said it represents part of his salary, part of the secretary's salary, part of a planner's salary, and part of the Planning Director's salary. It is in the Proposed Budget that the Council received tonight.

Roll Call Vote: 7/0. Councilor Dede was absent from the room.

**3. RESOLUTION RE: CHANGE ORDER NORTH END FIRE STATION B07076 (REQUIRES 2/3 VOTE PER MUNICIPAL FINANCE ACT RSA CHAPTER 33)**  
SPONSORED BY MAYOR MYERS BY REQUEST

Councilor McCusker moved to adopt; seconded by Councilor Dede.

Roll Call Vote: 8/0.

**4. RESOLUTION RE: APPROPRIATION FOR JENNY THOMPSON POOL BATHHOUSE REPLACEMENT (REQUIRES 2/3 VOTE PER CITY CHARTER C6-6)**  
SPONSORED BY COUNCILORS KEAYS AND WESTON

Councilor Weston moved to adopt; seconded by Councilor McCusker.

Councilor Weston said that she spoke with Councilor Keays, and he wants to use the Sand & Gravel Fund to help cover the cost of this bathhouse. This Resolution will not have any impact on the taxpayer. She asked the Council for their support.

Councilor Dede moved to table this Resolution until such time as the budget has been completed, because it may be more appropriate to consider this once the budget has been adopted. This motion was not seconded.

Councilor Scott asked how much cash was in the Sand & Gravel Fund.

City Manager Joyal said it was around \$200,000.

Councilor Scott asked how much the City gets per year.

City Manager Joyal said the City is guaranteed \$125,000 per year.

Councilor Scott said this would require four to five years from the Sand and Gravel Fund.

City Manager Joyal agreed.

Mayor Myers asked if any of the \$200,000 was encumbered at this time.

City Manager Joyal said that some of it was encumbered.

Councilor Trefethen asked if this was a three to four year plan.

City Manager Joyal agreed.

Mayor Myers asked the City Manager about the time frame for doing the design work.

City Manager Joyal said that they were taking a serious look at whether enclosing the pool makes sense or not, so he is not going to rush out and get a design for the bathhouse until that question is answered, which is probably going to be a couple of months.



CITY OF DOVER

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Mayor Myers said if this Resolution passed tonight, what we're saying is funds from Sand & Gravel that are not currently encumbered elsewhere and from new funds going forward, we're looking to accumulate approximately \$750,000. The City would not be spending any money for design or construction until we have close to the amount that is needed.

City Manager Joyal agreed.

Mayor Myers said the City would not be spending \$65,000 for design work on something that might not be needed.

City Manager Joyal said the Council would have to approve that amount of money, so the Council would know about it anyway.

Mayor Myers asked if the money could be allocated for another recreation program if we're still not doing anything with the pool.

City Manager Joyal said as long as the funds weren't encumbered by a contract the Council has that option.

Councilor McCusker asked the City Manager if there were any other items that are paid for by the Sand & Gravel Fund.

City Manager Joyal said it was intended to be used for construction of new ball fields and maintenance of existing ball fields. A portion of it is to be set aside for miscellaneous capital projects. This policy is simply a statement of intention to account for the funds in that way, but that doesn't mean the Council can't spend those monies however they choose.

Councilor Callaghan asked if the Council was now waiting to do the engineering work until the \$750,000 is reached.

City Manager Joyal said the City had the \$65,000 needed for the engineering study, but was waiting for the answer to other operational issues, which we should put some diligence to before we design a bathhouse.

Mayor Myers asked if the determination of this would come before this budget cycle.

City Manager Joyal said he hoped so.

Councilor Callaghan asked that before any money was spent it would have to come before the Council.

City Manager Joyal said in all likelihood it is not going to be used.

Councilor Callaghan said he didn't want to give up the obligation the Council created to engineer this bathhouse and get it ready to be built.

Mayor Myers said the City Manager was saying that with a delay of a few months before we go out and design something, it won't be outdated if we take it in a different direction. The \$65,000 could be spent on a larger project depending on the direction the Council takes.

Councilor Cheney asked if a 2/3 vote was required to reallocate this money.

City Manager Joyal said he felt that since it would be established for a specific capital project it would have to be re-appropriated, have another public hearing, and a 2/3 vote.

Councilor Cheney said the Council allocated this money for a reason and that is where it should go.



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Councilor Callaghan made a motion to suspend the rules to continue the meeting; seconded by Councilor Weston.

Roll Call Vote: 8/0.

Councilor Trefethen said it would be prudent to wait a few months until we figure out the pool situation as we work through the budget.

Councilor Weston said that under any circumstance the City needs a new bathhouse. This resolution asks for the Sand & Gravel Funds to be encumbered so that bathhouse would be built, and is asking for the Council's support.

Councilor Scott said this was a great deal and he fully supports it.

Mayor Myers said he agreed with Councilor Trefethen. He said there were a few scenarios that the Council should consider. If the City does decide to enclose the pool, we are probably going to look into a different funding source, because he doesn't think the Council will wait three or four years. If the Council doesn't approve allocating any money out the Sand and Gravel Fund, that money is just going to sit there.

Councilor Cheney said the Council made a big decision in the CIP and it was fully supported by the Council. She is going to support this.

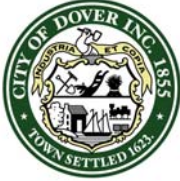
Mayor Myers said this required a 2/3 vote.

Roll Call Vote: 7/1 Passed. (Mayor Myers opposed)

### 12. NEW BUSINESS

#### A. CONSENT CALENDAR

1. RAFFLE-DOVER HIGH SCHOOL SOFTBALL
2. PARADE-DOVER KNIGHTS OF COLUMBUS COUNCIL #807
3. RESOLUTION RE; ENGINEERING SERVICES LONG HILL ROAD/NH108 SIGNALIZATION PROJECT/COMMUNITY TRAIL  
SPONSORED BY MAYOR MYERS BY REQUEST
4. RESOLUTION RE: CENTRAL AVE. AND WDH ACCESS MANAGEMENT PLAN  
SPONSORED BY MAYOR MYERS BY REQUEST
5. RESOLUTION RE: FIREWORKS DISPLAY 4<sup>TH</sup> OF JULY  
SPONSORED BY MAYOR MYERS BY REQUEST
6. RESOLUTION RE: RECREATION BUS TRANSPORTATION SERVICE  
SPONSORED BY MAYOR MYERS BY REQUEST
7. RESOLUTION RE: TRAFFIC CONTROL FLAGGING  
SPONSORED BY MAYOR MYERS BY REQUEST



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8. RESOLUTION RE: MOWING/MAINTENANCE OF ATHLETIC FIELDS IN DOVER  
 SPONSORED BY MAYOR MYERS BY REQUEST

9. RESOLUTION RE: HENRY LAW AVENUE PHASE II ENGINEERING SERVICES  
 SPONSORED BY MAYOR MYERS BY REQUEST

### COMMITTEE REPORTS

- |  |  |
|--|--|
| 1. Appointments Committee                  | 8. City / School Joint Service Committee |
| 2. Arena Committee                         | 9. Solid Waste Advisory Committee        |
| 3. Arts Commission                         | 10. Transportation Advisory Committee    |
| 4. McConnell Center Committee              | 11. Joint Building Committee             |
| 5. Planning Board – Councilor D. Trefethen | 12. Recreation Advisory Board            |
| 6. Cable Franchise Negotiations Committee  | 13. COAST Bus                            |
| 7. School Board Liaison                    |  |

Councilor McCusker made a motion to adopt Consent Calendar; seconded by Councilor Dede.

Mayor Myers asked if any of the Councilors had any items they would like to pull from the Consent Calendar.

Councilor Cheney said 12.A.4 and 12.A.6.

Councilor Callaghan said 12.A.9.

Councilor Weston asked to add North End Fire Station.

Mayor Myers asked if it was part of the agenda tonight.

Councilor Weston said she just wanted to give a report on it.

Mayor Myers said he wanted to pull the Appointments Committee because they met earlier tonight.

Mayor Myers asked for a roll call vote on the remaining items of the Consent Calendar.

Roll Call Vote: 8/0.

Councilor McCusker made a motion to substitute 12.A.4. as a whole; seconded by Councilor Callaghan.

Councilor Cheney wanted to know what was in the substitution that is not in the original.

Mayor Myers said there was a typo in the dollar amount.

Councilor Cheney said she is concerned about the background material, which states that the City of Dover recently approved provisions to the site plan for Wentworth-Douglass, including new facilities and parking provisions. The Council is looking at an application for a medical office facility across the street. If they go ahead and do this emergency access corridor, are they going to contribute to overruns? Are there any impact fees that they are paying? This is a major thing that is happening and it sounds like a workshop is in order to find out what is going on at the hospital as far as the impact of traffic. It is not in the CIP, and if the City is going to have to change the whole road structure up there, she wonders if the hospital is going to cover all of those costs.



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City Manager Joyal asked Chris Parker of the Planning Department to speak. Mr. Parker apologized to the Council for any misconceptions. This is not to do any actual adjustments to Central Avenue. This is to study any need for adjustments. He told the hospital that the City needed to do a study, and that we need some help in doing that study. The hospital said it would contribute \$40,000 to the study. This will help us plan for any changes we might need down the road.

Councilor Cheney asked if the Planning Board could have authorized spending this money right now.

City Manager Joyal said the Planning Board could authorize the treasurer to write a check.

Councilor Cheney asked if the City was negotiating with them for future dollars. Mr. Parker said if the study came back recommending any long range change in the corridor, the City would put it in the CIP process.

Councilor Scott noted that by proceeding with this study, we may find we need to widen the road or something, and it may cost \$4 or \$5 million. He asked if that would lead to discussions that the hospital would contribute to a portion of that.

Mr. Parker said the City historically has sought contributions from the developers. Councilor Callaghan asked if agreeing to take their money to get this survey done obligates us to anything.

Mr. Parker said we first need to study it thoroughly.

Councilor Callaghan asked if the hospital could do anything to the City.

Mr. Parker said that was the condition of approval, that they give us the money to do the study.

Roll Call Vote: 8/0

Councilor McCusker moved to adopt 12.A.6.; seconded by Councilor Cheney. Councilor Cheney asked for some clarification; was part of this from last year's budget?

City Manager Joyal said the City is still providing camps and programs.

Roll Call Vote: 8/0

Councilor McCusker moved to adopt 12.A.9.; seconded by Councilor Trefethen. Councilor Callaghan asked where the money was coming from.

City Manager Joyal said it was from two accounts; a Capital Project Account for the Henry Law Avenue Reconstruction and a Capital Project Account for Sewer Main work.

Councilor Callaghan asked if this was money the Council had just approved. Is it debt-financed money?

City Manager Joyal said the Henry Law Avenue Reconstruction money was from 2005, and the Sewer Main for Henry Law Avenue was part of the 2008 authorization.

Roll Call Vote: 8/0.

Mayor Myers invited Councilor Weston to talk about the North End Fire Station.



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Councilor Weston said she wanted to add one more thing to Sam Allen's comments regarding the progress of the North End Fire Station. She invited anyone who wanted to see what it is going to look like to go up there and see the pictures in front of the trailer, and it is the one on the right.

Councilor Callaghan made a motion to accept the report; seconded by Councilor Cheney.

Vote: 8/0.

Mayor Myers spoke about the Appointments Committee Report. They met earlier in the evening and have several appointments to put forth before the Council for their consideration. Otis Perry is currently an alternate on the DUC; there is a vacancy and the Committee is recommending that he take the full seat on the DUC. There also was a resignation for a Planning Board seat on the McConnell Advisory Center. The Planning Board has put forth Linda Merullo to fill that seat, and the Appointments Committee supports that. He had two names from Citizens to go towards the new Cable Committee: Sarah Fuller and Parks Christenbury. Councilor Dede has agreed to be a Council representative to that committee. The School Board has given him the name of Audra Lurvey. The Appointments Committee recommended reappointments for committees. Ethics Committee: Vicki Blanchette, Lauren Jacoby and Herman Stolzenburg. Board of Health: Thomas McShera, Eugene Soares and Theresa Warren. Library Trustees: Carol Boc. Cemetery Commission: Roland Hofemann and Belinda Labourdette. Planning Board: John Swartzendruber. Conservation Commission: Bill McCann. Open Lands Committee: Geoffrey Njue. McConnell Center Advisory Board: Marvin Brown.

Councilor Callaghan just wanted to make a comment that no applicants were turned down.

Councilor Dede made a motion to accept appointments; seconded by Councilor Weston.

Vote: 8/0.

### B. RESOLUTIONS

#### **1. RESOLUTION RE: RELEASE OF MARCH 18, 2008 CITY ATTORNEY RESPONSE TO QUESTIONS REGARDING APPOINTMENTS**

SPONSORED BY COUNCILOR CALLAGHAN

Councilor Callaghan moved to adopt; seconded by Councilor Cheney. Councilor Callaghan said he has received a lot of public input regarding appointments and how we do business. He was unable to find concrete information as to the process involved for membership to several committees. He wanted to put together a workshop to discuss and plan for an adoption of a policy or ordinance that regulates how the Appointments Committee works.

Councilor Trefethen said he would support this resolution, even though he is reluctant to do so because of possible suits.

Councilor Cheney said she would support this.



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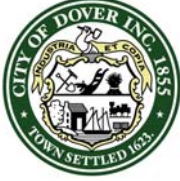
Councilor Scott said he would support it.  
Roll Call Vote: 8/0.

**2. RESOLUTION RE: ACCEPTANCE OF LUCY LANE AND LUCY COURT AS CITY STREETS  
(TO BE REFERRED TO PUBLIC HEARING ON 5/14)**  
SPONSORED BY MAYOR MYERS BY REQUEST

Councilor McCusker moved to have a Public Hearing on May 14, 2008;  
seconded by Councilor Trefethen.  
Vote 8/0.

**3. SUPPLEMENTAL RESOLUTION RE: REQUESTING SENATOR ESTABROOK'S  
SUPPORT TO HB1645.**  
SPONSORED BY COUNCILOR DEDE

Councilor Dede moved to adopt; seconded by Councilor McCusker.  
Councilor Dede said the Bill passed by an overwhelming majority in the House. He included in the material a summary of who voted for and against. It is part of the Letter to the Editor, which is going to be in Foster's, so you'll see what our local delegation has done. We have a few people who don't understand or are on the wrong side. He said that HB1645 is a Bill that is a good first step in fixing many things with the New Hampshire Retirement System. One of the features of it is that it prevents individuals from retiring and earning more money in retirement than they were earning in their last full year of employment with their municipality. There are many other provisions of this Bill, and he strongly urges the Council to go to the website and look at the Bill and see the things that it offers. Councilors Callaghan, Cheney, Mayor Myers and himself attended the Local Government Center. He said that this is a Bill that needs to pass in the Senate. Senator Estabrook and Senator Clark need to get behind this Bill. There is pressure from the Unions to maintain the status quo and it really desperately needs to be fixed. He included in the background information the financial impact that it will have specifically on the City of Dover 2009 budget. If this Bill passes, our additional fee that we'll pay into the New Hampshire Retirement System will be \$240,625. If it doesn't pass, we'll be looking at \$1,080,144 on based the budgeted numbers we're looking at in the proposed budget. If this Resolution passes it will be sent to Senator Estabrook. Councilor Callaghan said he is actually opposed to this. Councilor Cheney said she would support this. It is not perfect, but this really needs to be done. It will save millions of dollars. It does need the support of everyone, because it didn't pass unanimously in the House. Councilor Scott this is a big step in the right direction. He wanted to thank Councilor Dede for taking this as his project. He said he would support this. Mayor Myers said he thinks this is huge for the Council. He agreed with Councilor Dede that it is not perfect, but a good first step. It doesn't radically change for people already in the system. There are 24 Senators who are going



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to be pressured by the Unions not to pass this Bill. He encouraged residents to contact Senator Estabrook. He thanked Councilor Dede.  
Roll Call Vote: 7/1 Passed. Councilor Callaghan opposed.

#### **4. SUPPLEMENTAL RESOLUTION RE: REQUESTING SENATOR ESTABROOK TO VOTE AGAINST HB1436.**

SPONSORED BY COUNCILOR DEDE

Councilor Dede moved to adopt; seconded by Councilor Weston.  
Councilor Dede noted that this provides that if and when the Union/City contract negotiations hits an impasse the employees higher level of benefits will be maintained. However, their raises would be contingent. At present wages and benefits may be frozen until a new contract is agreed upon. If this Bill passes in the Senate there would be no reason for Unions to continue to negotiate. We hear Unions complain that the current situation is unfair, the recent list of wages and benefits paid out to our Dover City employees are far more generous than the private sector. HB1436 will next come to the Senate where it needs to be defeated, because the House did pass it. The municipal employees union will be working hard for the passage of HB1436. We elected Senator Estabrook to look out for us and we must communicate the importance of defeating HB1436 when it comes to the Senate for a vote. He thanked Representatives Brown and Fargo for voting against this. However, the other representatives in our area either voted for it or chose to not vote. The Council needs to send a message to Senator Estabrook that this Bill needs to be defeated in the Senate.  
Councilor Scott asked which representatives voted for this.  
Councilor Dede said Representatives Schmidt, Hofemann, Knowles and Hutz. This will be in Foster's Letter to the Editor.  
Mayor Myers said he agreed with Councilor Dede.  
Roll Call Vote: 8/0.

**C. ORDINANCES IN 1<sup>ST</sup> READING-NONE**

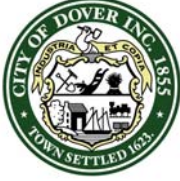
**D. COUNCIL CORRESPONDENCE**

### **12. COUNCIL MATTERS OF INTEREST**

Mayor Myers spoke of the next City Council Budget Workshop, where the two items will be the School Board presentation of their portion of the budget, and the General Government portion. The meeting will start at 7:00 pm.

Councilor Callaghan read a prepared statement into the record.

Mayor Myers spoke of accepting two streets; Lucy Lane and Lucy Court. He wondered about the confusion that might arise with emergency responses.



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Councilor Callaghan agreed with this and said he was going to be looking for the E911 group to approve those names.

### 13. ADJOURN

Councilor Dede made a motion to adjourn; seconded by Councilor Weston.