



CITY OF DOVER

CITY COUNCIL - MINUTES

DRAFT

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, December 10, 2008**
Meeting Time: **7:00pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Cheney led the Pledge of Allegiance.

3. ROLL CALL

Present: Mayor Myers, Deputy Mayor Trefethen, Councilors Callaghan, Carrier, Cheney, McCusker, Scott and Weston.

Also Present: City Manager Joyal, City Attorney Krans and City Clerk Lavertu.

Absent: Councilor DeDe

4. PROCLAMATIONS – AWARDS

5. APPROVAL OF AGENDA

Deputy Mayor Trefethen asked to substitute as a whole 12.A.16. with a new revised Resolution. Deputy Mayor Trefethen made a motion to accept the Agenda with the one substitution; seconded by Councilor Callaghan.

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.

David Montegrano, 55 Union Street: He spoke about the abuse of power by the Dover Police Department. He said the Dover Police Department has violated civil rights and in some cases physically injured people. He said law enforcement officers are answerable to the same laws as citizens. He spoke of his personal experience with abusive parents and the sense of betrayal from that. He said the people of Dover are being injured by the very people who swore an oath to serve and protect them. He said he had his wrist sprained by Officer Martinelli in February of 2008. He showed the Council the x-ray and photographs of his wrist. He said he didn't speak out against his parents, but today as an adult he was not going to repeat that mistake again. He was declaring this crime to the world for each and every person who has had their civil rights violated by the Dover Police Department. He said he has personally dedicated himself as the person who is seeing that this abuse comes to an end.

Commander Randall Heller, Retired from US Navy, 170 Tolend Road: He spoke on the traffic pattern on Tolend Road. He was concerned with speeding traffic, passing, and trash dumping on the road and that the issues needed to be addressed. He asked that a double yellow line for no passing extend the whole length of Tolend Road, and a "Fine for Dumping" sign be put up on the road.



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H. Jerry Lynch, 26B Lincoln Street: He said he didn't want people to think there was something wrong with the Dover Police Department. He said in the past things did happen, but the City has a new Police Chief and he is doing a good job. He said it just wasn't right to paint the whole department as bad. He also wanted the Council to remember, when working on the CIP, not to overtax the citizens.

Ed Bleiler, 28 Isaac Lucas Circle: He read a statement into the record concerning the disastrous economy and the effect to people on a fixed income. He said this would be the year for the Council not to spend any money. He said the Council will be making a mistake if it goes over the amount of debt that is being retired. He said the enormous spending habits that have been prevalent have to be reduced. He said there was nothing on the CIP that had to be done in the next fiscal year. He said if the Council is bound and determined to spend the citizen's money, he suggested that the Council approve Items 3, 4, 8, 16, 17, and 20; totaling \$2,150,000. He said adding the new fire truck would change the total to \$3,100,000. He said resurfacing Tolend Road instead of reconstructing would only add another \$100,000. He said \$500,000 could be added for the water pressure improvements for the North End. He said this wish list is \$3.7 million, which was lower than the amount being retired. He appealed to the Council to give the citizens of Dover a break.

Glenn Grasso, 1 Pebble Hill Drive: He wanted to extend his, his wife's, and his whole neighborhood great appreciation to the Police Department for their professionalism and direct action over the last 36 hours. He read excerpts from his hometown newspaper, Stonington, Connecticut, dated November 22, 2008, regarding petitions to the Council. He gave three reasons why the articles were important: 1. There were gadflies like E.J. Bleiler in every community. 2. The municipality showed leadership from the top in combating the misinformation campaign that the anonymous petitions put out there. 3. The municipality demonstrated leadership by standing up to people who came late to the dance. He said this sort of thing does happen in every community. He appealed to the City Manager and the Council for leadership when it is appropriate.

Gary Green, 18 Footbridge Lane: He said he recognized the rights of the citizens. He wanted to share his thoughts regarding police departments throughout New England, state and local. He is a volunteer for the Dover Police Department, and he is very pleased and admirable of the officers. He said Dover Police was one of the few departments accredited in the State. He said he is often tired of the negatively spoken on his side of the podium, but felt it was raised to a new level this evening.

Mayor Myers, seeing no one else wishing to speak, closed the Citizen's Forum.

7. PUBLIC HEARINGS

A. ORDINANCE: CHAPTER 137, POLITICAL EXPENDITURES AND CONTRIBUTIONS



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SPONSORED BY MAYOR MYERS BY REQUEST

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

8. CITY MANAGER'S REPORT

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

Vote: 8/0.

9. MINUTES

- A. NOVEMBER 5, 2008
- B. NOVEMBER 12, 2008
- C. NOVEMBER 19, 2008

Deputy Mayor Trefethen made a motion to accept the Minutes; seconded by Councilor Weston.

Councilor McCusker made a motion to approve the Minutes; seconded by Councilor Carrier.

Vote: 8/0.

10. MAYOR'S REPORT

Mayor Myers said he attended Mayors Alliance meetings. He put forth a position statement on the 125% spiking provision, to urge the legislature to have some quick action on it. He said the Economic Development Board has received 30 applicants for the Economic Development Director position. He said he would like to recommend Chris Sterndale be appointed to the Coast Committee. He said he did a few Chamber of Commerce ribbon cuttings, along with the North End Liberty Fire Station. He attended a ceremony at the Naval Yard for the change of command on the USS Oklahoma City. He thanked the Elks for putting on the Holiday Parade. He said FastTrans started on December 1, 2008, and rides were free for the month of December. He attended the Dover Sports Hall of Fame dinner, where four new members were inducted. He went to the lighting of the Dover Christmas tree. He spoke of the possible layoffs at the AT&T Call Center, and urged the Council to support keeping those jobs in the City.

Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Councilor Carrier.

Vote: 8/0.

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 3RD READING

- 1. **ORDINANCE: CHAPTER 137, POLITICAL EXPENDITURES AND CONTRIBUTIONS (TO BE REMOVED FROM TABLE)**
SPONSORED BY MAYOR MYERS BY REQUEST



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Deputy Mayor Trefethen made a motion to remove from the table and for its approval; seconded by Councilor McCusker.

Mayor Myers asked City Attorney Krans to give the Council a brief overview of the changes. City Attorney Krans said the Ordinance was a fairly succinct one. He said the bulk of the changes were deletions to aspects that had extensive provisions regarding how much people could contribute. He said the old Ordinance required the candidates to file a document detailing revenue raised and monies expended on the Monday before the election, and the new Ordinance requires it 10 days before the election and then updated a week after the election. He said if a candidate wins and doesn't do this they would not qualify to be sworn in. He referred to Councilor Scott's question to him about deleting the investigation section by the City Attorney. He said with this new provision there isn't much to enforce.

Councilor Cheney referred to the definition of Election, on Page 3 of 9, and felt it was too narrow. She suggested a more accurate definition to be: Election shall mean any process where eligible voters vote to select any candidate into any position in the City of Dover. She referred to Page 4 of 9, and she said it doesn't put a cap on political contributions from other parties.

Councilor Weston asked the City Attorney why he changed the reporting to 10 days before the election, because there are usually contributions still coming in at that point.

City Attorney Krans said it was currently reported the Monday before the election. He said the information wouldn't be available to the voter before they went to vote. He said by moving it to 10 days before the election there was the opportunity for the voters to understand how much money has been raised, who was contributing, and what was being spent. He said the second statement would give the final numbers.

Councilor Weston said she would like to have a Workshop. She said this past year there were a lot of undisclosed contributions, and she didn't understand that. She questioned a candidate being able to accept undisclosed contributions.

City Attorney Krans said it was a very common scenario, and he said he tells the candidates to donate undisclosed contributions to charity.

Mayor Myers asked if the definition of Election included everyone that would run for election. City Attorney Krans said it did.

Councilor Cheney made a motion to change the definition of Election to be: Shall meet any process where eligible voters vote to select any candidate into any position in the City of Dover.

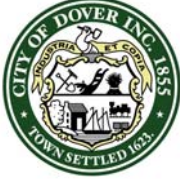
Mayor Myers asked Councilor Cheney is she was intending to table the Ordinance to have a workshop, and asked her to make a motion to table the Ordinance.

Councilor Cheney made a motion to table the Ordinance; seconded by Councilor Callaghan. Vote: 5/3; Passed. Mayor Myers, Councilors Carrier and McCusker were opposed.

12. NEW BUSINESS

A. CONSENT CALENDAR

1. TAG – DHS GIRLS BASKETBALL BOOSTERS



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2. **RAFFLE – DHS GIRLS BASKETBALL BOOSTERS**
3. **RAFFLE – DOVER TEACHERS UNION**
4. **RAFFLE – GREAT BAY FIGURE SKATING CLUB**
5. **RAFFLE – GREAT BAY FIGURE SKATING CLUB**
6. **RAFFLE – SAINT MARY ACADEMY**
7. **RAFFLE – SOMERSWORTH POLICE**
8. **RAFFLE – MARGERY SULLIVAN CHAPTER, DAUGHTERS OF THE AMERICAN REVOLUTION**
9. **RESOLUTION: RECYCLING CENTER AGREEMENT WITH TOWN OF MADBURY
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

10. **RESOLUTION: CONTINUATION OF AGREEMENT FOR WORK
BOOKS/FOOTWEAR. SOLE VENDOR REDS SHOE BARN
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

11. **RESOLUTION: CHANGE AWARD OF BID #B09024 FOR SNOW PLOWING/
HAULING SERVICES FOR CITY STREET/PARKING LOTS
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

12. **RESOLUTION: B09028 AWARD OF STREET SWEEPER
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

13. **RESOLUTION: HENRY LAW AVENUE RECONSTRUCTION PROJECT CHANGE
ORDER #3 TO PO 30-210883
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

14. **RESOLUTION: SHORELINE STABILIZATION @ MAGLARAS PARK
ENGINEERING OVERSIGHT BY GeoINSIGHT INC.
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

15. **RESOLUTION: B09034 COCHECO RIVERBANK RESTORATION PROJECT
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

16. **RESOLUTION: ACCEPTANCE OF DAY CONSERVATION EASEMENT
SPONSORED BY MAYOR SCOTT 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 |



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7. School Board Liaison

Deputy Mayor Trefethen moved to accept the Consent Calendar; seconded by Councilor McCusker.

Mayor Myers asked the Councilors if they had any items they would like removed for further discussion. He asked to pull 12.A.10 and 12.A.12.

Councilor Cheney asked to pull 12.A.11.

Councilor Callaghan asked to pull 12.A.1.

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

Roll Call Vote: 8/0.

Deputy Mayor Trefethen moved for the approval of 12.A.1.; seconded by Councilor Callaghan.

Councilor Callaghan said he didn't have a problem with this permit. He spoke about a gentleman who sells Christmas trees and donates all the money to charity, and the problem with zoning. He asked if this type of permit would allow him to continue selling the trees.

City Manager Joyal said it was a land use issue, and that area is zoned residential and no one can operate a retail type establishment. This permitting process will not help in this situation.

Mayor Myers asked for a vote to accept 12.A.1.

Vote: 8/0.

Deputy Mayor Trefethen moved for the approval of 12.A.10.; seconded by Councilor McCusker.

Mayor Myers recused himself from this vote, because he has family members who work for Reds Shoe Barn.

Deputy Mayor Trefethen asked anyone if they had any questions. He asked for a roll call vote for the Resolution.

Roll Call Vote: 7/0. Mayor Myers recused.

Deputy Mayor Trefethen moved for the approval of 12.A.11.; seconded by Councilor Cheney. Councilor Cheney said she pulled this because the vendor missed the cutoff for the bid, and it would set a precedent if the Council accepted it.

City Manager Joyal said they didn't have as many vendors as he would like for snow removal.

Councilor Callaghan asked if there were any vendors turned away during this bid process.

City Manager Joyal asked Doug Steele, Community Services Director, to speak to this issue.

Mr. Steele said he didn't turn anyone away this year. He said this particular vendor has worked for the City for the past 10 years and on this particular route for the last two years.

Deputy Mayor Trefethen asked if this Resolution was just an amended list of vendors, and the bid was the same.

City Manager Joyal said that was correct.

Deputy Mayor Trefethen said if this Resolution was an actual awarding of a bid, then he would have had a problem with it. He said he didn't have a problem with this Resolution.

Councilor Weston said she had a problem of the legality of allowing the vendor back on the list, and wasn't sure of the correct way to handle this.

City Manager Joyal said the end result would be the same, and it is getting close to the time where this vendor will be needed. He said the City had no one scheduled for the route the



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vendor would cover, and this Resolution was cutting through the red tape. He said it could raise a precedence issue, but not a legal issue.

Councilor Callaghan said there should be a resolution presented to the Council to hire the vendor based on the pricing schedule.

Councilor McCusker said the Council can make the exception. The Council can weigh each situation and make a decision each time. He said he would support this Resolution.

City Manager Joyal said this bid authorization was different. He said eight vendors responded and accepted during the bidding process, but one vendor had to back out for insurance reasons. He said the City needed more vendors for snow removal.

Roll Call Vote: 8/0.

Deputy Mayor Trefethen moved for the approval of 12.A.12.; seconded by Councilor Weston. Mayor Myers asked the City Manager if the bid required a trade-in allowance for street-sweepers.

City Manager Joyal said the bid did ask for a trade-in allowance, but he felt that it wasn't a deterrent.

Roll Call Vote: 8/0.

Deputy Mayor Trefethen asked for the inclusion of the Planning Board Report to be accepted for the Consent Calendar. He said the Planning Board met on December 9, 2008 and voted unanimously to accept the CIP plan. He spoke about future issues and changes the Planning Board was working on, and said they would be coming before the Council in the spring. Councilor McCusker made a motion to accept the Planning Board Report; seconded by Councilor Carrier.

Vote: 8/0.

B. RESOLUTIONS

1. ACCEPTANCE OF OAK STREET ARMORY PROPERTY SPONSORED BY MAYOR SCOTT MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Weston. City Manager Joyal gave background information on the Oak Street Armory. He said the building would be used for storage.

Roll Call Vote: 8/0.

2. LEASE AGREEMENT WITH THE STATE OF NEW HAMPSHIRE – STORAGE BUILDING ON OAK STREET SPONSORED BY MAYOR SCOTT MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Weston. Mayor Myers said this was just allowing the National Guard to use the storage facility until 2013.



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Roll Call Vote: 8/0.

**3. ESTABLISHMENT OF RECREATION FACILITIES CAPITAL RESERVE FUND
(TO BE REFERRED TO PUBLIC HEARING ON JANUARY 14, 2009)
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

Deputy Mayor Trefethen moved to refer to a public hearing on January 14, 2009;
seconded by Councilor Cheney.
Vote: 8/0.

**4. ESTABLISHMENT OF FIRE & RESCUE FACILITIES CAPITAL RESERVE FUND
(TO BE REFERRED TO PUBLIC HEARING ON JANUARY 14, 2009)
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

Deputy Mayor Trefethen moved to refer to a public hearing on January 14, 2009;
seconded by Councilor Callaghan.
Vote: 8/0.

**5. ESTABLISHMENT OF POLICE FACILITIES CAPITAL RESERVE FUND
(TO BE REFERRED TO PUBLIC HEARING ON JANUARY 14, 2009)
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

Deputy Mayor Trefethen moved to refer to a public hearing on January 14, 2009;
seconded by Councilor Scott.
Vote: 8/0.

C. ORDINANCES IN 1ST READING

**1. CHAPTER 3, ARTICLE IV, BOARDS AND COMMISSIONS
(TO BE REFERRED TO PUBLIC HEARING ON JANUARY 14, 2009)
SPONSORED BY MAYOR SCOTT MYERS**

Deputy Mayor Trefethen moved to refer to a public hearing on January 14, 2009;
seconded by Councilor Cheney.
Vote: 8/0.

**2. CHAPTER 79, CITY PROPERTY
(TO BE REFERRED TO PUBLIC HEARING ON JANUARY 14, 2009)
SPONSORED BY COUNCILOR DOUG DEDE**

Deputy Mayor Trefethen moved to refer to a public hearing on January 14, 2009;
seconded by Councilor Weston.
Vote: 8/0.



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D. COUNCIL CORRESPONDENCE

1. PETITION TO LEAVE LOWER SIXTH STREET OPEN TO LOCAL TRUCKS UP TO CLASS 8

Deputy Mayor Trefethen moved to accept the Correspondence; seconded by Councilor McCusker.

Councilor Cheney asked if this petition was anonymous.

Mayor Myers asked City Clerk Lavertu who gave her the petition.

City Clerk Lavertu said it was given to her by a Councilor.

Vote: 8/0.

13. COUNCIL MATTERS OF INTEREST

Councilor Callaghan said the petition was signed by businesses with no street addresses, and not by people who live along the route.

Councilor Weston spoke on the recertification of Horne Street School.

Councilor Cheney spoke on the Holiday parade, and said it was great to see everyone come out.

Deputy Mayor Trefethen spoke on the request for a workshop on the Ordinance for Political Expenditures.

Further discussion ensued on the procedures for asking for a workshop.

14. ADJOURN

Deputy Mayor Trefethen moved to adjourn; seconded by Councilor Callaghan.