



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, March 25, 2009**
Meeting Time: **7:00pm**

Audio recording was started during Citizen's Forum.

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Councilor Weston.

3. ROLL CALL

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

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

4. PROCLAMATIONS – None

5. APPROVAL OF AGENDA

Councilor Scott made a motion to move Item 12.B.1. to after the Mayor's Report; seconded by Councilor Cheney.

Vote: 8/1; Passed. Mayor Myers was opposed.

Mayor Myers said he would like to add the Appointments Committee Report.

Councilor Weston made a motion to add the Appointments Committee Report; seconded by Councilor Carrier.

Vote: 9/0.

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.

Ronald Huml, 199 Mast Road: He spoke on the employment contract for Dean Peschel as Assistant Director of Community Services. He questioned the amount of money for the contract, and compared the position's salary with other towns in the area. He asked for clarification of Paragraph 4B of the contract referring to the anniversary date. He said if it remained the same then Mr. Peschel would immediately be up for a raise because of his anniversary date.

William Garrison, III, 4 West Concord Street: He referred to the Foster's Daily Democrat editorial and said it made good sense.

Edward Bleiler, 3 Isaac Lucas Circle: He read a written statement to the Council.

Donald Medbery, 3 Covered Bridge Lane: He discussed the madness of the City Manager and the Mayor in promoting Dean Peschel to Assistant Director of Community Services. He



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said Doug Steele demanded a very high pay increase when he took over as Director of Community Services. He said if Mr. Steele isn't capable of doing the job, the City should be putting the position of Community Services Director up for grabs. He spoke of Mr. Peschel's involvement with New England Waste Systems to take over the Tolend Superfund Site Landfill. He said Mr. Peschel worked for New England Waste Systems, and asked if he was on both payrolls. He said it seemed like a conspiracy. He said there was no due diligence by Mr. Peschel concerning lawsuits and violations. He referred to the Foster's Daily Democrat article on March 1, 2006, where it announced the reopening of the Tolend Landfill, which resulted in the immediate reduction of the value for the homes in this section of the City. He said it launched a public outcry from the citizens, resulting in over 5,000 signatures petitioning the Council against this action of reopening the superfund site. He said Mr. Peschel's job was to preserve the environment and punish violators, in which he did a very poor job. He said during this time several violations occurred in the Mast Road area. He said the City received several letters from Thomas Fargo, Strafford County Conservation Officer, which were ignored. He said on March 17, 2005 that Mr. Peschel did contract with New England Waste Systems without authority. He said this silly idea was rewarding bad behavior and should be kicked down the street like a tin can.

Matthew Greenwood, 38 Maple Street: He said he had two things he wished to talk about: First, he said the sidewalk plowing around the hospital was horrible. Second, he said the crosswalks were faded and asked if the City will be doing anything about them.

John Scruton, 99 Sixth Street: He spoke of Johnson Controls and the energy audit that was completed. He said the City Hall has had a lot of energy savings already, with new windows and heating system, and asked if there were any numbers around of what was accomplished. He said weatherization and relamping are good ideas. He said he didn't hear anything about getting away from fossil fuels, and stated his belief that the City should do so. He said the City should not lock in with one company. He said Johnson Controls may be the best company for doing this, but the City should also keep asking questions as they go along with this contract. He said \$2 million was a lot of money.

Aviva Grasso, 1 Pebble Hill Drive: She said she just had some general comments. She thanked the Council for meeting week after week, hour after hour, because she can barely stand to watch on television. She said she appreciated all the work they do, reading all the materials, and coming to these meeting well prepared. She said she wouldn't want to have to make the decisions the Councilors have to make. She thanked the Mayor for his Coffee with the Mayor sessions. She also thanked the Council and referred to the Foster's Daily Democrat article that said the City would be helping citizens remove fallen trees. She said one of the things that might be nice for her is for the Council to say things once, instead of over and over again. She said the Council meeting would be over quicker if the Councilors realized that their colleagues know where they stand on things and not repeat them over and over. She also encouraged the Councilors to listen to each other as carefully as they listen to their constituents. She said she had only one other comment, and that was about the Johnson Controls energy efficiency contract. She said it was an important investment in the City and the City needs to be



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more energy efficient. She said the City needed to ask questions, but the City also needed to do something. If questions are asked forever, it will get more expensive.

Harvey J. Lynch, 26B Lincoln Street: He said he wasn't going to speak, but from what he understood the City was going to pay someone \$60,000 or more a year to monitor the energy savings plan. He said he was interested in knowing if the City was going to save that much per year. He said he also wanted to know why the Car registration fees are mailed to a post office box in Boston, Massachusetts. He didn't understand why the Tax Collections Department didn't take care of that, and wondered if the City was contracting this service.

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

7. PUBLIC HEARINGS

A. ORDINANCE: CHAPTER 166, VEHICLES AND TRAFFIC, YOUNG STREET NO PARKING SPONSORED BY COUNCILOR WESTON

Henry Jones, 14 Young Street: He said he had several interviews with Officer Spiedel about putting up No Parking signs. He told the Council if they have ever been down Young Street, it was no day at the beach. He said all the sidewalks are torn up because of all the heavy duty trucks that go down the street, which are impossible to get around. He said the Public Works Department said they couldn't plow the street with a full-size truck, but have to send a smaller truck. He said the sidewalks are all torn up, and pushed into his driveway, and he has gone through several shear pins with his snow blower.

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

B. ORDINANCE: CHAPTER 166, VEHICLES AND TRAFFIC, DURHAM ROAD NO PARKING SPONSORED BY COUNCILOR WESTON

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

8. CITY MANAGER'S REPORT

City Manager Joyal said he first wanted to speak to a few areas that will interest the public. The first had to do with the city-wide cleanup of debris, trees and branches, which were caused by the ice storm. He asked the citizens to stack them neatly on the side of the road, not blocking the sidewalks. He said a crew will be canvassing the City starting April 13th picking it up. The second item was that the City has started street sweeping, focusing on areas that have crosswalks that need painting for the spring. He told residents to feel free to sweep the sand from their sidewalks into the side of the road to be picked up, enabling the reduction of a second sweeper to do the sidewalks. The last item he spoke about referred to the stimulus funding. He



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said the State published a list of priority projects, and Dover has a few projects that have made the list. He said if other communities don't act quickly enough, then possibly more money may be available to Dover. He spoke of possibly receiving \$1 million for the River Street Pump and Wastewater Treatment Plant improvements. He said the City was waiting for additional information from the State on how the funds will be distributed, if it will be worth accepting the money, and if it will be beneficial to the City. He referred to the questions during Citizen's Forum. He said the City wouldn't be spending \$60,000 for someone to monitor the energy efficiency contract. He said the Motor Vehicle Registrations envelope has a post office box in Boston because they are mailed to the Citizens Bank's processing center to be immediately deposited into the City's account. He said the registration renewal work is couriered to the City Clerk/Tax Collections Department to be completed and mailed to the residents.

Mayor Myers asked about the sidewalk painting.

City Manager Joyal said it will probably start around the end of April.

Councilor Callaghan asked about the City Attorney's orientation presentation to the Dover Utilities Commission, and asked what it was about.

City Attorney Krans said the Dover Utilities Commission has had four new members since last fall, and the City Manager instructed him to have an orientation meeting with the commission to go over the rules of being a committee member. He said it was similar to the City Council's orientation.

Councilor Callaghan asked if the rules of the chairperson were discussed.

City Attorney Krans said he would have to check his notes.

Councilor Callaghan said he had another question about selling land, and asked if the City was in the position of selling land.

City Attorney Krans said that referred to the Waterfront Development project.

Deputy Mayor Trefethen made a motion to accept the City Manager's Report; seconded by Councilor DeDe.

Vote: 9/0.

9. MINUTES

A. March 4, 2009

B. March 11, 2009

Deputy Mayor Trefethen made a motion to approve the Minutes; seconded by Councilor McCusker.

Vote: 9/0.

10. MAYOR'S REPORT

Mayor Myers went over the tentative schedule for the budget season, which will start April 8th and continue every Wednesday through June 10th.

- April 8th – City Manager will present his budget to the Council.
- April 15th – School and General Government portion of the budget.
- April 22nd – Regular Meeting with a Public Hearing for the School Department's portion of the budget.



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- April 29th – Presentations from Police and Fire Departments.
- May 6th – Presentation from Community Services.
- May 13th – Regular Meeting with a Public Hearing for the City's portion of the budget.
- May 20th – Workshop for general budget discussions.
- May 27th – Regular Meeting.
- June 3rd – Workshop for general budget discussion, followed by a Special Meeting for adopting the budget.
- June 10th – Regular Meeting that can be used as a fallback date if additional time is needed before adopting the budget.

He said the Council can schedule additional dates to work on the budget if the Council desires to do so. He also wanted to include in his Mayor's Report his recommendations to renew four memberships to the Cochecho Waterfront Development Advisory Committee. He referred to his meeting with the Municipal Advisory Committee, where there was an informal update on the stimulus program. He said the City Manager and department heads were on top of every opportunity. He said he and other Mayors across the State will be meeting with the Governor on Monday, March 30th. He said he attended a "grand opening" church service at the Harvest Church. He referred to raising the Greek Flag that morning in recognition of Greece Independence Day. He said approving his Mayor's Report would include his recommendations to the Cochecho Waterfront Development Advisory Committee.

Councilor Callaghan asked how the Mayor will communicate with Councilors and members of boards and commissions who no longer have a city email address.

Mayor Myers said it was his intention to continue to use the City server, and he will not respond to non-City emails from elected City officials or members of boards and commissions.

Councilor Callaghan asked how the Mayor would disseminate information to non-City server elected officials or members of boards and commissions.

Mayor Myers said an email will automatically be archived from the City server if it goes to a quorum, which is available to the general public.

Councilor Callaghan asked if it was the Mayor's expectation that these individuals contact the City Manager on a regular basis to find out if there has been an email sent out that they didn't receive.

Mayor Myers said that was how he was going to do it.

Councilor Callaghan said there was not going to be any specific effort made to ensure these people get the information.

Mayor Myers said he was only doing City business on the City server.

Councilor Cheney said Councilor Scott has not been able to use the City server. She said Councilor Keays would not use the City server, and it was printed out for him and put in his mailbox. She referred to a resolution she wrote a few years ago saying that all emails that have been archived are to be kept in the City Clerk/Tax Collections Office.

Mayor Myers suggested to those not on the City server to contact the City Manager to find out the best procedure to get those emails.

Deputy Mayor Trefethen made a motion to accept the Mayor's Report; seconded by Councilor DeDe.

Vote: 7/2; Passed. Councilors Callaghan and Scott were opposed.



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12.B.1. RESOLUTION: AMENDMENT TO COUNCIL RULES – RULE 2C SPONSORED BY COUNCILOR CHENEY

Councilor Cheney moved for its adoption; seconded by Councilor Scott.
Councilor Cheney said she brought this before the Council two weeks ago.
Mayor Myers interrupted as a point of order. He said this was supposed to be brought to the Council in writing two weeks before she could speak to it. He said there needs to be a motion to suspend the rules.
Councilor Cheney made a motion to suspend the rules; seconded by Councilor Callaghan.
Roll Call Vote: 8/1. Deputy Mayor Trefethen was opposed.
Councilor Cheney moved for its adoption; seconded by Councilor Weston.
Councilor Cheney said she brought a resolution before the Council at the April 11, 2009 Council Meeting regarding holding a Citizen's Forum during a workshop. She said she heard some of the Councilors say they would prefer that the Citizen's Forum only be held at the end of the meeting and discussion would only be on the workshop topics. She said this was a good compromise.
Mayor Myers said this was what he recommended and it would have his support.
Roll Call Vote: 7/2; Passed. Deputy Mayor Trefethen and Councilor DeDe were opposed.

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. ORDINANCE: CHAPTER 166, VEHICLES AND TRAFFIC, YOUNG STREET NO PARKING SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Councilor DeDe.
Councilor Weston said she had been to Young Street, and said the street and sidewalk are torn up. She said the Transportation Advisory Commission has met about this and felt there was no choice. She said this Ordinance was a good solution.
Mayor Myers said he has gone down Young Street, and agrees with the problem.
Roll Call Vote: 9/0.

2. ORDINANCE: CHAPTER 166, VEHICLES AND TRAFFIC, DURHAM ROAD NO PARKING SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Deputy Mayor Trefethen.
Councilor Weston said this was another recommendation from the Transportation Advisory Commission. She said there was a child care center there, and the parents had poor visibility when dropping off and picking up children.
Deputy Mayor Trefethen said he would sponsor this as well. He said there was available parking at the high school and middle school lots. He said the students were trying to



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avoid the fee for a parking permit in the lots, or they don't qualify for a permit. He said he was supporting this Ordinance.

Councilor Weston said the road was not constructed for parking. She said this was a safety issue.

Councilor Cheney asked if it was off limits for parking even during special events.

Councilor Weston said it was off limits at all times.

Roll Call Vote: 9/0.

B. RESOLUTIONS

1. RESOLUTION: DEPUTY DIRECTOR OF COMMUNITY SERVICES EMPLOYMENT AGREEMENT WITH DEAN PESCHEL (TO BE REMOVED FROM TABLE)

SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved to remove from the table; seconded by Councilor DeDe. Vote: 8/1; Passed. Councilor Callaghan was opposed.

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor DeDe.

Councilor Scott said he has received a number of calls about this, and the issue was not the person, but a matter of Council policy during these difficult economic times. He said this was not the time to give any employee a raise or promotion. He felt the Council has the responsibility to understand all costs. He said he was not going to support this Resolution.

Councilor DeDe said it was disingenuous to simply talk about the 18% increase and not the mitigating issues. He said this individual, at the same time he accepts this contract, with a \$13,000 raise, agrees to pay 20% of health insurance costs, with a savings of \$2,000 the first year. He said right now the employee is in the union and locked in at 9%. He said in addition the employee has agreed to give up his accumulated leave time worth \$21,000. He said the City of Dover savings is \$23,000 in the first year. He said Mr. Peschel handles key issues in Dover, and his expertise and contacts give Dover an edge on these matters. He said Mr. Peschel could leave right now by retiring and cost the City \$51,000 in the first year. He said by accepting this contract it would take him three years to get back up to the retirement benefits he could get today. He said that showed a degree of loyalty from this employee. He said this Resolution should have 100% support from the Council. He said if Mr. Peschel left, the City would have to pay the health benefits and his retirement, while also paying the benefits for a new employee to take his place. He said the City Manager did a great job negotiating this contract, and Mr. Peschel deserves it.

Deputy Mayor Trefethen said he agreed with Councilor DeDe. He said over the course of his lifetime he has been offered a promotion twice with no pay increase, and he turned them down. He said if there is a promotion, he felt there should be an increase in pay.

Councilor Callaghan said he was opposed to taking this off the table because he felt it wasn't the right time. He said the Council is about to go through the budget process, and there may be layoffs. He said the City is adding another person to the hierarchy of Dover, and the Council should look at how that is perceived. He said he had no problem



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with Mr. Peschel whatsoever, but he was thinking about all the other people he works with and how they look at this. He asked why it couldn't wait until after the budget is complete. He said at the last meeting he asked for a table that showed a snapshot of what the change would be today out to five or six years, the retirement, balances and what may be paid out. He said the Council needs to look at this as a whole and see the bottom line. He said right now he doesn't have enough information.

Councilor Cheney said she worked on this with Deputy Mayor Trefethen, who is very knowledgeable, but she didn't think this was the right time and she wouldn't support this Resolution.

Councilor McCusker said he didn't remember when the consolidation of Community Services took place. He said at the time it was recognized that it would need several assistants. As the City gets larger and more responsibilities arise, the to-do list is impossible to finish. He said the City needs management in place to be efficient. He said the City couldn't afford to hire a new person, but would save money by hiring in-house. He said Mr. Peschel is giving up \$21,000 of accrued leave, which grows each year. He said if a department head thinks we need a position it must be justifiable, or the City Manager or department head would be at risk.

Councilor Weston said this was a hard decision and wished it had not come up tonight. She said the Council isn't degrading the employee. She asked for the numbers if Mr. Peschel retired, and then if he retired in three years. She said she needed the numbers. She asked how the Council could make a decision without the whole package. She said she was concerned about the affect of these on upcoming union contracts, and with giving Mr. Peschel a promotion without giving other City employees any raises.

Councilor Weston made a motion to table this Resolution until after the Council does the budget; seconded by Councilor Callaghan.

Vote: 5/4; Passed. (Mayor Myers, Deputy Mayor Trefethen, Councilors DeDe and McCusker were opposed.)

12. NEW BUSINESS

A. CONSENT CALENDAR

1. **PARADE – Portsmouth Christian Academy – Upper School**
2. **RAFFLE – Great Bay Figure Skating Club**
3. **RAFFLE – Seymour Osman Community Center**
4. **RESOLUTION: IDENTITY THEFT PREVENTION PROGRAM**
SPONSORED BY MAYOR MYERS BY REQUEST
5. **RESOLUTION: B08102 COLUMBARIUM FOR PINE HILL CEMETERY**
SPONSORED BY MAYOR MYERS BY REQUEST
6. **RESOLUTION: B09049 HAND PAVEMENT MARKINGS FOR SHORT LINES**
SPONSORED BY MAYOR MYERS BY REQUEST



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7. RESOLUTION: B09050 PAVEMENT MARKINGS FOR REFLECTORIZED LONG LINES

SPONSORED BY MAYOR MYERS BY REQUEST

8. RESOLUTION: SENIOR CENTER TRIP TO TAJ MAHAL / ATLANTIC CITY

SPONSORED BY MAYOR MYERS BY REQUEST

9. RESOLUTION: B09047 CONSTRUCTION EQUIPMENT RENTAL

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 | 12. Legislative Liaison |
| 6. Cable Franchise Negotiations Committee | 13. Coast Bus |
| 7. School Board Liaison | |

Deputy Mayor Trefethen moved for the approval of the Consent Calendar; seconded by Councilor Carrier.

Mayor Myers asked the Council if they had any items they would like to pull for further discussion.

Deputy Mayor Trefethen asked to pull 12.A.1.

Councilor Scott asked to pull 12.A.9.

Mayor Myers asked for a Roll Call Vote on the remaining items of the Consent Calendar.

Roll Call Vote: 9/0.

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

Deputy Mayor Trefethen said he pulled this to amend the route. He recommended that they don't use Spruce Lane, but go down Back River Road to Garrison Road.

Deputy Mayor Trefethen made a motion to amend the route; seconded by Councilor Scott.

Vote: 6/3; Passed. Councilors Cheney, McCusker, and Mayor Myers were opposed.

Mayor Myers asked for a vote on the Resolution as amended.

Vote: 9/0.

Deputy Mayor Trefethen moved for the adoption of 12.A.9.; seconded by Councilor Weston.

Councilor Scott said he couldn't read this particular document because the type is too small. He said he wouldn't vote for it, and doesn't think the Council should pass anything that can't be read.

Roll Call Vote: 8/1; Passed. Councilor Scott was opposed.



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Appointments Committee Report:

Mayor Myers listed the following reappointments to their respective commission:

- Arena Commission – David Goodwin
- Arts Commission – Connie Roy
- Otis Perry and Grover Tasker – Cemetery Board
- Jay Stephens – Dover Utilities Commission
- Chris Sterndale – Ethics Commission
- Marcia Colbath – Planning Board

Mayor Myers listed the new appointments:

- James Reale – Energy Advisory Committee
- Sharon Reynolds – Transportation Advisory Commission
- Melissa Doucette – Arts Commission
- Anthony McManus – Parking Commission
- Linda Merullo – Planning Board – from alternate to regular seat
- Lauren Jacoby – Conservation Commission

Mayor Myers said there are still numerous positions open on various committees.

Deputy Mayor Trefethen moved to accept the appointments; seconded by Councilor Weston.
Vote: 9/0.

B. RESOLUTIONS

1. RESOLUTION: AMENDMENT TO COUNCIL RULES – RULE 2C SPONSORED BY COUNCILOR CHENEY

This Resolution was moved on Agenda to after Mayor's Report.

2. RESOLUTION: CDBG EASTER SEALS BLOCK GRANT SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor DeDe.

Deputy Mayor Trefethen asked Chris Parker, Director of Planning and Community Development, to speak on this Resolution.

Mr. Parker said every year the City, which is an entitlement Community, receives block grant funds from the Department of Housing and Urban Development (HUD). He said a portion of the funds go to admin., a portion of the funds go to service organizations, and a portion of the funds are allowed to be used for capital. He said last year Easter Seals of New Hampshire came forward, and was awarded by the City \$184,000 to do capital fit-out at the McConnell Center. He said the City has until April 30, 2009 to utilize those funds. He said Easter Seals notified the City that they were not going forward with the renovations at the McConnell Center. He said the City has worked with Cross Roads House, which came to the City as part of this year's process. He said they could use the money now, and Easter Seals can use the money Cross Roads House was going to



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receive next year, essentially flip-flopping. He said the Resolution is asking the Council to reprogram the funds for this program. He said it was part of the City's block grant entitlement. He said if the City doesn't reprogram these funds, then the funds will go to another entitlement community, and possibly be reduced in the following year.

Roll Call Vote: 9/0.

3. RESOLUTION: DEBT AUTHORIZATION FOR ENERGY EFFICIENCY PROJECT (REFER TO PUBLIC HEARING ON APRIL 8, 2009, VOTE TO BE TAKEN ON APRIL 22, 2009)

SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved to refer to a Public Hearing on April 8, 2009; seconded by Councilor DeDe.

Vote: 9/0.

C. ORDINANCES IN 1ST READING – NONE

D. COUNCIL CORRESPONDENCE

1. Letter from Highway Safety Systems

Deputy Mayor Trefethen moved for Council Correspondence to be placed on file; seconded by Councilor Weston.

Vote: 9/0.

13. COUNCIL MATTERS OF INTEREST

Councilor Callaghan said he asked for information on Dover Business and Industrial Development Advisory (DBIDA) sales, and wanted a deadline on when he can get this information.

City Manager Joyal said he had passed on Councilor Callaghan's request to the new Economic Development Director.

Councilor Cheney referred to the discussion in the Mayor's Report [SIC] regarding the Council getting disseminating information. She said she didn't support that view.

14. ADJOURN

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

Vote: 9/0.