



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, May 13, 2009**  
Meeting Time: **7:00pm**

### 1. MOMENT OF SILENCE

### 2. PLEDGE OF ALLEGIANCE

Councilor Weston led the Pledge of Allegiance.

### 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

Deputy Mayor Trefethen said he had a request from the School Department and the Finance Director to remove Item 11.B.1., which would also remove the corresponding Public Hearing 7.C.

Councilor Weston made a motion to accept the Agenda as amended; seconded by Councilor DeDe.

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.*

**Harvey Turner, 4 Auburn Street:** He thanked the Council for all their time and for serving the citizens. He spoke about Willand Pond and the S.W. Cole report he received two weeks ago. He said his only concern with the report was that there was no clear solution for the maximum water level in Willand Pond. He said Willand Pond has never had to be a controlled body of water, but with all the blockages that have burdened the pond, a controlled solution must be implemented. He said if Willand Pond is to be a controlled body of water, then it has to have a maximum level. He said the report said the water level is currently 192.4 feet, and if the citizens all know it is three feet higher than it ever has been, then it's clear the solution is a maximum water level of 189 feet. He said the report showed 191 feet. He said letting out 15 inches of water won't bring the northern footpath back, and the dirt rim around the south edge will still be under water. He said he has 3 feet of water in his basement, and lowering the water table 15 inches wasn't going to get the water out of his basement. He wanted his basement back. He wanted the pond back. He said the water level needed to be 189, and it needs to be engineered to stay at 189. He also asked when the work was going to start. He said he understood the City was waiting for a wetlands permit, but he didn't understand why they needed one. He recommended to the Council that they have a workshop on this issue. He



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informed the citizens of the Dover Discussions meeting for Wards 5 and 6 on May 21, 2009, 6:30 pm, at the McConnell Center.

**Mary Krans, 4 Renaud Avenue, Dover Main Street Board Member:** She reported on the Dover Pride Cleanup Day. She said they had a good turnout, beautiful weather. She went over all the donations of time and items.

**Ronald Huml, 199 Mast Road:** He spoke on several issues:

1. He received information that Social Security benefits will not receive a cost of living increase for 2010 and 2011. He asked the Council to keep the budget down because the elderly won't be receiving any additional funds.
2. He said he was against the School Department using the whole \$800,000 the City is receiving from the State and felt that part of it, if not all of it, should be use to reduce the City's budget.
3. He said he took the new assessed values for the City and the new local rates, and it came out to 2.766%, not 2%. He said that was almost 40% more than the 2%. He said he was under the impression that the Council had a 2% limitation on spending.
4. He apologized to Councilor Weston for all the bull she had to take about her decisions. He said he was a taxpayer and he supported her decisions. He said the energy efficiency program should be funded out of fund balance, put into the budget, and any profits should go back to fund balance.
5. He spoke on the McConnell Center and said he found out the taxpayers are paying \$484,510 for rent. He said if additional space is needed, then just get a bond to cover it, and do away with all the departmental increases for rent.

**Edward Bleiler, 28 Isaac Lucas Circle:** He read his written statement to the Council.

**Shannon Hill, 31 Hill Street, Director of Simply Green Biofuels:** She referred to the Resolution regarding the purchase of gasoline, diesel, and biodiesel. She said Simply Green Biofuels has put in a bid for these products. She just wanted to introduce herself to the Council, and wanted to let them know that Simply Green Biofuels will work hard to accommodate the City's needs.

**Richard Lowell, 3 Browning Drive:** He said anyone who watches these meetings knows the City Council is dedicated to saving the taxpayers money. However, the Council is divided on how to do this. He said some Councilors spend some money, and others don't believe in spending any money. He said it reminds him of the 70's television show "All in the Family." He said Edith needs a new washing machine, because the old one is noisy, smokes, and ruins her clothes. He said Archie wants to wait until the machine doesn't work anymore, and tells her to go to the laundromat or buy a washboard. He said Edith tells Archie that going to the laundromat would cost more money, and if she used the old machine more clothes could be ruined. He said Archie asks for more time to make a decision, and now Edith is mopping up water off the floor. He said this comedy kept the show on for years, but he doubted the citizens of Dover felt the same way about the decisions of this City Council. He said the citizens of Dover deserve better. He spoke on the two defeated issues, Dean Peschel's employment



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contract and the bonding for the energy efficiency contract, saying the Councilors said the taxpayers couldn't afford them at this time. He asked if their defeat lowered his tax rate. He said as far as he could tell the defeat of these issues would only cost the citizens more money. He also told the City Manager that he did a nice job on the new website.

**Marilyn Follansbee, 25 Dover Point Road:** She said the citizens of Dover have got to stop going way back to the past to bring up mistakes made with salaries and everything. She said the City has learned by them and things are changing. She said she likes the Johnson Controls energy plan. She said she felt the Council all voted their conscience, and she is glad that it might come up again. She did not like the idea of taking their plan and doing it in-house. She said she can see Councilors Callaghan and Scott standing on ladders changing all the light bulbs, and she really felt that shouldn't happen. She wanted to thank the sponsors and the people who set up the Adopt-a-Spot areas in the City. She said they are really nice, and she has never heard anyone say thank you to them. She spoke on the email issue, and said she felt it was a great system. She said she has never sent an email where she didn't get a reply. She said she is tired of this issue coming up, because there are so many more important things to talk about.

**Cherie Bartlett, 14 Apache Street, Willand Pond Ad-Hoc Committee Member:** She thanked the Council for their continued support. She said it has been many years of hard work, and she is really excited about the S.W. Cole Report. She said the report didn't cost the City's taxpayers any money, because the City received a grant to pay for the report. She said Harvey Turner's suggestion for a Council Workshop on this subject was a good one. She also wanted to urge the citizens to attend the Dover Discussions meeting on May 21, 2009.

**Jean Hausman, 14 Strafford Road:** She thanked the Council for their continued support with the Willand Pond issue, and for putting up with her. She said she drove by the pond on her way to the meeting, and felt it was high. She was encouraged by the preliminary report that S.W. Cole has put forward. She said Planning Director Chris Parker had a very informative neighborhood meeting with the residents and S.W. Cole. She said she agreed with the previous speaker, Harvey Turner, but felt even the 189 feet was not adequate. She felt 189 feet didn't leave enough leeway if heavy rains occur. She hoped for future grants that will allow action to move forward. She said there are beavers that are working against the residents. She said if given the choice between the beavers or her neighbor's basements, she was going to support her neighbors.

**David Montenegro, 55 Union Street:** He thanked the City for the recent crosswalk repainting. He said he has noticed more people stopping for pedestrians.

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



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### 7. PUBLIC HEARINGS

#### A. ORDINANCE: CHAPTER 89 – DOGS SPONSORED BY COUNCILOR CARRIER

**Jeremiah Newcomb, 87 Cottonwood Drive, Recreation Advisory Board Member:** He said the goal of this change is to get the dogs out of the parks where children play. He referred to some instances where several dogs get together and start fighting, which spooked the children. He referred to the park at Shaw's Lane and said people will take the dog off the leash and let them run. He said the dogs interrupt the games. He said there was no consideration for the children, and he felt the dogs could turn on them. He said he loves dogs, and there are plenty of places to walk and play with dogs. He said it was a safety issue, as well as a health issue.

**Marilyn Follansbee, 25 Dover Point Road:** She said she never thought of the safety issue for children, but she said people lost the opportunity to walk dogs in cemeteries because people didn't pick up after their dogs. She said the citizens will lose more places to walk dogs if they don't pick up after them. She felt if the dogs were on their leashes, then they should be allowed on the athletic fields.

**Deb Clabber [phonetic], Third Street:** She said she has never seen an issue with the dogs at the fields her grandson plays at. She said they were all on a leash. She felt the parents should teach their children not to go up to a dog. She said people might leave their dogs in the car, and they might die. She suggested a one strike and you're out solution. She said dogs are part of the family.

**H. Jerry Lynch, 26B Lincoln Street:** He said he remembered the Council was petitioned to get some sort of dog run in the City, and somewhere along the way it was lost. He said there should be some enforcement to make sure the dogs are being picked up after.

**Ronald Huml, 199 Mast Road:** He said as long as the dog is on a leash, then there should be no restrictions to having the dogs on the fields.

**David Montenegro, 55 Union Street:** He felt it should be expanded to include all animals. He has heard complaints about the horses.

**Donald Medbery, 3 Covered Bridge Lane:** He said the most important thing is to have the dogs licensed, up-to-date on their shots, and on a leash.

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

#### B. RESOLUTION: FISCAL YEAR 2010 BUDGET APPROPRIATIONS, FEES AND CAPITAL IMPROVEMENTS PROGRAM – CITY PORTION ONLY (VOTE TO OCCUR AT A LATER DATE)



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### SPONSORED BY MAYOR MYERS BY REQUEST

**Ronald Huml, 199 Mast Road:** He said the budget is coming in as \$5.91 million with the Arena. He thought that amount was excessive. He wanted to see a copy of a 2% budget. He referred to the Library's budget, and the hours being reduced by 9 hours. He said there were two people who work in the Library whose hours won't be reduced, and they are the two highest paid in salary and fringe benefits, amounting to in excess of \$230,000. He said if the City was going to reduce employees in the department, it has to start at the top where the big money is. He said the same goes for all the other departments. He referred to Page 475 of the budget book, where it cited their wages at \$101,676. He then referred to Page 277, where for the department itself, it cited a wage of \$109,583. He said that was a 9% increase. He asked if there were people getting enormous increases, which are being paid for by lower-paid people in other departments. He said he would appreciate someone getting back to him on that.

**Alban Lobdell, 16 Lisa Beth Circle:** He spoke on the additional \$10 expense to be assessed for non-resident members of the Senior Center. He said people were offended, hurt, alienated, and upset. He said they are threatening to leave, and go to Rochester or South Berwick. He said there were 202 non-resident paid members, and an additional \$10 per member amounts to \$2,020. He said the City's budget is \$83,777,210. He said \$2,020 is 0.00241% of the whole budget. He said it does create an overwhelming amount of ill feeling, and he doesn't want to do that. He said he is a resident and only has to pay \$15.00, but he doesn't want his friends to leave out of anger. He spoke on fixed and variable costs. He said fixed costs were things like heat, electricity, maintenance, and salaries. He said most of the costs for the Senior Center are fixed. He said the costs would be the same if there were 10 members, 100 members, or 500 members. He said the non-residents don't cost the City anything. He said doubling the membership dues for non-residents will make half the people leave, and then what has the City gained. He said they have some suggestions to make up this \$2,000 another way: increasing membership. He asked the seniors on the Council to become members. He said they should be welcoming to new members, advertise more, make more trip programs, show pictures of trips to increase interest, and review members now to make sure they're paying. He asked the Council not to raise membership dues for non-residents.

**David Montenegro, 55 Union Street:** He said he missed Police Chief Colarusso's budget presentation for the Police Department, but was able to watch the replay on Channel 22. He said the Police Chief did not discuss the cost of corruption in the Police Department. He said during these down economic times we are all looking for ways to save the City money, and he said a huge chunk goes to paying wages and benefits for the employees. He said one way to save money for the City is to cut all the corrupt cops from the Police Department. He said he took the liberty of adding up the wages and benefits for six of the most abusive police officers in the City, and it is over \$540,000. He named a few things the money could be used for: computers for the Police Department, the Police Chief could forego his \$1,000 pay cut, and keep the horses. He referred to Title 42 of the United States Code, Section 1983, which states that citizens victimized by the police can sue the city for damages. He



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says he knows of one case being prepared right now. He asked if the City can afford to keep these officers. He said he can sense the objections, and he understood that people were wondering how the City can get rid of six police officers. He said they could be replaced for \$35,000 in salary and benefits. He said that would save the City \$333,000, and doesn't include the liability that the City incurs from lawsuits and legal fees. He said ultimately it's the taxpayers that end up paying for abusive police officer's legal fees, and the City can't afford to keep them on the force.

**Marilyn Follansbee, 25 Dover Point Road:** She said she is extremely naïve or too good a person, because she has never met a corrupt police officer in Dover. She said her son is a part-time Police Officer for Portsmouth. She said she has only the highest regard for the Dover Police Department. She invited the corrupt police officers to tea on Saturday. She said she watched the City Council Workshops and was very impressed with Chief Colarusso's, Chief Plummer's, and Community Services Director Steele's presentations. She said the City should keep the Mounted Police. She said their deposits are bigger and can't be missed, unlike dogs. She recommended that the citizens pick them up and put them in their garden. She said the horses don't cost the citizens money, and she thanked the citizens who have donated money and time for the horses. She said the horses have a very commanding presence and people slow down when they see them. She said the officers have a better overview of the area. She said she felt the mounted patrol is a good asset for the City in public relations. She said she hoped the mounted patrol is not eliminated and the Police Department's budget passes as presented. She said she also felt the Fire Department's budget should also pass. She said the citizens tend to take both entities for granted. She said when the alarm goes off and you call the Fire Department, they come and fix the problem. She said they are a very professional group. She said it was a shame the proponents of the tax cap did not contact suppliers to ask them not to increase their prices. She said she was shocked at the prices budgeted for in the Community Services budget for chemicals for the wastewater treatment plant and asphalt for the roads. She said it would be nice to afford the good paint for the lines and crosswalks on the roads. She said that was her pet peeve. She said she could slow down for pot holes, but she wanted to see the lines. She thanked the crews who did the painting and filled in the pot holes. She wanted to warn the pedestrians that even though the crosswalks are more visible, there are times during the day where the sun is in a driver's eyes, and she asked that pedestrians at least look both ways before crossing the street. She said the citizens want the roads paved, lines painted, good drinking water, the police and fire departments available, but we don't want taxes raised. She said the City has fewer employees, and many of the employees left have taken a cut in pay and benefits. She thanked the employees for caring so much about Dover. She said she hoped the Council will pass the Community Services budget. She said the budget would have to be doubled to do all the things the citizens want them to do. She said the department heads met the City Manager's goals for the budget. She said the department heads have a lot more responsibility than she realized.

**Deb Clabber [phonetic], Third Street:** She said she disagreed that hiring new police officers will save the City money. She said it takes almost \$50,000 to train a new police officer. She said she was very proud of the City of Dover's Police and Fire Departments.



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She said they have always helped her and her family. She said she has lived in other places, and came back to Dover because she felt it was a safe City. She said she wanted to speak regarding the Mounted Patrol. She said the website says the Mounted Patrol was initiated as a proactive approach to crime prevention. She said PSNH sponsors the facility for the horses. She said it only costs \$80,000 to keep the two officers, and she felt the City could find that money somewhere and keep this program going.

**Thomas Massingham, 36 Prospect Street, Member of Dover Main Street Board of Directors:** He said he also own a business located in Downtown Dover, which has been there for 124 years. He wanted the earlier speaker to know that Dover Main Street is responsible for the Adopt-a-Spot program and the Downtown Banner program. He said the Dover Main Street program organized \$19,000 worth of labor for this year's Downtown spring clean up. He said Dover Main Street also handles all the downtown plantings, including the barrels on traffic islands, and the Franklin Square fountain. Dover Main Street has taken over Downtown holiday lighting. The operation and staffing of the train station may soon become the responsibility of Dover Main Street. He said a number of public meetings were held in Dover several years ago, facilitated by the Center for Constructive Change. He said the focus of these meetings was to ask people what they wanted Dover to look like in the future, which created the Dover Tomorrow organization. He said the purpose of this organization was to try to take some of the visions from the meeting and make them a reality. He said one vision was musical performances, which became the Cochecho Arts Festival. He said another vision was good schools, and Dover has an excellent school system. Another vision was safe and well-maintained parks where people could relax or engage in recreation, and the City of Dover has one of the best parks and recreation programs in the State of New Hampshire. He said another vision was a thriving downtown, with shops and people strolling the streets, which started the Dover Main Street Program. He said if money is cut out of Dover Main Street these things will not happen. He said a thriving downtown benefits the whole City. He said the City of Dover never funds Dover Main Street as recommended nationally. He said the proposed level will end Dover Main Street.

**Jack Buckley, 36 Arch Street:** He asked the Council to consider restoring full funding to Dover Main Street, the Police Mounted Patrol Unit, and the Cochecho Arts Festival. He said these programs create vitality and promote tourism.

**Elizabeth Fischer, 24 Rutland Street:** She said she holds no position, but she is a community organizer. She said she is a community organizer because of Dover Main Street, the Dover Public Library, the Mounted Patrol, and the McConnell Center. She said all these institutions make her get out of bed and make the decision to use her free time organizing over 1,000 people. She said she spent the day with 25 people through the United Way Day of Giving, where prior to that 35 to 40 people baked cookies, dropped off tools, and donated water for the day. She said she was appalled when she learned that the Council was considering cutting Dover Main Street's funding. She said the Council needed to consider restoring the funding in the budget and it should consider funding the full 1/3 of



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the operating budget as recommended by the national guidelines. She said everything is important, but the City won't look the way it does without this organization.

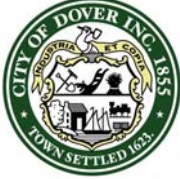
**Michael Provost, Executive Director for Dover Main Street:** He said he lives in Newmarket, but defies anyone who says he didn't adopt Dover. He spoke of all the volunteers who helped to establish Dover Main Street since 1999. He said in 2008 there were 134 net new businesses in Downtown, with 1009 net new jobs. He said there were 241 improvement projects totaling over \$27,530,000. He said there were 107 promotional projects done by Dover Main Street, where they raised and spent \$173,000 on promoting Downtown Dover. He said Dover Main Street can't lay claim to all this money, but they certainly laid out the welcome mat, and they showed that someone cares about Downtown Dover. He said in 2007 there were 14,330 volunteer hours spent working on projects for Dover Main Street activities. He said the national average equivalent for volunteers is \$18.65 per hour, which translates to \$267,254.50 in volunteer time that was given to Dover, in return for a level of funding of \$22,500. He said that represents almost a 12:1 return on the investment. He said he didn't want to see Dover go backwards to empty store fronts that lower the tax base. He said Dover Main Street was created for the purpose of establishing the Downtown area, and he mentioned all the programs that Dover Main Street volunteers have maintained over the past ten years. He said a city government that is not willing to invest in their downtown is not going to attract people to invest in the downtown either. He said last year the City cut the funding by 33%, causing the closing of the office and cutting the Executive Director position to half-time. He said the Board of Directors has voted that Dover Main Street cannot continue operating with the \$5,000 proposed funding. He asked the Council to please keep current level of funding at \$15,000.

**Joyce El Kouarti, 19 Northway Circle:** She spoke in support of keeping the funding for Dover Main Street at \$15,000. She said it was worth that to keep Downtown Dover clean and inviting.

**Kirt Schuman, 30 Cushing Street, Greater Dover Chamber of Commerce Director:** He said the Greater Dover Chamber of Commerce has over 500 members, representing over 15,000 employees working in the Greater Dover area. He said the Greater Dover Chamber of Commerce has produced the Cochecho Arts Festival for over 20 years. He said the Cochecho Arts Festival has ranked high on the aspect that Dover citizens like most about their community. He asked the Council to maintain support at the 2009 level of \$10,000, and support the Dover Main Street level of \$15,000.

**William Garrison, 4 West Concord Street:** He commended all the Department Heads on their effort for their budget presentations. He spoke in support of Dover Main Street. He said many believe Dover Main Street maintains the City beautifully. He said it helps maintain the community. He asked the Council to fully fund Dover Main Street.

**Raymond Bardwell, 199 Spur Road:** He said one of the toughest things for anybody to say is "you're fired." He spoke regarding the Community Services budget. He said he spoke with Councilor DeDe about the road program four or five years ago. He said he told



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Councilor DeDe that the City cannot afford to rebuild all the roads in Dover. He said Community Services Director Steele said he is falling behind. He said he needs to review the maintenance program and not do the rebuilds. He said there are roads in every ward of the City that are failing. He said the City needs a new methodology. He said the Planning Department should reevaluate subdivision regulations. He said the material from the sand and gravel pit should have been used to help fix the roads. He said the City is only getting a third back from what is being taken out of the gravel pit. He said there should have been a scale in there that was minded by somebody that worked for the City. He spoke about the Whittier Street Bridge, and said the reason it doesn't have proper alignment is because they said it was going to cost more money. He asked why they don't put a new deck on the bridge and go forward. He said the City needs to do more regrinding and hot topping to get ahead. He suggested that the gravel money get diverted to the Community Services budget.

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

**C. RESOLUTION: REQUEST TO REPROGRAM BALANCE OF GARRISON CAPITAL FUNDS**

SPONSORED BY MAYOR MYERS BY REQUEST

Motion was made to remove from Agenda.

**D. RESOLUTION: RENAMING AND RENUMBERING PORTIONS OF HORNE COURT; SMITH ROAD; SPUR ROAD EXTENSION; TOLEND ROAD EXTENSION; MAST ROAD EXTENSION; BELLAMY ROAD; REDDEN STREET; AND REDDEN STREET EXTENSION**

SPONSORED BY COUNCILOR WESTON

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

**E. RESOLUTION: NAMING OF ENTRANCE TO MAGLARAS PARK AND SOUTHSIDE LITTLE LEAGUE**

SPONSORED BY MAYOR MYERS BY REQUEST

**Roland Renardi, Chairman, Dover Little League:** He spoke of the occasion where there was a 911 call to this location and the operator could not find the location. He said the entrance should be named. He said it was an opportunity to honor the Towne Family, in particular Steve Towne, Jr. for 48 years of service with the City of Dover. He asked for the Council's support.

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

**F. RESOLUTION: ACCEPTANCE OF THE ACTION PLAN AND EXPENDITURES FOR THE FISCAL YEAR 2009 CDBG ENTITLEMENT FUNDS**

SPONSORED BY MAYOR MYERS BY REQUEST



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**G. RESOLUTION: REPROGRAMMING OF UNEXPENDED BOND PROCEEDS – SAU MCCONNELL CENTER RENOVATIONS PROJECT TO HORNE STREET SCHOOL CIP PROJECT (REQUIRES A 2/3 MAJORITY VOTE)  
SPONSORED BY COUNCILORS CHENEY AND WESTON**

**Raymond Bardwell, 199 Spur Road:** He thanked the Council for approving his appointment to the Joint Building Committee. He said there was money left over from the SAU renovations at the McConnell Center, and this Resolution was requesting that the money be transferred to the Horne Street School project. He said he also serves on the Woodman Park School Joint Building Committee, and they hope to have another resolution as that project is wrapped up, with a substantial amount of funds to divert to the Horne Street School project. He asked the Council for their support.

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

**H. RESOLUTION: REPROGRAMMING OF UNEXPENDED BOND PROCEEDS – BOUCHARD WELL FISCAL YEAR 2007 TO CUMMINGS WELL PROJECT (REQUIRES A 2/3 MAJORITY VOTE)  
SPONSORED BY MAYOR MYERS BY REQUEST**

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

**I. RESOLUTION: SUPPLEMENTAL CIP APPROPRIATIONS FOR SEWER PROJECTS AND BROADWAY DRAINAGE AND AUTHORIZATION FOR PARTICIPATION IN STATE OF NH CLEAN WATER STATE REVOLVING LOAN FUND (REQUIRES A 2/3 MAJORITY VOTE) (VOTE TO OCCUR ON MAY 27, 2009)  
SPONSORED BY MAYOR MYERS BY REQUEST**

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

### 8. CITY MANAGER'S REPORT

City Manager Joyal expressed his appreciation to the Dover Main Street volunteers, and said he can see the results of the Downtown clean up. He said the City's employees also came out on their own time. He mentioned the new look to the website, and said most of the transition glitches have been worked out. He said the new website is intended to be more user-friendly. He informed the citizens that on May 21, 2009, 6:30 pm, at the McConnell Center Cafeteria he will be hosting the third Dover Discussions, primarily for Wards 5 & 6. He said the purpose of the meeting is not to discuss Willand Pond, but he expects that there will be a series of other public meetings where the Willand Pond issue will be discussed in detail. He wanted to inform the citizens that the City has received a grant for storm water management monitoring. He said this grant will allow the City to purchase and implement a software program that will track storm



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water operations and maintenance that is required by private developments. He informed the citizens of another costs savings with the Tolend Landfill. He referred to the 2004 decision, and the follow-up document. He said Dean Peschel, along with the EPA and NHDES, looked at alternative solutions. He said the EPA has agreed to an alternative methodology for treating the hazardous waste, and it will save the City \$14 million.

Councilor Cheney referred to the City Manager's report in the Agenda packet, and asked about a crew spending two days hauling compost from the wastewater treatment plant to the Tolend Landfill. She said she wasn't able to attend the meeting with the EPA at the Public Works. She asked why it was being moved to the landfill, and what it is used for.

City Manager Joyal said part of end product, at the wastewater treatment plant, besides clean water, is compost. He said the City gives it away, but it needs to be stored. He said they are bringing it up to the landfill and eventually is will be used to help with vegetative cover.

Councilor Cheney asked if people can go there to get some of the compost.

City Manager Joyal said the City will not be allowing citizens on the landfill site.

Councilor Cheney asked if it will disrupt the clay bed.

City Manager Joyal said no, it will not.

Councilor Scott thanked the City Manager for his report. He said he tries to compare the report with the budget, and said it is difficult because there have been several organizational changes. He referred to Page 96, and said he tried to combine the organizational changes. He said it looked like spending has gone up 5.6%. He asked if he could look at where the problems are, and report back to the Council on this.

City Manager Joyal said the Ice Arena is the magnitude of the increase, because it was brought into the General Fund. He referred to Page 35 of 35 of his City Manager's Report, which showed the performance of the Arena as of April 30, 2009.

Councilor Callaghan referred to Page 33 of 35 of the City Manager's Report, Expenditures of Major Funds, and said the Recreation Department showed negative available funding.

City Manager Joyal asked Finance Director Daniel Lynch to explain this to the Council.

Mr. Lynch said the majority of the City's payments for debt service are paid on June 15<sup>th</sup>. He said this ties in with our cash flow from property taxes due June 1<sup>st</sup>. He referred to Recreation, and said that was showing the impact of taking the Enterprise Fund for the Arena and converting it to the General Fund.

Councilor Cheney asked who did the paving on the Miracle Mile.

City Manager Joyal said he would have to look that up.

Councilor Cheney referred to the Resolution that is going to come up for Public Hearing, and asked if the retrofit was the same one that was in the energy contract.

City Manager Joyal said that was correct.

Councilor Cheney asked if the resolution would take care of purchasing that and getting the stimulus funds, because we are "shovel ready" on that.

City Manager Joyal said the City would qualify for the State revolving loan fund, if it were part of the debt financing that the City will ultimately use if we do the Johnson Controls project. He said if the City doesn't use Johnson Controls, then he will have to address it with another resolution with a different vendor. He said the City needs to produce design documents to finalize stimulus money.

Councilor Cheney asked how close it brought us to the Council's recommended guidelines for the debt limit.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, May 13, 2009**  
Meeting Time: **7:00pm**

City Manager Joyal asked about the Sewer Fund.

Mr. Lynch said he would have to look it up.

Councilor Cheney asked that it be part of the resolution.

Councilor Cheney asked about having a workshop on Willand Pond.

Mayor Myers said as soon as the public comment period is over, then the Planning Board and City Council could have a combined workshop.

Councilor Scott asked the City Manager to provide the Council with a report on the revenues and expenses of the Arena, prior to last year's actual, current year, and future. He said he was having a hard time understanding the information on Page 64. He felt it was a mistake to change the accounting.

Mayor Myers asked Councilor Scott to put his request in writing and the City Manager will get it ready for next week's Workshop.

Councilor McCusker said he felt questions should be brought to the City Manager prior to the meeting so he can get the information in time for the meeting.

Councilor Cheney asked for a point of order. She didn't think this had anything to do with the City Manager's Report.

Mayor Myers said they gave latitude on the Arena questions, and didn't see why Councilor McCusker couldn't talk to this issue. He said if Councilor McCusker digresses he will ask him to address it during Council Matters of Interest.

Councilor McCusker said he brought it up now because it referred to questions asked of the City Manager. He said it was lucky that Mr. Lynch was here to answer the financial questions. He said these questions could have been asked before the meeting, when the City Manager would have had the time to get the answer. He said he is probably going to get in trouble for saying this, but he gets the feeling that it is done intentionally.

Mayor Myers stopped him.

City Manager Joyal referred to Councilor Cheney's earlier question regarding the debt limit for the sewer fund. He said there was no limit set by statute. He said the City Council set a level of 1.5% of equalized assessed value. He said for FY2010 that would equate to \$44,933,172. He said currently the City has outstanding \$7,501,546, and adding the \$2,958,314 will bring it up to \$10,459,854, which is 23.3% of the City's sewer debt limit.

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

Vote: 9/0.

### 9. MINUTES

- A. **April 15, 2009 – Special Meeting**
- B. **April 15, 2009 – Workshop**
- C. **April 22, 2009 – Regular Session**
- D. **April 29, 2009 – Workshop**

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

Vote: 9/0.

### 10. MAYOR'S REPORT



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, May 13, 2009**  
Meeting Time: **7:00pm**

Mayor Myers said he took part in the Arbor Day celebration at Pine Hill Cemetery. He echoed comments made regarding Dover Main Street Clean Up Day. He referred to the new Economic Development Director, Daniel Barufaldi, and said he has already made great connections and DBIDA is very pleased with the amount he has accomplished in the short time he has been with the City. He said he attended a "soft" opening at Wentworth-Douglass Office building. He did a proclamation for Mom's on the Run. He attended two 8<sup>th</sup> grade science classes at St. Mary's, and saw projects on energy. He went to Dover Little League opening day, and wished everyone success this season. He announced that Joshua Hunt is an Eagle Scout. He spoke about the Cochecho Waterfront Advisory Committee's public comment period, to be held at the McConnell Center, Room 220, on May 21, 2009 at 6:00 pm. He said he will be on the open mike program on Friday, WTSN. He said he will be holding a "Coffee with the Mayor" session this Saturday, May 16, 2009 at Café on the Corner, from 9:00 to 11:00.

Councilor Carrier said he appreciated all the time the Mayor took to go to events and represent the City.

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

Vote: 9/0.

### 11. UNFINISHED BUSINESS

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

##### 1. CHAPTER 89 – DOGS

###### SPONSORED BY COUNCILOR CARRIER

Councilor Carrier moved for its adoption; seconded by Councilor Weston.

Councilor Carrier said specifically the change is 89-16. He said there has been a lot of public comment on this issue, and there are two sides to this. He said there have been a lot of problems with dogs in the parks. He said debris is left even if it is picked up. He said he has seen several altercations with dogs on leashes, and it does scare the kids. He said it is really not a good place to have dogs with all these kids. He said he did get reports of the police trying to deal with this. He said Woodman Park is a gray area, because there is a track there that is nice for walking the dog. He said this was an area that he was trying to clean up, and asked the Council if they had any comments on what they've seen.

Councilor DeDe said he has seen people walking their dogs in Woodman Park, who did not pick up after their dog. He said the real problem is that a few spoil it for the many. He said he was 100% for this change. The dogs stay home.

Councilor Scott said the scope of this is proper. He said the dog should be well behaved. He said he felt the City should be severe if people don't pick up excrement; and they should be fined. He was concerned with the harshness on Page 10 of the Ordinance, which talks about destroying the dog after 7 days. He said young dogs get loose and might lose their tags. He said he would like to see that extended to 20 days. He referred to the statement, "appears to be suffering from rabies shall be destroyed," and asked who determined that. He said he felt it should be



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, May 13, 2009**  
Meeting Time: **7:00pm**

determined by a veterinarian. He said he didn't want dogs picked up and destroyed without the proper attention. He said he would like to see an amendment to this Ordinance.

Mayor Myers asked City Attorney Krans to address these changes.

City Attorney Krans asked Councilor Scott which sections he was referring to.

Councilor Scott said Sections 89-10 and 89-12.

City Attorney Krans said the revisions follow the State statute. He said any amendment would have to be carefully looked at. He said the 7 day period is following State statute.

Councilor Scott said he would like to extend the period from 7 days to 14 days before a dog is destroyed. He also referred to the line: "Any dog which appears to be suffering from rabies or affected with hydrophobia or other infections or dangerous disease, shall not be released, but may be forthwith destroyed." He said he wanted to add, "as determined by a veterinarian."

City Attorney Krans said the dog would be located at Cochecho Valley Humane Society, and he felt they have a veterinarian to determine if the dog has rabies.

Councilor Scott made a motion to extend the time period from 7 days to 14 days; seconded by Councilor Cheney.

Councilor Cheney said Manchester has different language, saying they will dispose of the dog either by adoption or other appropriate manner.

Deputy Mayor Trefethen said he wouldn't support the amendment. He said what is collected in fees doesn't come close to what it costs to impound the dog. He didn't agree with another seven days. He didn't see why the City should go beyond the State Statute, especially since the wording is "may" and not "shall." He said the Cochecho Valley Humane Society is known for keeping the dog as long as they can.

Mayor Myers agreed with the Deputy Mayor, and said 7 days is a long time for the owner to find out where their dog is.

Councilor Scott said the dog could be lost, and the owner away on vacation. He said he just didn't want the dog destroyed.

Vote: 4/5; Failed. Councilors Callaghan, Cheney, Scott and Weston voted in favor.

Councilor Weston referred to 89-7, and asked for the wording to be changed. She said this section says the dog shall be destroyed. She asked for wording that allowed Cochecho Valley Humane Society to put the dog up for adoption.

City Manager Joyal said this section tells who is going to pay for it. He said after 7 days, ownership converts to Cochecho Valley Humane Society.

Councilor Weston asked the City Attorney if the Cochecho Valley Humane Society can put the dog up for adoption after seven days.

City Attorney Krans said the Cochecho Valley Humane Society would follow their own procedure.

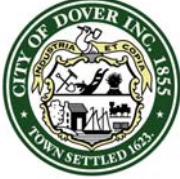
Councilor Callaghan referred to Sections 89-7 and 89-8, and asked if the owner was given a warning.

City Attorney Krans said the City Clerk deals with this on a daily basis.

City Clerk Lavertu said the Animal Control Officer gives the owner a fine, and the owner has 96 hours to pay the fine and license the dog, or they go to court.

Councilor Cheney said she participated in sports and she never brought her dog to the field. She said she didn't want to ban dogs from the fields and parks. She said there are parts of the language that do not seem correct. She felt it was too vague, and she can't support it.

Councilor Callaghan referred to Section 89-16, and said he felt maybe the dogs should be supervised and a severe penalty to the owners if they don't clean up after the dogs.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, May 13, 2009**  
Meeting Time: **7:00pm**

Councilor Carrier said no one is trying to take away the family scene. He said the City has a problem, and the dogs should stay home.

Councilor DeDe made a motion to move the question; seconded by Councilor Weston.

Roll Call Vote: 6/3; Passed. Councilors Callaghan, Cheney and Scott were opposed.

Mayor Myers asked for a Roll Call Vote on the Ordinance.

Roll Call Vote: 7/2; Passed. Councilors Cheney and Scott were opposed.

### B. RESOLUTIONS

#### 1. REQUEST TO REPROGRAM BALANCE OF GARRISON CAPITAL FUNDS SPONSORED BY MAYOR MYERS BY REQUEST

Motion was made to remove from Agenda.

#### 2. RENAMING AND RENUMBERING PORTIONS OF HORNE COURT; SMITH ROAD; SPUR ROAD EXTENSION; TOLEND ROAD EXTENSION; MAST ROAD EXTENSION; BELLAMY ROAD; REDDEN STREET; AND REDDEN STREET EXTENSION SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Councilor DeDe.

Councilor Weston said this was updating the Emergency 911 street names. She said each homeowner was contacted and all agreed to the new proposed names except for Spur Road Extension. She said the Transportation Advisory Commission came up with Finch Lane. She asked for the Council's support for the entire street name changes listed in the Resolution.

Deputy Mayor Trefethen mentioned that it was a shame to change the name of Mast Road Extension, because of its historical meaning, especially since it's the section that goes to the waterfront.

Roll Call Vote: 9/0.

#### 3. NAMING OF ENTRANCE TO MAGLARAS PARK AND SOUTHSIDE LITTLE LEAGUE SPONSORED BY MAYOR MYERS BY REQUEST

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

Mayor Myers said it was a well deserved name.

Councilor Carrier said it was an honor for the family.

Roll Call Vote: 9/0.

#### 4. ACCEPTANCE OF THE ACTION PLAN AND EXPENDITURES FOR THE FISCAL YEAR 2009 CDBG ENTITLEMENT FUNDS SPONSORED BY MAYOR MYERS BY REQUEST

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



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, May 13, 2009**  
Meeting Time: **7:00pm**

Deputy Mayor Trefethen said the Council goes through this process every year. He said it was passed unanimously by the Planning Board.

Councilor McCusker wanted to thank Rick Jones for his work on this, and said he serves a valuable purpose.

Roll Call Vote: 9/0.

**5. REPROGRAMMING OF UNEXPENDED BOND PROCEEDS – SAU MCCONNELL CENTER RENOVATIONS PROJECT TO HORNE STREET SCHOOL CIP PROJECT (REQUIRES A 2/3 MAJORITY VOTE)**  
SPONSORED BY COUNCILORS CHENEY AND WESTON

Councilor Cheney moved for its adoption; seconded by Councilor Weston. Councilor Cheney said there was a fund balance of \$38,000 that they would like reappropriated to the Horne Street School CIP Project. She asked for the Council's approval of this Resolution.

Roll Call Vote: 9/0.

**6. REPROGRAMMING OF UNEXPENDED BOND PROCEEDS – BOUCHARD WELL FISCAL YEAR 2007 TO CUMMINGS WELL PROJECT (REQUIRES A 2/3 MAJORITY VOTE)**  
SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Cheney. Mayor Myers said the fund balance is \$12,931.

Roll Call Vote: 9/0.

**7. RESOLUTION: B09061 – ASPHALT TRENCH PATCHING SERVICES (TO BE REMOVED FROM TABLE)**  
SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved to removed from the table; seconded by Councilor DeDe.

Vote: 9/0.

City Manager Joyal said this Resolution was tabled at the last meeting, because a gentleman came forward with concerns that his technology was not included in the bidding process. He said the City is in the process in waiting for bid specifications. He said this Resolution still stands alone.

Mayor Myers said this was a different process.

Roll Call Vote: 9/0.

## 12. NEW BUSINESS

### A. CONSENT CALENDAR

#### 1. FIREWORKS – City of Dover Recreation Department



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, May 13, 2009**  
Meeting Time: **7:00pm**

2. **RAFFLE – City of Dover Recreation Department**
3. **PARADE – Avis Goodwin Community Health Center**
4. **BLOCK PARTY – Florence Street Block Party**
  
5. **RESOLUTION: COCHECHO DREDGE CELL RENTAL OF EQUIPMENT**  
SPONSORED BY MAYOR MYERS BY REQUEST
  
6. **RESOLUTION: B09054 PURCHASE OF UNLEADED, DIESEL & BIODIESEL FUEL**  
SPONSORED BY MAYOR MYERS BY REQUEST
  
7. **RESOLUTION: B09062 CURBSIDE RESIDENTIAL BRUSH CHIPPING**  
SPONSORED BY MAYOR MYERS BY REQUEST
  
8. **RESOLUTION: B09063 FIBERGLASS OMNI DIRECTIONAL ANTENNA**  
SPONSORED BY MAYOR MYERS BY REQUEST

### COMMITTEE REPORTS

1. Appointments Committee
2. Arena Committee
3. Arts Commission
4. McConnell Center Committee
5. Planning Board
6. Cable Franchise Negotiations Committee
7. School Board Liaison
8. City/School Joint Service Committee
9. Solid Waste Advisory Committee
10. Transportation Advisory Committee
11. Joint Building Committee
12. Legislative Liaison
13. Coast Bus

Deputy Mayor Trefethen moved for the adoption of the Consent Calendar; seconded by Councilor Weston.

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. Fireworks.

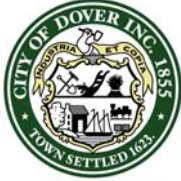
Mayor Myers asked for a Roll Call Vote on the remaining items on the Consent Calendar.

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of 12.A.1.; seconded by Councilor McCusker. Deputy Mayor Trefethen just wanted to clarify that the location is Maglaras Park, as the Fireworks application says. He thought the site alternated between Maglaras Park and Dover High School.

City Manager Joyal said the location is Maglaras Park for two reasons: First, the cost is higher at the high school, because of traffic and parking; and second, the fireworks draw people to the downtown businesses.

Deputy Mayor Trefethen asked about working with the Greater Dover Chamber of Commerce in the future, and having it coordinate with the Cochecho Arts Festival.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, May 13, 2009**  
Meeting Time: **7:00pm**

City Manager Joyal said they tried it for this year, but the entertainment was already arranged for July 3<sup>rd</sup>. He said going forward the City will try to have opening night for July 4<sup>th</sup>. Councilor Weston said she had some difficulty seeing the fireworks, and asked Recreation Department Director Gary Bannon to speak to the Council about this. Mr. Bannon said they were moving the shooting site closer to Downtown, and it will be better viewing from Henry Law Park.  
Vote: 9/0.

### B. RESOLUTIONS

#### 1. AMENDMENT TO COUNCIL RULES – RULE 2 – COUNCIL MEETINGS SPONSORED BY COUNCILOR CALLAGHAN

Councilor Callaghan moved for its adoption; seconded by Councilor Weston. Councilor Callaghan asked the City Attorney if it could not be voted on this meeting. City Attorney Krans said that was correct. Mayor Myers said the Councilor could ask for a waiver, but it would need unanimous support. Councilor Callaghan asked to suspend the rules to act on this Resolution at this meeting; seconded by Councilor Cheney.  
Vote: 5/4; Failed. Councilors Callaghan, Carrier, Cheney, Scott, and Weston voted in favor.  
Mayor Myers said this will be on the Agenda in two weeks.

### C. ORDINANCES IN 1ST READING

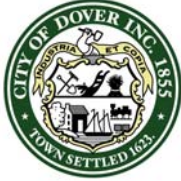
#### 1. CHAPTER 3, ADMINISTRATIVE RULES (TO BE REFERRED TO PUBLIC HEARING ON JUNE 10, 2009) SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved to move this Ordinance to a Public Hearing on June 10, 2009; seconded by Councilor Cheney.

### D. COUNCIL CORRESPONDENCE

Councilor DeDe read Dick Lowell's email to the Council. Councilor Scott interrupted the reading of the email to make a point of order. He asked the Mayor if this is an appropriate forum to read three pages criticizing the decision of some Councilors who voted yes or no on something. Mayor Myers said the constituent asked for this be read into the record. It is correspondence. He said he has allowed it before, and it would be up to the Council to change the Council rules if that is the decision.

Deputy Mayor Trefethen made a motion to suspend the rules to continue the meeting past 10:30 pm to complete the Agenda; seconded by Councilor Carrier.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, May 13, 2009**  
Meeting Time: **7:00pm**

Roll Call Vote: 9/0.

Councilor Cheney said she wanted to add the correspondence from the Greater Dover Chamber of Commerce and E. J. Bleiler.

### 13. COUNCIL MATTERS OF INTEREST

Deputy Mayor Trefethen said he felt reading the letter was inappropriate and unnecessary. He said the email was sent to the entire City Council, except for the two not on the city server. He said he also felt it was inappropriate for Councilor Scott to go to the podium. We don't know that what is being represented is true. He said it should not be allowed in the future.

Councilor Callaghan said he agreed with the Deputy Mayor. He said the Council gave floor time to someone who also spoke at the podium. He felt the Council needed to set a direction on this and right now. He would prefer a consensus from the Council not to read these letters into the record.

Mayor Myers agreed to have it put on file, but he would like a policy.

Councilor Carrier said he agreed with Councilor Callaghan. He said he was uncomfortable with having the letter read into the record. He said submitting the letter to the Council was enough.

Mayor Myers asked the Council if it can be a general understanding, or should it be a Council rule?

Councilor Callaghan said he requested a workshop on the Willand Pond issue. He said these people need to speak with the City Council directly, and not the Planning Board. He asked the Council to have a workshop on this issue on May 20<sup>th</sup>. He said he would also ask to suspend the rules to allow a question and answer period with the residents.

Mayor Myers asked when the Council was expecting S.W. Cole to be ready.

City Manager Joyal said that during the week of May 20<sup>th</sup> they're meeting with the residents. He said there will be a joint meeting with the Planning Board on May 26<sup>th</sup>. He said if there are any questions, they need to be submitted to Planning Director Chris Parker.

Deputy Mayor Trefethen said by having it a Planning Board Workshop, they don't have the same rules as the City Council.

Councilor Callaghan asked for the commitment of the Councilors to be at this joint workshop.

Councilor Cheney said she would not support suppressing the reading of letters into the record.

Councilor Callaghan said he was trying to understand why DBIDA acts without oversight from the City Council. He asked for Enterprise Park information.

### 14. ADJOURN

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

Vote: 9/0.