



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 08, 2009**
Meeting Time: **7:00pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Deputy Mayor Trefethen 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

Mayor Myers said he wanted to add the Appointments Committee report to the Consent Calendar. He asked for a vote on approving the Agenda as amended.

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 J. Lynch, 26B Lincoln Street: He said he was asked by a group of people to ask the Council why the bench in front of Café on the Corner was removed. He said he knew the owner was complaining about undesirables sitting on the bench. He said Community Services Director Doug Steele said the benches were broken, but he did not see that. He said a lot of people used the benches as a resting place. He said they now have to pay Café on the Corner to sit there. He said the bench shouldn't have been removed without the public's knowledge. He asked if the EPA finally approved Dover dumping the Tolend Road waste and the sewage system, because the City has been dumping it for quite a while. He said he wanted to know where the stuff goes. He said it has to be filtered out, and asked if it went back into the containment cell. He said the process that they are using at the landfill is the same old process that they said wouldn't work, but it said in the paper that it is supposedly saving the City money. He asked for an explanation.

Dorothea Hooper, 84 Katie Lane, Member of the Dover School Board: She said she didn't know if the Council knew how tired the residents were of the whole email issue. She said the constituents were more concerned with the Council's decisions on roads, sidewalks, landfills, ponds, police and fire protection. She asked for a Councilor to become a hero and end the discussion on the use of City or personal email.

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



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7. PUBLIC HEARINGS – None

8. CITY MANAGER'S REPORT

City Manager Joyal said he had a few items to bring to the Council's attention. He said his City Manager's Report is a summary of the expectations that the Council had adopted last fall and what has been achieved or accomplished in the past year. He said he will get the Goals of the Department Heads together and sent out to the Council very soon. He referred to the email he sent to the Council regarding the State's downshifting and the impact on the City's budget, which amounts to approximately a \$68 increase to the average residential property owner in the City. He said there were three items that were identified that caused this: One, the provision in the State budget which allows the State not to reimburse the City for certain Human Services related expenses, such as Welfare and General Assistance, which is about a \$6,000 impact. Second, the elimination of the shared block grant revenue, which is about \$600,000. Third, the retirement system increase, which is \$58 for the average taxpayer. He said there are additional downshifting items for which the City hasn't quantified the amount. He said one item that is a concern is a provision in the State budget that requires or allows the Governor to make further adjustments in personnel, and therefore in services and programs. He said where the adjustments are coming from is not known, or whether it will directly cause an impact on the services provided by the City. He referred to the Rooms and Meals Tax collected by the State, and the portion that is distributed to City and Towns. He said the City will not be receiving an increase from the amount received this year. He said the State's Budget froze these amounts. He said he sent to the Council an analysis of a 10-year history of adopted budgets. He reviewed a few keys areas with the Council. He said he thought it was interesting how the budget trends have changed in the last few years. He said in the past year the operation and maintenance for the City has increased by 0.7%, capital outlay decreased by 4.2%, debt service showed a significant increase of 7.2%, making a total tax increase for the City side of the budget of 1.6%. He referred to the school's portion of the budget, and said appropriations increased 3.9%, operations 3.8%, and 4.6% for debt service. He said the county saw an increase of 3.4%. He said that resulted in an overall increase of 3% in appropriations that was reflected in the budget that was adopted by the Council, which compares with the national CPI number of 3.8%. He referred to the analysis, and said during the period of 2001 to 2005 the City's operations and maintenance increased an average of 8% per year. He said during the period of 2006 to 2010 the City's operations and maintenance has increased 2.25% per year. He said this is something that the Council should take credit for and know that they made a significant change. He referred to the capital spending in the City, and said in the prior years there was a 10.6% increase on average. He said the last five years there was actually a 49% increase on average. He said it needed to be noted that the increase was actually a positive trend, because it showed an investment in the capital and infrastructure of the City. He said the majority of the investment was in streets and roads. He said the School Department saw an increase of 8.7% in the first five years of the decade, and that has been brought down to 5.3% in the last five years. The County spending was 9.9% in the first five years, and that increased to 10.4% in the last five years. He said the overall budget, including City, School and County, in the first five years on average increased 8.1%, and the last five years it has been 5.3%. He referred to his 360°



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evaluation for his performance review. He said it doesn't relate to the evaluation that the Council will be conducting as part of his contractual requirement. He said it was for his own personal and professional development, and enabled him to solicit feedback to the Council and other people that he works with. He said it would be a great help to him if they would fill it out and get it back to him.

Councilor Weston said she spoke with a constituent about the Tolend Road reconstruction issue. She asked if it was possible to get a price to do the reconstruction from Watson Road to French Cross Road, which is the worst part.

City Manager Joyal said it was possible. He said he will be relying on the design process, which will dictate the phasing of different activities that have to be completed on Tolend Road. He said he could ask the engineers on the project to look at that section, and give the City some information on the cost differences.

Councilor Weston said she would appreciate that, because that particular section is the worst section.

Councilor Callaghan said he wanted to make a comment on the acceptance of the City Manager's Report. He said he was not agreeing or disagreeing with the performance evaluation that was provided by the City Manager, but it would be just an acknowledgment of receipt.

Deputy Mayor Trefethen moved to accept the City Manager's Report; seconded by Councilor Callaghan.

Vote: 9/0.

9. MINUTES

A. June 10, 2009

B. June 24, 2009

Deputy Mayor Trefethen moved for their approval; seconded by Councilor McCusker.

Vote: 9/0.

10. MAYOR'S REPORT

Mayor Myers said he attended the grand opening for the Greater Dover Chamber of Commerce Office and Visitor Center. He mentioned the activities he attended on the 4th of July, which included the reenactment of the signing of the Declaration of Independence. He thanked the actors who portrayed John Adams, Thomas Jefferson and Benjamin Franklin. He also thanked Recreation Director Gary Bannon and his staff for coordinating all the events for the July 4th celebration. He said there will not be a workshop session on July 15th. He mentioned that on August 5th they will be having a workshop on the City Manager's evaluation, and he wanted the Council's input by July 29th.

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

Vote: 9/0.

11. UNFINISHED BUSINESS



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A. ORDINANCES IN THE 2ND READING – None

B. RESOLUTIONS - None

12. NEW BUSINESS

A. CONSENT CALENDAR

1. PARADE – Cochecho Valley Humane Society

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 the approval of the Consent Calendar; seconded by Councilor McCusker.

Mayor Myers said he would like to pull the Appointments Committee Report. He asked for a vote on the remaining items of the Consent Calendar.

Vote: 9/0.

Deputy Mayor Trefethen moved to accept the Appointments Committee Report; seconded by Councilor Weston.

Mayor Myers said the Appointments Committee met earlier that evening, and they have the following recommendations for the City Council:

New positions:

- Jack Buckley Parking Commission
- **June Salanski** McConnell Center Advisory Board
- Otis Perry Parking Commission
- George Maglaras Parking Commission
- Jan Nadelka Planning Board - Alternate

Reappointments:

- Gary Greene Dover Utilities Commission
- Vicki Blanchette Ethics Commission – moving from Alternate to Regular seat
- John Scruton Transportation Advisory Commission
- Joseph Tenuta Recreation Advisory Board

City Manager Joyal asked if they discussed term lengths.



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Mayor Myers said they did not discuss term lengths, such as for the new Parking Commission, but felt it could be discussed at their first meeting.

Councilor Weston asked how many more positions were open for the Parking Commission. Mayor Myers said one position was still open if their recommendations were approved, but they did receive another application that came in too late to be interviewed this evening. He said there were a number of vacancies on different boards and commissions, and asked volunteers to apply at the City Clerk's office. He asked for a vote on the acceptance of the Appointments Committee's report and recommendations.

Vote: 9/0.

B. RESOLUTIONS

1. EMAIL BOUNCE

SPONSORED BY COUNCILOR CHENEY

Councilor Cheney moved for its adoption; seconded by Councilor Weston. Councilor Cheney said she wanted to make a clerical amendment to the Resolution. The acronym should be MITSS.

City Manager Joyal said it doesn't have to be changed by an amendment since it is just a typographical error.

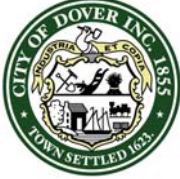
Councilor Cheney said this Resolution will enable the administration to have the server automatically deliver email addressed to a councilor. She said the councilor is not given direct access to the server in any way. She said she just wants to increase the level of the access for the citizens to communicate with their representatives. She said she was looking for a positive vote on this Resolution.

Councilor Callaghan said he was in favor of this Resolution. He said it enables residents to reach out in a similar way as they do to all the other councilors. He said the "All Councilors" selection will work when residents email the Council. He said if the Resolution does not get adopted without any valid or newly introduced rationale, then those who voted against it can clearly be presumed irrational and motivated by something less than their obligations in serving the public. He said the Resolution really does put this issue together on a level playing field. He said he wished this Resolution would pass to put this email issue to rest.

Councilor Scott said he supported this Resolution. He said it provides the appropriate protection, and provides the communication between the constituents and the councilors.

Councilor Cheney said she just wanted to add that she has tried to protect the constitutional rights of the citizens of Dover in being able to communicate with their elected representatives.

Roll Call Vote: 5/4. Mayor Myers, Deputy Mayor Trefethen, Councilors DeDe and McCusker were opposed.



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2. AMENDMENT TO CEMETERY RULES SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor McCusker. City Manager Joyal gave some background information on this Resolution. He said the City Cemetery is installing a columbarium for the storage of cremated urns, and the Cemetery Rules needed to be changed to accommodate the change.
Roll Call Vote: 9/0.

C. ORDINANCES IN THE 1ST READING

1. CHAPTER 3, ARTICLE IV, 3-60 BOARDS AND COMMISSIONS, DOVER ARENA COMMISSION (TO BE REFERRED TO PUBLIC HEARING ON AUGUST 12, 2009) SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen made a motion to move to a public hearing on August 12th; seconded by Councilor Carrier.
Vote: 9/0.

2. CHAPTER 3, ARTICLE IV, 3-71 BOARDS AND COMMISSIONS, JOINT FISCAL COMMITTEE (TO BE REFERRED TO PUBLIC HEARING ON AUGUST 12, 2009) SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen made a motion to move to a public hearing on August 12th; seconded by Councilor McCusker.
Vote: 8/1. Councilor Scott was opposed.

3. CHAPTER 3, ARTICLE IV, 3-70 BOARDS AND COMMISSIONS, TRANSPORTATION ADVISORY COMMISSION (TO BE REFERRED TO PUBLIC HEARING ON AUGUST 12, 2009) SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen made a motion to move to a public hearing on August 12th; seconded by Councilor McCusker.
Vote: 7/2. Councilors Scott and Weston were opposed.

D. COUNCIL CORRESPONDENCE - None



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13. COUNCIL MATTERS OF INTEREST

Councilor Scott said he voted no on the referral to a public hearing, because he felt the issues should have a workshop for the Council to discuss them.

Councilor Weston said she was upset when she saw the Resolution to abolish the Transportation Advisory Commission. She said she has been the Council representative for this Commission. She talked about how important communication was among the Council members, and said she was never contacted about this Resolution. She said she felt this was a classic situation of do as I say, and not as I do.

Councilor Callaghan said it bothers him to eliminate any boards or commissions. He said it tells the volunteers on these commissions that we don't want to listen to them anymore. He said it looks like the Council is trying to stifle the voice of the citizens, and trying to create less power for them. He said he didn't think that was what the Council really wants to do. He said he would be adamantly opposed to it.

Councilor Carrier announced the Park Street Playground meeting on Saturday, July 11th, 9:00 am to 11:00 am.

Councilor Cheney said the boards and commissions were put in place for a reason, and citizen participation is important. She agreed that there should be a workshop. She also talked about the zoning amendments, and noted that the Zoning Board of Adjustments is having a public hearing on July 28th. She said the City's website shows the changes. She wanted to thank the Councilors who voted for her email bounce resolution.

Councilor Callaghan said he was the Council representative for the Joint Fiscal Committee, and he was not aware that this Resolution was coming up. He made a motion to set up a workshop on July 29th to discuss the three ordinances; seconded by Councilor Scott.

Vote: 8/1; Passed. Councilor DeDe was opposed.

14. ADJOURN

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

Vote: 9/0.