



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 9, 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 asked the Council if they would like any changes to the Agenda.

Deputy Mayor Trefethen said he had three changes. He asked to substitute 11.B.1. as a whole.

Vote: 9/0.

Deputy Mayor Trefethen asked to substitute 11.B.2. as a whole.

Vote: 9/0.

Deputy Mayor Trefethen said background information needed to be added to 12.B.1.

Vote: 9/0.

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.*

**Mary Hebbard, 97 Spruce Lane:** She referred to the August 12, 2009 Council meeting that discussed outside legal opinions. She said she went over the audio recording, and she said that Deputy Mayor Trefethen said the following about releasing the outside opinion regarding Councilor Callaghan's Charter Amendment: "I've read enough, but I haven't read it all, so I would be reluctant to release it." She referred to the August 19, 2009 Council Special Meeting, and said Deputy Mayor Trefethen said the following regarding that legal opinion when he was chastising her for her comments at the podium: "I had the legal opinion approximately three hours before the meeting, which would have been true for any of us. The misconception that this was available minutes before the meeting is not true. It was hours before the meeting. Now, you could argue hours, minutes, or whether it was sufficient time. It was sufficient time for me to read the legal opinion." She asked which she was supposed to believe. She asked the Council to say what they mean and mean what they say, because otherwise it gives the impression that you have something to hide. She said there was something else that was



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bothering her and she is going to speak about it tonight. She said in 2007 her husband, Rick, ran against Deputy Mayor Trefethen for the Ward 4 Council seat. She said during the debates her husband asked Deputy Mayor Trefethen why he chastised people when they come to the podium. She said Deputy Mayor Trefethen's response was that he wanted to make sure people have the facts, wanted to make sure things were clear, and didn't intend to chastise anyone. She said this habit of Deputy Mayor Trefethen's has become progressively worse over the past two years.

Mayor Myers interrupted her and asked that her comments be addressed to him and not directly to any Councilors.

Ms. Hebbard said the citizens that come to the podium really take the time to do their homework. She said they don't always get it right, but they don't always get it wrong as Deputy Mayor Trefethen would have you believe. She said the citizens of the City are the Council's boss and deserve to be treated with respect. She said if they can't treat the citizens with respect then they don't deserve a seat on the Council.

**Samuel Reid, 22 Lexington Street:** He said he wished to speak in favor of Item 12.A.4., a change order on sidewalk improvements. He said it will add Lexington Street to the list for sidewalk and curb improvements. He said it was important to Lexington Street residents, many of whom were present and will also speak to the Council. He said they have been working with the Transportation Advisory Committee, Planning Department, Community Services Department, and the Police Department, to devise solutions to slow down traffic on Lexington Street. He said there are 15 children living on this street and traffic is going at what they believe to be dangerous speeds. He said the problem is much worse since the canopy of trees has been removed. He referred to the City's solution to have a speed table, a \$3,000 item, which is a form of traffic calming. He said it was an elongated bump, and if someone goes over the speed limit it is a bumpy ride. He said the City Manager wanted to use Lexington and Cushing Street as an experiment. He said the curb and sidewalks are also deplorable, due to the trees planted years ago that have ripped up the sidewalk. He said the trees have been removed, and now the sidewalks need repair. He said they were a liability issue. He asked the Council for their support.

**Margaret Purcell, 9 Lexington Street:** She said in the 22 years she and her husband have lived on Lexington Street there has been no paving or street work done. She said the abysmal condition of the sidewalks has not been addressed. She referred to the sidewalk plow that broke down in front of her house a few years ago, and said they fixed the problem by not plowing the sidewalk on her side of the street. She said the street is also falling apart, with one deep area that you could lose a Volkswagen. She said the Dover Police Department had a speed sensor on the street for a few weeks during the summer, and they now know what a drag strip Lexington Street has become. She said the "No Trucks" sign is being taken to mean "Trucks Optional". She referred to 10 homes on Lexington Street and said they are cumulatively assessed at \$4,188,500, and they pay a sizable amount of taxes that isn't being used to maintain the street in the last 22 years. She said decisions need to be made to make the street more family friendly, and not like Route 128 North.



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**Dorothea Hooper, 84 Katie Lane, School Board Member and candidate for Ward 4 Council seat:** She said she wanted to go over a few bullet points from the Joint School Board and City Council meeting for the Council to keep in mind as they discuss the budget amendments. She said it was the opinion of the School Board that the Council exceeded its authority when it touched the revenue line. She said by adjusting the revenue an additional burden has been placed on the taxpayers. She said they felt the Council was in error in what constitutes "bottom line." She said she respectfully requests that the Council rescind the action taken.

**John Guy, 5 Lexington Street:** He said he have lived in Dover since 1972. He said he supported the comments from Mr. Reid and Ms. Purcell.

**David Montenegro, 55 Union Street:** He referred to the comments made at the last Regular Meeting of the City Council about the Appointments Committee. He agreed that the Appointments Committee process is problematic. He said the three Councilors have the power to filter candidates. He asked if these three people represent the will of the Council. He said the Appointments Committee makes recommendations, and the rest of the Council has to go through hoops to see who else applied. He said he felt the Appointments Committee should work as an advisory group, interviewing candidates, and bringing all applicants forward to the Council for their decision.

**Maryanne Cheney, 35 Prentice Way, Exeter, employed at 601 Central Avenue, and President of the Rotary Club of Dover:** She said they approached the City about renovating Park Street Park. She referred to Item 12.B.1. and asked for the Council's support.

**John Scruton, 99 Sixth Street:** He spoke about the zoning changes. He said in 1979 Dover zoned out farm land. He said in 2002 Dover zoned out more farm land. He said it is known that every acre of open space contributes \$1,500 a year. He questioned #5 of the zoning changes, which was rezoning 38 acres on Mill Street and Charles Street, 364 acres on Spur Road and Garrison Road, and 13 acres on Washington Street. He said there was a plus to the zoning changes, which was deleting the requirement for parking spaces. He said it also says it is going to be a positive tax impact. He said he didn't know of any development that has been a positive tax impact to the taxpayers. He said they needed to forget about cars and promote a village atmosphere, smaller stores. He said the City needs an independent audit. He said the Planning Department is always talking about residential and commercial development. He said they should be thinking about farmland and agriculture first, and then residential and commercial. He said he has seen nonstop development in Dover for 30 years, and all that happens is his taxes keep going up to the point where you don't want to live here.

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



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### 7. PUBLIC HEARINGS

#### A. RESOLUTION: BUDGET AMENDMENT #1

SPONSORED BY MAYOR MYERS, DEPUTY MAYOR TREFETHEN, AND  
COUNCILOR McCUSKER

**Ron Huml, 199 Mast Road:** He referred to his handout and spoke to both amendments.

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

#### B. RESOLUTION: BUDGET AMENDMENT #2

SPONSORED BY COUNCILORS CARRIER AND WESTON

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

### 8. CITY MANAGER'S REPORT

City Manager Joyal spoke briefly on his comprehensive report. He said there were a few forthcoming items he wanted to bring to the Council's and the public's attention, and then he wanted to let the gentlemen from Coast give a presentation about the implementation of FastTrans. He said the Greater Dover Chamber of Commerce will be hosting a Dover Citizen's Leadership Academy on September 17<sup>th</sup>, which is the first foray into encouraging people to get involved with various boards and commissions within the City. He hopes to expand the program next year. He said he is arranging for a National Citizen's survey to get some feedback from residents, and he will have more information on that in the future. He spoke about the mosquitoes and EEE, West Nile virus. He said the City has never sprayed for mosquitoes in the past, but the company that does the testing has volunteered to do some various locations in the City. He also spoke about the bedbug problem in some areas of the City, and that the Health Officer has been working with the tenants and landlords of these properties. He wanted to discourage people from taking furniture that other people are throwing away, because it is a good way to spread the bedbugs. He said for the fifth year in a row the City's Finance Department has been recognized with an excellence in financial reporting award. He said the award is administered by the Government Finance Officers Association for the United States and Canada. He congratulated Mr. Lynch and his staff. He invited Rad Nichols and Jeremy Laroche from Coast to give their presentation to the Council.

Mr. Laroche, Manager of Planning and Operations for Coast, gave his presentation on Dover FastTrans.

Mayor Myers asked the Council if they had any questions about the City Manager's Report. Councilor Callaghan referred to page 8/35, and asked about the three contracts with Johnson Controls.

City Manager Joyal said because the City received AARA funding, or stimulus funding, they have to separate out from the master contract the work on the wastewater treatment plant and the work on the McConnell Center.

Councilor Callaghan asked if there was a section on Willand Pond.



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City Manager Joyal said the City's staff has met with Mr. Stackpole, who owns property in Somersworth, to talk about options for installing a well. He said they have been in discussions with the State about the feasibility of installing a well out there.

Councilor Callaghan said he was looking for any recommendations made by the Planning Board based on the meeting they had regarding Willand Pond.

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

Vote: 9/0.

### 9. MINUTES

**A. August 19, 2009 – Special Meeting**

**B. August 19, 2009 – Joint Workshop**

**C. August 26, 2009 – Regular Meeting**

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

Vote: 9/0.

### 10. MAYOR'S REPORT

Mayor Myers said he attended a Customer Appreciation Day at Federal Savings Bank celebrating their 120<sup>th</sup> year in Dover. He attended a ribbon cutting for Centrix Bank. He attended Maple Suites neighborhood block party held to collect funds for area food banks. He said he volunteered for the dunking tank, and reminded the audience that it was held on Tropical Storm Danny day, when it was 64 degrees. He spoke about DBIDA, and members of the Parking Commission meeting to discuss public/private parking agreements, and whether the Economic Development Director could bring up parking arrangements with people he is meeting with anyway. He asked the Council if they have any questions on his Mayor's Report.

Councilor Cheney asked for some clarification on the public/private partnerships.

Mayor Myers said the Economic Development Director would talk with developers about the potential for adding parking spaces. He said the Economic Development Director wouldn't have any authority, but would broach the subject with people.

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

Vote: 9/0.

### 11. UNFINISHED BUSINESS

**A. ORDINANCES IN THE 2<sup>ND</sup> READING - None**

**B. RESOLUTIONS**

**1. BUDGET AMENDMENT #1**

SPONSORED BY MAYOR MYERS, DEPUTY MAYOR TREFETHEN, AND  
COUNCILOR McCUSKER

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



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Deputy Mayor Trefethen said this Resolution essentially restored the \$200,000 revenue back into the School's side of the budget, which the Council had removed during budget deliberations in June. He said his Resolution also recognizes that the City's revenues will be lowered \$600,000. He said the real issue is keeping it straight for the Department of Revenue Administration (DRA).

Mayor Myers wanted to remind the Council that it would take a 2/3 majority to pass.

Councilor Callaghan asked what happened to the tax levy with this Resolution.

Deputy Mayor Trefethen said restoring the \$200,000 to the School's side of the budget reduces the tax levy, but the Resolution is also recognizing the fact that the City's side of the budget is not getting \$600,000 revenues from the State.

Councilor Callaghan asked if the Resolution would get \$600,000 out of new taxes.

Deputy Mayor Trefethen said it does as it stands right now.

Mayor Myers said it recognizes it as a known fact and puts the accurate numbers in place.

Councilor Callaghan asked if there was a plan to find this money somewhere else in the budget, or if the plan is to raise taxes to cover the \$600,000.

Deputy Mayor Trefethen said there is another budget amendment which addresses part of that, and then the Mayor has another budget amendment that addresses it as well.

He said the purpose of his Resolution was to keep things clean, simple, and one step at a time.

Councilor Callaghan asked about the two Resolutions giving back the \$200,000 to the School's side of the budget.

Mayor Myers said the \$200,000 is identical in both Resolutions.

City Manager Joyal said the Resolutions build upon each other. He said looking at all three budget amendment resolutions nets out the \$600,000.

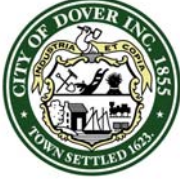
Councilor Cheney referred to the transposition on the County taxes from \$6 million to \$7 million. She felt the substituted Resolution wasn't as clean as the first resolution. She supports undoing what the Council did in June when the budget was passed. She felt if this Resolution is passed and the other Resolution isn't, then they are passing on \$600,000 more to the taxpayers. She asked when the last date was that the Council can get the \$600,000 out of the budget, so it is not passed on to the taxpayers.

City Manager Joyal said a portion of the \$600,243 that the State will no longer be providing to the City is reflected as County revenue. He said a portion of the money was allocated to the County on the City's behalf. The last date for any changes is September 24<sup>th</sup>, which is dictated by the tax bills being mailed out by November 1<sup>st</sup>.

Councilor Weston asked if another budget amendment could be addressed at a Special Meeting.

City Manager Joyal said the Council can always schedule a Special Meeting by getting five votes, but they have to keep the deadline in mind.

Councilor Weston explained the two Resolutions for Councilor Callaghan. She said when the Council adopted the budget there was an increase in taxes to the residents. She said they also learned of the \$600,000 shortfall after the budget was passed. She said budget amendment #1 reverses the revenue, which took care of the \$200,000. She said budget amendment #2 looked at the \$600,000 as a whole. She said now they need to look at the other \$200,000 that was realized when the budget was passed. She said



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the Mayor has budget amendment #3 for \$41,000 coming forward. She said budget amendment #1 and the first part of budget amendment #2 were identical, solving the same problem. She said the second half of budget amendment #2 addresses \$400,000 of the \$600,000. She said that leaves \$200,000 that needs to be addressed to go back to no tax increase. She said the Council can pass budget amendment #1 and #2 as a whole, and budget amendment #2 is just taking in consideration what was passed in budget amendment #1. She said there would be no duplication of effort.

Councilor McCusker said budget amendment #1 was an efficient way of explaining the shortfall.

Councilor Scott asked for clarification because budget amendment #1 should add an additional \$600,000 added to the tax levy.

Mayor Myers said this Resolution restores the \$200,000 back to the School's side of the budget, but it also shows the \$600,000 shortfall from the State. He said if it wasn't in the Resolution DRA would adjust it anyway because they know the City isn't getting the \$600,000 from the State.

Councilor Cheney said she wanted to fix what the Council did to the School's budget. She said the DRA is authorized to take the taxes anyway.

Mayor Myers said it was merely housekeeping. He said it neither of the Resolutions pass, the DRA will still add \$600,000 to the tax levy.

Councilor Weston explained that when the Council reduced the revenue on the School's budget it raised the tax levy \$.08 per thousand. She said the \$600,000 shortfall raised the tax levy \$.24 per thousand. She said if the Council decides to reverse the \$200,000 back to the School's budget and take \$400,000 from the Sand & Gravel Fund, then it would take care of the \$.24 per thousand. She said budget amendment #3 addresses \$41,000, and leaves the Council to find another \$150,000 with budget amendments to address the original \$.08 per thousand. She said she was going to vote for both Resolutions because it is going to help with the tax impact on the citizens by a minimum of \$.24 per thousand. She said that is what this Council wants to do. She said the Council should get to work on coming up with more money between now and the deadline.

Mayor Myers said he felt there was full support on budget amendment #1.

Councilor Scott said the wording of budget amendment #1 does not replace the \$200,000 to the School's budget. He said it was improper that the Council overstepped their bounds and reduced the revenues. He said the substitute causes an increase of \$600,000 to the taxpayer. He said he will not support the Resolution.

Councilor Callaghan said he has been listening to everyone and feels that budget amendment #1 really doesn't mean anything, because if the Council doesn't do it the DRA will do it for us.

Mayor Myers said budget amendment #1 restores \$200,000 back to the School's budget and reduces their tax levy by \$200,000. He said the \$600,000 is completely separate, and if the City did do nothing the State would do it automatically.

Councilor Callaghan said it does do something, but budget amendment #2 addresses it too and also looks for a way to come up with some of the other money. He said he also heard the Mayor say he only supported budget amendment #1.



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Councilor McCusker agreed that the \$200,000 should be a standalone budget amendment, and then the Council should find ways to make up the \$600,000 we did not get from the State. He said budget amendment #2 addresses a portion of the \$600,000 loss, and budget amendment #3 addresses another portion of the \$600,000 loss. He said there is still \$160,000 left to find to cover up the \$600,000 loss.

Deputy Mayor Trefethen said he tried to make it one issue: yes or no. He said he thought everyone wanted to restore \$200,000 back to the School. He assured Councilor Scott that there was no one at the table that wanted to raise taxes.

Councilor Cheney said this Resolution does achieve the objective, but also that it is not the State that raised the tax bill by \$.32, but the Council. She wanted to get a consensus that after this Resolution is passed that the Council will work on the rest.

Councilor Scott said he appreciates the idea of replacing the \$200,000, but the substitution shows a \$600,000 increase that must be raised by taxation.

Mayor Myers said again that if the Council does nothing the State will adjust the numbers anyway.

Councilor Scott said they need to bring forward cuts so they don't have to raise taxes.

Mayor Myers said the Council needs to bring forward budget amendments.

Councilor Carrier said to Councilor Scott that the \$600,000 isn't totally represented in budget amendment #1. He said budget amendment #1 is addressing the \$200,000 for the School. He said budget amendment #2 addresses the \$600,000.

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

### **2. BUDGET AMENDMENT #2**

SPONSORED BY COUNCILORS CARRIER AND WESTON

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

Councilor Weston said this Resolution had a global effect on the \$600,000. She said the Council members all recognize that they still have to make up \$200,000. She said \$41,000 in savings is coming forward, and that leaves \$160,000. She said passing this budget amendment saves the taxpayers \$.24 per thousand on their tax bill. She addressed the Sand & Gravel Fund, and said she has heard from constituents that they don't want it touched again until the bathhouse is renovated. She said estimates for the renovations were between \$150,000 and \$200,000. She said during the high peak months the Sand & Gravel Fund earns \$25,000 in revenues, and by December it is estimated that there will be an additional \$150,000 to \$200,000 to add to the \$185,000 that's there. She hoped for unanimous support from the Council, because she felt it was not the Council's intent to require additional taxpayer dollars.

Councilor Carrier said the Sand and Gravel Fund has been used for the Library's roof, the McConnell Center's roof, and slowly but surely they have seen that money disintegrate. He said the City is in a crisis situation and we don't want to raise taxes on the citizens. He said Councilor Weston and himself came up with a creative idea to take the money from the Sand and Gravel Fund. He said they didn't like the idea, because they wanted the bathhouse renovated.

Councilor Cheney said she supported the intent, but the numbers weren't adding up.

She said it offsets the School portion.



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Mayor Myers said further down it states that \$50,000 offsets City and \$350,000 offsets School.

Councilor Cheney asked why, because it was the City that lost State revenue.

Mayor Myers said that was how the Resolution was written by the sponsors.

Councilor Weston said this was a two-part amendment, and to make the numbers balance these are the numbers the Finance Department gave them.

Councilor Cheney said they were lowering the School's budget again.

City Manager Joyal said it was not the Finance Director that came up with these numbers. He agreed with Councilor Cheney that they were lowering the School's tax levy by \$350,000 and the City's tax levy by \$50,000. He said it doesn't affect the appropriations or spending.

Councilor Cheney asked for further clarification.

City Manager Joyal said Councilor Weston's starting point was the adopted budget. She was looking to find \$600,000 without addressing the School issue.

Mayor Myers said this was one of the reasons he wished the issues were separate. He said the first one was straightforward and the second one dealt with the use of the Sand and Gravel Fund. He went over his reasons why this is a short-term band-aid that nails the City next year, and is similar to using Fund Balance, because it is one-time revenue coming in. He said the City needs to make up that revenue shortfall next year. He asked the City Manager if the City had a \$50,000 expense so that this can be written off next year.

City Manager Joyal said that Community Services had a \$50,000 study that they are doing for storm water management this year, and that he doesn't expect it needs to be done again next year.

Mayor Myers said the City side is all set with the \$50,000 coming off, but he didn't know the answer with the School side having a one-time expense of \$350,000 to cover this expense. So they will be starting their new budget \$350,000 in the hole, because they lose the revenue stream.

He referred to the Joint Fiscal Committee meeting, and said since the Council passed the budget the School has an additional \$600,000 in expenses that they didn't anticipate, due to large kindergarten classes, additional teacher and paraprofessionals being hired, and furniture purchases. He said they found some money and savings, but are \$300,000 in the hole. He said this isn't the right way to approach this problem, because it sets the City up for dire straights next budget season.

Councilor McCusker said he took responsibility for overstepping his bounds on reducing their revenues, which only gave the School money to spend if they earned the revenues. He said this Resolution made the School start their budget process next year at negative \$350,000.

Deputy Mayor Trefethen asked Councilors Weston or Carrier if there was a one-time item expense for \$350,000 in the School's budget that they were aware of. He said the Council can't direct the School Board, but at least it would ease the Council's minds.

Councilor Weston said she didn't have anything in particular, but at the Joint Fiscal Committee meeting there were comments that they would be able to make cuts next year because it gives them the opportunity to plan.



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Deputy Mayor Trefethen said this Resolution has been out for two weeks and no one spoke at the public hearing. He said he agrees with the Mayor's comments, but no one is complaining.

Councilor Scott said he supported budget amendment #2.

Councilor McCusker said he was asked by a constituent if there was a specific designation for Sand and Gravel Funds.

City Manager Joyal said there were separate resolutions to allocate the proceeds from the selling of gravel. He said 10% goes for recreation field maintenance, 60% for recreation field construction, and 30% for capital improvement projects. He said it was the intent of the previous Council, but ultimately the funds can be used for any reason.

Councilor Cheney asked for clarification on the final numbers.

Mayor Myers explained that it didn't affect the School's budget this year. He said the School is getting an additional \$350,000 from the Sand & Gravel Fund and actually lowering their tax levy. He said next year when the City does the tax cap formula, which starts at the previous year's tax levy, the School will be starting at \$350,000 less.

Councilor Cheney said she was concerned with the division of the \$400,000.

Councilor Callaghan asked if the Resolution could be amended, or if it had to go to Public Hearing.

Councilor Cheney said the numbers have to be changed.

City Manager Joyal felt as long as they stay with the \$400,000 they should be fine.

Councilor Callaghan asked if the money had to be put somewhere, or if it could be just direct income.

Mayor Myers said if you're putting revenue into the budget it also has to reduce the tax levy amount, otherwise there is excess revenue and the tax levy hasn't been changed. He said the DRA will automatically adjust the tax levy because they will see the extra revenue.

Councilor Callaghan asked if the Sand and Gravel Fund is revenue already.

Mayor Myers said it was revenue that wasn't in the operating budget, and now it is being moved into the operating budget.

Councilor Callaghan asked if this could wait until the tax rate has been set.

Mayor Myers said it would catch up to the City the following year, but it will still impact the tax levy at some point.

Councilor Callaghan said he would like to propose a friendly amendment to even out the numbers; \$200,000 for the City and \$200,000 for the School; seconded by Councilor Scott.

Councilor Callaghan said the School has struggled tremendously with their budget, and he doesn't even know how they'll do with a \$200,000 deficit next year. He said it was a plan for now and can be adjusted in time. He said it seemed more equitable and he didn't understand the logic behind \$50,000 for the City and \$350,000 for the School.

Deputy Mayor Trefethen said he was comfortable with the \$50,000 for the City because the City Manager had identified a one-time item charge that could be used next year to cover the deficit starting point. He said he is not comfortable with the additional \$150,000, because he was running for office again and didn't want to start the next budget season \$150,000 in the hole.



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Mayor Myers said he would not be comfortable passing the burden on to the City, especially in light of what the City's employees have done. He said the Council knows they have raises due to the employees next year and we're already starting in the hole. He was not comfortable with shifting this amount on the fly to the City's side.

Councilor Scott said he felt the Council should be doing what is comfortable for the people of Dover and not what is comfortable for the City's administration.

Councilor Cheney said she supported the amendment, because she wasn't comfortable giving education any of this, because the shortfall came on the City side.

Mayor Myers said he wasn't in favor of passing this burden on to the taxpayer, but felt it shouldn't come from the Sand & Gravel Fund. He said the Council should step up and find particular cuts to deal with the budget.

Councilor Carrier asked if the Mayor had anything in mind to come up with \$600,000.

Mayor Myers said he has brought forward a resolution to save some money. He said he has brought forward resolutions to push back the Tolend Road project, which didn't really change when they were going to start work on the project. He said some CIP projects can be postponed. He said one Councilor said he was going to put forward a resolution to push back Applevale, but he never did. He said during the Joint Fiscal Committee meeting he asked the School to go back and look for cuts. He said the Council should be doing it too. He said his budget amendment is not a lot of money, but it keeps future money from being bonded.

Councilor Weston asked if they could pass the resolution and change the numbers later.

Mayor Myers asked for a vote on the amendment to the Resolution.

3/6; Failed. Councilors Callaghan, Cheney and Scott voted in favor.

Mayor Myers asked for a Roll Call Vote on the original Resolution.

Roll Call Vote: 7/2; Passed. Mayor Myers and Councilor McCusker were opposed.

## 12. NEW BUSINESS

### A. CONSENT CALENDAR

#### 1. RAFFLE – Jaden's Wish

#### 2. RESOLUTION: DONALD AND RITA MACLEOD MEMORIAL SCHOLARSHIP FUND

SPONSORED BY MAYOR MYERS BY REQUEST

#### 3. RESOLUTION: ASPHALT TRENCH PATCHING SERVICES B09061 REVISITED

SPONSORED BY MAYOR MYERS BY REQUEST

#### 4. RESOLUTION: B09095 CHANGE ORDER #1 SIDEWALK IMPROVEMENTS

SPONSORED BY MAYOR MYERS BY REQUEST

#### 5. HIGHWAY ROAD SALT

SPONSORED BY MAYOR MYERS BY REQUEST



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
 Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
 Meeting Date: **Wednesday, September 9, 2009**  
 Meeting Time: **7:00pm**

### 6. ROUTE 9 BRIDGE RENOVATIONS SPONSORED BY MAYOR MYERS BY REQUEST

#### COMMITTEE REPORTS

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

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

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

Councilor Scott asked to pull Item 12.A.4.

Deputy Mayor Trefethen asked to pull Item 12.A.3.

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 Item 12.A.3.; seconded by Councilor McCusker.

Deputy Mayor Trefethen said he had a question for the City Manager. He said the Resolution has one Whereas that seemed to say the City was awarding the bid to three vendors, another Whereas seemed to say two vendors, and the Now, Therefore seemed to say one vendor. He asked for clarification on who is getting what.

City Manager Joyal said the original Resolution the City asked the Council to award the bid to two vendors, Durell AP Enterprises and Tri-State Seal Coat. He said at this point in time the City is not comfortable working with Durell AP Enterprises and they were asking to go to the next company on the list, Sinclair Paving. He said it will give the City two vendors to work with for the rest of the year.

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of Item 12.A.4.; seconded by Councilor Scott. Councilor Scott said this is over \$25,000 and he felt it was wrong that it was put on the Consent Calendar.

Councilor Callaghan said he supported this Resolution, because the sidewalks are horrible. He asked the City Manager if the City has a sidewalk plan, so people can see when their sidewalks might be done.

City Manager Joyal said all sidewalk repairs are done in conjunction with street repairs, unless it is a school priority.

Councilor Callaghan asked if Community Services could do an assessment on the sidewalk repairs.

City Manager Joyal said they can always do an assessment, but the Council has cut back on the funding.

Councilor Scott said he didn't pull the Resolution because he was opposed to it.



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Councilor Weston said Lexington Street and Cushing Street were on the agenda several times for the Transportation Advisory Committee. She said the Police Department has put the lines across the street to monitor traffic. She said there has been an arrest for someone going over 50 mph. She said Lexington Street and Cushing Street are ideal places to test the traffic calming method.

Councilor Carrier said he lived in the area for about 10 years and the sidewalks are in disrepair. He said the streets are used as cut across streets between Silver Street and Washington Street. He said he is concerned for families going to Woodland Park. He said he will support this Resolution.

Roll Call Vote: 9/0.

### B. RESOLUTIONS

#### 1. PARK STREET PARK IMPROVEMENTS

SPONSORED BY COUNCILOR CARRIER

Councilor Carrier moved for its adoption; seconded by Councilor McCusker. Councilor Carrier said they had a neighborhood meeting regarding the park, and the Rotary Club stepped up and said they will spearhead the project. He said this Resolution is asking the Council to approve the City Manager to authorize the donation of the Rotary Club and enter into an agreement for the Rotary Club to renovate Park Street Park.

Mayor Myers thanked Councilor Carrier and the Rotary Club.

Councilor Carrier also thanked Councilor Carrier and the Rotary Club.

Councilor McCusker thanked Councilor Carrier and the Rotary Club. He said it enhances the City and is a great thing to do.

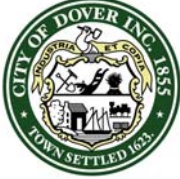
Vote: 9/0.

#### 2. WILLAND POND AD-HOC COMMITTEE AMENDMENT #1

SPONSORED BY COUNCILOR CALLAGHAN

Councilor Callaghan moved for its adoption; seconded by Councilor Cheney. Councilor Callaghan said this was a rare request for non-citizens to work on a committee. He said the intent of the Committee was to allow Dover and Somersworth to work together to resolve issues for water quality and water height at Willand Pond. He said their meetings are well attended, but there isn't always a quorum of members. He said at the last meeting there was a request for an exception to the residency requirements. He said Somersworth residents come to the meeting and participate, but they can't vote. He said he told them that the residency issue is something that the Dover City Council can waive under certain circumstances. He said there should be a waiver that allowed Somersworth residents to participate, because they live in the area and are affected.

Councilor Cheney said she believed in residency requirement for committees, but can see it being waived for this because it covers two cities.



CITY OF DOVER

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Mayor Myers said he has seen a number of cases to waive the residency requirement by people who have vested interest. He said he supported this Resolution. Councilor Callaghan added that Somersworth does not have a committee like this.  
Vote: 9/0.

**3. REPROGRAMMING OF UNEXPENDED BOND PROCEEDS FROM WOODMAN PARK TENNIS COURT TO "OTHER" TENNIS COURTS  
(TO BE REFERRED TO PUBLIC HEARING ON SEPTEMBER 23, 2009)  
SPONSORED BY MAYOR MYERS BY REQUEST**

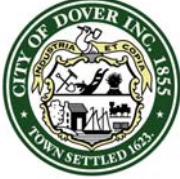
Deputy Mayor Trefethen moved to refer it to a public hearing on September 23, 2009; seconded by Councilor DeDe.  
Vote: 9/0.

**4. AMENDMENT OF FY2010 FEE SCHEDULE FOR HOURLY METER PARKING RATES  
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its approval, seconded by Councilor Weston. City Manager Joyal said this was a recommendation of the Parking Commission following up on a study conducted. He said it is recommended that the rate increase from \$.50 to \$.75 per hour.  
Vote: 9/0.

**5. REPROGRAMMING OF UNEXPENDED BOND PROCEEDS AND REDUCE PRIOR UNISSUED BOND AUTHORIZATION  
(TO BE REFERRED TO PUBLIC HEARING ON SEPTEMBER 23, 2009)  
SPONSORED BY MAYOR MYERS**

Deputy Mayor Trefethen moved to refer it to a public hearing on September 23, 2009; seconded by Councilor DeDe.  
Councilor Weston asked which items are unexpended proceeds and which items are going to be delayed.  
Mayor Myers referred to Page 3/3 and said the Council would be reprogramming all of the Community Service streets or traffic signals. He said the City would be saving \$41,000 in interest and not issuing just under \$1 million of bonded debt.  
Councilor Weston said she asked the City Manager for a list of all CIP projects that had come in under budget when they were working on the CIP budget.  
City Manager Joyal said there were projects still outstanding at that time with outstanding invoices and work to be done. He said he gave her a list of what was completed at that time.  
Vote: 9/0.



CITY OF DOVER

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**6. BUDGET AMENDMENT #3  
(TO BE REFERRED TO PUBLIC HEARING ON SEPTEMBER 23, 2009)  
SPONSORED BY MAYOR MYERS**

Deputy Mayor Trefethen moved to refer it to a public hearing on September 23, 2009; seconded by Councilor Weston.

Vote: 9/0.

**C. ORDINANCES IN 1ST READING**

**1. UPDATING THE DOVER ZONING ORDINANCES  
(TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 14, 2009)  
SPONSORED BY DEPUTY MAYOR TREFETHEN**

Deputy Mayor Trefethen moved to refer the substituted version to a public hearing on October 14, 2009 and to waive the City-wide mailing; seconded by Councilor McCusker.  
Vote: 9/0.

**2. ARTS COMMISSION  
(TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 14, 2009)  
SPONSORED BY MAYOR MYERS**

Deputy Mayor Trefethen moved to refer it to a public hearing on October 14, 2009; seconded by Councilor DeDe.

Vote: 9/0.

**D. COUNCIL CORRESPONDENCE**

**13. COUNCIL MATTERS OF INTEREST**

Councilor Cheney said she wanted to mention that she has received several complaints about Henry Law Avenue being one-way. She said she also is against more traffic lights downtown. She said it makes people more aggressive. She hoped the traffic calming study works and can be spread around the City.

Councilor Callaghan requested a Special Meeting for September 14, 2009 at 6:00 pm for budget amendments; seconded by Councilor Cheney.

Mayor Myers said he wouldn't be present due to a prior commitment.

Councilor Carrier said he wouldn't be present.

Vote: 9/0.

Councilor Scott asked for preliminary financial statements for the fiscal year that closed June 30<sup>th</sup>. City Manager Joyal said those will be available by the end of the month.



CITY OF DOVER

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Councilor Callaghan asked if the School Board was also approving the minutes for the Joint meeting of the School Board and City Council.

City Clerk Lavertu said they had been sent to the School Board for their approval.

Councilor Weston made a plea for the Transportation Advisory Committee, and asked for anybody to come join them because there is a vacancy.

Councilor Cheney said there was an election on November 3, 2009, and was hoping people were going to sign up to run for Council.

### 14. ADJOURN

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

Vote: 9/0.

**DRAFT**