



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, October 14, 2009**  
Meeting Time: **7:00pm**

### 1. MOMENT OF SILENCE

### 2. PLEDGE OF ALLEGIANCE

Councilor Callaghan led the Pledge of Allegiance.

### 3. ROLL CALL

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

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

**Absent:** Councilor DeDe.

### 4. PROCLAMATIONS – None

### 5. APPROVAL OF AGENDA

Mayor Myers asked the Council if they had any items they wished to add, delete, or change the location of on the Agenda.

Deputy Mayor Trefethen said the City Manager would like Item 12.A.16. be pulled from the Agenda.

Mayor Myers asked for a vote on removing 12.A.16. from the Agenda.

Vote: 8/0.

Deputy Mayor Trefethen requested that Item 12.A.8. be substituted as a whole. He noted that the Council has the substituted version on their desks.

Mayor Myers asked for a vote on substituting 12.A.8. as a whole.

Vote: 8/0.

Councilor Scott asked to move 12.B.3. and 12.B.4. to after the Mayor's Report.

Mayor Myers asked for a vote on moving 12.B.3. and 12.B.4. on the Agenda.

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

Deputy Mayor Trefethen made a motion to approve the Agenda as amended; seconded by Councilor McCusker.

Vote: 8/0.

### 6. CITIZEN'S FORUM

*Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.*

**Harvey J. Lynch, 26B Lincoln Street:** He asked for an explanation on rumors that cable television funds are going to the McConnell Center. He said he hoped everyone votes on November 3<sup>rd</sup>, because the City needs a change.

**John Guy, 5 Lexington Street:** He said he supported Resolution 12.B.1. He thanked the Council and City Manager Joyal. He said there was a contract in place that had some sticky



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issues. He commended City Manager Joyal, Community Services Director Doug Steele, and Engineer Ben Clark for listening to the concerns of the citizens who live on Lexington Street. He said it has reinforced his opinion that the City's current government is working in a very responsive fashion. He said this proposal in the Resolution brings the interest rate from 18% to a more reasonable amount. He thanked Councilor DeDe for his support.

**Donald Medbery, 3 Covered Bridge Lane:** He said he had a few comments to make about newspaper articles and advertisements. He first commented that ever since he moved to Dover about 9 or 10 years ago everybody complained about misinformation. He said he has been accused of passing misinformation, but in the long run they found out he was right, because he researched all the information right at City Hall. He also commented on the self-anointed Councilor critic, who is absent tonight, but appeared in yesterday's Foster's Daily Democrat. He said he called Councilors liars and was making negative comments against hard-working Councilors that do not agree with him. He said this was the same old hypocritical sour grapes that the City has been hearing from this soon to be ex-Councilor since he first took his seat on the Council. He said good riddance. He referred to an advertisement in the Dover News that said that there was another special person in this community that is so special that he can make magic. He said it is the candidate challenging the incumbent in Ward 5. He said you might call him a tall drink of water. He said this guy said he supported the energy efficiency project and saved the citizens millions in water rates. He said he felt this was miraculous, but he hasn't seen any big savings in his water rates. He said the candidate said he would reduce spending and keep taxes down. He said that was what the current Council said before they came on the Council. He said he likens the advertisement to when you buy a car and they have a bait and switch: peaches and cream before, buyer's remorse later. He said they have to caution the citizens of the City about who they vote for. He said the advertisements need to be read very thoroughly. He requested a report from each of the Councilors on the millions of dollars in savings in water rates. He said the candidate is on the Dover Utilities Commission and felt it must be true. He referred to Foster's Daily Democrat and how they listen to only one side of the Council. He said it is frustrating for all of the citizens. He said the City was not in great shape and had a lot of debt to take care of. He challenged the person accusing him of stealing the signs, which is the same gentleman advertising about the water savings. He said he didn't have time to steal 20 signs, because he's too busy helping people that he feels should be elected. He said the only signs he takes down are for the people he supported, the day after election day.

**Samuel Reid, 22 Lexington Street:** He referred to his comments a few weeks before regarding the construction of curbing and sidewalks on Lexington Street. He thanked the Council for voting unanimously to have that done. He said that with remarkable speed and diligence, a lot of the curbing has been reset. He said he felt they were trying to get it all done before winter. He said an issue has come up with the brick sidewalks and the decision to have them re-laid if the residents will pay the difference between concrete and brick, which is about \$49 a square yard. He said they met in a neighbor's kitchen and he was heartened that most of his neighbors wanted to incur that expense and have the brick sidewalks reinstated. He said the cost to him was \$2,000. The issue was how it was going to be paid. He said the Resolution before the Council tonight gives the City Manager the authority to enter into agreements with the



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residents on how it is to be repaved. He said right now the residents would have to pay 18% interest. He said the Resolution before the Council would allow the City Manager to charge a lower interest rate, and allow the residents to repay the amount over a period of time. He said the City has proposed 18 months, but the residents would like 36 months if it is possible. He asked the Council for their support to allow the residents to keep the great character of the neighborhood.

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

### 7. PUBLIC HEARINGS

#### A. UPDATING THE DOVER ZONING ORDINANCES SPONSORED BY DEPUTY MAYOR TREFETHEN

**Daniel Barufaldi, Economic Development Director:** He spoke in favor of this Resolution because it will enhance the Downtown, add flexibility to development efforts, and it will give Dover the balanced approach to development and quality of place. He said it will also enhance efforts for a mixed use in Downtown, with commercial and residential contributing to an urban village atmosphere and vibrancy only possible with people living and working in the City's core.

**Marcia Gasses, 114 Garrison Road, Planning Board Member:** She spoke in support of the proposed Zoning Amendments. She said the Planning Board has put in many hours over the last two years putting this together. She said the document before the Council this evening is a result of a collaborative effort that will guide the City forward in a positive way over the next several years.

**Linda Merullo, 21 Sandy Lane, Planning Board Member:** She spoke in support of the proposed Zoning Amendments. She said the Planning Department staff and Planning Board have worked incredibly hard over the last years putting together the Resolution of Zoning Ordinance changes before the Council tonight. She said the Planning Board broke into subcommittees to work on specific areas. She wanted to give credit to the many people behind the scenes who went over every detail line by line with the Planning Board. She said they could not have achieved this great undertaking without the help from Christopher Parker, Director of Planning and Community Development; Steve Bird, City Planner; Tom Fargo, Former Chair of Conservation Commission; Dean Peschel, Community Services Environmental Project Manager; Alan Dewes, Community Services Engineering Technician; and Bill McCann and Al Lardell, members of the Conservation Commission. She respectfully asked the Council to unanimously approve the updated Zoning amendments.

**William Colbath, 129 Silver Street, Vice-Chair for Zoning Board of Adjustment:** He said he had some issues with some of the changes proposed and felt they should have some more public hearings at the Planning Board level and other land use boards. He said he had a different view on the form-based code, because he felt it will be difficult to administer and will lead to litigation. He felt it overstepped the restraints of zoning. He said



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he felt the build-to lines will be cause for litigation. He said averaging setbacks will always be a moving target that will be hard to hit. He said they were all well-meaning amendments, but he felt they were short-sighted. He said it was a legitimate concern when your neighbor gets something that you can't have. He said it needs to be looked at a little more thoroughly. He said the Zoning Board of Adjustment asked for a section on in-law apartments, and that the right goes away when the in-law is no longer in the picture. He said it would be easier to have it in the code rather than the Zoning Board of Adjustment having to adjust everything to make it fit. He asked the Council to table this Resolution so it can be tweaked a little bit more.

**Charles Kageleiry, 100 Dover Neck Road:** He spoke in favor the proposed zoning ordinance changes. He said it will give the City a platform for growth and change in a positive direction. He asked the Council to pass it as it is written.

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

### **B. ARTS COMMISSION**

SPONSORED BY MAYOR MYERS

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

### **C. SPRING STREET PARKING**

SPONSORED BY COUNCILOR WESTON

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

### **D. BUILDING CONSTRUCTION – CHAPTER 68**

SPONSORED BY DEPUTY MAYOR TREFETHEN

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

### **E. EATING AND DRINKING ESTABLISHMENT – CHAPTER 99**

SPONSORED BY DEPUTY MAYOR TREFETHEN

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

### **F. ELECTRICAL STANDARDS – CHAPTER 102**

SPONSORED BY DEPUTY MAYOR TREFETHEN

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

### **G. FIRE PREVENTION AND LIFE SAFETY – CHAPTER 109**

SPONSORED BY DEPUTY MAYOR TREFETHEN

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



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### **H. FLOODPLAIN DEVELOPMENT – CHAPTER 113** SPONSORED BY DEPUTY MAYOR TREFETHEN

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

### **I. OFFENSES – CHAPTER 131** SPONSORED BY DEPUTY MAYOR TREFETHEN

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

### **J. PLUMBING – CHAPTER 135** SPONSORED BY DEPUTY MAYOR TREFETHEN

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

### **K. STREETS AND SIDEWALKS – CHAPTER 152** SPONSORED BY DEPUTY MAYOR TREFETHEN

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

## **8. CITY MANAGER'S REPORT**

City Manager Joyal said he just had two things to discuss. He reminded the public that next Wednesday at 6:30 pm he will be hosting the Dover Discussions at the McConnell Center Cafeteria. He said it was an informal discussion with questions and answers. He referred to the Citizen's Forum comment regarding the McConnell Center and Cable funds. He said a portion of the Franchise Fees Fund is allocated to cover the cost of space dedicated to cable access studios.

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

Vote: 8/0.

## **9. MINUTES**

### **A. September 23, 2009**

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

Vote: 8/0.

## **10. MAYOR'S REPORT**

Mayor Myers said he attended the Dover Middle School when Senator Gregg came to Dover. He said Senator Gregg was there on behalf of some legislation that had passed in Washington, and for which Dover Youth-to-Youth students were very instrumental regarding flavored tobacco. He



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said the 25<sup>th</sup> Anniversary Apple Harvest was a great event even though the weather was not cooperative. He thanked the Greater Dover Chamber of Commerce, volunteers, and sponsors. He reminded the citizens that he would be holding his Coffee with the Mayor sessions, hosted by Café on the Corner, on Saturday from 9:00am to 11:00am. Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Councilor Carrier. Vote: 8/0.

### 11. UNFINISHED BUSINESS

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

##### 1. UPDATING THE DOVER ZONING ORDINANCES SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Weston. Mayor Myers reminded the Council that this was an item that came from the Planning Board and requires a 2/3 vote in opposition to defeat it. Deputy Mayor Trefethen referred to the workshop which covered the changes to the zoning ordinances. He said there were minor word-smithing changes. He said architectural standards are now optional, but it does encourage people to adopt standards. He referred to the four pages of tables to be added between pages 30 and 31. He said Chris Parker was present to answer any questions. Councilor Weston said she has met with property owners on the campaign trail, and they were concerned with some of the proposed changes, and intimidated to come to a public hearing. She suggested a Dover Discussion type meeting for this topic, which is more informal and not televised. She said it was discussed to have an informal meeting with Wards 1, 2, and 3; and another meeting with Wards 4, 5, and 6. She said she was going to ask to move to table this Resolution, and asked the City Manager when they could schedule these two meetings in December. City Manager Joyal said the Council can schedule a meeting whenever they want, and it didn't have to be a Wednesday. Councilor Weston made a motion to table the Resolution to a date certain of December 9<sup>th</sup>, and that two informal meetings be held with municipal and planning officials prior to the Council's vote, for the taxpayers to have a formal interactive meeting for additional input; seconded by Councilor Scott. Vote: 5/3; Passed. Mayor Myers, Councilors Carrier and McCusker were opposed.

##### 2. ARTS COMMISSION SPONSORED BY MAYOR MYERS

Mayor Myers moved for its adoption; seconded by Deputy Mayor Trefethen. Mayor Myers said the Arts Commission worked with the City Attorney and drafted language that is consistent with other boards and commissions. Councilor Cheney said she noticed that the terms are staggered. She asked for clarification on the secretary position.



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Mayor Myers said they have annual elections for all positions: chair, vice-chair, secretary, and whatever the position might be.

Councilor Cheney said she also noticed that it is an advisory commission to the City Council and City Manager. She asked why that change is happening in the commissions.

City Attorney Krans said there were aspects of the Arts Commission that are on a day-to-day basis and it doesn't rise to the level of the Council.

City Manager Joyal gave the example of questions that came up about maintaining a mural in the City. He asked for advice from the Arts Commission.

Councilor Callaghan said he didn't think it was appropriate to have the City Manager on the same level as the City Council. He said by moving the committees down on the organization chart it takes away their authority. He said it looks like the Council is empowering the City Manager to have control over commissions. He said he wouldn't support the Resolution as it is.

Councilor Cheney made a friendly amendment to remove the City Manager; seconded by Councilor Scott.

Deputy Mayor Trefethen asked the City Attorney if taking out the three words really changed anything.

City Attorney Krans said it did. He said the point of the language was that there are a variety of advising situations where the City Manager is involved, and to say to the commission that they can only speak to the City Council would take away most of their tasks.

Councilor Callaghan said nobody has told these committees not to talk to anybody else. He said these committees do act autonomously unless there is an issue that they want to bring to the Council. He said there was no reason to put another level of management between the Council and the committee.

Councilor Scott said he felt Councilor Callaghan's objection was valid. He said it was good that the committees report to the Council and not have a direct line to the City Manager.

Councilor McCusker said he couldn't believe that there were issues so important that the City Manager wouldn't be involved in them. He said the City Manager is the point of administrative contact for this commission. He said he hasn't heard of any situation where the Council disagreed with the City Manager's handling of the Arts Commission. He said the City Manager is here to manage and the Council should let him handle it. He said he didn't understand the movement to try to keep the City Manager from being involved with these little things. He said he felt it went back to the evaluation, and you would think you would want to give him more so he'll screw up.

Mayor Myers said he sponsored this Resolution at the request of the Arts Commission, and didn't come up with the language. He sat with them during one meeting, but they worked with the City Attorney.

Councilor Cheney said the Arts Commission can be advisory to anyone, but she felt the Council is still responsible to make sure that the Council knows what is going on.

Councilor Callaghan said there was no intention that the City Manager can't work with this committee.

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



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Vote: 3/5; Failed. Councilors Callaghan, Cheney and Scott voted in favor.  
Mayor Myers asked for a roll call vote on the Resolution.  
Roll Call Vote: 5/3; Passed. Councilors Callaghan, Cheney and Scott were opposed.

### **3. SPRING STREET PARKING** SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Councilor McCusker. Councilor Weston said the issue of parking on Spring Street was brought to the Transportation Advisory Commission (TAC). She said Spring Street is 24 feet wide, and with 8 feet parking on each side it will not allow enough room for a fire truck. She said TAC discussed which side of the street to make no parking. She said she went to inspect the street and noticed that the language in the background information for this Resolution was incorrect. She said she spoke with Sergeant Speidel and read his responding email to the Council. "Councilor Weston, per our discussion today can you please move to amend the language in Chapter 166, Spring Street Parking Ordinance, when it comes up tonight. The current language calls for the parking restriction on the southerly side per the minutes of the August TAC meeting that I missed. Parking should instead be restricted on the Northerly side for the following reasons: the sidewalk is on the southerly side; based on the location of curb cuts the south side can fit up to 16 vehicles, whereas the north side can fit only 14. Thank you for catching this and seeking clarification. Marn." She made an amendment to the Ordinance to change "south side" to reflect "north side"; seconded by Councilor Cheney. Councilor Callaghan said he didn't have a problem with it. He asked if this was a substantial change for the people living there. Councilor Weston said they had 100% representation of the citizens at a TAC meeting and they wanted the most parking available. Mayor Myers asked for a vote on the amendment. Vote: 8/0. Mayor Myers asked for a roll call vote on the amended Resolution. Vote: 8/0.

### **4. BUILDING CONSTRUCTION – CHAPTER 68** SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor McCusker. Deputy Mayor Trefethen said he first wanted to make comments that will apply to this Ordinance and to all of the seven ordinances to follow, because there are a lot of similarities. He said these changes came about with the zoning changes. He said they may be creating a problem with tabling the Zoning changes and approving the following Ordinances tonight. He said the reorganization of the Building Official, Building Inspector, and Zoning Administrator that the Council changed last fiscal year made a number of ordinances need to be cleaned up to reflect how the City is organized now. He referred to this Ordinance and said that the fire limits language that was deleted at the request of the Fire Chief, duplicate language about the Merit Plan has been deleted,



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some statutory references have been revised, and some qualifications removed for the Building Official that the City doesn't put on any other employee.

Mayor Myers said if the Council adopts these Ordinances tonight they will get published if and when the Zoning gets changed.

City Manager Joyal said some of the changes have to do with organizational changes and don't relate to the Zoning changes, and he will have them published right away so they are implemented.

Mayor Myers said they will publish the ones that are applicable and not publish the ones tied into the Zoning changes.

Councilor Weston asked the City Manager to identify the ones that are not tied to the Zoning changes.

City Manager Joyal said he would have to ask the Fire Chief and the City Attorney to address that as each Ordinance comes forward. He said he believed there were some organizational issues in this Ordinance.

Fire Chief Plummer said the bulk of all of these Ordinances are organizational issues and wording changes that won't be affected by the Zoning changes. He said the issue in this Ordinance is that there would be duplicate language in the current Code, and current pending changes in the Zoning.

City Attorney Krans said he didn't see any reason not to go through these and adopt them.

City Manager Joyal asked the Council if they would feel more comfortable as they go through these Ordinances to stipulate that they'll become effective in conjunction with any Zoning changes that are related to them.

City Attorney Krans said he would just adopt them clean.

Councilor Cheney referred to the addition of 68-14.

Fire Chief Plummer said it was an addition to the Ordinance, but it comes from the Planning Ordinance. He said the wording hasn't changed, but it moved from chapter to chapter.

Councilor Cheney referred to the same section and asked about changing the limit from \$1,000 to \$2,500.

Fire Chief Plummer said the City is raising the amount where you would need a building permit to \$2,500.

Councilor Cheney referred to 68-9 and asked about taking out the fire limits.

Fire Chief Plummer said it was old language and doesn't apply anymore.

Roll Call Vote: 8/0.

### **5. EATING AND DRINKING ESTABLISHMENT – CHAPTER 99 SPONSORED BY DEPUTY MAYOR TREFETHEN**

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

Deputy Mayor Trefethen said most of the changes were requested by the Fire and Rescue Department. He said it removed the reference to fees, because the Council sets the fees annually. He said they cleaned up the language without changing the substance. He said they linked it to Chapter 45, dealing with the Health Board.



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Councilor Cheney referred to 99-2A and asked for clarification about when they do not have a license.

Fire Chief Plummer said it didn't change what they do. He said the wording was very confusing and they just cleaned up the language.

Roll Call Vote: 8/0.

### **6. ELECTRICAL STANDARDS – CHAPTER 102** SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor McCusker. Deputy Mayor Trefethen said the changes to this Ordinance are basically the difference between fees and penalties. He said fees have been removed and the penalties have remained.

Roll Call Vote: 8/0.

### **7. FIRE PREVENTION AND LIFE SAFETY – CHAPTER 109** SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor McCusker. Deputy Mayor Trefethen referred to the more extensive changes in this Ordinance. He said the statutory authority was changed because of State action. He said Fire and Rescue requested changes to the fire code. This removes bureaus and divisions which are now in Chapter 3, corrects the conflict with the Fireworks permit, clarifies the appeals procedure for the Fire Code, and also clarifies the ability to change the code requirements in extraordinary circumstances. He said the fees were removed.

Roll Call Vote: 8/0.

### **8. FLOODPLAIN DEVELOPMENT – CHAPTER 113** SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor McCusker. Deputy Mayor Trefethen said the changes in this Ordinance are about the Building Official, which relates to the reorganization of staff that has already occurred.

Roll Call Vote: 8/0.

### **9. OFFENSES – CHAPTER 131** SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Weston. Deputy Mayor Trefethen made an amendment to this Ordinance. He referred to the second amendment and said he would like to add after the word fireworks: "and deleting entirely Section 131-3.1." Further in the document there would be a strikethrough of the entire Section 131-3.1. He said that section was about locking up firearms, and it has been determined by the Police Chief that it is no longer needed.

Councilor Callaghan seconded the motion to amend the Ordinance.



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Mayor Myers asked for a vote on the amendment.

Vote: 8/0.

Deputy Mayor Trefethen said this Ordinance basically coordinates Chapter 109 and Chapter 131 regarding fireworks. He referred to Section 131-20, Sex Offender, and said a recent court action has probably negated it. He said it was the thought of the City Attorney and Police Chief that it not be removed at this time, and to deal with it later on when the court has decided.

Councilor Cheney referred to 131-3, Prohibited Weapons List, and asked if it is unlawful to have a slingshot.

Fire Chief Plummer said they felt it should remain.

Mayor Myers asked for a roll call vote on the amended Ordinance.

Roll Call Vote: 8/0.

### **10. PLUMBING – CHAPTER 135**

SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor McCusker. Deputy Mayor Trefethen said the changes were dealing with the fees language, and section 135-4 has a deletion in it.

Roll Call Vote: 8/0.

### **11. STREETS AND SIDEWALKS – CHAPTER 152**

SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Weston. Deputy Mayor Trefethen referred to Section 6 and said it deleted the five year prohibition; Section 3 deleted the appeal to the City Council, changed the fees language, changed the terminology to the Building Official, and changed all the penalties to \$25.

Roll Call Vote: 8/0.

## **B. RESOLUTIONS – None**

## **12. NEW BUSINESS**

### **A. CONSENT CALENDAR**

- 1. PARADE – Brian Doucette Scholarship Fund**
- 2. PARADE – Kiwanis Club of Dover**
- 3. PARADE – Saint Mary Academy**
  
- 4. RESOLUTION: HOLIDAY PARADE STREET CLOSURES**  
SPONSORED BY MAYOR MYERS BY REQUEST
  
- 5. RESOLUTION: ADOPTION OF 2009 EMERGENCY PLAN**  
SPONSORED BY MAYOR MYERS BY REQUEST



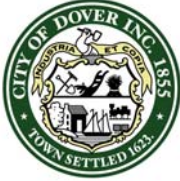
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- 6. RESOLUTION: ADOPTION OF NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)**  
SPONSORED BY MAYOR MYERS BY REQUEST
- 7. RESOLUTION: SETTING VOTING HOURS FOR THE NOVEMBER 3, 2009 MUNICIPAL ELECTION**  
SPONSORED BY MAYOR MYERS BY REQUEST
- 8. RESOLUTION: WARD 4 MODERATOR**  
SPONSORED BY MAYOR MYERS BY REQUEST
- 9. RESOLUTION: AUTHORIZATION TO ENTER INTO AGREEMENTS FOR SIDEWALK AND STREETScape IMPROVEMENT UPGRADES**  
SPONSORED BY MAYOR MYERS BY REQUEST
- 10. RESOLUTION: AWARD OF BLANKET PURCHASE ORDER FOR AUTOMOTIVE PARTS AND SUPPLIES**  
SPONSORED BY MAYOR MYERS BY REQUEST
- 11. RESOLUTION: AWARD OF BLANKET PURCHASE ORDER FOR TIRES AND MISCELLANEOUS RELATED SUPPLIES**  
SPONSORED BY MAYOR MYERS BY REQUEST
- 12. RESOLUTION: PLOW HITCH & HYDRAULICS & DUMP BODY – STATE OF NH AWARD TO HOWARD P. FAIRFIELD INC**  
SPONSORED BY MAYOR MYERS BY REQUEST
- 13. RESOLUTION: B10004 CHANGE ORDER FOR HYDRO GEOLOGICAL SERVICES PHASE III**  
SPONSORED BY MAYOR MYERS BY REQUEST
- 14. RESOLUTION: B10006 PURCHASE OF WHEEL LOADER BACKHOE**  
SPONSORED BY MAYOR MYERS BY REQUEST
- 15. RESOLUTION: B10015 PURCHASE OF FIVE 2010 FORD POLICE CROWN VICTORIAS**  
SPONSORED BY MAYOR MYERS BY REQUEST
- 16. RESOLUTION: B10016 TRAIN STATION GLASS VESTIBULE & CDBG-R SUBSTANTIAL PROGRAM AMENDMENT**  
SPONSORED BY MAYOR MYERS BY REQUEST

Council voted to remove from Agenda.



CITY OF DOVER

## CITY COUNCIL - MINUTES

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 Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
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**17. RESOLUTION: B10017 FOR SEGREGATION AND RECYCLING OF CONSTRUCTION DEBRIS AND DEMOLITION WASTE**  
 SPONSORED BY MAYOR MYERS BY REQUEST

**18. RESOLUTION: B10021 PURCHASE OF TWO TRUCK-CAB-CHASSIS**  
 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 | 11. Legislative Liaison                  |
| 6. School Board Liaison                   | 12. Coast Bus                            |

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

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

Councilor Callaghan asked to pull 12.A.9., 12.A.11., 12.A.13., 12.A.15., and 12.A.17.

Councilor Scott asked to pull 12.A.14.

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

Roll Call Vote: 8/0.

Deputy Mayor Trefethen moved for the approval of 12.A.9.; seconded by Councilor Weston. Councilor Callaghan said he will not agree to an open-end blanket order. He felt there should be a limit on the amount.

Councilor Scott agreed with Councilor Callaghan.

Roll Call Vote: 5/3; Passed. Councilors Callaghan, Cheney, and Scott were opposed.

Deputy Mayor Trefethen moved for the approval of 12.A.11.; seconded by Councilor Carrier. Councilor Callaghan asked if the City has explored the possibility of contracting more of the City's plowing to preserve overtime funds and equipment expenses.

City Manager Joyal said they look at it every year. He felt the City has the best balance of private contractors and the City's staff. He said the City needs the ability to mobilize quickly. He asked Doug Steele, Community Services Director, to comment on this issue.

Mr. Steele said they did go out to bid for plowing services, and only received one offer from a firm out of New York, who sub-contract the work. He said he was hesitant to try it.

Councilor Callaghan asked about letting contractors plow every storm instead of an as-needed basis.

Mr. Steele said he had a concern with relying on contractors, because the City has a commitment to pay them whether they plow or not. He said contractors assist with parking lots or specific runs. He said it was a complicated issue, and if they have the staff available they will plow. He said they also have the union contracts to keep in mind.



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City Manager Joyal referred to last year and the difficulties they had with contractors, and that he had to ask the Council to approve adding more contractors.

Roll Call Vote: 7/1; Passed. Councilor Scott was opposed.

Deputy Mayor Trefethen moved for the approval of 12.A.13.; seconded by Councilor Weston. Councilor Callaghan referred to Community Services' budget proposal, which didn't have the purchase of a backhoe in it, and asked if this was an emergency request.

Mayor Myers said it was part of Water and Sewer, and he wasn't sure if it was part of the Enterprise Fund.

City Manager Joyal said they will purchase part the vehicle out of Water Funds and part out of the Sewer Funds.

Roll Call Vote: 8/0.

Deputy Mayor Trefethen moved for the approval of 12.A.14.; seconded by Councilor McCusker. Councilor Scott said the City has to stop spending.

Mayor Myers asked the City Manager about the analysis on when cruisers cost us more in repairs, and also when the City has traded them in for more fuel efficient vehicles for other City departments. He asked if that analysis is still valid.

City Manager Joyal said they reviewed it as a part of the budget. He said some savings have been realized.

Roll Call Vote: 7/1; Passed. Councilor Scott was opposed.

Deputy Mayor Trefethen moved for the approval of 12.A.15.; seconded by Councilor Weston. Councilor Callaghan said it was a lot of money for moving electrical panels. He asked if the City was changing the intent of the use for the train station.

City Manager Joyal said they are changing the intent of the use for this. He said they have been unsuccessful in finding an operator for the train station. He said currently they have volunteers to unlock the doors, allowing patrons to enter in the morning and later in the evening, but are unable to keep the building open. He said this Resolution, with CDBG funds, would allow the City to put an atrium on the outside of the building, which will allow passengers to stay out of the weather and allow for the ticket machine to be moved outside. He said it was to make the train station more functional until they can find an operator to take over the rest of the building. He said there are security concerns right now and they can't leave the building unlocked and unattended.

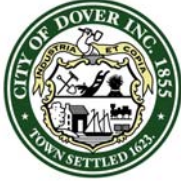
Councilor Callaghan referred to the comment that it should be heated, and asked if the building was going to be heated and if the City had the money for that from the CDBG funds, or if they would have to come up with the funds.

Mr. Parker said it was part of the design/build project. He said it would be heated as determined by the designer if the Council awards the bid tonight. He said it wasn't just a train station, but will also allow the Coast and Wildcat riders to get out of the inclement weather.

City Manager Joyal said there will be some heat in the building.

Councilor Cheney asked what CD funds were.

Mr. Parker said it was Community Development funds. He said in May the Council adopted the amendment to the Comprehensive Plan, as required by HUD, to accept these additional funds,



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the CDBG-R, which came out of the stimulus package. He said in May the Council approved the idea of the vestibule, and now they're asking the Council to award the bid.

Councilor Cheney said it was coming from the McConnell Center.

Mr. Parker said that was because HUD came to the City and said only a certain amount of the money from the CDBG-R funds could be used on the McConnell Center, which was \$75,000 of the \$85,000.

Councilor Cheney asked who was spending the money.

City Manager Joyal said this was for a glass atrium to be attached to the outside of the building in the area of the train station platform.

Mr. Parker said the McConnell Center work was already approved as part of the energy efficiency project.

Councilor Weston said TAC went to Durham's vestibule over the summer and had some concerns. She said there was nothing in this Resolution about a camera system for security.

Mr. Parker said that will be coming to the Council in another Resolution.

Councilor Callaghan asked if there were any plans to make this atrium bigger than 10'x10'.

City Manager Joyal says there are typically 5 to 10 people waiting, and they don't plan to make it bigger. He said it is their hope to get someone to make use of the building.

Councilor Cheney said she is still trying to follow the money. She said it went into the McConnell Center and now we're taking it out.

City Manager Joyal said the City was notified that they were eligible for additional stimulus funds, which they used for the McConnell Center energy efficiency project. He said there were excess funds that they are now going to use on this project.

Councilor Cheney asked who made that decision and if there were other projects.

Mr. Parker said the vestibule project was already in the pipeline and met HUD's criteria for CDBG-R funds.

Roll Call Vote: 7/1; Passed. Councilor Scott was opposed.

Deputy Mayor Trefethen moved for the approval of 12.A.17.; seconded by Councilor Carrier. Councilor Callaghan said the CIP budget shows one truck, and asked where the second truck came into play.

City Manager Joyal said there were funds from a prior capital project that the City did not use. He said the City delayed the purchase last year. So they will use the funds from last year and this year to purchase two chasses. He said they did apply and were awarded grant funds from the State to reimburse the City for this purchase. He said it had to do with taking two of the City's older vehicles out of service and using grant funds to purchase newer fuel-efficient diesel vehicles.

Councilor Scott asked what assurances the City had to receive those funds, because he has read in the paper that the State is scratching to make ends meet.

City Manager Joyal said the City has received a commitment that they have been awarded those funds, but the City has to submit evidence that the vehicles have been purchased and the older ones have been destroyed and taken off the road. He said it was part of the stimulus program and the State can only use the money for this purpose.

Roll Call Vote: 6/1; Passed. Councilor Scott was opposed. Councilor Callaghan was absent from Council Chambers.



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### B. RESOLUTIONS

#### 1. AUTHORIZATION TO ENTER INTO AGREEMENTS FOR SIDEWALK AND STREETScape IMPROVEMENT UPGRADES SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston. Deputy Mayor Trefethen moved to amend the Resolution to include the background information, which is on the Councilor's desks; seconded by Councilor Cheney. Mayor Myers asked for a vote on the amendment.

Vote: 8/0.

City Manager Joyal said there are a number of areas in the City that have brick sidewalks. He said it is the procedure for the City to replace brick sidewalks with concrete or asphalt, and not to incur the additional expense for brick sidewalks. He said the residents have to pay the difference in cost if they still want brick. He said this neighborhood has brick sidewalks that the residents are interested in replacing, but the project moved quickly and they didn't have enough time to come up with the money, and requested a payment plan. He said the City would have charged 18% without Council action. He said this proposal will allow residents to pay for the upgrade, the City will coordinate a three-year payment plan, and would charge interest based on our return of investment set by the Finance Director. He said the money would go to other projects. Councilor Scott said it was a great idea.

Mayor Myers asked if all the neighbors have to agree, or if it could end up looking like a checker board.

City Manager Joyal said that could happen, because it depends on what individual residents want to do.

Councilor Cheney asked where else in the City this has taken place.

City Manager Joyal said it has been a longstanding policy of the City to offer this, but he wasn't sure of any recent projects. He said this project happened so quickly and it was hard for the residents to come up with the money.

Councilor Cheney asked what the interest rate will be.

City Manager Joyal said it could be from 1% to 5%.

Councilor Cheney asked if the City had other loans like this with private citizens.

City Manager Joyal said not like this, but there are other situations where the City has loan funds under other programs.

Councilor Cheney asked about the maintenance on this sidewalk.

City Manager Joyal said it was a concern.

Councilor Cheney said it does involve more money. She was concerned about liability.

City Manager Joyal said it does belong to the City and we have immunity because it's the public sidewalk.

Councilor Cheney asked which one is safer.

City Manager Joyal felt cement sidewalks last longer.

Councilor Cheney said she had a problem with the language of this Resolution.

City Manager Joyal said this was a distinct neighborhood of well-maintained homes that are self-contained.



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Councilor Cheney asked if there was a lien on the property if they were unable to pay. City Manager Joyal said that was correct.

Councilor Carrier asked if the brick abuts the granite curbing.

Mr. Steele said there is grass in between.

Councilor Carrier asked about the driveways and the sidewalk going through it.

Mr. Steele said some of the houses have brick driveways, and the City will not touch the aprons. He said if some want brick they will have to pay for tearing it up, for new brick, and for labor.

Councilor Callaghan asked what would happen with cost overruns.

City Manager Joyal said the residents will be responsible for laying the bricks, and the City will incur the preparation costs.

Councilor Weston said some of the lawns are steep and asked about retaining walls.

Mr. Steele said the sidewalks were present and there should be no need for retaining walls.

Councilor Cheney said she was going to support this Resolution.

Roll Call Vote: 8/0.

### **2. THE BENCH IN FRONT OF CAFÉ ON THE CORNER SPONSORED BY COUNCILOR SCOTT**

Councilor Scott moved for its approval; seconded by Councilor Cheney.

Councilor Scott said it was amazing how a small item can create such controversy. He understood that there were a lot of senior citizens who benefited from having a bench in that location. He said this Resolution raises two issues: 1. To put the bench back; 2. A procedural problem, and that it should have been the Council to take the initiative to decide whether or not to replace the bench.

Councilor Callaghan said he noticed that the City Attorney's name is not on the Resolution, and asked if it was approved as to form.

City Attorney Krans said he did not approve this Resolution. He said it invades the administrative authority of the City Manager. He said in Dover's form of government the City Council sets policy and the City Manager works with that policy to administer day-to-day operations. He said he felt this Resolution violates the Charter.

Councilor Callaghan referred to the first whereas. It says that there were a series of emails that indicate that the Mayor was involved in the process to remove the bench. He said he has read through the emails, and agrees there was some level of involvement, but he had a problem with this statement. He agreed with the City Attorney that the Council should not be involved in making these decisions. He said it was hard to say if we want the bench back, but the Council has an obligation to people who want the bench back. He said the right thing to do is replace the bench, and there should be some standard for benches and tables in front of stores.

City Manager Joyal said it was the administration that decided to move the bench. He said he went to the business owner about putting tables out to enhance the Downtown, but it was done with a caveat that anyone can sit in those chairs, and not just a customer. He said the sidewalk has to be accessible for anybody in a wheelchair. He



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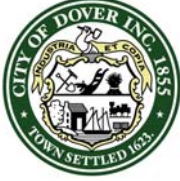
said he has checked the area many times. He said there hasn't been a problem. He said if anyone is being turned away he will be the first one to go talk to the business. Councilor Cheney said she remembered Mr. Lynch being ignored both times he brought up the bench during Citizen's Forum. She said she didn't remember when it was finally addressed by the Mayor and City Manager. She said it was a nice bench where people sit that was obviously public. She said she read the emails and it didn't look good. She said it looks like the City just wants to encourage business, but asked about the pedestrian activity. She said she supported that the bench be put back.

Councilor McCusker said he is in the wrong circles, because he hasn't heard anyone complain about the benches. He said there were two benches, one broken with caution tape around it and one around the corner. He said the next bench is in front of Harvey's Bakery. He said the broken one was replaced with a good one by the bus stop. He said it would be a different story if the broken bench wasn't replaced. He said outside of the Council Chambers he has heard this issue referred to as "benchgate," like there was some kind of conspiracy and wrongdoing. He said the City Manager did this and the Mayor did not interfere. He said this was politically motivated. He said a Resolution was drawn up to make the Mayor look bad and they can use it later. He said the November 3<sup>rd</sup> date is important to some people. He said this was wrong, because the Mayor didn't do this. He asked why the Council was spending so much time on a bench, and he said it makes sense that the City Attorney wouldn't approve it.

Deputy Mayor Trefethen said it was tongue in cheek when people discuss this, and was disgusted that an issue has been made out of it. He said it was a matter of perception of who's talking and who's listening. He agreed that it was purely politically motivated. He said earlier in the meeting they heard about how the City can't spend money and had to tighten its belt. He said there was nothing in the budget to move this bench, and it would be a total waste of money. He said it would be ridiculous to spend money to move a bench 30 feet.

Councilor Carrier said the City Manager indicated that the bench is gone and a table with four chairs is there that anyone can sit at without purchasing a muffin, coffee, or anything else. He said nothing has been gained or lost. He said he walks all around the City and sees benches in disrepair, and nothing is said about them other than a comment that you can't sit there anymore. He said this situation is disgusting to him, because there is an accusation that the Mayor did something wrong in favoritism to this restaurant so he might get a free coffee every time he has his Coffee with the Mayor. He said this issue was an emergency order to fix it before something happens. He asked what the problem was. He said the City is facing tough economic times right now and Foster's Daily Democrat dedicated the top 1/3 of the front page to this bench. He said he was embarrassed. He said this one bench has motivation behind it versus other benches all over the City in disrepair.

Councilor Weston said she works in the center of town and a lot of people say they wish the bench was still there. She said she didn't believe the Resolution was about the Mayor, but about open and forthright government. She said the City Manager stated that there was no money available to move or replace the bench, and then they received emails that a bench is available on Riverwalk. She said what was presented to the City Council was not accurate, because there was a bench.



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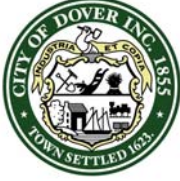
Mayor Myers asked what happened to the bench on the Riverwalk.

City Manager Joyal said it was moved for Oriental Garden, and was damaged when it was taken out. He said his comment was misconstrued about not having the money to have staff work there, when there was something perfectly acceptable in its place: 8 tables, each having 4 chairs that the City is not paying for. He said if the Council disagrees he will put a bench back.

Mayor Myers said he was surprised and perturbed to see this issue come back. He told Councilor Scott that he was not promoting discussion with the wording in this Resolution. He said Councilor Scott wasn't even sure where these benches were, and if they were on public or private property. He said the broken bench was by the Coast bus stop and the working bench was moved to that spot. He said Councilors have talked about people walking corner to corner, and said these benches were 30 feet apart from each other, and he said this argument cracks him up. He said he released the emails and felt that he complied with open and forthright government. He said if he received an email from a constituent about a pothole that needs to be fixed he would then email Doug Steele and the City Manager about it. He asked if there should be a resolution to go dig up that pothole. He said it was disgusting that this came up again. He said it was not surprising that it came up during election season. He referred to Gilda Radnor's comment of "Oh, never mind." He said the City has an Ethics Commission and someone should go to them with an issue like this and not have a resolution. He said the City should not have a Council oversee where benches are placed in the City. He felt this was an attack and he hopes people are paying attention to what the Council is wasting their time on tonight, and who is arguing that there is an issue here.

Councilor Cheney said she felt this was bigger than a pothole. She said the Council is looking at major changes to zoning in the Downtown. She said this was public space that now had private property on it. She said she wouldn't sit at a table with someone already at it, but she would sit on a bench even if someone was also sitting there. She said she understood that the wording of the Resolution does look incriminating, but she saw whereas there was a bench at the corner facing the center, the square, the adopt-a-spot for the Fire Department, with the beautiful flowers; whereas there was a bench facing where you walk and sit and look at the old Café Saloon, Janetos, Photosmith, and you can see downtown; therefore let's put the bench back there. She said there may be two different perceptions, and she hears them both, but we have to represent them. She said there was a bench there. She said if someone was having a muffin and coffee it wasn't at a table that belonged to somebody else, but at something that belonged to them, the taxpayer. She said the Mayor did follow the protocol that they all do. She felt the Council should have a public hearing on this if it is needed. She said in some ways these things are a big deal. She said she can see both sides, but she felt the bench should be put back.

Councilor Scott said the Council was here to look after the people and their concerns. He said again that there were two problems: the bench and the procedure problem. He said he was going to withdraw the Resolution at this time, so he can come back with another Resolution to put the bench back.



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Mayor Myers said that he can't just withdraw it at this point because there has been discussion. He asked if there was any objection to withdrawing this Resolution at this point.

Deputy Mayor Trefethen said he objected.

Mayor Myers said there were several objections and it cannot be withdrawn at this point.

Councilor Scott asked to table the Resolution to November 11, 2009; Councilor Callaghan seconded the motion to table the Resolution.

Vote: 4/4; Failed. Mayor Myers, Deputy Mayor Trefethen, Councilors Carrier and McCusker were opposed.

Deputy Mayor Trefethen said the building is not open on Veterans' Day.

Councilor Scott asked to table the Resolution to November 18, 2009; Councilor Cheney seconded the motion to table the Resolution.

Vote: 4/4; Failed. Mayor Myers, Deputy Mayor Trefethen, Councilors Carrier and McCusker were opposed.

Councilor Cheney made a friendly amendment to make it one whereas: "there was a public access bench at Third Street and Central Avenue facing the square and it is no longer there; therefore, be it resolved by the Mayor and Dover City Council that there will be a bench placed at that corner facing the square."

Mayor Myers said she was basically rewriting the entire Resolution, which needs a suspension of the rules to allow a new resolution.

Councilor Cheney she would like that as long as she wasn't undermining what Councilor Scott wanted.

Mayor Myers asked Councilor Cheney to wait at this point. He said the original Resolution is still before the Council.

Councilor Weston said she did not agree with the City Manager and his interpretation on the cost of the bench. She remembers him specifically stating that the City had no money in the budget to replace the bench, the option of putting the chairs there was more financially feasible, and there were no benches available. She said she expects a straightforward answer to whether or not there is a bench. She said she knew there was a bench available and it could have been replaced. She said she will not support this Resolution because of the accusations, but she did have a problem with the statement that there was no bench, and then they find out there was a bench.

Mayor Myers asked for a roll call vote on this Resolution.

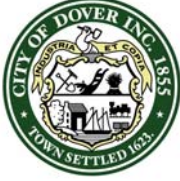
Roll Call Vote: 1/7; Failed. Councilor Scott voted in favor.

### **3. RESPONSIVENESS TO REQUESTS BY THE PUBLIC SPONSORED BY COUNCILOR SCOTT**

Councilor Scott moved for its adoption; seconded by Councilor Cheney.

Councilor Scott said this Resolution had to do with the responsiveness to people's questions. He said he would like to get the answers in writing in the City Manager's Report.

Deputy Mayor Trefethen said he would vote no on this Resolution. He said a good percentage of the questions that are asked at the podium are rhetorical in notion and a written response is not necessary.



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Councilor Callaghan said the City Manager has answered a lot of questions, but some don't get answered. Unfortunately they are not always solid. He felt the Council owes it to the public to give them the answers in writing and have it documented. He said he would support this Resolution.

Councilor Carrier said he has never seen the City Manager's or City Attorney's doors locked. He said to take all this time to answer in written form is ridiculous. He said he would be voting no on this Resolution.

Councilor McCusker said there are a lot of times when the question is answered in written form, because the Council is cc'd the answer a lot of times on emails. He usually does it within a day. He referred to the 5<sup>th</sup> whereas, it states: "In many cases the City Manager has not been responsive and has ignored the questions of the public and their requests for information." He said he has never heard that the City Manager doesn't respond to their questions. He said supporting this Resolution is acknowledging that the City Manager is not being responsive and ignores questions from the public. He said he felt the City Manager does it well, and he doesn't see where this came from. He said Citizen's Forum are opinions and a lot of times they are wrong. He said there was no way he was going to support this Resolution.

Councilor Weston said she can't support this Resolution. She said the City Manager answers verbally the questions put to him during Citizen's Forum, and the minutes reflect what he said. She said when he does have to research an answer he does copy all of the Councilors with the answer.

Mayor Myers said he will not support this because he felt the City Manager has been responsive. He said he might be cynical in believing that someone will come to the podium with 50 questions that he wants answered, or even a Councilor could have someone come up to ask questions that the City Manager would have to answer.

Councilor Callaghan asked to make a friendly amendment to strike the 5<sup>th</sup> whereas; seconded by Councilor Cheney.

Councilor Callaghan agreed that the statement was wrong, and felt the City Manager was very responsive.

Councilor Cheney said she has seen some things not get answered. She has seen people be belligerent, but felt the people should still get an answer. She said the City Manager usually responds to the questions and it is recorded in the minutes, which are then approved by the Council. She said he has been responsive. She reminded the Council of when he came out to a site to look at an issue.

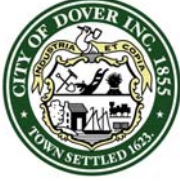
Deputy Mayor Trefethen said he will vote for the amendment, but he will vote no on the Resolution. He said if there was an uncomfortable level on this issue, then the proper thing to do is to vote this down quickly.

Mayor Myers said he appreciates the sentiment of removing the 5<sup>th</sup> whereas and he will vote for it, but doesn't want to give false hope that he will vote for the Resolution. He asked for a vote on the amendment.

Vote: 5/3; Passed. Mayor Myers, Councilors Carrier and McCusker were opposed. Deputy Mayor Trefethen made a motion to move the question; seconded by Councilors Carrier and Weston.

Mayor Myers asked for a vote to move the question.

Vote: 8/0.



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Mayor Myers asked for a roll call vote on the amended Resolution.  
Roll Call Vote: 3/5; Failed. Councilors Callaghan, Cheney, and Scott voted in favor.

#### **4. RIGHT OF ACCESS TO THE OFFICIALS OF THEIR GOVERNMENT SPONSORED BY COUNCILOR SCOTT**

Councilor Scott asked to withdraw the Resolution.  
Mayor Myers said since it was not withdrawn earlier and the Agenda had been approved, it can't be withdrawn at this point without a suspension of the rules.  
Councilor Callaghan made a point of order. He said he can think of numerous times when Councilors have withdrawn their Resolutions as it came up on the Agenda.  
Deputy Mayor Trefethen said Councilor Callaghan is right, but the Mayor researched this with the City Attorney and found out that the Council has been doing it wrong for years.  
Mayor Myers said he agreed, and allowed Councilor Scott to withdraw it tonight with the stipulation that this is the learning curve that something needs to be withdrawn during the approval of the agenda. He asked if anyone had an objection to Councilor Scott withdrawing his Resolution. The Resolution was withdrawn.

Deputy Mayor Trefethen made a motion to suspend the rules to continue the meeting past 10:30 pm; seconded by Councilor Carrier.  
Roll Call Vote: 7/1; Passed. Councilor McCusker was opposed.

#### **C. ORDINANCES IN 1ST READING – None**

#### **D. COUNCIL CORRESPONDENCE**

#### **13. COUNCIL MATTERS OF INTEREST**

Councilor Scott said he has been getting a lot of requests about when they will be notified of their new assessments.

City Manager Joyal said they should be out by the end of next week. He said the tax bills will be sent out on November 1<sup>st</sup>. He said the setting of the tax rate will happen next week.

Councilor Scott asked if the City Manager had an idea of what the tax rate may be.

City Manager Joyal said he couldn't.

Councilor Scott said he has seen other towns go down about 6% or 7% in assessments, and asked if that was what Dover was seeing.

City Manager Joyal said he understood from the Assessor that it's about a 6% decline in assessments.

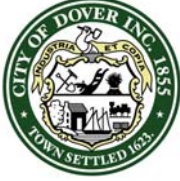
Councilor Scott asked if the tax rate will go up about 10%.

City Manager Joyal said to raise the same amount of money the tax rate has to go up.

Councilor Scott asked if people were going to see a 3% increase in their tax bill.

City Manager Joyal said people were going to see what was based on the spending that was adopted by the Council. He said he would forward the Council that information.

Mayor Myers said the City Manager did send out an email a few days ago.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, October 14, 2009**  
Meeting Time: **7:00pm**

Deputy Mayor Trefethen referred to the sayings on tombstones in old cemeteries. He said on December 31<sup>st</sup>, when referring to this Council, it will say: "emails and benches, RIP."

Councilor Weston said she read the scathing opinion letter in the local newspaper and she was personally disappointed in the Councilor who wrote it.

### 14. ADJOURN

Councilor Weston moved to adjourn at 10:35pm; seconded by Councilor McCusker.  
Vote: 8/0.