



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, October 28, 2009**
Meeting Time: **7:00pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Scott 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: Fire Chief Plummer, City Attorney Krans and City Clerk Lavertu.

Mayor Myers thanked Fire Chief Plummer for filling in for the City Manager.

4. PROCLAMATIONS – None

5. APPROVAL OF AGENDA

Deputy Mayor Trefethen made a motion to approve the agenda as presented; seconded by Councilor Weston.

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.

Marilyn Follansbee, 25 Dover Point Road: She referred to Councilor Scott's resolutions from two weeks ago. She said the resolutions didn't bother her, but the presentations did. She said it seemed to her that there was a ding about the Mayor and the City Manager implying that they are not doing a good job. She said she wondered what new citizens are thinking as they go to vote. She said a few months ago the City employees agreed to forego pay raises for this budget year, and the department heads went further and offered to have their salaries reduced. She said it didn't include the school, because that is a different system, but did include the Fire Department, Police Department, Community Services, and more. She said these entities know how well or poorly the City is run better than any citizen. She said no one would give up pay raises or offer to reduce their salary if they didn't know the City is being well managed. She said the management is the City Manager, Mayor, Deputy Mayor, and the Council, and she wanted to assure new citizens of Dover that the City is well managed. She said the estimated results of pay freezes and reductions saved the City \$700,000. She said these employees also pay taxes. She said she hoped there will be no more dings. She said one of the requests of the City Manager was to cut down the number of employees, and over the last five years it has been reduced by 20 full-time positions, and 6 fewer full-time positions this year. She said the citizens expected to have their tax bills and assessments yesterday. She asked the citizens to tape their first two fingers together on their dominant hand and see if they could get their work



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done as fast as if they have the use of all of their fingers. She said it might take longer, but the job will be done. She said the citizens will get their bills when they are ready. She said the citizens forget that it is the State that set the rates, and we are waiting for that. She said she didn't realize how many mandates are given by the State, County, and Federal government. She said taxes bother everyone, and the citizens want services. She said they are all smart enough to know that the citizens have to pay for these services. She said the citizens want the mounted police, but are they willing to send in money to continue the program. She said every incumbent mayor, whether they have had one term or ten, hears from their opponent, "while the current mayor has been in office spending has increased, debt has increased, and taxes have gone up." She said this may be true. She said she would lay odds that the statement is being said in every town today by all opponents to an incumbent mayor, because it is standard campaign rhetoric. She said she has watched the Council over the years, and said Mayor Myers, Deputy Mayor Trefethen and Councilor DeDe have not advocated spending more money than is absolutely needed. She said the department heads have been amazing at trimming their budgets, and she gives credit to the City Manager as well. She asked the citizens to look at the County and State, and said Dover is not unique. She said the citizens will get a tax bill and they will try to pay it. She said these are not the best of times, but she didn't feel it was the fault of the Mayor and it was very important that he keep the position. She said the next budget is going to be a very difficult procedure and the knowledge that the Mayor and the Deputy Mayor have is going to be invaluable. She said the citizens should vote for them on November 3rd. She said her last comment was concerning the Council's decorum and said it could be maintained by following Robert's Rules of Order. She said some councilors in their enthusiasm do not want to pay attention to the rules, and that lack of decorum is not the fault of the Mayor. She said the Council needs discussion and exchanging of ideas, but it does not need fixation, which was the cause of most of the problems this year. She ended with thanks to all the councilors for serving the City. She said she and her husband have signs for the Mayor, Deputy Mayor, Hooper and Nedelka on her lawn, and she has yet to turn one face down. She urged everyone to go vote on November 3rd.

Edward Bleiler, 28 Isaac Lucas Circle: He read his written statement to the Council. He said he would give his written statement to City Clerk Lavertu to make available to the public.

David Montenegro, 55 Union Street: He referred to prior meetings where he came to speak to the Council during Citizen's Forum. He said he left the building after speaking, but when he attempted to come back in he noticed all the doors were locked. He said the City Council is a public meeting and the doors should not be locked at any point during the meeting.

Mayor Myers thanked Mr. Montenegro for bringing that to the Council's attention, and he will be taking whatever action is necessary to make sure that it doesn't occur.

Donald Medbery, 3 Covered Bridge Lane: He said he didn't believe that every city in every county in this State have the increases that the City of Dover has. He referred to his comments a week ago about Candidate Green and his ad in the newspaper making claims that were stretching it a little bit. He said Candidate Green, who is running for City Council in Ward 5, is saying he saved the water users in the City millions of dollars. He said he hasn't seen a



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reduction in his water rate, and it has actually increased 40%. He said being the Chairman of the Dover Utility Commission (DUC) does not authorize him to make this claim. He said Mr. Green said he will reduce spending and keep taxes down, but he wouldn't have that power. He said the citizens as a whole have that power through their representatives. He said this was smoke and mirrors political speak. He said Mr. Green totally underestimates the intelligence of the Dover voters. He said Mr. Green said he can save money and energy for the City, but it takes the whole Council to do that. He said his tax bill goes up every year, and so does everyone else's, except for the chosen few who might have connections with the Assessor's office. He said the people in the community are owed an explanation for these politically motivated claims. Having said that, he said it was not meant to take away any of the credit that Mr. Green deserves for serving the community. He said he just felt it was over the top, because the people needed to be treated with trust. He said Mr. Bleiler's comments hit the nail on the head regarding increases. He urged the citizens to vote for Mr. Callaghan, Cheney, Karen Weston, this guy here [he pointed to Councilor Carrier], Christenbury, and all the rest of the guys that aren't here.

John Scruton, 99 Sixth Street: He referred to discussions from the other night regarding charging more for recreation. He said this is an important part of health, and children need enough exercise. He said parks don't need to be expensive, because people who use them can maintain them. He suggested building pedestrian paths instead of sidewalks. He said there are things the City can do that don't cost much money. He said some streets can be used for local traffic only; because the City doesn't need all streets open to the general public.

Harvey J. Lynch, 26B Lincoln Street: He said he was sorry to see that the City Manager was not present. He spoke of some of the privileges that the City Manager has, like working from home, or moonlighting. He asked if the City is paying him full-time or part-time. He said the City Manager received a really good deal that is costing the citizens.

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

7. PUBLIC HEARINGS – None

8. CITY MANAGER'S REPORT

Fire Chief Plummer said he had nothing to add to the City Manager's Report, which was provided to the Council.

Mayor Myers asked the Council if they had any questions on the City Manager's Report.

Councilor Weston asked about the meeting on Monday that the City Manager attended in Concord to set the City's tax rate. She asked if the tax bills will be out on October 31st.

Fire Chief Plummer asked Finance Director Lynch to address the Council on this issue.

Mr. Lynch said that initially the City's appointment with the Department of Revenue Administration (DRA) was set for Tuesday, but they were able to get an appointment for late Monday afternoon. He said the City does not have a certified rate at this time. He said the timeline for the tax bills is as follows: hoping to get certification tomorrow [October 29], 1 day to produce the tax bills [October 30], 3 days for the mailing company to get them in the mail



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[November 4]. He said they are required to allow thirty days for payment, which would fall on Saturday, December 5th, so the due date for the tax bill will be December 7th.

Councilor Scott said they received an estimated from the City Manager that the new tax rate will be \$23.30 – 23.31, going up 10% from last year. He said Portsmouth went up \$0.11. He asked if the tax rate seemed reasonable, or if the DRA will adjust it again. He asked if the citizens can take their assessment value, which is available online, and multiply it by the tax rate to find out the amount of their taxes.

Mr. Lynch said the unofficial tax rate is \$23.33. He said a citizen would take their assessed value, divided it by a thousand, and multiply it by 23.33 to give them the amount of their taxes. He said that amount does not take into account any exemptions or veteran's credit. He referred to Councilor Scott's comment about Portsmouth. He said comparing Portsmouth to Dover is like comparing an apple and an orange. He said Portsmouth's assessed value is almost \$1 billion more than Dover. He cautioned people against making this comparison. He said the average increase in property tax to a resident is \$90.00.

Councilor DeDe complimented Economic Developer Barufaldi for his report to the Council. Fire Chief Plummer mentioned that the Councilors had an invitation to the Annual Fire Safety Festival on their desks, and he hoped to see the Councilors attend.

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

Vote: 9/0.

9. MINUTES

A. October 7, 2009

B. October 14, 2009

Deputy Mayor Trefethen moved for the approval of the minutes; seconded by Councilor Cheney.

Vote: 9/0.

10. MAYOR'S REPORT

Mayor Myers said he attended several public events over the past few weeks. He thanked the City Manager for hosting the Dover Discussions. He said he performed a few ribbon cuttings for new businesses in Dover for the Dover Chamber of Commerce. He held one of his Coffee with the Mayor sessions, and thanked Café on the Corner for hosting the event. He thanked Maple Suites for hosting a Luncheon with the Mayor.

Councilor Scott asked the Mayor if he was going to prepare a resolution to defend the Dover City Charter, as it relates to the tax cap and the various towns who are suing to overturn the tax cap. Mayor Myers said he had no say at this time. He said the City of Somersworth has sought a legal opinion from Strafford County Court, and they have sent it up to the State Supreme Court to make a ruling. He said it is not impacting the City right now.

Councilor Scott asked if it would be appropriate for the City to defend its Charter and hire a constitutional lawyer to defend the City's interests.



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Mayor Myers said that would be a Council decision. He said he was waiting for what the State Supreme Court had to say. He told Councilor Scott that if he felt the Council should hire an attorney, then he could place a resolution on the next agenda for the Council. Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Councilor DeDe. Vote: 9/0.

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING - None

B. RESOLUTIONS – None

12. NEW BUSINESS

A. CONSENT CALENDAR

1. **RAFFLE - American Legion Post #7**
2. **RAFFLE – Dover Girls Hockey**
3. **RAFFLE – First Parish Church Congregational U.C.C.**
4. **RESOLUTION: AWARD OF BID #B10017 FOR SEGREGATION AND RECYCLING OF CONSTRUCTION DEBRIS AND DEMOLITION WASTE SPONSORED BY MAYOR MYERS BY REQUEST**
5. **RESOLUTION: AWARD OF BID #B10018 FOR SNOW PLOWING/HAULING SERVICES FOR CITY STREETS AND PARKING LOTS SPONSORED BY MAYOR MYERS BY REQUEST**
6. **AUTHORIZATION FOR THE CITY MANAGER TO ENTER IN A LEASE AGREEMENT WITH NH FISH AND GAME FOR BARBADOS POND 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 there were any items they wished to pull for further discussion.

Councilor Cheney asked to pull Item 12.A.6.



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

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

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of Item 12.A.4.; seconded by Councilor McCusker.

Councilor Scott said the information that was provided to the Council shows that there was a company of Scarborough, Maine, that bid \$55.00/ton, and the project was awarded to ARC for \$70.00/ton. He asked for an explanation on why the lower bid was not accepted.

Mayor Myers said it was addressed in the background material. He said it talked about the travel distance involved. He asked Community Services Director Steele to answer Councilor Scott's question.

Mr. Steele said it is the City's staff that hauls the material to the company, and it is much cheaper to haul the materials to Eliot, Maine. He said it would be a 2½ hour round trip to Scarborough, versus a 45 minute round trip to Eliot. He said it would be an additional \$6,600 in wages, and an additional \$8,000 in fuel costs. He said the estimated savings of going to Scarborough is only \$13,000.

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of Item 12.A.6.; seconded by Councilor Weston.

Councilor Cheney asked if this was for 5 more years, with the same access point and conditions as the previous trial agreement.

City Attorney Krans said this was the standard lease generated by the State of New Hampshire.

Mayor Myers asked Dean Peschel to address the issues of the lease.

Mr. Peschel said nothing changed with public access point and conditions with the lease.

Councilor DeDe asked if there have been any complaints lodged by people who live nearby the access point.

Mr. Peschel said not to his knowledge.

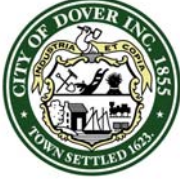
Councilor DeDe asked if the neighbors were notified of the renewal.

Mr. Peschel said they did not notify the abutters.

Councilor DeDe said that when this was first developed it was a disaster because of litter.

Mr. Peschel said part of the agreement was for Fish & Game to provide trash containers and to clean up the area.

Roll Call Vote: 9/0.



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B. RESOLUTIONS

1. AUTHORIZATION TO JOIN THE SOUTHEAST WATERSHED ALLIANCE AND APPOINT DEAN PESCHEL AS THE CITY'S REPRESENTATIVE SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Carrier. Mayor Myers said there was substantial background on what this is and why it was formed. He said the City should be involved and have a voice. He said Mr. Peschel's experience makes him the logical choice to be the City's representative. Councilor McCusker said he was glad Mr. Peschel was still with the City and able to be the City's Representative. Councilor DeDe said Mr. Peschel was the first person he had the opportunity to work with when he became involved in the City's affairs. He said he has called Mr. Peschel a tree hugger on occasions, but admires and respects his dedication to the City.
Vote: 9/0.

2. AUTHORIZATION TO APPLY FOR NH DES WATERSHED ASSISTANCE GRANT FOR WILLAND POND SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Carrier. Mayor Myers asked Planning Director Parker to give the Council a brief overview on this Resolution. Mr. Parker referred to the action letter issued in 2007 by the State of New Hampshire to the cities of Dover and Somersworth. He said the letter required the cities to improve the water quality and lower the water quantity at Willand Pond. He said they had applied for this same grant in the past, which helped to hire S.W. Cole, to do an engineering study to identify ways to remediate these two issues. He said this grant will help the cities to improve their water quality. Councilor Carrier asked if Dover was working closely with Somersworth on this. Mr. Parker said Somersworth was a co-applicant on this grant. He mentioned the first meeting of the Friends of Willand Pond, a non-municipally based group, which will be meeting November 18th at 6:00 pm.
Roll Call Vote: 9/0.

C. ORDINANCES IN 1ST READING – None

D. COUNCIL CORRESPONDENCE

Councilor DeDe said the Council has received a letter from Mr. Williams, and asked that it be included in Council Correspondence; seconded by Councilor Carrier.
Vote: 9/0.



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13. COUNCIL MATTERS OF INTEREST

Councilor Cheney said she hoped people came out to vote on November 3rd. She offered to help people get to the polls.

Councilor Callaghan referred to the barriers at Willand Pond. He said he has been asked about what can be done to remove the barriers that prevent access to the second parking lot.

Mayor Myers said the Council will follow up on that with the City Manager.

Councilor Callaghan referred to the sidewalk plowing on Route 108, and said it was a safety issue that they be plowed so people aren't walking in the street.

Mayor Myers said sidewalks near schools take priority. He said it comes down to funding. He said they will follow up with the City Manager on this issue.

Councilor DeDe asked the Mayor to comment on the amount that was spent in the budget this year. He said he had characterized it as 1.6%, but there seems to be some discussion on whether it was 1.6% or 5-point-something percent.

Mayor Myers said people can take numbers out of the budget and make them appear how they want, including the Arena, not including the Arena, and he didn't think tonight was the proper forum.

Councilor Carrier said he saw on WMUR news that the Children's Museum received a stimulus grant of \$20,000. He mentioned that Recreation Advisory Board member Greg Nesman has passed away.

Councilor Callaghan said he received a concerned voice about the voting at the last election, in which they made a mistake on the ballot and weren't allowed to receive a new one.

City Clerk Lavertu said the law states that if a voter tears or mismarks a ballot they must see the Moderator at the polls. She said the ballot will be marked as spoiled and is sealed with all the other ballots. She said a voter is allowed three spoiled ballots.

14. ADJOURN

Councilor DeDe moved to adjourn; seconded by Councilor Weston.

Vote: 9/0.