

**MINUTES  
DOVER CITY COUNCIL  
CITY COUNCIL CHAMBERS  
REGULAR COUNCIL MEETING  
OCTOBER 13, 2004  
7:00 P.M.**

**NON-PUBLIC SESSION  
CITY MANAGER'S OFFICE  
6:00 PM**

The City Council will be meeting in closed session to discuss matters relating to personnel matters.

NOTE: This session is considered a NON-MEETING IN ACCORDANCE WITH RSA: 91-a.

**7:00 PM**

**1. MOMENT OF SILENCE**

**2. PLEDGE OF ALLEGIANCE**

Councilor Colwell-Ellis led the Pledge of Allegiance.

**3. ROLL CALL**

Members Present: Mayor Pro Tem Jason Hindle, Councilor Robert Keays, Mayor Scott Myers, Councilor Otis Perry, Councilor Dean Trefethen, Councilor Colwell-Ellis and Councilor Doug DeDe.  
Members Absent: Councilor Matt Mayberry.

**4. PROCLAMATIONS/AWARDS**

A. White Cane Safety Day

Mayor Myers read and presented the proclamation to citizen Bruce Gillis.

**5. CITIZEN'S FORUM**

The Mayor opened the Citizen's Forum asking if anyone wished to speak:

**Roland Hofemann**, 18 Wellington Ave. – State representative for Wards 5 and 6, speaking on behalf of the Senior Center – wants to bring attention to a bill he filed to freeze increases to property taxes for citizens 80+ . It will be enabling legislation similar to the veteran's bill with the prerequisites decided by the Council. He stated that there are many seniors leaving their homes and they need some help. He stated that this is in effect in many other states.

**John Scruton**, 99 Sixth Street – spoke regarding strip malls, centralization and sprawl. He feels these issues keep coming up and feels that strip malls create more traffic congestion and usually fail. He discussed the Dover Point area and the Weeks Crossing area. He concluded that he wants to have a yearly meeting in the auditorium to discuss this issue with citizens to keep track of it all as it is an ongoing issue.

**Greg Hunt**, 295 Back Road, spoke to thank the Council for forwarding the Back Road issue to the TAC, specifically Mayor Pro Tem Hindle. He stated that it is providing a forum for due process regarding safety and strategic planning for the city and feels that the project is no longer going forward out of control. He stated that they appeared at the Planning Board meeting last night and both sides were able to speak and feels that there was good feedback with the discussion turning to safety and to whether or not the road is scenic. He stated that the petition they presented was meant to put a mechanism in place for future issues like this to ensure due process and advance notice for neighborhoods. He concluded that they look forward to the process continuing throughout the winter.

**Rick Hebbard** – 97 Spruce Lane – stated he wants everyone to listen to what the staff and Council have said at previous meetings regarding the Back Road issue and then proceeded to play tape recordings of the 01/07/04 special meeting, the 01/28/04 meeting and the 08/11/04 Council meeting. He then discussed the unsigned letter to the Back Road residents which wasn't sent certified which he feels is in violation of RSA 231:10, Section 1. Finally he discussed safety and how important this issue became when it was discussed at the 9-8-04 meeting as it was mentioned 110 times by 33 people, but there had never been any mention of it at any of the other meetings, unless it was done behind closed doors.

Mr. Beecher asked Mr. Hebbard if it was true that he had asked the janitor to let him in to a safe in the Planning Office after hours.

Hebbard stated no it wasn't true, but he has been concerned with the safety of the city records and wanted to make sure the safes were closed and protected from fire.

**Bruce Gillis**, Chestnut Street – thanked the Council for issuing the White Cane Proclamation and reviewed the history of the National Federation of the Blind of New Hampshire. He stated he is pleased with the newly installed :”chirping” crosswalk signals and feels that motorists are stopping more frequently before turning right at corners because of them.

**Mary Hebbard**, 97 Spruce Lane – stated that she wasn't at the 08/11/04 meeting but heard from others that there was a lack of decorum displayed by Mr. Beecher. She stated that at the 01/05/04 Special Meeting the Council adopted their rules and regulations which are regulated by the Roberts Rules of Order. She reviewed various parliamentary procedures and stated the Council took an Oath to Bear Allegiance to the State constitution, etc. She continued that the Mayor has the right to call members out of order and feels that Mr. Beecher made comments that were out of order at the 08/11/04 meeting.

**Scott Manella** – 299 Back Road – began by stating that honesty and disclosure are lofty goals and feels we should do better at trying to achieve them. He continued that he feels that the way the public hearings are held should be changed. He stated that at the 09/08/04 the citizens of Back Road spoke and then after that, the City Engineer and a professional who backed up his opinion spoke, then the Council all took their turns, therefore, that is the last thing the Council heard before voting. He feels that the employees should speak before the citizens, giving the citizens a chance to speak to what is said and have that be the last word before the Council votes. If not, then a 10 minute recess should be called to give the people a chance to get home and watch the rest of the meeting from home, since they are no longer able to participate in the process.

**Bart Jordan**, 103 Central Towers, - spoke regarding the White Cane Proclamation and commended the Council for the recognition. He asked that this be publicized in the paper.

Seeing no one else wishing to speak, the Mayor closed the citizens' Forum.

## **6. PUBLIC HEARINGS**

- A. Resolution RE: Acceptance of Royers Lane as a City Street. Sponsored by Councilor Jason Hindle, TAC Chair.

Mayor Myers opened the public hearing asking if anyone wished to speak. Seeing no one the Mayor closed the Public Hearing.

- B. Ordinance #18-09/08/2004, Chapter 131, Offenses, Section 131-8, Consumption, Sale and Dispensing of alcoholic beverages in City-owned buildings. Sponsored by Mayor Scott Myers, by Request.

Mayor Myers opened the public hearing asking if anyone wished to speak. Seeing no one the Mayor closed the Public Hearing.

## **7. MINUTES - NONE**

## 8. REPORTS OF SPECIAL AND STANDING COMMITTEES

### A. Appointments Committee – Councilor Otis Perry (**Report submitted**)

Perry explained that at the last meeting there was an error in an appointment made to the Open Lands Committee as there were only 3 openings and he appointed 4 people. Also, they are appointing John Levasseur who was already serving as an alternate to the ZBA to fill the regular position, and appointed Masi Denison who they had appointed to fill the regular position, to fill the alternate position, with all in agreement to this change.

### B. Arena Commission – Councilor Darlene Colwell-Ellis (**Report submitted**)

Darlene reported that the Commission met on 09/21/04 and at this point they have exceeded their projections. She listed several programs that are in operation as well as the newly renovated arcade area which the city will receive ½ of the revenue. Also the Clean Gear store opened on 10/01/04 and there will be a Speed Skating exhibition on November 6<sup>th</sup>.

Mayor Myers thanked the previous Council for allowing the City to take over the concession stand operations as it has become a positive revenue source.

### C. Arts Commission – Councilor Matt Mayberry – **NO REPORT**

### D. McConnell Center Reuse Committee – Councilor Matt Mayberry – **NO REPORT**

### E. Planning Board– Councilor Dean Trefethen (**Report submitted**)

Trefethen stated that the Emerald Woods Subdivision was approved by the Planning Board on 9/28/04 as well as the condominium project on Washington Street. The Class IV Roads committee gave a report and will be bringing forth a resolution to the Council.

DeDe asked about the bonding on Washington Street as there appears to be a problem with the drainage. Stancel stated that they weren't required prior to approval and the city engineer approved the drainage and he feels the drainage does work.

DeDe stated that the ground was mushy there when he walked in the area.

Trefethen stated that water from that land drains underneath to the brook and the plant structured that the rate of flow be maintained at the present rate with the same amount of water.

Colwell-Ellis asked how many Class VI roads are there and are they considered private roads?

Trefethen stated that there are 8 or 9 and that is what the committee is to determine.

### F. Cable Franchise Negotiations Committee – Councilor Doug DeDe - **NO REPORT**

### G. School Board Liaison – Councilor Doug DeDe – (**Report submitted**)

DeDe brought attention to Dr. O'Connor's comments regarding new standards for class size and performance and that this will be "challenging".

### H. Solid Waste Advisory Commission – Councilor Otis Perry – **NO REPORT**

### I. Transportation Advisory Commission – Councilor Jason Hindle

Hindle thanked the public who came to the public hearing on 09/29/04. He stated that they will meet with Rizzo and Assoc. on the 19<sup>th</sup> and 20<sup>th</sup> regarding the downtown traffic study and have invited the Waterfront Committee to join them.

### J. Joint Building Committee – Councilor Jason Hindle (**Report submitted**)

The next JBC meeting will be on November 4<sup>th</sup> at 6:30.

### K. Recreation Advisory Board – Councilor Bob Keays(**Report submitted**)

### L. COAST Bus – Mayor Scott Myers – **NO REPORT**

### M. Joint Fiscal Impact Committee – Mayor Scott Myers - **NO REPORT**

Hindle moved to accept the reports and the Appointments Committee changes, seconded by DeDe. Motion passed on a 7-0 vote.

## **9. MAYOR'S REPORT**

Mayor Myers stated it has been a busy month beginning with Apple Harvest Day on October 2<sup>nd</sup> which was a great day. He commended the Dover Main Street Program for the successful Grave Yarn Tours. He thanked the employees of Comcast for volunteering to help out at the Dover Housing Authority with landscaping, painting, etc. He stated that Wentworth-Douglass Hospital has donated 3 difibrilaters, radios and training for the fire department. Finally he reminded everyone of the election on November 2<sup>nd</sup> and stated there is a Charter question as well regarding forming a charter commission. DeDe stated that the Charter has not been reviewed for several years and it is overdue for a second look.

Hindle moved to accept the Mayor's Report, seconded by Perry. Motion passed on a 7-0 vote.

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

Mr. Beecher thanked Mary Hebbard for her comments and apologized for his comments on 08/11/04 and to anyone who was offended.

Next, Dana Lynch, Chairman of the Waterfront Committee addressed the Council with an update of the Waterfront Committee activities thus far. He thanked the Council for assembling such a dedicated group of people as well as the Planning Department and Economic Development Representative for taking the minutes. He explained the various subcommittees that have been formed. There will be a meeting with abutters of 10/25/04 and a public hearing on 11/15/04.

The Mayor and Council expressed their appreciation for the hard work of committee members, some of whom have been involved for 2 decades.

Mr. Beecher then introduced Wil Corcoran of Corcoran and Assoc. and the Assessor for the City of Dover to give a synopsis of the assessment process.

Wil reviewed the assessment process and discussion ensued regarding the various formulas and the effect on the property tax.

Hindle moved to accept the Manager's Report, seconded by DeDe. Motion passed on a 7-0 vote.

City Attorney George Wattendorf was asked to address the Council regarding item 12-B-9, appointing a replacement to the JBC.

George explained that originally he began investigating this issue when Councilor DeDe was going to be named to replace Earl Goodwin on the JBC and it was thought that the replacement was supposed to be a citizen. They then found that the JBC was to be made up of elected officials, equally from the School Board and City Council. He explained the legislative intent was to have institutional memory and that each Committee was to come to a final resolution of each project and be dissolved.

DeDe asked if it would be possible that another attorney would come up with another opinion. George stated it wasn't probable.

Perry asked if the size of the project determines the size of the committee and is it meant for new construction as opposed to renovations.

Wattendorf stated that at the time it was introduced into legislation it was meant for new school construction. This only applies to 6 cities in New Hampshire because the School Boards have to go to the City Council for funding. He feels that this can be applied to all school renovations.

Mr. Beecher asked if this can be researched further.

Perry stated it makes sense to oversee a \$2 million project.

**11. UNFINISHED BUSINESS**

**A. ORDINANCES IN 2<sup>ND</sup> READING**

1. Ordinance #18-09/08/2004, Chapter 131, Offenses, Section 131-8, Consumption, Sale and Dispensing of alcoholic beverages in City-owned buildings. Sponsored by Mayor Scott Myers, by Request.

Hindle moved to adopt, seconded by Perry.

Perry stated that this makes sense and there is no need to prohibit a socially acceptable activity.

Mr. Beecher explained that this came about because Main Street wanted to hold an event in the City hall auditorium that served alcohol but it wasn't allowed, so they proposed this ordinance. Colwell-Ellis asked if this will be waived by the City Manager or by the Council and is there any liability involved.

The City Manager stated the organizations will be required to have insurance coverage of 1 million liability.

Mayor Myers stated he is not against this, but is concerned with liability as well as ensuring that the people dispensing the alcohol will have the proper credentials and be licensed by the State and that there be consistency in the application process, and will police be required at these events.

Perry moved to amend the ordinance (See ordinance), seconded by Hindle.

Keays is not in favor of any alcohol on city property for any reason at any time.

Motion to amend passed on a 6-1 vote.

Main motion passed on a 6-1 roll call vote.

**B. ORDINANCES IN 3<sup>RD</sup> READING - NONE**

**C. RESOLUTIONS**

1. Resolution RE: Acceptance of Royers Lane as a City Street. Sponsored by Councilor Jason Hindle, TAC Chair.

Hindle moved to adopt, seconded by Trefethen.

Trefethen asked if this road meets the Engineering standards for street acceptance.

Lavoie stated not the width, but there are only 3 houses on the road.

Motion to adopt passed on a 7-0 roll call vote.

**12. NEW BUSINESS**

**A. CONSENT CALENDAR**

1. Raffle Permit – First Parish Congregational Church
2. Raffle Permit – Dover High School Girls Basketball (50/50 throughout season, and collection donations at Christmas parade for Dover family)
3. Parade Permit –Greater Dover Chamber of Commerce
4. Resolution RE: Street Closing for Dover Christmas Parade. Sponsored by Mayor Scott Myers, by Request.

Hindle moved to grant 1-3 and adopt 4, seconded by Perry. Motion passed on a 7-0 vote.

**B. RESOLUTIONS**

1. Resolution RE: Award of Renewal Purchase Order for Office Supplies, as needed, by various City Departments. Sponsored by Mayor Scott Myers, by Request.

Hindle moved to adopt, seconded by DeDe. Motion passed on a 7-0 roll call vote.

2. Resolution RE: Award of Bid #B05010 for an Ambulance. Sponsored by Mayor Scott Myers, by Request.

Hindle moved to adopt, seconded by DeDe.

Trefethen asked about getting credit from the fire truck trade. Chief Plummer stated it is still being worked out.

Motion passed on a 7-0 roll call vote.

3. Resolution RE: Award of Bid #B05018 for Two (2) Heavy Duty Dump Truck Cabs and Chassis. Sponsored by Mayor Scott Myers, by Request

Hindle moved to adopt, seconded by Trefethen.

Discussion ensued regarding whether this was a trade-in and are we using the old dump boxes. Lavoie explained that this is not a trade-in because we need to use our old trucks until the new ones are ready to be used. We are also getting new dump boxes but they will be done under a separate purchase.

Keays feels that these vehicles should be traded.

Motion to adopt passed on a 7-0 roll call vote.

4. Resolution RE: Award of Bid #B05020 for Bellamy Road Culvert Repairs. Sponsored by Mayor Scott Myers, by Request.

Hindle moved to adopt, seconded by Perry.

Motion passed on a 7-0 roll call vote.

5. Resolution RE: Award of Bid #B05023 for McConnell Center Exterior Restoration. Sponsored by Mayor Scott Myers, by Request.

Hindle moved to adopt, seconded by DeDe.

DeDe asked for clarification that the scope of this restoration will not impact the front of the building façade. Mr. Beecher confirmed that this was correct.

Motion passed on a 7-0 roll call vote.

6. Resolution RE: Setting of the Property Tax Exemption Levels and Qualifying Criteria and Tax Credits for Fiscal Year 2006. Sponsored by Mayor Scott Myers, by Request.

Hindle moved to adopt, seconded by Trefethen.

Perry stated that this is a way to help seniors but it is a subsidy that needs to be paid by someone else and merely shifts the burden to younger people or other senior citizens who don't qualify and doesn't feel that this is good public policy. He will vote in favor, but feels that society is growing older and it will keep costing more for others to subsidize this type of policy.

Motion passed on a 7-0 roll call vote.

7. Resolution RE: Acceptance of NHDOT Grant Funds for Application of Salt Brine as an Anti-Icing Agent. Sponsored by Mayor Scott Myers, by Request.

Hindle moved to adopt, seconded by Perry.

Trefethen asked if this was a long-term commitment. Mr. Beecher stated no.

Keays asked if we are the only city who'll be using this.

Lavoie stated we will be the only city in New Hampshire but the State DOT is also looking at using this application, and the State of Maine has already used it. He stated that the price of salt has risen from \$28 per ton to \$40.00 per ton.

Perry stated that a research grant implies there will be record keeping.

Lavoie stated yes and they will have help from T<sup>2</sup> at UNH. He further explained that this is a separate application from sanding applied in liquid form up to a day before a storm and feels this will save on overtime.

Perry asked if there are any run-off implications. Lavoie stated that 2 sections of the city will be concentrated on.

Motion to adopt passed on a 7-0 roll call vote.

8. Resolution RE: Enterprise Park Building Project and Lease. Sponsored by Mayor Scott Myers, by Request.

Hindle moved to adopt, seconded by Perry.

Mayor Myers stated he supports this and feels this is one of the few ways we can attract businesses to Enterprise Park.

Motion passed on a 7-0 vote.

9. Resolution RE: Appointment of Robert A. Gosse to Joint Building Committee. Sponsored by Mayor Scott Myers. **(ITEM REMOVED)**

10. Resolution RE: Authorizing the Fire Chief to Enter into Mutual Aid Agreements. Sponsored by Mayor Scott Myers, by Request.

Hindle moved to adopt, seconded by Keays.

Mr. Beecher stated these are agreements that expire every few years and need to be approved by the Council.

Motion passed on a 7-0 roll call vote.

11. Resolution RE: Designation of Back Road as a Scenic Road Pursuant to RSA 231:157. Sponsored by Mayor Scott Myers, by Request. ***(To be referred to a public hearing on November 10, 2004.***

Hindle moved to refer to a public hearing on 11/10/04, seconded by Keays. Motion passed on a 7-0 vote.

Perry then asked if this should this be referred to a public hearing after the Planning Board has voted on this. Discussion ensued as to what the timeline needs to be and Wattendorf clarified that this needs to be dealt with within one year to be on the safe side.

Hindle moved to table this item and withdraw the motion to public hearing, seconded by Trefethen. Motion passed on a 7-0 vote.

Hindle stated he will let the Back Road residents know that it was tabled at the TAC meeting.

Hindle moved to suspend the rules to introduce items 12B-12 and 12B-13, seconded by Perry. Motion passed on a 7-0 roll call vote.

12. Resolution RE: Appointment of a Joint Building committee Member. Sponsored by Mayor Scott Myers.

Hindle moved to adopt, seconded by Keays.

Mayor Myers stated that Councilor Otis Perry has volunteered to serve on the JBC and he feels that with his background in property management it would be a good fit.

Trefethen clarified that only Councilors and School Board members are allowed to serve on this committee. The Mayor stated that is correct.

Motion passed on a 7-0 vote.

13. Resolution RE: Authorization to Pay Legal Invoice. Sponsored by Mayor Scott Myers by Request.

Hindle moved to adopt, seconded by DeDe.

DeDe wants to have a breakdown of who worked on what before this bill is paid.

The Manager stated he will get that information before the bill is paid.

Perry stated he will support paying the bill but doesn't feel they got the value for the money and that they sent too many people to the meeting. He wants the City Manager or Mayor to present a resolution at the next meeting to take this law firm off of the bid list in the future.

DeDe feels it would be premature to do this before they get the breakdown but does agree that the amount of representation was out of proportion and questions the 7 ½ hours of phone consultation.

Perry moved to table, seconded by Colwell-Ellis.

Motion passed on a 7-0 vote.

### C. ORDINANCES IN 1<sup>ST</sup> READING

1. Ordinance #19-10/13/2004, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking Any Time, Orchard Street Lot Service Road. Sponsored by Councilor Jason Hindle Transportation Advisory Commission. **(TO BE REFERRED TO A PUBLIC HEARING ON 11/10/04)**

Hindle moved to refer to a public hearing on 11/10/04, seconded by DeDe. Motion passed on a 7-0 vote.

2. Ordinance #20-10/13/2004, Chapter 166, Vehicles and Traffic, Section 166-48, Schedule A, One Way Roadways, Orchard Street Lot Service Road. Sponsored by Councilor Jason Hindle Transportation Advisory Commission. **(TO BE REFERRED TO A PUBLIC HEARING ON 11/10/04)**

Hindle moved to refer to a public hearing on 11/10/04, seconded by Perry. Motion passed on a 7-0 vote.

3. Ordinance #21-10/13/2004, Chapter 109, Fire Prevention and Life Safety Code, Section 109-30-A, Installation of sprinkler system required. Sponsored by Mayor Scott Myers, by Request **(TO BE REFERRED TO A PUBLIC HEARING ON 11/10/04)**

Hindle moved to refer to a public hearing on 11/10/04, seconded by Perry. Motion passed on a 7-0 vote.

### D. COUNCIL CORRESPONDENCE

1. Wetlands Application – David and Deborah Bronson

Hindle moved to accept and place on file, seconded by Perry. Motion passed on a 7-0 vote.

### 13. COUNCIL MATTERS OF INTEREST

Keays stated when he walked up Sixth by Whittier he noticed that we have tar filling in cracks and holes even though it is a new road and feels that it is the trucks going over that road in the springtime when the ground is soft.

Perry asked the City Manager to put together a process for dealing with situations such as Back Road for the future. Mr. Beecher stated he will have it for the next meeting.

Hindle wants to have the Traffic Study presentation by Rizzo and Assoc. on the 11/03/04 agenda.

Trefethen spoke regarding the playing of the tape recording at Citizens Forum and feels that this disseminated exactly what it was supposed to and clarified that there have been no meetings held outside of this room that weren't supposed to be held. He feels that this issue has taken on a life of its own and is counterproductive to the process.

DeDe responded to a taxpayers request regarding parking spaces at Wellspring Chiropractors that 7 spaces were taken out of the city rolls. Chief Fenniman has documented that the city does receive revenue for those spaces.

Colwell-Ellis asked how a handicap space is designated in the city and questioned one in particular on Washington Street that she feels is not in a good spot for a handicapped person. Hindle stated the TAC will address this.

#### **14. ADJOURN**

Hindle moved to adjourn, seconded and passed unanimously.

**Valerie A. French  
Deputy City Clerk**