



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, February 10, 2010**
Meeting Time: **7:00pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Hooper led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Myers, Deputy Mayor Trefethen, Councilor Carrier, Councilor Cheney, Councilor Cruikshank, Councilor Garrison, Councilor Hooper, Councilor Nedelka, Councilor Weston.

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

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Deputy Mayor Trefethen moved to add the Woodman Park School Joint Building Committee Report, and the Appointments Committee Report, to the Agenda under Committee Reports; seconded by Councilor Carrier.

Vote: 9/0.

Mayor Myers asked for a vote to approve the Agenda as amended.

Vote: 9/0.

7. PUBLIC HEARINGS

A. CHAPTER 3, ADMINISTRATIVE CODE; 3-73 MCCONNELL CENTER ADVISORY COMMITTEE

SPONSORED BY MAYOR MYERS BY REQUEST

Douglas DeDe, 143 Locust Street: He said he served on this Committee when he was Councilor, and will be serving again in a different capacity if the Council approves his appointment tonight. He said he was part of the decision to make a change in the membership, which will make it easier to have a quorum. He said they had at least seven meetings in the last two years in which they weren't able to conduct business because there wasn't a quorum.

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

B. ESTABLISHMENT OF PARKS IMPROVEMENT CAPITAL RESERVE FUND

SPONSORED BY COUNCILOR NEDELKA AND COUNCILOR CARRIER

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



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8. 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.

Douglas DeDe, 143 Locust Street: He said he wished to address two things: 1. Item 10.A., approval of the minutes. He said the rules of the Council are established for a reason. He said he emailed the Council that when these Minutes were removed from the table, it would be appropriate that they weren't adjusted at all, because the minutes reflect the content of the meeting. 2. Item 13.B.1. He said he felt the Council should vote in favor of the School Board's position.

Edward Bleiler, 28 Isaac Lucas Circle: He referred to the newspaper article in which the Mayor had an epiphany that the City has an 800 lb. gorilla. He said it should have read a 10,000 lb. gorilla. He said he has been telling the Council this for the last five years, but asked the Council what they are going to do about it. He said they have to stop begging the State and Feds, because they are broke. He said the City is broke, but the citizens don't know it yet. He said the previous Council has spent money on the Arena, Butterfield Gym, the McConnell Center, the bridge to nowhere, and the energy audit. He said it cost \$1.4 million for the energy audit, and there was no payback in sight. He said it cost \$9 million for the McConnell Center renovation, and there is a \$500,000 expense every year. He said there has been no return on the \$1 million expense for the Butterfield Gym, just more expenses. He said there was an additional \$1 million expense every year for the Arena, with at least a \$500,000 loss per year. He referred to the \$1 million expense for the bridge to nowhere, and asked when it was going to see any revenue from it. He said the only way out of this was to stop spending. He said there should be no raises, including the School Department. He felt the energy audit should be stopped and started up again when the City had the money. He said all contracts should be renegotiated. He said the City would be facing huge tax increases if nothing is done. He said to pay off the future pension obligations; the tax rate will have to go from its current \$23.33/thousand rate to \$223.33/thousand rate. He asked who could afford that. He said if the Council approved any more spending the City will only go broke sooner. He said he was 74 years old and for the first time he is afraid of his government. He said it was a sad situation in his life.

Deborah Hackett, President of the Dover Teacher's Union: She said according to the National Association of Colleges, the average salary for a new graduate with a 4-year degree is \$50,000. She said with the School Department's STEP program it takes 15 years to make \$50,000. She said a STEP was not a raise. She said offering no STEP increases in any year extends the salary schedule to the longest in the State. She said new teachers owe over \$50,000 in student loans and are expected to buy their own equipment and materials. She said last year the CPI was 3.8% and the Council arbitrarily set it at 2%. She said the School Board kept it at 2%, while she believed the City side did not. She said once again we're out of balance. She said the teachers cannot subsidize a lack of pay raise with overtime, nor do they have special duties. She said Dover's tax rate is lower than all but one neighboring school district, and somehow all of them manage to give raises between 2% to 4.3% this year, and



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Dover is in danger of falling behind all of our neighboring districts. She said that is a problem because there was a 50% turnover in Science last year and a 100% turnover in the last five years in Dover High School Math. She referred to HB 1664, proposing that teachers pay an additional 2% in their retirement, to offset the portion the municipalities have to pay. She said the problem with that is that municipalities still owe \$15 million from issues dealing with the special account. She said training for 40+ teachers takes time and money, and the City is falling behind. She said the secretaries and administration have recently come to a tentative agreement, and both of their raises over three years exceed what the Fact Finders Report is suggesting for the teachers. She said the Fact Finders Report provides a fair and unbiased solution for 18 months of negotiations. She asked that they restore some balance for the teachers in Dover.

Harvey J. Lynch, 26B Lincoln Street: He said the City has to cut somewhere. He said the unions keep asking for more and more money. He said there are a lot of administrators that should be cut. He asked them to look at the high salaries, and not just the ones with the low salaries. He said eventually the unions are going to break us, and we have to cut somewhere.

Liz Dubois, 389 Back Road: She spoke about the tax cap and the current budget situation. She did not vote for the tax cap, but she did get out to vote. She said she is also a teacher at Woodman Park School, and worries about the impact of the tax cap on her present and future students. She said it is hard to separate out the teacher and the Dover citizen. She admits that she would prefer to keep her taxes as they are, but she feels that it is their responsibility to contribute what is necessary to live in a town in which they are fortunate enough to live. She said given the additional cuts that the School District needs to make, which may affect staffing, programs, and high school transportation, she wonders how the educators will be able to meet the educational goals established by the State. She said they are suggesting that they cut back kindergarten paraprofessionals to half-time, and asked what she should do when a child becomes ill or has a toileting accident, because she can't leave 20 five-year-olds alone. She said class size has been up to 23 in kindergarten. She asked how she can effectively teach those who need additional help with their class work, or who do not understand the language. Does she ask those children to wait for their paraprofessional? She said the tax cap has already affected her classroom by cutbacks on school supplies and out-of-the-classroom activities. She was very thankful to parents who have contributed many needed items to the classrooms. She said with regard to the teachers' contract, which is in limbo, she feels she can no longer contribute to the classroom as she has in past years. She said she knows of colleagues who have contributed thousands of dollars to their classrooms. She said while many of her children come very well prepared, she also has children that have never held a pencil or a pair of scissors. She said she loves the children she teaches, even those who come to school unclean and very hungry. She said magically the staff teaches these children to read, understand math, and how to function in the classroom. She said she loves the community, but she is deeply concerned with how it is changing, not for the better, because of the effects of the tax cap.



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Donald Medbery, 3 Covered Bridge Lane: He read part of the 11/4/2008 New Hampshire General Obligation Capital Improvement Bond Statement, regarding the Retirement crisis, to the Council. "Since 1996 the New Hampshire Retirement System, which provides retirement benefits for most of the State's teachers, firefighters, police and municipal and state employees, has built up a huge unfunded liability leaving employees' retirement security in question. Since 1996 the Retirement System and the State's obligation to pay additional retirement benefits and healthcare costs have grown to a total unfunded liability of \$7 billion. The pension money these workers are counting on is being underfunded and mismanaged. Furthermore, the cities and towns are responsible for 30% to 35% of the burden; \$2.5 billion." He said they'll have to pay the balance for the overdrawn accounts from local property taxes. He said we're getting screwed twice. He said the citizens are the victims of Paul Beecher and every City Council since then. He said they were the watchdogs when these Councils were spending all this extra money on things that the City didn't need, but wanted. He said teachers, firemen, policemen, and all employees are necessary, but they have to really face this because it is dire straits time. He said there are things in the CIP, which the Council has already voted on, that the Council needs to take a second look at and decide whether it is a want or a need. He said he could tell the Council what the needs are, and he wouldn't be a magician to do it. He said there are a lot of things that are wants, and we end up spending too much money. He said the City is undercapitalized to begin with, and then the City spends more money. He asked where the money was coming from, slush funds, because the City always comes up with the money from this account or that account. He said people criticize him for speaking at the podium, and he said they can criticize all they want, because he was paying out of his pocket too. He said a lot of people won't speak at the podium because they are afraid of being criticized. He said he felt the teachers had a legitimate cause, because they have been ripped off. He said the chickens have come home to roost. He said eight years ago he and some other citizens demanded an actuarial study to determine when the City would go bankrupt, and they were laughed at. He said it was never seriously addressed and brought before the people. He said "shame on our gatekeepers." He said the City spent, spent, and spent on all the things they wanted, like the bridge to nowhere. He said they were wants and not needs. He said the State of New Hampshire is going to get over \$1 billion dollars in subsidies, and he hoped it was applied to what the teachers need in the retirement system.

John Scruton, 99 Sixth Street: He referred to when President Reagan was in office for 8 years, federal employees didn't get any pay raises, nor a cost of living raise. He said once in a while they received a fraction. He said he always ignored inflation up until that time. He said when President Reagan's second term was through it took \$200 to pay for what used to cost \$100. He said there was a time then when he wondered if he would be able to pay his property taxes. He said he took the boat out of the water, stopped skiing, and stopped everything. He said it took some doing, but he came out of it. He said the City needed an independent audit. He said people are asking him where the money is going.

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



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9. CITY MANAGER'S REPORT

City Manager Joyal said he had two updates for the Council: 1. They are progressing with the implementation of the new financial management system, a cooperative venture between the school and city finance departments. He said the purchase order module should be in place by March 1st, and it was his hope to have the whole system in place by July 1st for the new fiscal year. 2. The City's independent financial audit will be complete, and he will present it to the Council, on March 3rd, for the workshop session. He said they will have the independent auditors present to address the Council and answer any questions. He referred to his report and his notation about the "outdoor pool cover", and corrected it to say "indoor pool cover." Councilor Cheney referred to Page 8 of the City Manager's Report, Departmental Collaboration and Enhancements, and asked for more information about the possible senior volunteer for 20 hours.

City Manager Joyal said there is a program being run by a nonprofit agency in Manchester that links up more mature individuals looking to reenter the workforce. He said they provide funding and actually pay their salaries. He said the City is working with them to try to secure some of those individuals in Dover, and one of the places is the Library.

Councilor Cheney asked about the tile carpeting being installed in the Library.

City Manager Joyal said this is an ongoing issue. He said the material's weave was too tight and curled up. He said the issue is being addressed by the manufacturer and the installer.

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

Vote: 9/0.

10. APPROVAL OF MINUTES

- A. January 13, 2010 – Regular Session – To be removed from the Table**
- B. January 20, 2010 – Workshop**
- C. January 27, 2010 – Workshop**
- D. January 27, 2010 – Regular Session**

Deputy Mayor Trefethen moved to remove from the table the January 13, 2010 Minutes; seconded by Councilor Cheney.

Vote: 9/0.

Councilor Cheney referred to the handout of her changes to the January 13th minutes.

Councilor Weston made a motion to accept the amendments to the Minutes; seconded by Councilor Cheney.

Vote: 2/7; Failed. Councilors Cheney and Weston voted in favor.

Mayor Myers asked for a vote on accepting the original minutes.

Vote: 7/2; Passed. Councilors Cheney and Weston were opposed.

Deputy Mayor Trefethen moved for the approval of 10.B., 10.C., and 10.D.; seconded by Councilor Garrison.



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Councilor Cruikshank referred to the January 20th Workshop, in which it said she agreed that the CIP item regarding the catch basin should be removed. She said she didn't agree with that, and would like to have that changed.

Mayor Myers referred to Page 3 of 4, and asked that the wording be changed to "should not be removed." He asked for a vote on the amendment.

Vote: 9/0.

Mayor Myers asked for a vote on the remaining minutes, with the one amendment to the January 20, 2010 minutes.

Vote: 9/0.

11. MAYOR'S REPORT

Mayor Myers referred to his Coffee with the Mayor, and thanked the City Manager, the Councilors, and the department heads who showed up. He said the Greater Dover Chamber of Commerce held a legislative session that was well attended. Mayor Myers recommended appointments for the Fiscal Policy Review Committee: the two citizen appointments would be John Leggett and Paul Kagilery, School Board representative to be Ken Appel, the City Manager and Finance Director, and the two Councilors to be Councilor Cheney as Vice-Chairperson and himself as the Chairperson.

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

Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 3, ADMINISTRATIVE CODE; 3-73 MCCONNELL CENTER ADVISORY COMMITTEE SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Cruikshank. Mayor Myers said this Ordinance basically changes the membership from 11 to 9 members.

Roll Call Vote: 9/0.

2. ORDINANCES IN THE 3rd READING – None

B. RESOLUTIONS

1. ESTABLISHMENT OF PARKS IMPROVEMENT CAPITAL RESERVE FUND SPONSORED BY COUNCILOR NEDELKA AND COUNCILOR CARRIER

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

Councilor Nedelka said the intention of this Reserve Fund is to set aside money for improvements of existing parks.



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Vote: 9/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **RAFFLE – Dover Main Street**
2. **RAFFLE – Portsmouth Christian Academy**
3. **RAFFLE – Strafford Rivers Conservancy, Inc.**
4. **TAG – Dover Youth Football, Inc.**

5. **RESOLUTION: B08039 ELECTRICAL SERVICES CONTRACTOR FINAL YEAR #3**
SPONSORED BY MAYOR MYERS BY REQUEST

6. **RESOLUTION: B10036 HVAC SERVICES @ THE MCCONNELL CENTER**
SPONSORED BY MAYOR MYERS BY REQUEST

7. **RESOLUTION: EVALUATE ECONOMIC IMPACT OF PROPOSED WASTEWATER NUTRIENT REMOVAL STANDARDS**
SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

- | | |
|--|--|
| 1. School Board Liaison | 6. Arts Commission |
| 2. Planning Board | 7. Solid Waste Advisory Commission |
| 3. Appointments Committee | 8. Transportation Advisory Commission |
| 4. Recreation Advisory Committee | 9. Joint Building Committee – Horne Street |
| 5. McConnell Center Advisory Committee | 10. Joint Building Committee – Woodman Park |

Deputy Mayor Trefethen moved to approve the Consent Calendar; seconded by Councilor Weston.

Vote: 9/0.

Mayor Myers asked the Councilor if they had any items they would like removed for further discussion.

Deputy Mayor Trefethen said he would like to remove the Appointments Committee Report.

Councilor Garrison asked to remove 13.A.7.

Mayor Myers asked for a Roll Call Vote on the remaining items of the Consent Calendar.

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved for the adoption of 13.A.7.; seconded by Councilor Garrison. Councilor Garrison referred to the background materials, and asked a few questions about the upgrades to the Wastewater Treatment Plant. He asked if there was any recourse if the study indicates that there will be minimum, if any, benefit with this upgrade. He asked if there has



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been a discussion on a solution to attack the non-point sources. He also asked about the waiving of the bidding process.

City Manager Joyal invited Environmental Projects Manager Dean Peschel to speak to the Council. He explained that they are looking to join with several other communities that surround the Great Bay Estuary to have an economic analysis done of the benefits and economic impact to the communities if the EPA does force us to introduce new systems in the wastewater treatment plants, to reduce more nitrogen.

Mr. Peschel said it has been discovered that nutrients are accumulating in Great Bay at a level that is actually beginning to have an adverse impact on the ecology of the Bay. He said the EPA is preparing to issue new wastewater treatment plant permit limits.

Roll Call Vote: 9/0..0

Deputy Mayor Trefethen said the Appointments Committee made the following recommendations for approval by the Council:

Reappointments:

Susan Galt – Library Board of Trustees

Gail Tanner – Arts Commission

Ron Cole – Planning Board

Larry Raiche – Regular member of the Arena Commission, previously an Alternate.

New Appointments:

Peter Mathau – Ethics Committee

Marybeth O'Sullivan – Arts Commission

Shannon Rogers – Energy Advisory Committee

Gary Green – Planning Board, Alternate

Douglas DeDe – Solid Waste Advisory Committee

Douglas DeDe – McConnell Center Oversight Committee

Deputy Mayor Trefethen moved to approve the Appointments Committee Report; seconded by Councilor Garrison.

Councilor Cheney made a motion to remove for a separate vote the Planning Board Alternate, Solid Waste Advisory Committee, and McConnell Center Oversight Committee appointments.

There was no second.

Mayor Myers asked for a vote on the original recommendations by the Appointments Committee.

Vote: 9/0.



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B. RESOLUTIONS

**1. FACT-FINDING REPORT BETWEEN THE DOVER SCHOOL BOARD AND THE DOVER TEACHERS' UNION DATED DECEMBER 10, 2009
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston. Mayor Myers discussed the background information on the Resolution with the Council regarding negotiations. He said a "yes" vote accepts the report, and a "no" vote rejects the report.

Roll Call Vote: 0/9.

**2. ADOPTION OF 2010-2011 CITY COUNCIL OBJECTIVES AND GOALS WITH TIMELINE
SPONSORED BY MAYOR MYERS**

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Garrison. Mayor Myers said this was the Council's roadmap on issues that the Council wants to accomplish in the next two years.

Vote: 9/0.

**3. FY2010 TRANSFER OF APPROPRIATION – MISCELLANEOUS GENERAL GOVERNMENT BUILDING IMPROVEMENTS CAPITAL OUTLAY
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Cruikshank. City Manager Joyal said this Resolution transfers the funds from the Debt Service Account that has not been spent this year. The City delayed going to sale for the bonds, and as a result did not spend the interest amount that was originally budgeted. He said the funds will be used to settle a suit that was filed by a local construction company that worked on the Butterfield building foundation.

Roll Call Vote: 9/0.

C. ORDINANCES IN 1ST READING

**1. CHAPTER 152, STREETS AND SIDEWALKS
(TO BE REFERRED TO A PUBLIC HEARING ON FEBRUARY 24, 2010)
SPONSORED BY MAYOR MYERS**

Deputy Mayor Trefethen moved to refer to a public hearing on February 24, 2010; seconded by Councilor Hooper.

Vote: 9/0.

14. COUNCIL CORRESPONDENCE – None



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15. COUNCIL MATTERS OF INTEREST

Councilor Cheney said she had a few quotes from letters that she brought forward, regarding the extraneous appointments to the Joint Building Committee. She said one quote was: "wrongful removal entitles the aggrieved person to bring suit for reinstatement and recover attorney's fees. Silva vs. Botsch, 121 N.H.1041(1981)." She said the attorney told her she was not removed, so this letter was moot and didn't threaten a lawsuit.

Councilor Weston said the Council passed a policy that if a Councilor wanted to amend the minutes, to put it in writing to the City Clerk to verify. She said she wanted to go on the record to say that she was really disappointed that the Council didn't vote to allow Councilor Cheney's changes to the January 13th minutes, because she did follow the rules. She said it told the Council that if they want to make some changes, that they might as well not do it.

Mayor Myers said there is no guarantee that the Council will accept the changes. He said there were a lot of extenuating circumstances with someone speaking to an item, passing out information, and then abstaining from the vote. He said there were a lot of things that broke Council Rules. He said this was the exception, and felt it should not stop any other Councilor from making recommendation for changes.

16. ADJOURNMENT

Deputy Mayor Trefethen moved to adjourn; seconded by Councilor Weston.
Vote: 9/0.

DRAFT