



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, February 24, 2010**
Meeting Time: **7:00pm**

1. **CALL TO ORDER**
2. **MOMENT OF SILENCE**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL ATTENDANCE**
5. **PROCLAMATIONS/AWARDS**
6. **APPROVAL OF AGENDA**
7. **PUBLIC HEARINGS**
 - A. **CHAPTER 152, STREETS AND SIDEWALKS**
SPONSORED BY MAYOR MYERS
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.
9. **CITY MANAGER'S REPORT**
10. **APPROVAL OF MINUTES**
 - A. **February 3, 2010 – Workshop**
 - B. **February 10, 2010 – Regular Session**
11. **MAYOR'S REPORT**
12. **UNFINISHED BUSINESS**
 - A. **ORDINANCES IN THE 2nd READING**
 1. **CHAPTER 152, STREETS AND SIDEWALKS**
SPONSORED BY MAYOR MYERS
 1. **ORDINANCES IN THE 3rd READING – None**
 - B. **RESOLUTIONS – None**



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13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. RESOLUTION: RELEASE OF SEALED NON-PUBLIC MINUTES**
SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

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

B. RESOLUTIONS

- 1. RESOLUTION: APPROPRIATION FY11 CIP – NON-DEBT FINANCED PUBLIC WORKS HEAVY EQUIPMENT**
(TO BE REFERRED TO A PUBLIC HEARING ON MARCH 10, 2010)
SPONSORED BY MAYOR MYERS BY REQUEST

C. ORDINANCES IN 1ST READING

- 1. CHAPTER 2, CITY COUNCIL ORIENTATION**
(TO BE REFERRED TO A PUBLIC HEARING ON MARCH 10, 2010)
SPONSORED BY MAYOR MYERS BY REQUEST

14. COUNCIL CORRESPONDENCE – None

15. COUNCIL MATTERS OF INTEREST

16. ADJOURNMENT

CITY MANAGER'S REPORT

February 24, 2010



Submitted by:

J. Michael Joyal, Jr.
City Manager

288 Central Avenue
Dover NH 03820
603.516.6023

GENERAL SUMMARY OF MATTERS OFFICE OF THE CITY ATTORNEY

The use of outside counsel to handle specialty matters continues and consists of counsel involved in environmental matters(Attorney Peltonen), labor negotiations(Attorney Broth and assistant), cable and telecommunications(Attorney Ciandella), and zoning and assessing matters(Attorney Mitchell/Attorney Whitelaw). There are a small number of other attorneys hired on a variety of smaller matters.

SELECTED MATTERS FOR THE MONTH: January 2010

- Assisted the City Council by drafting/review of resolutions and ordinance revisions; legal opinions; attendance at "Coffee with the Mayor"; attendance at rules sessions and Council meetings including Executive Session.
- Aided the Community Services Department by consulting about contract; water sewer issues; roof drain matter; assistance to the DUC; and release of liability matter.
- Assisted the Planning Department regarding impact fees; review of variances for ZBA; attendance at seminar with ZBA member and enforcement matters.
- Gave assistance to the Finance Department in the form of contract reviews and preparations; purchasing matters and dispute with former vendor.
- Assisted the Recreation Department relative to a McConnell Center sublease.
- Assisted the School Department with Joint Fiscal Committee and Joint Building Committee matters; personnel plan review and a cable matter.
- Advised Fire & Safety regarding ordinance review and draft and contract review.
- Assisted the Police Department regarding a Right to Know request.
- Assisted the City Manager by the review of documents for signature; review of New Hampshire Supreme Court cases; review of sublease; litigation; depositions; indemnification matter and a water matter.

- The Legal Division processed eleven requests made pursuant to RSA 91-A.
- Outside legal counsel expense for FY'10 Operating Budget: \$18,777.83 - excluding environmental of \$5,698.35.

The role of the Office of the City Attorney is to represent the corporation as a whole including the City Council, the City Manager and the Departments. The focus of the Office of City Attorney is to avoid legal problems for the City by advising staff members, reviewing legal documents, addressing citizen concerns proactively, providing guidance to the boards, commissions and committees of the City and assisting City Councilors in the performance of their duties. The goal is to save money for the taxpayers and the City of Dover. A further role of the City Attorney is to respond to matters involving litigation. This role involves contacts with opposing legal counsel on a regular basis, the attendance at hearings and the trial of matters before the Courts.

Dover Business & Industrial Development Authority
Economic Development Overview
Dan Barufaldi

January – February 2010

1. Sector Review:

Retail: Some minor strengthening in retail sales in the last month as consumer confidence gained slightly. Unemployment and fear of unemployment mitigated slightly as unemployment rates hovered minimally above and below projected levels although overall employment continued in decline, but at a declining rate.

Restaurants: Fast food sales are up slightly due to price cut "specials". Other breakfast and lunch sales continue at moderately reduced levels. Dinner sales at higher end restaurants, buoyed somewhat by the holidays, stabilized after falling off in January.

Hotels/Motels: Sales activity is highly location sensitive, but off markedly. Weekend sales remain scarce as winter weather hits, but snow is light and sporadic. Our downtown hotel continues to record high occupancy levels, but at slim margins. The Microtel at Weeks Crossing is back in operation under new ownership and was advertising weekend specials recently although their occupancy rates remain low. Weekday occupancy rates at the other Week's Crossing hotels are moderate as

business travel is reduced by the slow economy and the advent of electronic meetings.

Services: Financial services continue to decline moderately. Services connected to project work are off markedly. Travel (seasonal), cleaners, and cleaning services sales remain off, but are now stabilizing. Software sales are rising steeply. Educational services continue to grow. Healthcare services continue to grow. Services utilization of temporary help continues high.

Construction: Some residential construction improvement, but very spotty. Commercial activity exists, particularly in building rehab, but continues to decline overall. Lower rehab costs for existing and available commercial/ industrial buildings and lack of financing availability make new construction and interest in Enterprise Park land scarce.

Manufacturing: Routine, high labor content manufacturing remains in deep, and probably permanent, decline even as inventories are depleted. Knowledge based, high tech, high quality and precision niche manufacturing is stressed but stable. Electronic assembly is experiencing an uptick with rush delivery requests common. Food manufacturing and electronic recycling are showing growth signs locally. New car inventories are still above normal, and likely to remain so in the short term as the "clunker" program borrowed from future new car sales that have fallen off despite new model introductions for 2010. The Toyota recall and lost confidence in the quality and reliability of the brand have had a serious short term effect on their sales across multiple product lines. Some bright spots exist at specific brand outlets like Ford and VW. GM sales are beginning to rise slightly now while VChrysler continues to lose market share.

Healthcare: Still in a growth mode, but uninsured unemployed patients are avoiding services unless conditions are painful or life threatening. Medicare/ Medicaid payment uncertainty and the political/economic quandary of healthcare reform/ insurance programs will delay some expansion. Doctor and hospital visits are off slightly and emergency room activity is increasing significantly as health insurance is often lost due to unemployment.

Commercial Real Estate Space: A large office space inventory continues to drive prices downward. Lower cost mill space is doing better than higher cost mill office space currently. The WDH Exit 9 Medical Practice Building is now occupied, releasing selected office leased space near the WDH main campus. WDH has removed one floor from their main campus expansion plans. One of our major mills is only 43% occupied and has lost three large tenants to another Dover location with door side parking. Lack of proximate parking remains a serious deterrent. *Undercurrents*, located in the Washington Mill is closing.

2. Local Business Retention Contacts

Real Estate Agents: Commercial agents contacted all have high inventories, few new build sales, and expect that commercial real estate is still early in its decline cycle, following residential real estate by about 18 months on average. Recent flurry of interest in our Enterprise Park parcels by four firms, three local and one regional import has been reduced to one smaller candidate with retained interest to date. The others have either postponed any move to conserve cash in a slow economy or are looking for less expensive approaches through rehabbing existing older buildings. We are in talks with a food manufacturer currently interested in a 20,000 sq. ft. build out at Enterprise Park. One Crosby Rd. business has their property up for sale or lease due to reduced sales revenues being experienced.

Developers/Builders: A lot of rehab of leasable office space, manufacturing, and warehouse space is underway, including the Goss Building, Moore Building, Collins & Aikman and Prime Leather. More new office/warehouse leases are being sold at this time, but space is being leased at reduced prices short term to gain longer term commitments.

Mills: AT&T call center space is still not leased to a new tenant. Loss of three significant leased office space tenants to another Dover location has occurred. Lack of on-site parking is a continuing problem. Other mill space has some prospects as a children's restaurant on the ground floor opposite the Children's Museum is still being contemplated.

Another Mill now has less than 12,000 sq. ft. unoccupied and has prospects for a baked goods manufacturing operation and a deli/bakery restaurant coffee shop, but is losing a discount retailer.

Downtown: Two spaces are open currently, but several small businesses selling discretionary rather than necessary products and services are at risk due to the unavailability of credit and a lack of curbside parking. DBIDA is working with BFA, SEDC and DRED to explore the possibilities to help these businesses, and is also reviewing business models to uncover opportunities for increased revenues and/or reduced expenses. Credit card companies and banks have cut or eliminated the credit lines traditionally used by small business people to bridge seasonal and/or receivable/payable time lags. Other SBA loan programs are being accessed, but these are already swamped and backlogged and are unlikely to be able to respond in time. A new Fed stimulus program aimed at providing credit to small businesses through the SBA has been announced, but local banks do not have enough details on the program to start lending at this time. Another Federal stimulus program dedicating \$135 million to NH small businesses and administrated through the NH BFA has been announced for businesses in ERZ Districts. This program would make tax exempt bonds available through local banks. Unfortunately, the extremely tight window for application ended January 29, 2010. This effectively limited the program to projects already to go and excluded refinancing as eligible. Dialogue with the Dover Economic

Loan Program Administrator has been initiated for small local businesses needing a startup loan. A few downtown businesses with limited resources, heavy debt loads, old business models and adaptability have now closed.

3. Unemployment

Dover: Currently at 5.6%, an improvement back to early, 2009 levels.

Portsmouth:	5.2%
Rochester:	7.0%
Somersworth:	7.0%
Manchester:	7.6%
Concord:	5.8%
New Hampshire:	6.7%
Maine:	7.6%
Massachusetts:	8.4%
Rhode Island:	12.2%
Vermont:	5.9%
New England:	8.3%

U.S.: Currently at 10.0%. Most recent BLS figures state U.S. unemployment at 9.7%, but this is due to an anomaly in their survey technique that distorts results in a declining employment context. U.S. unemployment is expected to continue to rise to 10.8% by year end.

4. Incentive Activity

ERZ Districts (3) Progress: Four new businesses so far have moved into ERZ locations in Dover. ERZ District availability has positively influenced four move-in companies to date representing 146-200 jobs. These include 90 at CRT Corporation (adding 60 more by mid 2010), 49 at VXi Corporation, and 7 at RKG Consultants. Agility manufacturing has formally applied for the ERZ tax exemption in February with DBIDA assistance.

5. Outreach/Attraction

Enterprise Park: Preliminary interest in Enterprise Park land for a New England distribution hub has faded with a change in the company's wish to build new, and to instead rehab and expand an existing building. Recent contacts indicate the firm has, for the time being, decided to do nothing. Dover ERZ benefits and owner indemnification offers are still on the table and being considered.

Preliminary interest in Enterprise Park land for a 30,000 sq. ft. building for a NH printing company has been followed up many times. A subsequent visit with the client indicates sustained interest, but the two principal owners appear to be contending on

the future course of the business. The subject company has renewed a 3 year lease at their present location, but the President still wants to pursue an Enterprise Park location, figuring it will take two of the three years to get an Enterprise Park building built.

Preliminary interest in Enterprise Park land for a 65,000 sq. ft. building for a warehouse and showroom is being followed. Latest reports are that the company has not found any of the Dover sites under consideration suitable and is considering property in another community to accommodate its needs. A re-review of most recently available properties and programs is underway to keep this business in the City.

A promising new technology startup has decided to slow their phased build out in their own building until their use of alternative products is tested at scale. They will take 12,000 square feet of leased space at Pease for a year or so and then consider building at Enterprise Park. They still prefer a Dover location. We are beginning discussions re another local location with enhanced water supply and cost numbers and they have expressed interest in pursuing that possibility. Their original timetable has extended.

We are just beginning talks with a food producer re an Enterprise Park building in the 20,000 sq. ft. range. They currently supply 850 super markets and are a family owned business with solid earnings. The principal is acquiring a partner to assist in financing.

Preliminaries are underway to form an Enterprise Park Tenants Association to handle future public area maintenance and other Park issues and governance. Legal Dept. has now completed a set of draft by-laws and association agreement to facilitate this. Review and approval by the DBIDA Executive Committee is now complete. An Enterprise Park tenant is being considered for DBIDA Board membership to help facilitate this process. A dialogue will now ensue with the Park tenants to finalize the Association Agreement and by-laws.

Goss Building: A new wind turbine assembly company is scheduled to move into the Goss Building shortly. Employment numbers are not yet set, but 20-25 employees is the most recent estimate.

Industrial Park Drive: The URT Corporation has leased 80,000 sq. ft. and has added 20,000 more for a total of 100,000 sq. ft.

They currently have hired 90 employees and expect to expand to two full shifts and employ 150 by early next year. They are an electronic components recycler with headquarters in Janesville, WI, a large facility in Las Vegas, NV, another in Alabama, and two more about to be located in the SE and SW of the country shortly. The Governor came to Dover to officially open the facility. ERZ status helped their decision to locate in Dover. A local "opening" is currently being planned with the Mayor, City Council,

City Manager, and DBIDA Board members for a ceremony and plant tour early in March.

The Moore Building: VXi, head set designer and distributor, (manufacturing is in China) has moved in and will bring 49 jobs. Since they are coming from Rollinsford, they will have a mix of Dover and other local employees. HE Innovations, LLC is now in the Moore Building with 4 employees and Southside Fitness, LLC is moving into 5,600 sq. ft. in the Moore Building shortly with 2 employees, growing to 4 as classes are set up.

Rt. 1 and Mast Rd.: Mixed use development incorporating a senior facility, 56 unit housing development, a Hannaford market, and possible restaurant. So far zoning and density compliance looks good. A public announcement with on-line plans is now available.

A Durham Economic Planning and Real Estate Development firm, RKG has moved into the 634 Central Avenue space, bringing 7 employees and is already representing local real estate interests.

“Design By You” a household design and furnishings company has moved into the former gallery space on Central Avenue.

Economic Development Resource Guide: This important outreach tool is now available and distribution to selected venues for use has commenced. Feedback on the quality and usefulness of the piece has been very positive. It will be well used in the Ambassador Program for economic development outreach to relocation candidate companies.

6. Public Activities

Parking Commission Meetings (2) Garage Presentation.
Government Affairs Committee Meeting-Chamber
Strand Investors meeting
Kent Creative Guide meetings (3)
DRED Meetings (2)
Tourism Leadership Partner meetings (2)
Tourism meeting with Quality of Life Committee
DBIDA Board meeting
NHCIBOR Quarterly meeting, Bedford, NH
Hospitality Industry/Tourism Meeting and presentation with 3 Dover hotels.
Monthly Networking Leads Group 2nd Tuesdays
Presentation to Portsmouth Coldwell Banker Realty Group
City Council Orientation meetings

Office Interiors contact/VXI Loan Program for furniture
ITACONIX meeting
Development Issues Meeting/Planning
TRC Meeting/ Horne St. School and Center for Assessment
Tourism Partners Meeting
Aerotek / Surveillance Systems Meeting
Pedestrian Bridge Sub-Committee Meeting
CIBOR Seacoast Marketing Meeting: Pease
BusinessNH Meeting with Pease, Rochester, Somersworth, Portsmouth
Ambassador Program Launch meeting
Silver Moon Creperie meeting
UNH liaison meeting: Dr. John Carroll, Durham Selectman, Diana Carroll
TRC meetings (3)
SEDC meeting
Kane Realty meeting
TDBank meeting
Woodman Institute Museum meeting
Legislative Reception
Agility Mfg. meetings (2)



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CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
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Meeting Date: **Wednesday, February 3, 2010**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Weston 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. LEGISLATIVE BRIEFING

Mayor Myers said at this time of year the Council invites the State Representatives, State Senator, and County Commissioner to introduce themselves and talk about what it is they are doing in Concord or at the County level. He said Senator Merrill had a conflict and couldn't attend.

Representative Mark Ryder, State District 6, City Wards 5 and 6: He said he is in his first term. He serves on the Criminal Justice Committee, which deals with a variety of issues: marijuana use, probation/parole, fire/police standards and training, and other issues that come under criminal justice and public safety. He said he has no special interests in Concord, but tries to do what the citizens would have him do. He said he is a Democrat, but he didn't always vote the party line. He said he gets a weekly notice from the City Manager on the opinions of the City Council, and what they would like put forward. He said the major focus is keeping costs down, and the State, County, and City are all partners in accomplishing that.

Representative Robert Lewis, State District 6, City Wards 5 and 6: He first wanted to admit that he just voted against providing \$25 million to the cities and towns. He serves on the Municipal and Government Affairs Committee. He referred to the retirement bill and how important it is to Dover. He said he was a Democrat and said unless he has been influenced by someone, he voted straight party lines.

Representative David Watters, State District 4, City Wards 1 and 2: He said it was his first term. He said the House voted today to return \$5 million of the room and meals tax to cities and towns, but he doesn't know what will happen in the Senate. He referred to the financial meltdown last year, and said they should give Governor Lynch and the Democratic leadership in both the House and Senate a lot of credit for accepting the stimulus money to go towards Medicare, schools, and shovel-ready projects. He said the last budget created a responsible and balanced budget, with a lot of hard work, but it's not perfect. He said the State tried to keep the money going where it should to keep unemployment from growing. He said education is



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getting \$1 billion, and for the first time kindergarten throughout the State is fully funded. He said he serves on the Fish, Game and Marine Resources Committee. He has worked on a House Bill regarding the estuary that will affect Dover. He cosponsored a Bill to have salt water fishing licenses, and to keep the money in New Hampshire. He referred to State Statute 79-E, which permits municipalities to establish downtown municipal zones tax assessment credits, which are five years of abatements on the increase in the tax assessment, can be given for the renovation of properties, including historic sites. He said he introduced a Bill that specified that if the Town chose to, it could include historic sites outside of the downtown area.

Representative Peter Schmidt, State District 4, City Wards 1 and 2: He said he is serving his fourth term. He serves on the Executive Departments and Administration Committee, the Joint Legislative Committee on Administrative Rules, the Assessing Standards Board, and the Equalization Standards Board. He said the retirement system is a great concern, because it directly impacts Dover. He said they have contractual and moral obligations to the employees, but they have made a number of changes that should have a positive effect. He said during the past term of the City Council they had Councilor DeDe as the legislative liaison, and he thought it would be a good idea to continue that practice.

Mayor Myers said the Council will be appointing a Legislative Liaison at the next meeting.

Deputy Mayor Trefethen said he was happy to hear that the rooms and meals tax had been restored, but would also like to have the revenue sharing restored. He said he would like to see the retirement system based on base pay.

Mayor Myers said the downshifting is really hurting the cities and towns. He said some of these are supposed to be temporary, but he is concerned about that. He referred to labor, and said he would adamantly oppose anything to do with binding arbitration, evergreen clauses, and mandated benefits. He spoke about the increases that the City has to contribute to the retirement system, and said the numbers are staggering. He agreed that they need to take care of the employees already in the system, but going forward they need to look at ways to change this system. He read a paragraph from a December 19, 2006 letter into the record, from former Executive Director of the New Hampshire Retirement System (NHRS), Robert Leggett: "The New Hampshire Retirement System Defined Benefit Plan will continue to meet its current and future pension obligations with a funded ratio of 67%. This ratio is similar to a mortgage that is already 2/3 paid off, with 30 more years to pay the balance. The NHRS has projections for plan funding that indicate an 85% to 95% funding ratio within the next 15 years." He then read an August, 2009 statement from the new Executive Director, Dick Ingram: "Our target right now is to be 85% funded in 26 or 28 years." He said there are billions of dollars in unfunded liability in the system right now. He said this program is not sustainable, and he implored the legislature to figure out how we can protect those in the system and start something new for new hires. He said he gave the House credit for proposing changes in 2008 and overwhelmingly passing HB1645, 259 to 60, showing bipartisan support for common sense changes. The Senate, however, amended it twice and gutted it so the Bill does nothing more than create a commission to look at COLAs over the next five years. He said he isn't always in favor of stimulus funds, but if it is coming and affects the Federal debt, then New Hampshire should get some. He said the



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Great Bay Bridge project impacts Dover, especially when they're only completing the Newington side, causing the bottleneck to happen in Dover. He asked the representatives to say that this is a high priority project.

Representative Schmidt said he attended a briefing with Assistant Attorney General Bud Fitch. He said the state legislature has no say in where the money is going, but is decided in Washington. He again recommended the Legislative Liaison to represent Dover.

Representative Ryder commented on the retirement system, and said part of it had to start at the contract level. He said he was glad to see last year that the City side of the budget didn't have pay increases, and was disappointed to see that the School Board didn't go along with that. He said they must separate current employees from new employees. He said the employees used to have lower salaries, which justified the great benefits, but now they are also getting great salaries. He felt there should be a two-tiered system.

Councilor Nedelka said the union negotiations were lengthy and some have gone years without a new contract. He said it would hinder the City if the State passes the evergreen clause. He said there have been dramatic changes in what the employees contribute to their benefits, and they haven't hired anyone since 2000 that had lifetime benefits. He said it really is both bodies that must work together on this issue.

Representative Watters said they have the power to introduce legislation, and recommended the Council come to them with their ideas.

George Maglaras, Strafford County Commissioner: He said he is serving his 13th term. He said the County has recently submitted their budget of \$52 million in total expenditures, which is offset by \$25.3 million in non-tax revenues, leaving \$26.7 million needed to be raised by property taxes; a 1.86% increase over last year. He said they reduced the workforce by 8% last year, 40 employees. They reduced funding to all outside social services agencies that the County was not statutorily required to fund. He said they were lucky to receive stimulus money from the Federal Government to cover these social services, and will be receiving stimulus money again to pay for these social services at last year's amounts. He said there were no salary increases for any of their employees last year, and there will be no salary increases in this year's budget. He said the County is about Medicaid, and about 60% of what they raise in taxes is directly attributable to the Medicaid System. He said the Counties of the State of New Hampshire share the cost of the Federal Medicaid system on a 50/50 basis with the Federal Government. He said the State used to pay half that cost, but now it is an 80/20 split. He said in the last decade, approximately \$40 million dollars of costs have been transferred from the State's budget to Strafford County's budget; \$400 million statewide. He said the State is using the County to balance their budget. He spoke about the criminal justice system. He said they are a leader in the State for changes in the criminal justice system. He said they care for over 450 inmates, with an average age of 20. 80% have drug/alcohol abuse problems, and more than half haven't graduated from high school. He said county jails are dealing more and more with the mentally ill, and they have started a mental health court to try to keep them out of jail. They have started drug court, which tries to get people off drugs, with urine analysis tests, and straighten their lives out. He extended an opportunity for the Councilors to come visit the County complex. He said it was time to have a serious conversation about the regionalization of



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services, such as dispatch services, assessing, ambulance and fire, water systems, and wastewater treatment plants. He said the need for County services goes up in poor economic times. He said 2/3 of the country delivers a majority of their local services through their counties.

Mayor Myers thanked everyone for coming and for speaking with the Council.

6. CITIZEN'S FORUM

Citizens are invited to speak on the subject matter of the Workshop. Statements shall be limited to five minutes.

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

7. ADJOURNMENT

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



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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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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.

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.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number:
Ordinance Title: **O – 2010.02.10 - 3**
Chapter: Chapter 152, Streets and Sidewalks

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 152, entitled “Streets and Sidewalks” of the Code of the City of Dover, 1983.

2. AMENDMENT

Chapter 152 entitled “Streets and Sidewalks” is hereby amended by adding a new Article XII, entitled “Sidewalk Obstructions” as follows:

ARTICLE XII SIDEWALK OBSTRUCTIONS

152-22 DEFINITIONS

As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- A. "City" means the City of Dover
- B. "Newspaper or news periodical" means a daily or weekly publication containing all of the following: current news, editorials, feature articles and advertising.
- C. "News rack" means any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale of newspapers or news periodicals.
- D. "Public Way Obstruction" means any object, not including sandwich board signs governed by the provisions of Chapter 170-32 which in any way obstructs the free passage of pedestrians, wheelchairs or vehicles on the streets, sidewalks, or roadways.

152-23: CERTAIN PUBLIC WAY OBSTRUCTIONS PROHIBITED

- A. No person shall install, use, attach or maintain any public way obstruction which projects onto, into, or over any part of the roadway of any public street.
- B. No person shall install, use, attach or maintain any public way obstruction which, in whole or in part, rests upon, in, or over any public sidewalk, when such installation, use or maintenance results in one or more of the following:
 - 1) endangers the safety of persons or property, or
 - 2) when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or
 - 3) when such public way obstruction unreasonably interferes with, or impedes the flow of, pedestrian or vehicular traffic, including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location.



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Agenda Item#: 12.A.1.

Ordinance Number:
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Chapter: Chapter 152, Streets and Sidewalks

152-24 LICENSING OF LOCATION - NEWSRACK LIMITED EXCEPTION

- A. No person shall install or maintain any public way obstruction which, in whole or in part, rests upon, in or over any public sidewalk, except news racks, without first applying for and obtaining a license from the Dover Licensing Board. The license application shall include the following:
1. The physical dimensions of the public way obstruction;
 2. The name, address and telephone number of the person or company responsible for the obstruction;
 3. A diagram showing the location of the obstruction and the dimensions of the sidewalk upon which it is to be located.

News racks shall require the submission of a license application, but the license shall be granted by the City Clerk on a ministerial basis without the requirement of Licensing Board approval. News racks must comply with the remaining provisions of this ordinance.

152-25 STANDARDS FOR INSTALLATION, MAINTENANCE AND OPERATION

Any public way obstruction which, in whole or in part, rests upon, in, or over any public sidewalk or parkway shall comply with the following standards:

- A. No public way obstruction shall be placed, installed, used or maintained in any location whereby the clear space for the passageway of pedestrians is reduced to less than sixty (60) inches; or would otherwise interfere with the free passage of a wheelchair.
- B. Every public way obstruction shall be maintained in compliance with any conditions attached to the issuance of the license.

152-26 PUBLIC WAY OBSTRUCTION IDENTIFICATION REQUIRED

Every person, or other entity, which places or maintains a public way obstruction on the streets of the City including news racks shall have his/her, or its name, address and telephone number displayed in a place where such information may be easily seen.

- A. Public way obstructions shall be licensed individually by location.
- B. The City shall issue a proof of license to be displayed to the public by the licensee in a prominent location
- C. Fees for licenses for public way obstructions shall be adopted by the City Council on an annual basis, for each table, chair, or other public way obstruction except that there shall be no fee for a News rack license.
- D. All licenses must be renewed annually prior to July 1st.



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Chapter: Chapter 152, Streets and Sidewalks

- E. Unlicensed News racks or public way obstructions will be considered abandoned and subject to removal without notice.
- F. All licenses are non-transferable.
- G. Members of the public shall be permitted to use outdoor seating and tables installed by licensees irrespective of whether there is a purchase of products or services from the licensee.
- H. A License shall only be issued for locations in front of, or on the side of, businesses or properties owned by the licensee.

152-27 HOLD HARMLESS AND INSURANCE

Every person or other entity which places or maintains a public way obstruction on a public sidewalk, parkway, roadway or street in the City shall file a written statement with the City Clerk satisfactory to the City Attorney, whereby he/she, or it agrees to indemnify and hold harmless the City, its officers, City Council Members and employees, from any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use, or maintenance of the public way obstruction within the City. A Certificate of Insurance in a form approved by the City Attorney indicating no less than one million dollars (\$1,000,000) in general liability insurance coverage and naming the City as an additional insured shall be maintained on file with the City Clerk by each such person or entity.

152-28 REMOVAL OF NEWSRACK OR PUBLIC WAY OBSTRUCTION

The City Manager or his/her designee shall remove any public way obstruction placed on any street, sidewalk, parkway or roadway in violation of this ordinance.

152-29 SEVERABILITY

The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application.

152-30 INJUNCTION

Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the City may apply to a Court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, preliminary injunction and permanent injunction.

152-31 DAMAGE TO PUBLIC WAY OBSTRUCTIONS

Any damage to public way obstructions, whether or not properly licensed, by any cause whatsoever, including snowplowing and removal, will be at the sole expense of the owner.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number:
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Chapter: Chapter 152, Streets and Sidewalks

152-32 PENALTY

Any person, firm or corporation violating any provision of this ordinance shall be fined \$100.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

3. TAKES EFFECT

This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18.

NOTE: A PUBLIC HEARING IS REQUIRED

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers

Approved as to Legal Form: Allan B. Krans, Sr.
City Attorney

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number:
Ordinance Title: **O – 2010.02.10 - 3**
Chapter: Chapter 152, Streets and Sidewalks

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, Dean Trefethen, Ward 4		
Councilor Robert Carrier, Ward 1		
Councilor Douglas DeDe, Ward 2		
Councilor David Scott, Ward 3		
Councilor Catherine Cheney, Ward 5		
Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number:

Ordinance Title:

Chapter:

O – 2010.02.10 - 3

Chapter 152, Streets and Sidewalks

ORDINANCE BACKGROUND MATERIAL:

This is a new ordinance to regulate sidewalk obstructions with licensing.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R – 2010.02.24 – 23**

Resolution Re: Release of Sealed Non-Public Minutes

WHEREAS: The minutes of nonpublic sessions of the Dover City Council conducted on 4/18/07, 5/9/07 and 12/13/09 were sealed;

WHEREAS: The original justification for sealing the minutes no longer applies;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The Clerk is authorized to unseal the minutes of the nonpublic sessions of the Dover City Council dated 4/18/07, 5/9/07 and 12/13/09.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

Approved as to Legal Form: Allan B. Krans, Sr.
City Attorney

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R – 2010.02.24 – 23**
Resolution Re: Release of Sealed Non-Public Minutes

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, Dean Trefethen		
Councilor Robert Carrier, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Jan Nedelka, Ward 3		
Councilor Dorothy Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Gina Cruikshank, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R – 2010.02.24 – 23**

Resolution Re: Release of Sealed Non-Public Minutes

RESOLUTION BACKGROUND MATERIAL:

Periodically, the Dover City Council re-examines the continued need for sealing minutes of nonpublic sessions pursuant to RSA 91-A:3 and determines the continued justifications of minutes previously sealed.

SCHOOL BOARD REPORT

REGULAR MEETING #2

FEBRUARY 8, 2010

During Citizens Forum speakers gave pro and con opinions on cutting high school busing from the budget. In addition, Fran Meffen, Guidance Counselor at the middle school gave an update on the after school session for enrichment. Gary Brown, Physical Education teacher at Garrison School, explained a newly introduced wellness program to promote healthy snacks at the elementary schools. The high school librarian spoke in favor of keeping library/visual aides personnel in the budget.

Two items were pulled from the consent agenda: 1) Mrs Grady withdrew her resignation from the Horne Street School JBC and 2) there was discussion over a job-sharing request at the middle school.

The superintendent's report, which includes individual reports by each building principal, focused on the extensive damage to two kindergarten classrooms at Horne Street school due to a break in a sprinkler system pipe. Principals also reported on the differentiated diplomas for graduation at the high school and student activities at each school.

Paula Glynn, Title 1 Coordinator gave a supplemental services update at Woodman Park and the middle school. Private tutoring is required by the No Child Left Behind legislation. This is currently being done by companies at the schools.

Mike Russo, Director of the Alternative School, reported on a new credit recovery program called Nova Net to replace Plato. People have been trained to use it and it is currently in operation.

Two policies were introduced in their first reading:

- 1) Salary schedules
- 2) Changes in School Board bylaws:

- a. Adding board matters of interest at the end of meetings
- b. Allowing persons addressing the board during Citizen's Forum 5 minutes instead of 3 minutes
- c. Creation of additional committees

Board member, Dr .Ken Appel volunteered to represent the board on the newly created Fiscal Policy Committee. Other board members felt there should be more School Board representatives on this committee and agreed to bring it up at the next Joint Fiscal Committee meeting.

The final part of the meeting was devoted to budget discussion. 1.1 million must be cut from the proposed budget. Questions arose concerning the transportation of students to specialized schools, water usage at the high school, and computer maintenance at the SAU. Two busing options were briefly discussed: 1) changing the distance from 2 miles to 3 miles to be eligible for busing and 2) the possibility of charging a fee for busing. The board voted (not) to take busing off the list of cuts for the time being.

At the next meeting, the superintendent intends to bring in additional input from administrative staff and talk about staffing.

The next budget workshop is scheduled for Tuesday, February 16th.

SCHOOL BOARD WORKSHOP #3

February 16, 2010

This was a budget workshop. During Citizen's Forum discussed:

1. The importance of keeping the music program
2. Collective action planned by the PTA's to meet with the City Council in support of the school budget

School Board members discussed cuts that will eventually have to reach \$1,100,000, Superintendent O'Connor stressed the need to make some decisions tonight as there are only 2 ½ weeks before the final budget has to be ready.

Cuts agreed to this evening included:

1. A 50% cut in curriculum = \$200,000
2. CTC cuts = \$78,000
3. UNICO = \$30,000
4. AV & Library Aides
5. Summer School administrators and staff

Total cuts = \$500,000. This leaves approximately \$600,00 to be reduced.

Additional discussion surrounded the need to look to fees for bussing, athletics, clubs, and music.

Other areas for possible reduction would include technology and Special Education fees. There did not seem to be much support for these cuts.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2010.01.24 – 24**
Resolution Re: **Appropriation FY11 CIP – Non-Debt Financed Public Works Heavy Equipment**

WHEREAS: The City Council desires to make public improvements as listed in the Capital Improvements Program for Year 1 and to finance these improvements with transfers from Reserve Trust Funds and appropriation of existing funds.

WHEREAS: The City Council adopted the Fiscal Year 2011-2016 Capital Improvements Program on January 27, 2010; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL, THAT:

The following capital outlays are appropriated as part of the FY11 Capital Improvements Program for the purposes so designated and the Finance Director is authorized to transfer the funds from the respective Reserve Funds in the amounts listed.

Item	Description	Appropriation	Funding	Fund
1	Public Works Heavy Equipment	\$200,000	General Fund Capital Reserve	Trust
	Total	<u>\$200,000</u>		

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

Approved as to Legal Form: Allan B. Krans, Sr.
City Attorney

Recorded by: Karen Lavertu
City Clerk

Note: This resolution requires a public hearing and a 2/3 majority vote according to C6-6 of the charter.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2010.01.24 – 24**
Resolution Re: **Appropriation FY11 CIP – Non-Debt Financed Public Works Heavy Equipment**

RESOLUTION BACKGROUND MATERIAL:

This resolution appropriates reserve trust funds to finance a portion of the FY11 Capital Improvements Program. In addition, it authorizes the transfer of Reserve Trust Fund moneys.

The following table reflects the amount to be appropriated from the General Fund Capital Reserve fund and the projected balance as of 6/30/2010

Description	Proposed Appropriation	Balance 6/30/2010
Trust Reserve Funds CIP		
General Fund Capital Reserve *	200,000	356,956
Totals	<u>\$200,000</u>	

* The General Fund Capital Reserve will have sufficient funds for the appropriation. The Council previously appropriated \$400,000 from the Reserve for Fire Apparatus Replacement at their January 27, 2010 meeting. There is a transfer from the General Fund of \$300,000 into the trust proposed for FY2011.

FY 2011

General Fund Reserve

Beginning Balance	356,956
Fund Transfer In	300,000
Investment Income (Est.)	3,570
Adopted CIP Transfer Out	(400,000)
Adjusted Balance	260,526
Proposed Appropriation	(200,000)
Ending Balance	<u>60,526</u>



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number:

Ordinance Title:

Chapter:

O – 2010.02.24 – 4

Chapter 2, City Council Orientation

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend the Code of the City of Dover, 1983, by creating a new Chapter 2, to be entitled “City Council Orientation”

2. AMENDMENT

Chapter 2 entitled “City Council Orientation” is hereby created as follows:

CITY COUNCIL ORIENTATION

CHAPTER 2

2-1 Purpose

2-2 Preparation and Presentation of the Orientation Program

2-3 Content of the Orientation Program

2-4 Conduct of the Orientation Program

GENERAL REFERENCES

2-1 Purpose.

The purpose of this ordinance is to establish an orientation program for all members of the Dover City Council prior to the start of their terms of office in order to comply with the provisions of the Dover City Charter C3-2. Effective service as a city councilor demands a thorough knowledge of the processes of city government in order to permit reasonable decisions by councilors in representing the interests of the Dover residents. The orientation program shall be comprehensive and complete to assist councilors in serving the residents of Dover.

2-2 Preparation and Presentation of the Orientation Program

The City Manager, or designee(s), shall prepare and present an Orientation Program for city councilors. The program shall include, but not be limited to, written materials, as amended from time to time, available to the councilors after their election.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number:
Ordinance Title: **O – 2010.02.24 – 4**
Chapter: Chapter 2, City Council Orientation

2-3 Content of the Orientation Program

The content of the Orientation Program shall include, but not be limited to, information on the role of city councilors, general responsibilities, ethics, budget preparation and adoption procedures, the City Charter, city ordinances, and state law. The program shall include consultations with city staff and a tour of city buildings and facilities.

2-4 Conduct of the Orientation Program

The Orientation Program shall be conducted prior to the Organizational Meeting conducted pursuant to C3-2 of the Dover City Charter.”

3. TAKES EFFECT

This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By Request

Approved as to Legal Form: Allan B. Krans, Sr.
City Attorney

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

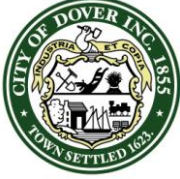
Ordinance Number:
Ordinance Title: **O – 2010.02.24 – 4**
Chapter: Chapter 2, City Council Orientation

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, Dean Trefethen, At Large		
Councilor Robert Carrier, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Jan Nedelka, Ward 3		
Councilor Dorothy Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Gina Cruikshank, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number:
Ordinance Title: **O – 2010.02.24 – 4**
Chapter: Chapter 2, City Council Orientation

ORDINANCE BACKGROUND MATERIAL:

The Dover City Charter requires an Orientation Program for the City Council. This ordinance fulfills the Charter requirement of establishing an ordinance regarding the Orientation Program. The ordinance closely follows the present practice established since 2005.

The present City Council (2010-2011) recently completed a formal Orientation Program presented by the City Manager and staff. This program was the third time the City Manager presented an orientation program for the City Council. The latest version of the Orientation Program included a tour of city facilities as well as a 3-part series of presentations by staff in a classroom setting.

The first Orientation Program was established by the City Manager in 2005 shortly after the adoption of the revision of the Dover Charter in November 2005. A subsequent and expanded Orientation Program was prepared by the City Manager and presented to the city councilors in 2007