



CITY OF DOVER

CITY COUNCIL - MINUTES

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

Councilor Garrison led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

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

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

Absent: Councilor Cheney

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Deputy Mayor Trefethen made a motion to add the Horne Street School Joint Building Committee Report; seconded by Councilor Carrier.

Vote: 8/0.

Deputy Mayor Trefethen made a motion to add the Mayor's letter to Senator Merrill; seconded by Councilor Hooper.

Vote: 8/0.

Councilor Weston made a motion to accept the Agenda as amended; seconded by Councilor Hooper.

Vote: 8/0.

7. PUBLIC HEARINGS

A. CHAPTER 152, STREETS AND SIDEWALKS

SPONSORED BY MAYOR MYERS

Mary Hebbard, 97 Spruce Lane: She suggested the Council vote no on the Ordinance, stating it was confusing and incomplete. She discussed the rules on obstructing the sidewalks, the licensing board, who researches the licensing process, who determines the fees, and the hold harmless standards.

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

8. CITIZEN'S FORUM



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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.

Robert Kent, 6 Western Avenue: He discussed his concern regarding benches in the City for the handicapped. He said he would like to see them put back in the downtown area.

Michelle Holt-Shannon, 14 Florence Street, Dover Middle School PTA President: She said she is working with the other Dover School PTAs on a collective message to present to the Council regarding the budget. She said she personally was in favor of a modest tax cap override. She went over the highlights of a number of emails she has received.

Mary Hebbard, 97 Spruce Lane: She spoke about the 2010 Census, and said there is only one question that needs to be answered: the number of people living in your home on the date specified. She referred to the Foster's Daily Democrat article regarding plowing snow over grave markers at Pine Hill Cemetery, and Councilor Carrier's actions with the situation. She said he violated Council Rules by directing a City employee and not contacting the City Manager. She discussed that the Mayor never acknowledges Jerry Lynch for speaking during Citizen's Forum, and she said the Mayor should treat Jerry Lynch with dignity and respect. She said some comments directed to the Mayor.

Donald Medbery, 3 Covered Bridge Lane: He discussed the condition of the roads. He said some comments directed to the Mayor.

Deputy Mayor Trefethen called for a point of order. He discussed the two personal attacks during the Citizen's Forum, which is against Council Rules, and asked the Council what should be done about enforcing the rules.

Mayor Myers asked for Citizen's Forum comments to remain on point.

Mr. Medbery continued his discussion on the roads. He said the City is paying for all these projects, such as the energy efficiency project, which are not needs. He discussed the economy and the need to put the money where it is really needed. He referred to the previous woman's comments about overriding the tax cap, and said it is selfish to override the tax cap, because not everyone has children.

Harvey J. Lynch, 26B Lincoln Street: He asked for an explanation on the bonding of the salary for a City of Dover employee, and the huge increase that was received with it. He asked how a City Council member could be locked out of a meeting when they were legally entitled to be there. He said a lot of the Councilors are not respectful of the Ward 5 Councilor. He also asked about the City getting permits from the EPA to dump sludge into the system.

Richard Hebbard, 97 Spruce Lane: He used generally offensive language in beginning his remarks.



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Mayor Myers asked Mr. Hebbard to control his language.
Mr. Hebbard repeated his statement.

Deputy Mayor Trefethen called for a point of order.
Mayor Myers called for a recess, shutting off microphones and cameras.

Mayor Myers called the meeting to order.
Mr. Hebbard continued with his use of generally offensive language.
Mayor Myers called for another recess.

Mayor Myers called the meeting to order.
Mr. Hebbard said he was going to stand at the podium until the Mayor gives Mr. Lynch the same respect that he gives everyone else.
Mayor Myers said Citizen's Forum was a time for the citizen's to speak to the Council, and not a two-way dialogue.
Mr. Hebbard reiterated his comments.

Glenn Grasso, 1 Pebble Hill Drive: He said this whole issue is the ultimate in showing a lack of respect. He first referred to Ms. Hebbard's comments regarding the Census, and the need to fill out all the questions in order to get our fair share. He said the respect problem was mostly caused by the people standing behind him. He discussed the motivation behind Mr. Lynch's comments.

Deputy Mayor Trefethen called for a point of order. He said these comments were also personal attacks, and against the Council Rules.

Mr. Grasso apologized and rephrased his comments. He said the people spoke at the last municipal election.

Aviva Grasso, 1 Pebble Hill Drive: She spoke about Good For Dover projects. She also discussed the bridge for the Waterfront, which was largely being paid for with federal funds. She spoke about the condition of the roads and deferred maintenance, which is caused by the tax cap. She said Good for Dover felt that the tax cap was not good for Dover.

Robert Kent, 6 Western Avenue: He discussed the need for a crosswalk on Route 155, allowing pedestrians to cross from New Meadows to the Irving gas station, and about dropping the speed limit from 40 to 30.

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

9. CITY MANAGER'S REPORT



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City Manager Joyal said the two topics in his report concern the activities of the Economic Development Director and the City Attorney.

Mayor Myers asked about the crosswalk.

City Manager Joyal said that section of Route 155 is part of the State highway, and what is allowed or not allowed is dictated by the Department of Transportation.

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

Vote: 8/0.

10. APPROVAL OF MINUTES

A. February 3, 2010 – Workshop

B. February 10, 2010 – Regular Session

Deputy Mayor Trefethen moved for the approval of the Minutes; seconded by Councilor Weston.

Vote: 8/0.

11. MAYOR'S REPORT

Mayor Myers said the Municipal Advisory Committee met this week to look at the legislative process, looking at Bills in the pipeline to be introduced next year, and ideas coming forward. He said the Council will have a workshop on it this summer. He said he did ribbon cuttings for the Greater Dover Chamber of Commerce. He said the Chamber held a "Business After Hours" at Centrix Bank last Thursday. He said Census information will be coming in early March, and encouraged people to fill it out and return it. He said he will be making the following recommendations to the Dover Housing Authority for reappointment to the Cochecho Waterfront Development Advisory Committee: Steve Brewer, Jack Mettee, and Thom Hindle.

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

Vote: 8/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 152, STREETS AND SIDEWALKS

SPONSORED BY MAYOR MYERS

Mayor Myers moved for its adoption; seconded by Councilor Nedelka.

Mayor Myers discussed the need for this Ordinance and the new language regarding sidewalk obstructions, because the City doesn't have anything that governs them. He said the fees will be set by the City Council and will take effect on July 1st. He went over the procedures for requesting a license, and the rules for the licensing board.

Councilor Garrison asked to make an amendment to remove Item 152-26g; seconded by Councilor Cruikshank.



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Deputy Mayor Trefethen disagreed with the amendment, because sidewalks are public property and maintained by the City.

Mayor Myers asked for a vote on the amendment.

Vote: 2/6; Failed. Councilors Garrison and Hooper voted in favor.

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

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS – None

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) | 7. Solid Waste Advisory Commission |
| 2. Planning Board | 8. Transportation Advisory Commission |
| 3. Appointments Committee | 9. Joint Building Committee – Horne Street |
| 4. Recreation Advisory Committee | 10. Joint Building Committee – Woodman Park |
| 5. McConnell Center Advisory Committee | 11. Letter to Senator Merrill |
| 6. Arts Commission | |

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

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

Mayor Myers asked to pull the Letter to Senator Merrill.

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

Roll Call Vote: 8/0.

Mayor Myers discussed the release of the sealed minutes for 4/18/2007, 5/9/2007, and 12/13/2009, which dealt with land purchases made by the City.

Mayor Myers spoke about his Letter to Senator Merrill regarding SB492; extending the respective repeal date for the local property tax exemption for telephone companies for the wooden poles and conduits until July 1, 2014. Councilor Hooper made a motion to accept the letter and send it to Senator Merrill; seconded by Councilor Weston.

Vote: 8/0.

B. RESOLUTIONS



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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

Deputy Mayor Trefethen moved to refer to a public hearing on March 10, 2010; seconded by Councilor Garrison.

Vote: 8/0.

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

Deputy Mayor Trefethen moved to refer to a public hearing on March 10, 2010; seconded by Councilor Weston.

Vote: 8/0.

14. COUNCIL CORRESPONDENCE

Councilor Garrison made a motion for the Council to accept a letter from Ward 2 resident Douglas DeDe; seconded by Councilor Hooper.

Vote: 8/0.

15. COUNCIL MATTERS OF INTEREST

Councilor Weston referred to the February 3, 2010 Council meeting regarding the appointment of a Legislative Liaison to replace former Councilor DeDe. She mentioned Councilor Garrison was interested.

Councilor Garrison agreed that he was interested.

Councilor Hooper made a motion to appoint Councilor Garrison as Legislative Liaison; seconded by Councilor Weston.

Vote: 8/0.

Councilor Weston said the rain has washed out a lot of Tolend Road and the road is very dangerous.

Deputy Mayor Trefethen discussed the email about saving the Strand Theatre. He also discussed the many emails they have received about overriding the tax cap for the school budget. He said the School Board must present to the Council a budget that adheres to the tax cap ordinance, but he suggested that they also attach a list of things they would like to add, with their dollar value.

Councilor Carrier said Henry Law Avenue is also in bad shape.



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Councilor Cruikshank responded to Citizen's Forum comments regarding the energy efficiency project, and said it was a responsible project that will save the City money in the long term. She also said that respect was a two-way street.

16. ADJOURNMENT

Deputy Mayor Trefethen made a motion to adjourn; seconded by Councilor Weston.
Vote: 8/0.