



CITY OF DOVER

CITY COUNCIL - MINUTES

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

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Carrier 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

Councilor Garrison moved to add a Legislative Liaison Report to Committee Reports; seconded by Councilor Weston.

Vote: 9/0.

Councilor Nedelka moved to add two McConnell Center Advisory Board Reports to Committee Reports; seconded by Councilor Garrison.

Vote: 9/0.

Councilor Weston made a motion to approve the Agenda as amended; seconded by Councilor Garrison.

Vote: 9/0.

7. PUBLIC HEARINGS

A. CHAPTER 166, VEHICLES AND TRAFFIC - FOURTH STREET PARKING SPONSORED BY COUNCILOR WESTON

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

B. CHAPTER 166, VEHICLES AND TRAFFIC - HENRY LAW AVENUE / GEORGE STREET PARKING SPONSORED BY COUNCILOR WESTON

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



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C. CHAPTER 166, VEHICLES AND TRAFFIC - HOUGH STREET STOP SIGNS SPONSORED BY COUNCILOR WESTON

Glenn Grasso, 1 Pebblewood Drive: He urged the Council to pass this Ordinance.

Rodney Grimsley, 24C Maple Street: He urged the Council to have 4-way stop signs all the way down Hough Street.

Kathleen Morrison, 62 Maple Street: She said she would like to see a stop sign at the intersection of Hough Street and Mount Vernon Street, or Hough Street and Grove Street.

Mayor Myers said the Ordinance was advertised for this one location for stop signs, but their comments were noted.

John Scruton, 99 Sixth Street, Member of the Transportation Advisory Commission: He said the streets can be designed to be safe without adding stop signs. He said stop and go traffic just wastes fuel.

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

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.

E. Michelle Holt-Shannon, 14 Florence Street: She said she will support the Council if they decide to override the tax cap. She said she was there with a group of people who agree with her statement, and asked that group to wave to the Council. She mentioned the Friends of Dover, New Hampshire Facebook page, which has 500 people who have joined, and who agree with her message. She said they are asking the Council to sustain what the community needs in order to be strong.

John Scruton, 99 Sixth Street: He spoke about NH RSA 674:23, which allows a temporary building moratorium in New Hampshire for up to one year. He said commercial and residential development increase costs and taxes. He said the City should look at increasing farm land. He discussed the parking garage, and said the City would be better off looking at increasing public transportation.

Dawn Haines, 17 Elm Street: She focused her comments on the Seacoast Swim Association, which is dependent on the indoor/outdoor pools. She said the Seacoast Swim Association does support the Council in an override of the tax cap.

Robert Stowell, 41 Sandpiper Drive, President of Trittech Engineering: He spoke about Agenda Item 13.A.4., Engineering Services for Applevale Area Reconstruction. He referred to his email to the Council regarding the procedure for choosing the Engineering firm. He said the



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process was handled appropriately, but felt there should be some mention on locality. He asked the Council to recognize that there is something more to awarding a contract than the bottom line. He said his firm would have spent the money in Dover, and a firm in Canada would not. He spoke about the economy and the need to stick together.

Kirt Schuman, 30 Cushing Street, Executive Director for the Greater Dover Chamber of Commerce: He spoke in support of Agenda Item 13.B.1., Public/Private Parking Facility RFP Solicitation.

Robert Fisher, 23 Hillcrest Drive: He thanked the Chamber of Commerce for bringing back the Irish Festival. He said he agreed with Mr. Stowell's comments, and he felt that his firm should get some preference over a firm out of Canada. He referred to the stop sign at the intersection of Hough Street and Horne Street, and said it's a two-way stop sign because of the difficulties in winter stopping on a hill. He commented that Councilor Carrier hasn't done anything wrong. He said Mr. Hebbard made a nice bench, and he hopes to see it in front of the coffee shop.

Ronald Huml, 199 Mast Road: He thanked the Police Department for being on Route 108 and Mast Road for the past week, stopping numerous people for speeding and running the traffic light. He spoke about overriding the tax cap, and asked the Council to remember those who can't afford it.

H. Jerry Lynch, 26B Lincoln Street: He asked the Council to put the bench in front of Café on the Corner. He referred to everyone coming here for a handout and wanting the City to pay for everything. He said if they want it they should pay for it themselves. He said he would like to see a real audit and not a financial statement.

Susan Wydra, 29 Cherrywood Drive. President PTA at Horne Street School: She referred to Mr. Lynch's comments about looking for handouts. She said she continuously has fundraisers trying to pay for antibacterial soap, school books, etc. She said they are the people trying to raise the money for these things because of the tax cap. She said they do pay a lot of money to have their children on the swim team, which helps to keep the pool up and running. She said they are asked on average for \$60 in supplies at the beginning of each school year.

Joy Koblenzer, 3 Emery Lane: She referred to Ms. Wydra's and Ms. Holt-Shannon's comments. She said she understood that it would cost the average taxpayer \$88.00 for a \$1 million override. She felt that if it didn't happen, families will be paying a lot more than \$88.00 in additional fees, because of all the budget cuts.

Michele Albion, 38 Fieldstone Drive: She spoke about their decision to move back to New Hampshire 12 years ago, and how impressed they were in Dover, the library, schools, and pools. She said she understood the Council's hard choices, but asked them to keep in mind that once something is cut it will be next to impossible to get them back.



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Aviva Grasso, 1 Pebblewood Drive: She read the 2010 Census insert to stress the value and confidentiality of the Census. She urged everyone to fill it out.

Mary Hebbard, 97 Spruce Lane: She spoke about people's rights with regard to the 2010 Census. She read Article I, Section 2 of the U.S. Constitution. She said Question #1 was the only question required by law to be answered. She spoke about her objections to the language in the Resolution for the Parking Facility and the City Manager's role in making decisions on land. She spoke about the language in the Resolution accepting the bench, and said it didn't reflect the intent and clear directive from the citizens of Dover to place the bench in front of Café on the Corner. She said Mr. Hebbard may reject his donation if it isn't placed in front of Café on the Corner, and asked the Council to amend the Resolution.

Sara Treacy, 148 Locust Street: She spoke about her job as a Realtor, and promoting Dover as a place to live. She said she would hate for the tax cap to continue, because the loss of revenue will hurt the schools and recreation in Dover.

Paul Haas, 401 Old Garrison Road: He said he supports Ms. Holt-Shannon's message. He said he also understands Mr. Huml's comments about the difficult times the needy people are going through. He said the community as a whole will take care of each other. He said the people who voted for the tax cap three years ago did not anticipate the economy having a negative CPI, the revenues in the City being flat, and that the State would withhold revenue. He said this was the time to override the tax cap, not to implement new programs, but just to keep it at a level to meet the basic needs of the City.

Glenn Grasso, 1 Pebblewood Drive: He spoke about his support for the Parking garage. He spoke about education being a social contract between generations, and even if you don't have children you should pay for education. He referred to the bench and said Mrs. Hebbard's comments were correct, that the intent was to place it back in front of Café on the Corner where the old bench was located. He referred to Article 3 of the Constitution, the Federal Judiciary Act passed in 1789. He thanked everyone who has come out to support the community.

Richard Hebbard, 97 Spruce Lane: He thanked people for their comments regarding the bench, but did state that his intent was to replace the bench that was removed. He referred to the people who want the tax cap overridden, and said it was because they can't afford what they want for their children. He said the other citizens, who don't have children, also can't afford it. He said it was up to the Council to get the citizens through somehow. He spoke about his actions at the February 24th meeting, and the comments he has received since then. He said he abided by the laws of New Hampshire. He said he would appreciate it if the Council would award the bid to Mr. Stowell.

Kathleen Morrison, 62 Maple Street: She said she felt the Council and City Manager were doing an awesome job. She said she hopes the bench issue is resolved. She said she loves living in Dover.



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Margaret Fogarty, 16 Florence Street: She explained that taxes are a way for healthy communities to invest in the common good and take care of each other. She gave examples of services received in the City, police, fire, school, that were better than anything she could get if she could only rely on her private investment. She asked the Council to override the tax cap if necessary to keep the community strong and essential services sufficiently funded.

Bart Jordan, 303 Central Towers: He spoke about when he was young and learning about Will Rogers' comment that he never met a man he didn't like, and felt that Will Rogers must have never left home. He said some need to practice understatement, rather than resorting to personal attacks, because there is never an excuse for it.

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

9. CITY MANAGER'S REPORT

City Manager Joyal said his written report consists of summaries from the Legal Office and the Economic Development Director. He referred to his email to the Council that reported the City is potentially looking at a significant shortfall. He said that he and the Department Heads will be looking at various options to help close the gap as much as possible. He said it will affect services until the end of the fiscal year.

Councilor Weston asked if the City has received any information from the State regarding the \$140 million shortfall they are realizing.

City Manager Joyal said the House of Representatives, Senate, and Governor are working on different approaches, but no one has come up with specific solutions at this time.

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

Vote: 9/0.

10. APPROVAL OF MINUTES

A. March 3, 2010 – Workshop Session

B. March 10, 2010 – Regular Session

Deputy Mayor Trefethen moved to approve the minutes; seconded by Councilor Hooper.

Councilor Cheney discussed the quality of the minutes and that they follow the bare requirements of the law. She said all the other minutes were much more detailed, and she will not be approving minutes.

Councilor Nedelka started a discussion on what was missing.

City Manager Joyal said they were looking at ways to be more efficient. He said the law requires a record of the meeting and reflection of decisions made. He said the audio recording is posted on the website and DVD copies are also available.

Councilor Weston asked for a brief summary.

Councilor Cheney asked for a workshop to discuss the policy.

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



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11. MAYOR'S REPORT

Mayor Myers encouraged the citizens to fill out the 2010 Census. He said he attended the finale of the Dover Reads Program. He discussed his volunteer work in Concord, and how they are trying to come up with a better ways to deal with the health insurance rates. He said he attended the open house for a new business in Dover, Universal Recycling Technology.

Councilor Hooper moved to approve the Mayor's Report; seconded by Councilor Weston.

Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 166, VEHICLES AND TRAFFIC - FOURTH STREET PARKING SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Councilor Cheney.

Councilor Weston discussed the narrow width of the road, and the request from the Transportation Advisory Commission to remove parking from the bridge to Frances Street.

Councilor Hooper started a discussion on why the Parking Commission did not support this Ordinance.

Councilor Weston said the removal of these parking spaces was due to a safety issue, but that the Parking Commission was also concerned about losing the parking spaces. She said that was why they didn't remove all the parking spaces up to Grove Street.

Mayor Myers said the Parking Commission was also not in favor of spot parking zoning. He said he has driven it several times and felt it was affecting one residence. He said he would not be supporting this Ordinance.

Councilor Weston explained the engineering study and said it was a safety issue.

Deputy Mayor Trefethen started a discussion referring to the citizen's forum comments about traffic calming.

Councilor Cheney said the road is not designed to handle speed.

Councilor Hooper asked how many parking spots we're talking about.

Councilor Weston said about three to five spots.

Councilor Carrier said all parking on side streets is a safety questions. He asked to move the question.

Roll Call Vote: 7/2; Passed. Mayor Myers and Deputy Mayor Trefethen were opposed.

2. CHAPTER 166, VEHICLES AND TRAFFIC - HENRY LAW AVENUE / GEORGE STREET PARKING SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Councilor Cheney.



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Councilor Weston said this is a joint recommendation from the Parking Commission and Transportation Advisory Commission. She said it changed a few spots to 30 minute parking to allow for drop offs and pickups in this area.

Roll Call Vote: 9/0.

3. CHAPTER 166, VEHICLES AND TRAFFIC - HOUGH STREET STOP SIGNS SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Councilor Cheney. Councilor Weston said it is the recommendation of the Transportation Advisory Board that the two intersections become 4-way stops.

Councilor Carrier started a discussion on why this area was believed to be so dangerous.

Roll Call Vote: 9/0.

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS – None

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. PARADE – New Hampshire Soap Box Derby**
- 2. PARADE – Portsmouth Christian Academy**
- 3. RAFFLE – Great Bay Figure Skating Club**

- 4. RESOLUTION: B10045 ENGINEERING SERVICES FOR APPEVALE AREA
RECONSTRUCTION
SPONSORED BY MAYOR MYERS BY REQUEST**

- 5. RESOLUTION: B10054 SEWER DRAIN SUPPLIES
SPONSORED BY MAYOR MYERS BY REQUEST**

- 6. RESOLUTION: B10055 WATER DRAIN SUPPLIES
SPONSORED BY MAYOR MYERS BY REQUEST**



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COMMITTEE REPORTS

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

Deputy Mayor Trefethen moved for the adoption of the Consent Calendar; seconded by Councilor Cruikshank.

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

Deputy Mayor Trefethen asked to pull Item 13.A.2.

Councilor Cheney asked to pull Item 13.A.4.

Councilor Nedelka asked to pull Item 13.A.5, and Item 13.A.6.

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

Vote: 9/0.

Deputy Mayor Trefethen moved for the adoption of 13.A.2.; seconded by Councilor Nedelka.

Deputy Mayor Trefethen noted that the parade route mirrors the route from last year.

Vote: 9/0.

Deputy Mayor Trefethen moved for the adoption of 13.A.4.; seconded by Councilor Garrison.

Councilor Cheney asked for an explanation on the bidding process.

City Manager Joyal said the City uses a competitive bidding process.

Deputy Mayor Trefethen said the City generally picks the lowest bidder on the premise that they are spending taxpayers' money. He started a discussion about using a local company versus an out-of-town company.

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved for the adoption of 13.A.5.; seconded by Councilor Nedelka.

Councilor Nedelka referred to both the Water and Sewer Supplies Resolutions and the use of multiple suppliers. He asked the City Manager if he factored in the additional staff time needed to process multiple suppliers.

City Manager Joyal said they had.

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved for the adoption of 13.A.6.; seconded by Councilor Nedelka.

Councilor Nedelka said his question has already been answered by the City Manager.

Roll Call Vote: 9/0.



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B. RESOLUTIONS

1. PUBLIC/PRIVATE PARKING FACILITY RFP SOLICITATION SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston. Mayor Myers said this Resolution allows the City Manager to work with Dover Business and Industrial Development Authority and the Parking Commission on exploring public/private parking facilities. It does not bind the Council, and does not allow anyone to sell land without coming before the Council.

Councilor Cheney started a discussion on giving the City Manager this authority. Roll Call Vote: 8/1; Passed. Councilor Cheney was opposed.

2. CREATION OF DOG PARK – LONGHILL ROAD SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston. Mayor Myers said the Council had a workshop on the creation of the dog park and it was determined that it was the Council's wish to move forward with this Resolution to create the dog park on Longhill Road.

Vote: 9/0.

3. ACCEPTANCE OF DONATION – OUTDOOR BENCH SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston. Councilor Cheney asked to make a friendly amendment to the Resolution. She said she would ask to change the second Whereas by crossing out "the vicinity" and just put "front", seconded by Councilor Hooper.

Mayor Myers asked for a vote on the amendment to the Resolution.

Vote: 1/8; Failed. Councilor Cheney voted in favor.

Deputy Mayor Trefethen asked to move the question; seconded by Councilor Carrier.

Vote: 8/1; Passed. Councilor Cheney was opposed.

Mayor Myers asked for a vote on the original Resolution.

Vote: 9/0.

4. OCCUPANCY AND RENOVATION REIMBURSEMENT AGREEMENT – MCCONNELL MEDIA CENTER SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Garrison. Mayor Myers said the Council had a workshop on this project. He said the School Board has voted to enter into this Agreement.

Roll Call Vote: 8/1; Passed. Councilor Cheney was opposed.



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5. APPOINTMENTS TO JOINT BUILDING COMMITTEE DOVER SCHOOL CABLE STUDIO

SPONSORED BY MAYOR MYERS

Mayor Myers moved for its approval; seconded by Councilor Weston.
Mayor Myers said it wasn't his intent to move so quickly on this Resolution. He said he would like to withdraw this Resolution, but it would need unanimous support.
Councilor Weston asked for the City Attorney to give his legal opinion on the makeup of this Joint Building Committee.
Councilor Cheney discussed the legalities of appointing members to the Joint Building Committees.
City Manager Joyal asked Councilor Cheney for a copy of Somersworth's legal opinion for the City Attorney to review.
Resolution was withdrawn without opposition.

6. AUTHORIZATION OF ADVANCED REFUNDING FOR CITY OF DOVER MARCH 15, 2001 GENERAL OBLIGATION BONDS (TO BE REFERRED TO A PUBLIC HEARING ON APRIL 14, 2010) SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved to substitute as a whole and refer to a Public Hearing on April 14, 2010; seconded by Councilor Hooper.
Vote: 9/0.

C. ORDINANCES IN 1ST READING – None

14. COUNCIL CORRESPONDENCE – None

15. COUNCIL MATTERS OF INTEREST

Councilor Garrison referred to the Council Goal to reduce commodity consumption. He said one thing that could be done is to reduce the size of the Agenda packets that the Council receives. City Manager Joyal asked if the Council wanted to reduce the background information by not showing the cost details. (Majority of the Council agreed.)
Mayor Myers asked about double-sided agenda packets. (Majority of the Council agreed.)
Councilor Nedelka referred to the colored PowerPoint budget presentations, and said it should be in black and white, with several slides to a page.
Councilor Weston said the graphs need to be color-coded.
Mayor Myers said the staff will make the appropriate patterns. (Majority of the Council agreed.)
Councilor Nedelka said the City has had an audit. He spoke about the 2010 Census, the legalities of it, and how simple it was to fill out. He said if you claim to care about the finances of the country, you should fill out all ten questions and mail it in.
Councilor Carrier invited everyone to the Heyliger Awards Banquet.



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Councilor Weston moved to suspend the rules to continue past 10:30 pm; seconded by Councilor Cheney.

Roll Call Vote: 7/2; Passed. Councilors Carrier and Cruikshank were opposed.

Councilor Weston said she went to the Career Technical Center (CTC) St. Patrick's Day dinner, and it was excellent. She said the downtown merchants participated in a shopping cart parade to the Dover Food Pantry, and she wanted to thank the citizens for donating food.

16. ADJOURNMENT

Deputy Mayor Trefethen moved to adjourn; seconded by Councilor Garrison.

Vote: 9/0.