



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, April 14, 2010**  
Meeting Time: **7:00pm**

### 1. CALL TO ORDER

### 2. MOMENT OF SILENCE

### 3. PLEDGE OF ALLEGIANCE

Councilor Hooper led the Pledge of Allegiance.

### 4. ROLL CALL ATTENDANCE

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

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

### 5. PROCLAMATIONS/AWARDS – None

### 6. APPROVAL OF AGENDA

Deputy Mayor Trefethen asked that the date for 13.A.11. be changed to 6/12/2010; seconded by Councilor Nedelka.

Vote: 9/0.

Councilor Hooper asked to add the School Board Liaison Report to the Committee Reports; seconded by Councilor Cruikshank.

Vote: 9/0.

Councilor Cruikshank made a motion to approve the Agenda as amended; seconded by Councilor Carrier.

Vote: 9/0.

### 7. PUBLIC HEARINGS

#### A. AUTHORIZATION OF ADVANCED REFUNDING FOR CITY OF DOVER MARCH 15, 2001 GENERAL OBLIGATION BONDS (TO BE VOTED ON APRIL 21, 2010 – SPECIAL MEETING) SPONSORED BY MAYOR MYERS BY REQUEST

**Wes Tater, 12 Atlantic Way:** He requested background information from the Council.

Mayor Myers said the Resolution was referring to the general obligation bonds and the recommendation from the City's staff to refinance for a favorable interest rate. He said it did not extend any additional bonding.

Mr. Tater said he was in favor of it.

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

### 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.*

**Wes Tater, 12 Atlantic Way and business owner:** He said he supported a balanced budget, but he is a passionate swimmer. He said the indoor pool was in the red for about \$350,000, and felt it needed to be closed. He said he would like to see a group formed to look at this issue in greater detail, because he felt it could be brought to an acceptable level of performance by the fall. He said the group should consist of one councilor, a swimming coach, the pool manager, and a business person. He said this needed to be addressed as a business opportunity.

**Britt Schuman, 30 Cushing Street:** She spoke about Dover Clean Up Day on April 24<sup>th</sup>. She said volunteers will meet at the Cochecho Mills at 8:00 am. She said they will have a pancake breakfast and pizza for lunch. She said they usually have about 300 volunteers and work for four hours, which equals \$24,000 in savings in labor.

**Martha Mason, 37 Park Street:** She spoke in favor of the Mounted Patrol. She said Dover is proposing to have 44 sworn police officers for 30,000 residents, down from the present 46, and down from 54 ten years ago when the population was smaller. She said Portsmouth has 67 sworn officers for 24,000 people. She said the Mounted Police is the most visible part of the Dover Police Department, and visibility reduces crime. She said with the exception of the officers' salaries the program is entirely funded by private donations and fundraising.

**Robert Kent, 6 Weston Avenue, #7:** He said the children love the horses and interact with the police officers. He said the children respect the police officers. He hoped the Mounted Patrol would stay.

**Sharon Reynolds, 34B Court Street:** She said she valued all the programs and services that Dover offers. She said she was in favor of overriding the tax cap. She said it takes money to run the infrastructure of the City.

**Amy Gingrass, 8 Belknap Street:** She said she has been a part of Seacoast Swim Association for approximately two decades, both as a swimmer and a coach. She said the association has impacted thousands of children, teaching teamwork and success. She said there are 12 summer camps with over 800 children that play in the pools during the summer months, and asked what the children will do without the pools as a resource. She said closing the pools also closes the door on the hopes, dreams, and goals for many young people in Dover.

**Clia Goodwin, 43 Hough Street:** She said she and her husband have been residents of Dover for 25 years. She said Dover has come a long way, and recreation is phenomenal. She asked the Council to think about the investment already put into the pools facilities, which will be hard to get back. She said she doesn't have children, but she strongly supports the schools and services in Dover.



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**Elizabeth Malia, 17 Horne Street:** She said she is a member of the Seacoast Swim Team and practices three hours per day. She referred to other team members who have made Olympic status, and a current diver who had her first international meet. She asked the Council to find a way to make it happen and keep the pools open.

**Joy Koblenzer, 3 Emery Lane:** She referred to the many people who have written the Council regarding a modest tax cap override. She mentioned the Facebook page, Fans of Dover, which has been set up as a forum. She clarified that she is not asking for new services or a blank check, but to continue the current level of services. She understands that the Council's task is not an easy one, and wants them to know that they have her support for a modest tax cap override.

**Robert Fisher, 23 Hillcrest Drive:** He said he agreed with all of Ms. Koblenzer's comments except for the override. He said all the citizens like the pools and mounted police. He said it was time to cut out the bologna and cut the budget down. He said they shouldn't scare the citizens with closing the pools. He said the citizens overwhelmingly passed the tax cap. He said the Council should keep it within the tax cap, or in the next election the City will find a council that will.

**Debra Hanna, 419 Old Garrison Road:** She said she has a child in the school system, and she felt it was extremely important that the Council fund the school budget and public safety. She said she totally supports overriding the tax cap.

**Suzanne Medbery, 3 Covered Bridge Lane:** She said Dover was once a wealthy City, with many well-maintained Victorian homes. She spoke about the history of the charitable and generous nature of Dover's citizens. She spoke about the importance of the pool in 1966, and the parking that was allowed near Henry Law Park to enable people to have access to the pool. She spoke about the plaque that was hung in 1968 listing the sponsors of the pool, who wanted to give the City a lasting gift. She confessed to using the pool, and said 269 people per day used the pool in the month of March, which included babies, the elderly and handicapped.

**Marie Duncan, 14 Shadow Drive:** She said she attended the School Board meeting, and was here to say she was in favor of overriding the tax cap. She said the City needs to support our kids in school.

**Richard Arnold, 8 Alder Lane:** He said he is a master swimmer, and on the Board of Great Bay Masters. He said has swum in Portsmouth and Dover pools for a long time. He is on the Save the Indoor Pool in Portsmouth Committee. He said they have determined that there are many ways to save money with the pools. He asked the Council to give the City the time to think this through and find options, because it is irreplaceable once it is closed.

**Donald Medbery, 3 Covered Bridge Lane:** He said there has been enough testimony tonight for the Council to realize that the pools need to stay open. He challenged the youth in the community to put on a youth drive in the name of the pools and raise money to offset costs. He referred to a Wall Street Journal article stating that the Illinois High Court ruled that nonprofit



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hospitals can be taxed. He asked the Council to look into this case. He said the City needs to collect money owed to the City in back taxes. He said the City needs to be more creative with the pools.

**Edward Bleiler, 28 Isaac Lucas Circle:** He read his handout to the Council.

**Douglas DeDe, 143 Locust Street:** He said supporters of the tax cap lifted the language for a tax cap from Franklin, New Hampshire, a community that is not comparable to Dover. He said he was not in favor of the tax cap, but the public has spoken. He proposed that the people who are opposed to the tax cap sit with the City Manager to come up with more reasonable language, and get enough signatures to force a special election to revise the Charter. He said the reality of why the City is in this situation is not because of the Council, but the New Hampshire Senate, who are continuing to pass on budget expenses to the City of Dover.

**Harvey J. Lynch, 26B Lincoln Street:** He said it is a spending cap, and not a tax cap. He said it was voted in because the Council was spending a lot of money, which made it a City problem. He recommended that people read the contracts and sweetheart deals that the City has made, which are available to read at the Library. He told the Council to go ahead and override the tax cap, but to remember that the people told you not to.

**Jill Lachance, 30 Harlans Way:** She thanked the Council for all their work and appreciated the position they were in right now. She said her family is very active in sports around Dover, and the Seacoast Swim Association has a lot to do with that. She said the handicapped and elderly use the pools as the only form of exercise they can do that doesn't involve pain. She asked the Council to override the tax cap. She said Dover was a great and beautiful City, and she didn't want to see things taken away.

**John Scruton, 99 Sixth Street:** He said that if the City would stick to the basics then the City would not be in trouble. He said the basics included health, safety, roads, and schools. He said the pools would be included in health and safety. He said the City should look at how the YMCA runs and manages their pools. He said he voted for the tax cap, because his taxes have doubled in 10 years. He spoke about broadening the tax base, and explained that open space and farm land contribute economic benefits to local communities.

**Peter Malia, 17 Horne Street:** He spoke in support of the pools, and asked the Council to find a way to keep it open. He said it should be looked at like a business. He said pools bring money into the City with swim meets.

**David Montenegro, 55 Union Street:** He said he filed a lawsuit with the City again yesterday. He said he wouldn't go into why he has filed a suit. He said information is being suppressed, hushed, and not talked about.

**Richard Callaghan, 32 Horne Street:** He spoke in support of the Resolution regarding the Willand Pond Ad-Hoc Committee. He spoke about the budget. He said the pools shouldn't be closed, there should be no reduction in police officers, the Library hours shouldn't be reduced,



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and the Fire Department shouldn't be reduced. He said the Council has convinced the citizens that the City doesn't have the money to keep what the City has now. He suggested that the City take a closer look at how contracts are put together with the vendors, so that they can't come after the City to pay for cost overrides. He said the money can be found elsewhere in the budget. He does not support overriding the tax cap.

**James Alty, 36 Toftree Lane:** He spoke in support of a tax cap override. He said once the Mounted Police have been taken off the streets they will never come back. He said he would like to see the new fire station stay open.

**Susan Wydra, 29 Cherrywood Drive, Christina Van Blake, 59 Cottonwood Drive, Danielle Holt, 45 Oak Street, part of the PTA for Horne Street School:** They spoke in support of an override to keep the pools open, and more importantly to support the schools. They felt that a majority of the citizens would still support the councilors.

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

### 9. CITY MANAGER'S REPORT

City Manager Joyal gave his PowerPoint Presentation on the Fiscal Year 2011 Proposed Budget, which will be made available on the City's website.

Councilor Carrier asked what would be required to maintain services.

City Manager Joyal said it would be \$2.1 million.

Councilor Weston started a discussion regarding the downshifting from the State, noting that the State has a proposed shortfall of \$220 million, which was increased from \$170 million. She asked if this would impact both the School and City portions of the budget.

City Manager Joyal stated that it would impact both the School and City portions of the budget. The Council discussed their concerns about having to reopen the budget to adjust for State downshifting.

Councilor Cheney said she was hoping not to see the reduction in fire, police, and pools. She was hoping to see cuts in areas that were not essential.

Councilor Hooper asked to see what those areas are. She asked the people who were advocating an override where they were when the Charter amendment was voted on.

Councilor Weston started a discussion regarding back taxes owed, and how it impacts the budget.

City Manager Joyal said the City has people that don't or can't pay their taxes on time. He said uncollected taxes have been approximately 4% to 5% every year for the past ten years, and it's the same this year. He said if it is not paid within one year a lien is placed on the property, with penalties and accruing interest. After three years the Tax Collector will take the property by tax deed, which is very rare. He discussed accounts receivable, and dealing with it just like any other business. He said it impacts the cash flow, but not the budget.

Councilor Nedelka asked about the process for collecting back due taxes being State statute.

City Manager Joyal agreed that the process is guided by State statute.



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Councilor Cruikshank made a motion to accept the City Manager's Report; seconded by Councilor Carrier.

Vote: 9/0.

### 10. APPROVAL OF MINUTES

**A. March 24, 2010**

**B. March 31, 2010**

Deputy Mayor Trefethen moved to approve the Minutes; seconded by Councilor Weston. Councilor Nedelka referred to the March 24, 2010 minutes, Section 15, "Councilor Nedelka referred to the color PowerPoint presentation..." and said it was actually Councilor Garrison that made that proposal.

Councilor Garrison agreed to that change.

Councilor Nedelka made a motion to change Nedelka to Garrison on that statement; seconded by Councilor Garrison.

Vote: 9/0.

Mayor Myers asked for a vote on the approval of the Minutes with the one change.

Vote: 9/0.

### 11. MAYOR'S REPORT

Mayor Myers asked the citizens to complete their census. He said the Ad-Hoc Financial Committee had their first meeting at the end of March. He attended the Heyliger Awards. He discussed the handout regarding the Dover Business and Industrial Development Authority (DBIDA) annual meeting. He did several ribbon cuttings for the Dover Chamber of Commerce. He attended the New Hampshire Local Government Center regional dinner. He met with Mrs. Schlapak's 3<sup>rd</sup> grade class, on the front steps of the City Hall, as they toured some of Dover's sites. He attended the Dover Chamber of Commerce "Sweep into the 70's." He attended the State of the State breakfast with the Governor. He wished the Junior ROTC program luck in their inspection tomorrow at the High School. He met with the Governor earlier in the afternoon, when the Governor discussed his methods to shore up the \$220 million shortfall. He went over the handout that he received at the meeting.

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

Vote: 9/0.

### 12. UNFINISHED BUSINESS

**A. ORDINANCES IN THE 2<sup>nd</sup> READING – None**

**B. ORDINANCES IN THE 3<sup>rd</sup> READING – None**

**C. RESOLUTIONS – None**

### 13. NEW BUSINESS



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### A. CONSENT CALENDAR

1. **RAFFLE – American Legion, Dover Post 8**
2. **RAFFLE – First Parish Church**
3. **RAFFLE – Greater Dover Chamber of Commerce & Dover Main Street, 6/12/10**
4. **RAFFLE – Greater Dover Chamber of Commerce, 7/4/10**
5. **RAFFLE – Greater Dover Chamber of Commerce, 7/9/10 to 8/13/10**
6. **TAG – Dover Little League**
7. **TAG – University of New Hampshire Synchronized Skating Team**
8. **PARADE – American Cancer Society**
9. **PARADE – Avis Goodwin Community Health Center**
10. **PARADE – The Triangle Club**
11. **BLOCK PARTY – Greater Dover Chamber of Commerce, 6/12/2010 [corrected], Irish Festival**
12. **BLOCK PARTY – Greater Dover Chamber of Commerce, 7/4/2010, July 4<sup>th</sup> Festivities**
13. **BLOCK PARTY – Greater Dover Chamber of Commerce, 8/13/2010, Cochecho Arts Festival's Closing Night**
14. **RESOLUTION: B10062 ATHLETIC FIELDS MOWING AND LAWN MAINTENANCE**  
SPONSORED BY MAYOR MYERS BY REQUEST
15. **RESOLUTION: B09065 CHANGE ORDER #1 HOT BITUMINOUS PAVING**  
SPONSORED BY MAYOR MYERS BY REQUEST

### COMMITTEE REPORTS

- |                                               |                                                    |
|-----------------------------------------------|----------------------------------------------------|
| 1. <b>School Board Liaison</b>                | 7. <b>Solid Waste Advisory Commission</b>          |
| 2. Planning Board                             | 8. Transportation Advisory Commission              |
| 3. <b>Appointments Committee</b>              | 9. Joint Building Committee – Cable Studio         |
| 4. Recreation Advisory Committee              | 10. <b>Joint Building Committee – Horne Street</b> |
| 5. <b>McConnell Center Advisory Committee</b> | 11. Joint Building Committee – Woodman Park        |
| 6. Arts Commission                            | 12. Legislative Liaison                            |

Deputy Mayor Trefethen moved for the approval of the Consent Calendar; seconded by Councilor Garrison.

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

Councilor Nedelka asked to pull 13.A.8., 13.A.14., and 13.A.15.

Councilor Cheney asked to pull 13.A.11.

Deputy Mayor Trefethen asked to pull the Appointments Committee Report.

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

Vote: 9/0.



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Deputy Mayor Trefethen moved for the approval of 13.A.8.; seconded by Councilor Nedelka. Councilor Nedelka asked for clarification on the parade route, because the map was not legible. Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of 13.A.11.; seconded by Councilor Cheney. Councilor Cheney asked if any alcohol will be served at this event. Mayor Myers said this was just for the road closure, and any alcohol being served is at the City Manager's discretion. City Manager Joyal said they had applied to the Liquor Commission to have an alcohol area cornered off, and he has also given them his permission. Mayor Myers said it is a very controlled area, fenced in, and with IDs checked. Councilor Cheney said she wouldn't be able to support this request. Vote: 8/1; Passed. Councilor Cheney was opposed.

Deputy Mayor Trefethen moved for the approval of 13.A.14.; seconded by Councilor Cruikshank. Councilor Nedelka discussed the wording in the contract that said there would be an annual 3% increase. City Manager Joyal said the City enters into the agreement with the option to renew for years 2 and 3. Councilor Cheney started a discussion regarding the mulch at the playgrounds, and outsourcing the maintenance for the playgrounds. Deputy Mayor Trefethen said he would like to see the individual bids in the background information. Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of 13.A.15.; seconded by Councilor Nedelka. Councilor Nedelka referred to the last sentence, and asked to change "finding" to "funding." Roll Call Vote: 9/0.

Deputy Mayor Trefethen discussed the Appointments Committee Report. He asked the Council to approve the following recommendations for reappointments:

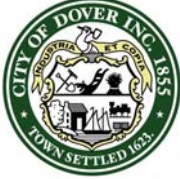
- Phil Rinaldi, DBIDA
- Tim Dargin, DBIDA

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

### B. RESOLUTIONS

#### 1. COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DOVER AND DPAII SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Cheney.



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Roll Call Vote: 9/0.

Mayor Myers said this was a 3-year contract, with year 2 ending on June 30<sup>th</sup>. There were no COLAs for any of the three years, and no step raises in this current budget year.

### **2. COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DOVER AND DPEA**

SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Garrison.

Roll Call Vote: 9/0.

Mayor Myers said this was a 3-year contract, with year 2 ending on June 30<sup>th</sup>. There were no COLAs for any of the three years, and no step raises in this current budget year.

### **3. DIRECTOR OF HUMAN SERVICES EMPLOYMENT AGREEMENT WITH LENA NICHOLS**

SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston.

Roll Call Vote: 9/0.

### **4. WILLAND POND AD-HOC ADVISORY COMMITTEE**

SPONSORED BY COUNCILOR CRUIKSHANK

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

Councilor Cruikshank asked to make an amendment to have it state "the committee shall consist of 5 regular members with 4 alternate members; with at least five Dover resident members, with 3 being regular members"; seconded by Deputy Mayor Trefethen.

Vote: 9/0.

### **5. DISCONTINUANCE OF EASTERLY PORTION OF DAVID TUTTLE ROAD (TO BE REFERRED TO A PUBLIC HEARING ON APRIL 28, 2010)**

SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved to refer to a public hearing on April 28, 2010; seconded by Councilor Nedelka.

### **C. ORDINANCES IN 1ST READING – None**

## **14. COUNCIL CORRESPONDENCE**

### **A. PACKET FROM COUNCILOR CHENEY**



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Councilor Cheney made a motion to accept her packet for Council Correspondence; seconded by Councilor Weston.

Deputy Mayor Trefethen said this packet does not conform to the Council Rules for what constitutes Council Correspondence. He said he also believed that it was laying groundwork for possible legal action. He said he would not vote to accept it.

Councilor Cheney said she disagreed, because it's a signed letter to the Council. She said she would be willing to take off the words "Dover City Councilor."

Councilor Hooper asked for the City Attorney's opinion.

City Attorney Krans said it was discussed a few months ago. He said there was no pending legal action.

Councilor Cheney asked what was said a few months ago.

Councilor Nedelka said it was discussed a few months ago during Executive Session, and Councilor Cheney knew the City Attorney couldn't state specifics. He said he received a letter from Councilor Cheney's attorney that if events followed a certain pattern that there was potential for a lawsuit. He said Councilor Cheney was not appointed to the Joint Building Committee for Horne Street School, and she needs to let it go.

Councilor Cheney said there was no question that she still was an appointed member of the Joint Building Committee for Horne Street School. She said the letter Councilor Nedelka was referring to was not part of the documents she was submitting. She said she is not threatening a lawsuit, but it was an opinion from one of the seven attorneys.

Councilor Nedelka said he didn't have a problem accepting correspondence that he disagrees with. He said he did have a problem with accepting something that he felt could pose litigation risk.

Councilor Weston said the Council Rules state the Council accepts signed documents. She asked the City Attorney if this helped or did not help the Council if litigation occurred.

City Attorney Krans stated that the potential litigant has stated tonight that she is still a member of the Joint Building Committee for the Horne Street School. He felt that was a precursor for litigation. He felt it would be a mistake to accept the correspondence into the record.

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

### 15. COUNCIL MATTERS OF INTEREST

Councilor Weston asked the City Clerk if she could separate the Resolutions when copying the Agenda.

City Clerk Lavertu said it would take longer, because each Resolution would have to be copied separately, and then collated.

Councilor Cheney said she was still leaning towards single-sided copies.

Mayor Myers asked the Council to wait a little longer, and continue to try to save trees.

Councilor Nedelka said that between 9:00 and 12:00, April 15<sup>th</sup>, there will be volunteers at the Dover Public Library to help people with filing extensions on their taxes.

### 16. ADJOURNMENT

Councilor Weston made a motion to adjourn; seconded by Councilor Cruikshank.

Vote: 9/0