



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, May 12, 2010**
Meeting Time: **7:00pm**

1. CALL TO ORDER

Meeting was called to order at 7:25 pm.

2. MOMENT OF SILENCE

Moment of Silence was held during the Workshop Session.

3. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was held during the Workshop Session.

4. ROLL CALL ATTENDANCE

Present: Mayor Myers, Deputy Mayor Trefethen, Councilor Carrier, Councilor Cruikshank, Councilor Garrison, Councilor Hooper, Councilor Nedelka, Councilor Weston.
Councilor Cheney arrived at 7:30 pm.

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 Nedelka.

Vote: 8/0.

Councilor Hooper moved to add a School Board Report to Committee Reports; seconded by Councilor Cruikshank.

Vote: 8/0.

Councilor Cruikshank moved to approve the Agenda as amended; seconded by Councilor Carrier.

Vote: 8/0.

7. PUBLIC HEARINGS

A. RESOLUTION: ACCEPTANCE OF THE CONSOLIDATED PLAN FY2011-FY2015, AND ACTION PLAN FOR FISCAL YEAR 2011 CDBG ENTITLEMENT FUNDS SPONSORED BY MAYOR MYERS BY REQUEST

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

B. RESOLUTION: AMENDMENT OF 2010 FEE SCHEDULE FOR PARKING PERMIT RATES



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SPONSORED BY MAYOR MYERS BY REQUEST

Mayor Myers, seeing no one 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.

Dawn Haines, 17 Elm Street: She reported on the second meeting of the Save Our Swimming Committee (SOS). She said the finance subcommittee has found \$40,000 in additional revenues and \$54,000 in additional cuts of expenses, which can be applied immediately. She spoke of the next two phases in the plan. She said Phase 2 was to propose changes to rental fees and raising group rates, consider creating a tiered fee schedule according to premium pool times, consider revising the system by which users now pay fees, revise and develop marketing strategies for the packaging of pool fees, consider where funds should be put and come from, and to no longer offer gratis use of the pools. She said Phase 3 includes creating and implementing marketing, fundraising, and grant writing strategies. She said Phase 2 and 3 will take time to implement and to see the returns. She said the committee was asking for the time and opportunity to do this work.

Wendell Smith, 13 Apache Street: He said he was on the financial subcommittee of SOS. He explained how, with the help of the Recreation Department, they have come up with some revenue increases and operating expense reductions. He asked the Council for more time.

Joyce El Kouarti, 19 Northway Circle, Arts Commission Chairperson: She spoke about the proposed cuts to the State Arts budget, and said the Arts Commission agreed with the Commissioner and Governor that the cuts were manageable. She asked for the Council to take a formal position in support of these cuts. She also spoke about the Forum on the impact of the arts on local economic development to be held in the Council Chambers, broadcasted on Channel 22, May 20th at 7:00 pm.

Ronald Huml, 199 Mast Road: He said there is no improvement in the economy at this time. He spoke about towns on the verge of bankruptcy and 20% unemployment in some areas. He spoke about his own business, and said he hasn't had a customer in the last 12 days. He said something has to change. He spoke about people coming to the podium to ask for things to stay, but not one of them explained how to get the money. He said everybody wants, but nobody wants to give.

Edward Bleiler, 28 Isaac Lucas Circle: He said he would answer the question of where the City can get the money. He said the City has plenty of money, and all the begging was ridiculous. He spoke about the criticism that has been aimed at him from two Councilors regarding his facts and figures, and asked them to call him. He said any information he has presented to the Council has been documented by the City, the State, or the LGC. He reviewed his suggestions on how to increase revenue and not taxes: Collect the \$2.8 million in



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delinquent taxes, collect the \$931,000 owed to the ambulance service, collect the \$22,000 owed to the Dover Arena, collect the \$16,000 owed to the McConnell Center, collect the \$1 million owed to the Water and Sewer Department, collect the \$1 million owed by Dickinson Development Company, collect the surplus funds held by the LGC, eliminate \$400,000 in spending for an unneeded fire truck, put parking money receipts and fines in the General Fund and forget about the unneeded spending on a parking garage, stop sending fire trucks to automobile accidents. He said if all these were implemented it would give the City a tremendous surplus, and no need for a "spending" override.

Raymond Bardwell, 199 Spur Road: He referred to Item 13.B.2., and asked the Council to delay their consent until Public Hearing on the final layout of this plan. He went over the plans with the Council. He went over his credentials in engineering design. He said this was an interest to him because it was in his backyard, but he also felt it wasn't the best design. He asked the Council to go over the plans. He said the truckers do not support this plan.

David Scott, 220 Back Road: He said for many years residents had their taxes go up more than twice the rate of inflation. He said in November 2007 many residents decided on and voted for a spending cap. He said the nation has since fallen into a recession. He said the Council needed to respect the will of the voters. He said there is a provision for an override, but he felt these circumstances didn't justify it. He asked that the City not punish the kids by targeting the youth services, and the elderly by closing the library. He said the large amount of uncollected funds is adding to the problem. He said there should be a hiring freeze, decrease expenses by 5% across the board, raise money from voluntary contributions. He recommended that the Council send an extra 5% with their tax bill, and others may follow their example.

Douglass DeDe, 143 Locust Street: He spoke about the gang of 24 and 1; referring to the 24 senators that supposedly represent the citizens and the 1 governor. He said it is called a downshift. He said in 2010 the City of Dover absorbed almost \$1 million in downshifts. He said in the budget currently under consideration it is slightly over \$1 million. He said the City has cut back over the past 5 years, but the State and County haven't. He said the City has a tax cap that includes the County, and said the sponsors of the tax cap didn't think it out. He went over the lists of proposed cuts, and said they are in response to the tax cap.

Thomas Lamy, 9 Deepwood Drive: He referred to his hat that said "Tea Party Patriot," and said we were living in scary times right now and a lot of groups are springing up. He spoke about the elderly working and how it's scary. He said he doesn't advocate closing the pools, but felt the City needed to live within its means. He said the taxes are out of sight, and he couldn't afford to buy a house in Dover. He said he supported the tax cap. He asked why the City isn't collecting the money owed the City.

Aviva Grasso, 1 Pebblewood Drive, Good for Dover Representative: She said as a result of the tax cap the proposed budget is bad for Dover, and will only be worse next year. She said the City Council and School Board Members are citizens of Dover and taxpayers, and should be trusted to devise a budget that does right by everyone. She said the tax cap caused the Superintendent and City Manager to create budgets that fall short of the City's standards. She



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said many predicted this would happen with the tax cap, and said it was unfortunate that only recent headlines have showed the impact of the tax cap to many citizens. She said the City is losing so much for what amounts to \$171.00 per average taxpayer, or \$14.25 per month. She said ultimately what is good for Dover is repealing the tax cap, and returning the authority to City officials.

John Scruton, 99 Sixth Street: He spoke about the increase in utilities rates, which is one of the highest in the nation. He said his tax bill has gone up by several hundred every year for the past 15 years. He asked where the money was going. He talked about the non-stop spending. He said this shouldn't be an annual crisis, because he felt there shouldn't be any surprises. He spoke about the condition of Sixth Street, and asked about quality control.

Sheridan Folger, 46 Adelle Drive: He said working on the budget should be hard. He referred to the City Attorney's comments regarding the expense of outside attorneys. He said it was not okay to spend \$9,100 dollars for four hours of research and 2 hours of conversation. He said it was overspending and it needs to end. He asked the Council to keep the spending cap in place and not override.

Gary Green, 18 Footbridge Lane: He said it was good to see people come out and speak to their cause. He said he felt the City needs to fund the Police and Fire Departments. He spoke about the Mounted Patrol, and reminded the citizens that the only cost is the police officers. He spoke about the Teen Center, and said they can't measure the number of crimes prevented. He said he agreed with the 24 and 1 analogy from the previous speaker. He said he would like to see the Council only override within the parameters of the reduction of revenue from the State and County tax. He spoke about the construction on Dover Point Road, and said he attended a hearing at the McConnell Center. He said he felt the State didn't listen to the citizens, because most said at the hearing that they didn't want a roundabout.

Donald Medbery, 3 Covered Bridge Lane: He spoke about the Irish Festival held at Henry Law Park, and noted that liquor will be sold. He said it was outrageous and stupid. He said kids are going to be at the Irish Festival, and said it was setting a poor example. He talked about closing the road, and asked who was paying for the police. He asked if the City will make or spend any money on this party. He spoke about the \$400,000 needed for the pools and the \$600,000 needed for the McConnell Center, and said this is where the City put the non-profits before the taxpaying citizens. He asked why the citizens have to subsidize these things and give up what they really want. He referred to the Mayor's email that was sent to the Council and newspaper, and said it was his opinion that the Mayor is building political capital here and in Concord.

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

9. CITY MANAGER'S REPORT

City Manager Joyal said he submitted his report in writing, but had one item he wanted to bring to the Council's attention. He said last month the City was awarded a safe route grant in the



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amount of \$250,000 from the Department of Transportation. He said it was for safe routes to schools, improving pedestrian walkways and sidewalks. He said a significant portion will be allocated for areas around Woodman Park School, connecting existing sidewalks where gaps exist, and improving crosswalks. He said some funds will be used to support programs for educating safe practices for getting to and from schools.

Councilor Nedelka referred to a letter the Council received regarding Comcast rates, and asked if he was correct that the Council had no influence on the rates.

City Manager Joyal said that was correct.

Councilor Weston asked about alcohol being served at Henry Law Park, and asked about covenants.

City Manager Joyal said there were no covenants at any parks, but they did have to get permission from the City.

Councilor Weston asked about the time needed to save the pools, and how the budget will reflect the amount needed to keep the pools open.

City Manager Joyal said the Council will adopt a budget and appropriate funding.

Councilor Cheney asked the City Manager if he had the figures that showed the percentage decreases for each department.

City Manager Joyal said it was reflected on Page 27 and 28 in the Budget book.

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

Vote: 9/0.

10. APPROVAL OF MINUTES

- A. April 21, 2010 – Workshop
- B. April 28, 2010 – Workshop
- C. April 28, 2010 – Regular Session

Deputy Mayor Trefethen moved for the approval of the Minutes; seconded by Councilor Hooper. Councilor Nedelka referred to Page 2 of the April 21, 2010 Minutes, last sentence of the first paragraph, and asked to amend it to say: "Fire Chief Plummer said the current response is 4 to 5 minutes, and it would increase to 8 to 9 minutes if the Northend Fire Station is closed." Seconded by Councilor Hooper.

Mayor Myers reminded the Council that technical amendments are supposed to be reviewed by the City Clerk before the meeting so she can review it.

Vote: 9/0.

Councilor Cheney said she submitted a change to the Clerk that she has verified. She made a motion to make the minor change to the minutes; seconded by Councilor Weston.

Vote: 4/5; Failed. Deputy Mayor Trefethen, Councilors Cheney, Garrison and Weston voted in favor.

Councilor Hooper made a motion to accept the Minutes with the one amendment; seconded by Councilor Weston.

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

11. MAYOR'S REPORT



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Mayor Myers thanked Joyce El Kouarti for speaking on behalf of the Arts Commission, and said he will be discussing it further during the Council Matters of Interest segment of the Agenda. He thanked the City Manager for his State of the City address. He said he attended several ribbon cuttings for the Greater Dover Chamber of Commerce. He attended the name changing of the Portsmouth Christian Academy, which added "at Dover." He noted that he'll be hosting his Coffee with the Mayor session on Saturday, May 22, 2010, from 9:00 am to 11:00 am, at Café on the Corner.

Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Councilor Carrier.
Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING – None

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS

1. **ACCEPTANCE OF THE CONSOLIDATED PLAN FY2011-FY2015, AND ACTION PLAN FOR FISCAL YEAR 2011 CDBG ENTITLEMENT FUNDS** SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Cruikshank. Deputy Mayor Trefethen went over the procedure on accepting requests and deciding who receives the entitlements.

Councilor Nedelka said he sat on the board of directors for one of the organizations who is a potential recipient, but he was not a material beneficiary and therefore would not recuse himself.

Roll Call Vote: 9/0.

2. **AMENDMENT OF 2010 FEE SCHEDULE FOR PARKING PERMIT RATES** SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Garrison. City Manager Joyal went over the procedures for permit parking with the Council.
Roll Call Vote: 9/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **PARADE – Dover Knights of Columbus**
2. **PARADE – Garrison Elementary School Boot Camp**
3. **PARADE – Seacoast Swim Association**



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4. **TAG – Great Bay Figure Skate Club**
5. **TAG – Prime Time All Stars Boosters**
6. **RESOLUTION: B09071 DOVER TRASH BAGS**
SPONSORED BY MAYOR MYERS BY REQUEST
7. **RESOLUTION: B10064 ASPHALT TRENCH PATCHING SERVICES**
SPONSORED BY MAYOR MYERS BY REQUEST
8. **RESOLUTION: B10004 CHANGE ORDER II HYDROGEOLOGICAL SERVICES FOR THE WILLAND POND WELL**
SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

- | | |
|--|---|
| 1. School Board Liaison | 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. Legislative Liaison |
| 6. Arts Commission | |

Deputy Mayor Trefethen moved to accept the Consent Calendar; seconded by Councilor Garrison.

Councilor Hooper asked to pull the School Board Liaison Report.

Councilor Garrison asked to pull the Legislative Liaison Report.

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

Roll Call Vote: 9/0.

Councilor Hooper referred to the School Board Liaison Report, and said the School Board feels they did not get enough direction from the City Council regarding the School Budget.

Mayor Myers said the deadline was missed to hold the second Joint Fiscal Committee meeting, but they are trying to set a date.

Councilor Cheney made a motion to accept the School Board Liaison Report; seconded by Councilor Garrison.

Vote: 9/0.

Councilor Garrison referred to the Legislative Liaison Report, and reported on legislative issues with the Council.

Councilor Hooper made a motion to accept the Legislative Liaison Report; seconded by Councilor Cheney.

Vote: 9/0.

B. RESOLUTIONS



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1. CROSSWALK POLICY AND STANDARDS FOR THE CITY OF DOVER SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Councilor Cheney.
Councilor Weston discussed the crosswalk policy and standards with the Council.
Vote: 9/0.

2. AUTHORIZATION TO ENTER INTO AGREEMENT WITH STATE OF NEW HAMPSHIRE FOR THE NEWINGTON/DOVER PROJECT SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Nedelka.
Mayor Myers asked about ramifications if it wasn't approved tonight.
City Manager Joyal said the State would like to get this project underway, but there was nothing that said the Council had to approve this Resolution tonight.
Councilor Cheney asked someone from the Planning Department to address the issue they heard tonight during the Citizen's Forum.
Mayor Myers asked for the City's position on this Resolution from the City Manager.
Councilor Hooper made a motion to table the Resolution until May 26, 2010; seconded by Councilor Weston.
Vote: 9/0.

3. COLLECTIVE BARGAINING AGREEMENT BETWEEN DOVER SCHOOL DISTRICT AND DOVER EDUCATIONAL OFFICE PERSONNEL (DEOP) SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Weston.
Deputy Mayor Trefethen said he understood that this agreement did not get strong approval from the School Board.
The Council discussed how it shouldn't include raises.
Vote: 0/9.

4. DISCONTINUANCE OF OLD ROLLINSFORD ROAD AND ACCEPTANCE OF DEVELOPMENT AGREEMENT SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Cruikshank.
City Manager Joyal discussed the agreement between the City and Wentworth Douglass Hospital.

Attorney Malcolm McNeil discussed the development agreement with the City.
Councilor Cheney spoke about her concerns for discontinuing the road at this point, and the need for a public hearing.



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Councilor Weston said she has seen construction of the new road, and asked if this was putting the cart before the horse. She said the City staff and TAC have not received any long range plans from the hospital.

Attorney McNeil said he wasn't required to undertake TAC's request. He said Planning Board approval was obtained. He said if the street is not discontinued they would not receive the building permit. He says they have met their offsite responsibilities. He said if the hospital comes forward with new plans it would have to go through the City regulators again, and problems will have to be mitigated before it gets approved.

Planning Director Parker said the Planning process has been followed. He said they have asked for a long range plan from the hospital, and have been told that the plan presented is the long range plan, and there is no hidden plan beyond that.

Deputy Mayor Trefethen said contrary to the title of this Resolution, the Council is not being asked to discontinue the road tonight.

Attorney McNeil said that was correct.

Councilor Cheney said she still felt there should be a public hearing.

Attorney McNeil said this agreement did not bind the City in any way.

City Manager Joyal suggested a title name change and to just call it an Agreement of Development.

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

Vote: 9/0.

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

C. ORDINANCES IN 1ST READING – None

14. COUNCIL CORRESPONDENCE

A. Letter from Elizabeth Hagner, dated April 28, 2010

B. Letter from Steven Tate, dated April 28, 2010

C. Letter from Dona Layton, Open Lands Committee Chairperson

Deputy Mayor Trefethen moved to accept and place on file; seconded by Councilor Weston.

Councilor Cheney moved to add Mr. Raymond Bardwell's correspondence and Joyce El Kouarti's correspondence on file; seconded by Councilor Carrier.

Vote: 9/0.

Mayor Myers asked for a vote on accepting all correspondence and placing on file.

Vote: 9/0.

15. COUNCIL MATTERS OF INTEREST

Councilor Hooper referred to John Leggett's email concerning the tax cap and areas where the City could find money to put back in the budget. She asked the City Manager to look at the email and tell the Council if anything was viable. She wanted to say that she truly appreciated the public's input on this matter.

Councilor Cheney said she and Councilor Garrison attended the Growing Readers at Woodman Park, and said it was wonderful.



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Councilor Carrier said he attended the same program at the Horne Street School. Councilor Nedelka spoke about the State allowing the City to impose an additional rooms and meals tax on local businesses, and said he felt it was a horrible idea. He spoke about the property tax process and it being regulated by State Statute. He said if you don't pay your property taxes for three years you lose your home, and stated that in other states it can be 10 years. He said there is a process for collecting past due bills. He spoke about the Irish Festival, stating that the City is not paying for it and not collecting the revenue. He also said it's not an exclusive club, but a club that is celebrating the culture.

Mayor Myers said he applauded the legislature in allowing the local government to enable legislation, but he would not consider putting an additional rooms and meals tax on local businesses. He asked if the Council wanted to take a position on Joyce El Kouarti's email. Councilor Cruikshank made a motion to endorse the Arts Commission position; seconded by Councilor Carrier.

Vote: 9/0.

16. ADJOURNMENT

Deputy Mayor Trefethen moved to adjourn back to the Workshop Session; seconded by Councilor Weston.

Vote: 9/0.

DRAFT