



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, April 28, 2010**  
Meeting Time: **7:00pm**

### 1. CALL TO ORDER

### 2. MOMENT OF SILENCE

Moment of Silence was held during the Special Meeting.

### 3. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was held during the Special Meeting.

### 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.

Councilor Cheney arrived at 7:07 pm.

### 5. PROCLAMATIONS/AWARDS – None

### 6. APPROVAL OF AGENDA

Councilor Garrison made a motion to add a Legislative Liaison Report; seconded by Councilor Carrier.

Vote: 8/0.

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

Vote: 8/0.

### 7. PUBLIC HEARINGS

#### A. DISCONTINUANCE OF EASTERLY PORTION OF DAVID TUTTLE ROAD SPONSORED BY MAYOR MYERS BY REQUEST

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

### 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.*

**Mary Krans, 4 Renaud Avenue, Dover Main Street Member:** She spoke about the great turnout for the 11<sup>th</sup> Annual Dover Pride Clean-up Day.



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**Thomas Massingham, 36 Prospect Street, Representative for Dover Main Street:** He said he has lived and worked in Dover all his life. He asked the Council to continue providing the City's share of funding for Dover Main Street, so they can maintain accreditation. He mentioned all the programs sponsored by Dover Main Street, and said they would not continue without the funding.

**Gary Green, 18 Footbridge Lane:** He said Dover continues to be award winning, referring to the two awards won by the Planning Department. He mentioned the McConnell Center and spoke about its value. He spoke about the Energy Efficiency contract and asked how anyone could be against it. He spoke about the condition of the roads and the need to fund their maintenance. He spoke about driving on Tolend Road, stating it was rough but he was still able to go the speed limit. He said he had a great deal of respect for the people championing for the pools and mounted police, but said only a portion of the population use these services. He said the Police and Fire Departments benefit all the taxpayers all the time, and they need to be funded. He said he would support a tax cap override only if the money couldn't be found elsewhere. He suggested the Council use the total of the County tax and State revenue shortage as a guide for the new spending override ceiling.

**Michele Holt-Shannon, 14 Florence Street:** She said the Council has her support for a tax cap override for both the City and Schools. She gave a Facebook update, stating they have 636 members, and spoke about the demographics of the people involved. She said the tax cap did not pass by a huge margin, and probably wouldn't have passed without an override option.

**Donald Medbery, 3 Covered Bridge Lane:** He said overriding the tax cap was going to ruffle a lot of feathers, and wasn't going to be easy for the Council. He spoke about a previous speaker's comments about spreading malarkey, and said his comments marketing Dover while he was running for Council were malarkey, and probably why he wasn't elected. He referred to the pool, and said Jenny Thompson has stated that she would be happy to do a drive every year to support the pool. He spoke about Tolend Road and gave credit to the City Manager that it has been patched to make it more drivable. He said people and companies can come up with more cost savings and needed to be more creative. He said the City could tap into the community people for creativity. He said the Council ran for office knowing this was coming down the pike, and he hasn't heard any Councilor come up with ideas to save money.

**Todd Black, 19 Emery Lane:** He stated that he appreciated the work of the Council. He spoke about the pools, referring to the impact on the kids and the economic activity the pools bring to the City.

**Marilyn Follansbee, 25 Dover Point Road:** She thanked the City employee's who were willing to give up raises and COLAs. She said she was impressed with the turnout at the last meeting, and said the City should take advantage of the man who said he would head up a pool committee to raise money. She spoke about donations being made to the City, and the procedures for citizens to do this. She said the City needs to come up with something other than taxpayer dollars to pay for these things. She said if people really want something then they



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should pay for it. She asked the citizens that had any practical solutions to bring them to the Council to consider.

**Edward Bleiler, 28 Isaac Lucas Circle:** He read a statement to the Council.

**Timothy Paiva, 4 Cailey Anna Lane, Seacoast Swim Association President:** He spoke about the closing of the pools, quoting some figures regarding the income generated by the pool. He said the Seacoast Swim Association has looked into private ownership of the Jenny Thompson Pool. He said they could not support public use of the facility due to the high cost of insurance. He stated five creative suggestions for saving the pools: 1. One pool open at a time; 2. Fewer lifeguards; 3. Swim lessons; 4. Incentive program; and 5. Invest money more wisely. He said the Seacoast Swim Association paid \$89,000 in rental fees last year. He said they are doing everything they can to rally support in the City, and have petitioned the City to allow a march from the pool to the City Hall on May 26<sup>th</sup>.

**Michael Parratto, 14 Back Road, Seacoast Swim Association Head Coach:** He read a letter from Jenny Thompson to the Council.

**H. Jerry Lynch, 26B Lincoln Street:** He spoke about the Irish Festival and the Council's decision to allow liquor to be served, even though there is a City Ordinance that doesn't allow drinking at Henry Law Park. He said there were enough bars in the area for someone to get a drink.

**John Dorr, 98 Henry Law Avenue:** He spoke about the importance of community and the commitment the Council makes. He said the Library is busy because of the economy, and the skateboard park helped difficult kids. He spoke about the history of vision and community networking. He said it may be necessary to push for an override.

**Mark Jordan, Central Towers:** He spoke about the Irish Festival. He said he would hate for the Council to allow alcohol to be served. He said it was not a good example for the City's youth. He said the Celts do not need to drink to have a good time.

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

### 9. CITY MANAGER'S REPORT

City Manager Joyal said the City Manager's Report consists of updates on legal activities and economic development activities.

Councilor Weston asked about the affects of the State legislature killing the telephone pole tax exemption.

City Manager Joyal said it will help offset \$30,000 in property tax revenues, because the telephone companies will pay their fair share of taxes.

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

Vote: 9/0.



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### 10. APPROVAL OF MINUTES

- A. April 7, 2010 – Special Meeting**
- B. April 7, 2010 – Workshop**
- C. April 14, 2010 – Regular Session**
- D. April 21, 2010 – Special Meeting**

Deputy Mayor Trefethen moved for their approval; seconded by Councilor Weston.  
Vote: 9/0.

### 11. MAYOR'S REPORT

Mayor Myers asked Cathy Beaudion, Library Director, and Jane Bard, the Children's Museum Associate Director to come to the podium to speak to the Council.  
Ms. Bard discussed the past two years in Dover. She said 25% of the people attend the Museum for free or reduced admission. She said on May 7<sup>th</sup>, 5:30 – 8:00 pm, the Museum is opened for free for Family Night. She said she wanted to mention a new curriculum regarding New Hampshire Rivers, which is available for free on their website. She also presented a copy of the curriculum to the Dover Public Library.

Mayor Myers said the Arts Commission is still looking for a Council liaison. In lieu of a Council liaison, he reported on a few items: The Arts Commission now has a Facebook page; on May 20<sup>th</sup> there will be having a forum on the impact of the Arts Commission, and they are concerned about cuts from the State for arts funding. He congratulated Grace Roy of Woodman Park School, who won the State contest for creating a poster talking about safety in the sun. He said her poster is now entered in the National competition. He attended the Local Government Center monthly meeting. He attended a Business After Hours meeting at Kelly's Row. He congratulated Dover Main Street on their success with Dover Pride Clean-up Day. He said it was the first time he had missed it, but he plans to sponsor an Adopt-a-Spot to make up for it. He attended the DARE breakfast at the Moose Hall.

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



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### C. RESOLUTIONS

**1. DISCONTINUANCE OF EASTERLY PORTION OF DAVID TUTTLE ROAD  
 SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston.  
 Deputy Mayor Trefethen said this was a recommendation from the Class VI Ad-Hoc  
 Committee, and this Resolution is actually acting upon this recommendation.  
 Vote: 9/0.

### 13. NEW BUSINESS

#### A. CONSENT CALENDAR

1. **PARADE – Children’s Museum of New Hampshire**
2. **RAFFLE – Garrison Elementary School**
3. **TAG – Dover Little Green Cheerleading**
4. **RESOLUTION: B08082 OCCUPATIONAL HEALTH SERVICES CONTINUATION  
 OF AGREEMENT  
 SPONSORED BY MAYOR MYERS BY REQUEST**
5. **RESOLUTION: B10065 TRAFFIC CONTROL FLAGGING  
 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 | <b>11. Legislative Liaison</b>              |
| 6. Arts Commission                     |                                             |

Deputy Mayor Trefethen moved for the approval of the Consent Calendar; seconded by  
 Councilor Carrier.  
 Mayor Myers asked if the Council had any items they would like pulled for further discussion.  
 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 Garrison spoke about his Legislative Liaison report.  
 Deputy Mayor Trefethen moved for its acceptance; seconded by Councilor Weston.



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Vote: 9/0.

### B. RESOLUTIONS

#### **1. AMENDMENT TO CHILDREN'S CENTER LEASE FOR THE MCCONNELL CENTER**

SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Nedelka. Councilor Nedelka made a motion to substitute as a whole the new version of the Resolution; seconded by Councilor Cruikshank.

Vote: 9/0.

City Attorney Krans clarified the two changes to the Resolution.

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

#### **2. AD-HOC STORMWATER UTILITY FEASIBILITY STUDY COMMITTEE**

SPONSORED BY MAYOR MYERS BY REQUEST

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

City Manager Joyal went over the background of this Resolution.

Councilor Weston moved to make a friendly amendment to the first paragraph. She asked to add: "to be nominated by the Mayor or any Councilor, and appointed by vote of the City Council." This motion was seconded by Councilor Cheney.

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

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

Councilor Cheney started a discussion about the makeup of the Committee.

Mayor Myers asked for a vote on the amended Resolution.

Vote: 9/0

#### **3. ACCEPTANCE OF THE CONSOLIDATED PLAN FY2011-FY2015, AND ACTION PLAN FOR FISCAL YEAR 2011 CDBG ENTITLEMENT FUNDS (TO BE REFERRED TO A PUBLIC HEARING ON MAY 12, 2010)**

SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved to refer to a Public Hearing on May 12, 2010; seconded by Councilor Cruikshank.

Vote: 9/0.

#### **4. AMENDMENT OF 2010 FEE SCHEDULE FOR PARKING PERMIT RATES**

SPONSORED BY MAYOR MYERS BY REQUEST

**(TO BE REFERRED TO A PUBLIC HEARING ON MAY 12, 2010)**

Deputy Mayor Trefethen moved to refer to a Public Hearing on May 12, 2010; seconded by Councilor Weston.

Vote: 9/0.



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

#### 14. COUNCIL CORRESPONDENCE

##### A. PACKET OF LETTERS FORWARDED FROM THE DOVER CHILDREN'S CENTER

Deputy Mayor Trefethen made a motion to accept the Council Correspondence and for it to be placed on file. **NO SECOND**

Councilor Cheney said she had additional correspondence to add, three legal opinions.

Deputy Mayor Trefethen asked for a point of order. He said the intent of the Council Rules is to accept correspondence from citizens or business owners.

Mayor Myers asked for a motion to separate the vote on accepting the Council Correspondence.

Councilor Cruikshank made a motion to separate the vote on the Council Correspondence; seconded by Councilor Weston.

**NO VOTE**

Mayor Myers asked for a vote on the packet of letters from the Dover Children's Center.  
Vote: 9/0.

Councilor Cheney discussed the three legal opinions, and the Council Rules to accept Council Correspondence.

Deputy Mayor Trefethen said he would not accept this correspondence. He said he felt the Council Rules did not include accepting correspondence from other Councilors. He stated that the contents could be a basis for legal action, and until the Councilor states that she will not be suing the City and will drop the matter, he will continue to vote against accepting her correspondence.

Councilor Cruikshank said she had concerns about this and would not vote to accept the correspondence.

Councilor Nedelka said Councilor Cheney is not willing to let this subject drop, and he will not vote for it.

Councilor Weston asked for the City Attorney's input concerning the Council Rules on accepting correspondence.

City Attorney Krans went over the Council Rules on accepting correspondence. He also noted that Councilor Cheney might say she won't sue the City, but someone else could.

Councilor Weston said as chairperson for the Horne Street School Joint Building Committee, the committee is very uneasy with this situation. She personally requested that Councilor Cheney let this go, because it has gone on long enough.

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

#### 15. COUNCIL MATTERS OF INTEREST

Councilor Cheney said she was going to read the three legal opinions to the Council.

Deputy Mayor Trefethen asked for a point of order. He said the Council has just rejected the correspondence.



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Mayor Myers said he would allow Councilor Cheney to read the letters, because the Council can't censor what the other Councilors do. He said Council Matters of Interest is a time for Councilors to state their opinions.

Councilor Cheney read the three letters to the Council.

Councilor Cruikshank responded to the Citizen's Forum comments. She said the City Manager has gone over the procedure for collecting past due taxes, and that they are dictated by State law. She spoke about the need for new Fire equipment and the wear and tear on the old equipment on the truck, even though the mileage of the vehicle isn't too high. She said she enjoyed working on Dover Pride Clean-up Day. She said no one should question the frugality of the Community Services Department, because the broom she started with kept falling apart, and she decided it was quicker to go home and get her own broom.

Councilor Carrier thanked Superintendent O'Connor for his presentation. He asked the Councilors to put their efforts into this budget crisis. He said other items can be put on the back burner.

Councilor Weston said she used her own wheelbarrow on Dover Pride Cleanup Day, and she had a blast.

Mayor Myers said he appreciated all the comments at the podium, and the Council needs to hear more from the citizens. He said he is disappointed that some ask questions, but they don't wait for the answer or listen to the answer on Channel 22. He said it is frustrating when they get the same questions again, because it gives the impression that they don't respond to questions. City Manager Joyal said citizens can also call or email his office with any questions.

### **16. ADJOURNMENT**

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

Vote: 9/0.