



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 22, 2010**  
Meeting Time: **7:00pm**

### 1. CALL TO ORDER

### 2. MOMENT OF SILENCE

### 3. PLEDGE OF ALLEGIANCE

Councilor Cheney 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, and Councilor Weston.

**Also present:** City Manager Joyal, General Legal Counselor Krans, and City Clerk Lavertu.

### 5. PROCLAMATIONS/AWARDS – None

### 6. APPROVAL OF AGENDA

Councilor Hooper moved to add a School Board Report; seconded by Councilor Nedelka.

Vote: 9/0.

Deputy Mayor Trefethen moved to add an Appointments Committee Report; seconded by Councilor Garrison.

Vote: 9/0.

Deputy Mayor Trefethen moved to add five Raffle permits to the Consent Calendar, to be labeled 13.A.2.a. through 13.A.2.e; seconded by Councilor Hooper.

Vote: 9/0.

Deputy Mayor Trefethen moved to add the Change Order for the Cochecho River Bridge, to be labeled 13.B.3.; seconded by Councilor Weston.

Vote: 9/0.

Councilor Nedelka moved to accept the amended Agenda; seconded by Councilor Cruikshank.

Vote: 9/0.

### 7. PUBLIC HEARINGS

#### **A. AMENDMENT OF FY2010 FEE SCHEDULE FOR RESIDENTIAL C&D DISPOSAL RATES (REQUIRES A 2/3 MAJORITY VOTE)**

**SPONSORED BY COUNCILOR GARRISON AND COUNCILOR HOOPER**

**David Dinzeo, 24 Birch Drive, Chairperson for the Solid Waste Advisory Committee:** He said this Resolution was a result from a recommendation from the Solid Waste Advisory Committee to reduce the minimum fee for construction debris disposal from \$25.00 to \$15.00. He said the higher rate was a disincentive for recycling. He urged the Council to support it.

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



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### **B. ESTABLISHING A CAPITAL RESERVE TRUST FUND FOR PARKING SYSTEM'S SURPLUS INCOME**

SPONSORED BY MAYOR MYERS BY REQUEST

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

**John Leggett, Penny Lane:** He said this fund would receive \$200,000 per year. He said it was great for parking, but it wasn't great for the City overall. He said in five years the City will need \$2 million for debt payments. He said trust funds lock the money away and doesn't give the City options when we're in real trouble. He said he didn't believe comments from two weeks ago that it wasn't for a parking garage. He said it was a mistake.

**Donald Medbery, 3 Covered Bridge Lane:** He said he agreed with the previous speakers. He said these big ticket issues should be discussed during the City Manager meetings. He said the City needs to get more citizens involved.

**Kirt Schuman, 30 Cushing Street, Executive Director for the Greater Dover Chamber of Commerce:** He urged the Council to support this Resolution to preserve the revenues from the parking system in a dedicated fund. He said it was too early to tell if the solution for parking in Dover is a garage. He said any spending decisions would have to come before the Council.

**John Scruton, 99 Sixth Street:** He said he was against the trust fund. He said the City should be thinking about what can be done to relieve traffic congestion. He said a parking garage would bring in more traffic and defeats public transit. He said Dover was built before the automobile and is a walking City. He said the study shows that the parking garage funding was \$600,000 short, and that would fall back on the taxpayers. He said it needed to be privately built.

**Suzanne Medbery, 3 Covered Bridge Lane:** She said the taxpayers paid for the meters. She said they were assured that the revenues would go into the General Fund to repay the taxpayers. She said after that it would be free money and put aside for a garage.

**Anthony McManus, 39 Glen Hill Road, Vice Chairperson for the Parking Committee:** He urged the Council to support the Resolution. He said this has been a long ongoing process. It began with a study done on the future development, parking, and traffic in the downtown area. He said there were recommendations made that the Council adopted. He said one option was to build a parking garage. He said any change in the parking system would have no cost to the taxpayers. He said the new parking meters were not paid for by taxpayers. He said the surface parking lots are going to be made available to developers, which will no longer be available to the City of Dover. He said the reserve fund addresses the long range planning, so it pays for itself and not come from the taxpayers.



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**Jerry Lynch, 26B Lincoln Street:** He said he didn't see how the City could do this without taking taxpayers' money. He felt the City didn't need a parking garage.

**David Montenegro, 55 Union Street:** He said the idea that the parking meters are not taxing the public is absurd. He said any charge is a tax.

**Carrie Eisner, Program Director for Dover Main Street:** She referred to a survey from the community and the #1 complaint was parking. She urged the Council to support this Resolution.

**Robert Cloutier, 11 Shady Lane:** He said parking has been in Dover since 1948, with revenues going into the General Fund. He asked how that money is going to be replaced. He was concerned that this will cause the Council to override the tax cap again next year.

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

### **C. ADOPTION OF TAX INCREMENT FINANCING PROVISIONS**

**(COUNCIL VOTE TO OCCUR ON OCTOBER 13, 2010)**

SPONSORED BY MAYOR MYERS AND DEPUTY MAYOR TREFETHEN

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

**Donald Medbery, 3 Covered Bridge Lane:** He said taxpayers insured financing is a better definition. He said there are many examples of failed TIFs around the country. He referred to Mr. Dickinson and said he was milking the City. He said the taxpayers deserve better.

**Anthony McManus, 39 Glen Hill Road:** He said the Resolution does not commit the City to any project, but just adds this option on the books. He said there is a great misunderstanding was a TIF offers a community. He referred to successful TIF projects in Concord, Keene, and Newmarket. He recommended that the Council have a workshop to help explain TIFs to the citizens. He urged the Council to take this first step.

**Suzanne Medbery, 3 Covered Bridge Lane:** She said TIFs are very complex and complicated. She referred to the tax rates over the past few years, and said it has gone up 25%. She spoke about the uncertainties in the future, and that it's not encouraging. She asked what the next few years will bring.

**Jerry Lynch, 26B Lincoln Street:** He said once the Council starts this project they will not be able to back out of it. He said it was not a good idea, and many people don't agree with it.

**Kirt Schuman, 30 Cushing Street, Executive Director for the Greater Dover Chamber of Commerce:** He said the Chamber of Commerce supports this legislation. He said the final authority is the Council. He said it is just putting the tool in the toolbox.



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**John Leggett, Penny Lane:** He said the successful TIFs were completed during periods of rapid real estate appreciation. He asked if there was any research done on slower real estate appreciation. He urged the Council to think about it.

**John Scruton, 99 Sixth Street:** He discussed how he understood that TIFs use his money to loan out to a business that may or may not survive. He asked when the City Council went into the banking business.

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.*

**John Leggett, Penny Lane:** He said these issues are long range planning. He said the City will be facing some hard financial decisions in the next 5-10 years. He said the schools were in trouble. He said employers won't come if schools are in trouble.

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

**Donald Medbery, 3 Covered Bridge Lane:** He said it was easy for the Attorney and the Chamber of Commerce to say the City has to do this and has to do that. He said the #1 thing is education. He said if the City depletes funds and risk tax money, then they are not looking out for what is coming. He said bids in the City are consistently wrong. He said the City needed more competence.

**Carrie Eisner, Program Director for Dover Main Street:** She urged the Council to support the Main Street City Lights Resolution.

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

### 9. CITY MANAGER'S REPORT

City Manager Joyal said his report includes activities with the General Legal Counsel and Economic Development.

Councilor Weston referred to page 4/6, and a certain company receiving three years of tax exemption. She asked if that was property tax.

City Manager Joyal said this was an exemption on state profit taxes.

Councilor Weston referred to the public hearing comment that parking meters were paid by taxpayers. She asked about the status of payment.

City Manager Joyal said the City invested several thousand dollars to put in nine meters. He said those meters have generated enough income to pay for their costs, and they have moved on to the next phase and purchased additional meters.



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Councilor Weston asked if the additional meters will be paid for before the excess revenues go into the reserve fund.

City Manager Joyal said that was correct, unless the Council chooses otherwise.

Councilor Weston asked about the TIF district and that it was being created to help the waterfront district.

City Manager Joyal said there have been no discussions about developing a TIF district that would benefit the waterfront developer. He explained TIFs to the Council. He said no project is being targeted at this time. He said the purpose of a TIF is to benefit the community. He said the waterfront development is already in the process of development.

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

Vote: 9/0.

### 10. APPROVAL OF MINUTES

- A. **September 1, 2010**
- B. **September 8, 2010**

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

Vote: 9/0.

### 11. MAYOR'S REPORT

Mayor Myers thanked the City Clerk, her staff, and election workers for their work during the NH State Primary election. He attended two meetings in Concord for the Municipal Association discussing the Retirement System. He went over some Council policy positions that were voted on. He said he has done some ribbon cuttings for the Chamber of Commerce. He thanked the Fire and Rescue Department for holding a wonderful 9/11 ceremony. He attended the dunking booth on 9/12, and they raised a lot of money for the Dover Mounted Patrol. He attended a golf tournament that raised a lot of money for Dover Police Charities.

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

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. AMENDMENT OF FY2010 FEE SCHEDULE FOR RESIDENTIAL C&D DISPOSAL RATES (REQUIRES A 2/3 MAJORITY VOTE)**  
SPONSORED BY COUNCILOR GARRISON AND COUNCILOR HOOPER

Councilor Hooper moved for its adoption; seconded by Councilor Garrison.  
Councilor Garrison discussed the resolution, which reduces the minimum cost of construction debris for residents to \$15 from \$25.  
Councilor Cheney asked how the City will make up the revenue shortfall from this change. City Manager Joyal said they will make adjustments.  
Councilor Carrier started a discussion on how a commercial or residential vehicle is identified.  
Councilor Nedelka started a discussion about amending the resolution to reduce the rate to \$5 and increasing the per pound fee a penny.  
Councilor Garrison said he was willing to table the Resolution to redo the math.  
Councilor Nedelka said increasing a penny per pound was \$20,000, and reducing the minimum fee is \$20,000. He said it would be a wash. He made a motion to table until October 13<sup>th</sup> with additional information from the City Manager. It was not seconded.  
Roll Call Vote: 8/1; Passed. Councilor Nedelka was opposed.

**2. ESTABLISHING A CAPITAL RESERVE TRUST FUND FOR PARKING SYSTEM'S SURPLUS INCOME**  
SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Cruikshank.  
Deputy Mayor Trefethen explained what this Resolution involved. He said it is not for a parking garage. He suggested that this be tabled so the Council can have a workshop.  
Councilor Carrier made a motion to table this Resolution to a workshop; seconded by Deputy Mayor Trefethen.  
4/5; Failed. Deputy Mayor Trefethen, Councilors Carrier, Cheney and Weston voted in favor.  
Councilor Garrison started a discussion regarding the need to look to the future of parking in the City.  
Councilor Cheney said she had three areas of concern: 1. Trust fund. She referred to RSA 31:19. She was concerned with the wording that the funds can only be used for the parking system. She said it should be set up as a special reserve fund. 2. It was a tax. She said all revenues that come into the City belong to the taxpayers. 3. Income tracking is only for six months. She said this was an inappropriate application.  
Councilor Weston started a discussion about disbanding the trust fund if it is decided that the City doesn't need a garage or a separate trust fund for parking.  
City Manager Joyal said the Council can disband a trust fund and reallocate the funds elsewhere in the budget.



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

### 13. NEW BUSINESS

#### A. CONSENT CALENDAR

1. **RAFFLE – Dover Little Green Football Inc.**
2. **PARADE – Greater Dover Chamber of Commerce**
- 2a. **RAFFLE – Ageless Dreamer**
- 2b. **RAFFLE – Cochecho Arts and Technology Academy**
- 2c. **RAFFLE – Cochecho Valley Humane Society**
- 2d. **RAFFLE – Cornerstone Tax Services LLC**
- 2e. **RAFFLE – Friends of the Park Riverwalk and Public Garden**
  
3. **RESOLUTION: B11006 SIDEWALK TRACTORS & ATTACHMENTS**  
SPONSORED BY MAYOR MYERS BY REQUEST
  
4. **RESOLUTION: B11010 FOR SEGREGATION AND RECYCLING OF CONSTRUCTION DEBRIS AND DEMOLITION WASTE**  
SPONSORED BY MAYOR MYERS BY REQUEST
  
5. **RESOLUTION: AUTHORIZING THE CITY CLERK TO INCLUDE A DONATION ENVELOPE WITH TAX BILLS**  
SPONSORED BY MAYOR MYERS BY REQUEST

#### COMMITTEE REPORTS

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

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

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

Councilor Garrison asked to pull the Appointments Committee Report.

Deputy Mayor Trefethen asked to pull Item 13.A.5.

Councilor Weston asked to pull Item 13.A.3.

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

Roll Call Vote: 8/0; Passed. Councilor Hooper was not present in the Council Chambers.



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Deputy Mayor Trefethen moved for the approval of Item 13.A.3.; seconded by Councilor Weston. Councilor Weston asked the City Manager how many the City has now. City Manager Joyal said the City had three: model years were 2000, 1999, and 1988. Councilor Weston asked if the City will be able to plow more sidewalks. City Manager Joyal said no more sidewalks can be clear because they don't have the manpower. Roll Call Vote: 8/0; Passed. Councilor Hooper was not present in the Council Chambers.

Deputy Mayor Trefethen moved for the approval of Item 13.A.5.; seconded by Councilor Weston. Deputy Mayor Trefethen started a discussion on the costs for the extra envelopes and if the estimated revenue will cover that cost. City Manager Joyal said they are going out to bid on the envelopes, the mailing service said they would add the envelopes with no extra charge, and they have no idea what the return will be. They just want to try this out on the remaining bills for this year. He said it was completely voluntary. Roll Call Vote: 8/0; Passed. Councilor Hooper was not present in the Council Chambers.

Deputy Mayor Trefethen moved for the approval of the Appointments Committee Report. Councilor Garrison referred to the open spot on the Dover Pool Advisory Committee, and that Ann Fredette said she was interested in filling that position. Mayor Myers said it was discussed, that it was an omission in the draft minutes, and it will be updated.

Deputy Mayor Trefethen listed the recommendations for reappointments for the Council's approval.

- Arena Commission – Martin Sullivan
- Arts Commission – Harvey Turner  
Jeffrey Johnson  
Jane Hamor
- Board of Health – Betsey Andrews Parker
- Conservation Commission – Alban Lobdel
- Personnel Advisory – Robert Weisner
- DBIDA – Sam Haddadin
- Parking Commission – George Maglaras  
Carrie Keech
- Pool Advisory Committee – Ann Fredette moved from an Alternate to Regular position

Deputy Mayor Trefethen said the Parking Commission has implemented staggered terms. Deputy Mayor Trefethen moved for the approval of the Appointments Committee Report and the recommendations brought forward to the Council; seconded by Councilor Weston. Vote: 8/0. Councilor Hooper was not present in the Council Chambers.

Councilor Carrier confirmed that there is an opening on the Recreation Advisory Board.



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### B. RESOLUTIONS

**1. MAIN STREET HOLIDAY CITY LIGHTS PROJECT  
SPONSORED BY MAYOR MYERS**

Mayor Myers moved for its adoption; seconded by Councilor Cruikshank.  
Mayor Myers discussed this Resolution with the Council.  
Roll Call Vote: 8/0; Passed. Councilor Hooper was not present in the Council Chambers.

**2. AMENDMENT OF FY2011 FEE SCHEDULE FOR PARKING LOT RATES  
(REQUIRES A 2/3 MAJORITY VOTE)  
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 13, 2010)  
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved to refer to a public hearing on October 13, 2010;  
seconded by Councilor Weston.  
Vote: 8/0. Councilor Hooper was not present in the Council Chambers.

**3. B10091 – BRIDGES OVER COCHECO RIVER CHANGE ORDER #1  
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Garrison.  
City Manager Joyal explained the change order request and the options for repairs to the  
Fourth Street Bridge.  
Roll Call Vote: 8/0. Councilor Hooper was not present in the Council Chambers.

### C. ORDINANCES IN 1ST READING

**1. CHAPTER 166, VEHICLES AND TRAFFIC – PARKING METERS  
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 13, 2010)  
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved to refer to a public hearing on October 13, 2010;  
seconded by Councilor Cruikshank.  
Vote: 8/0. Councilor Hooper was not present in the Council Chambers.

**14. COUNCIL CORRESPONDENCE – None**

**15. COUNCIL MATTERS OF INTEREST**

Councilor Garrison said he attended the Strafford County Conversation Event at UNH. He read from a brochure he received from the event to the Council.  
Councilor Nedelka said he will not be attending the McConnell Center Advisory Committee meeting, and will not be providing a summary to the Council. He said instead he will be attending the Stormwater Utility Committee meeting.



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### 16. ADJOURNMENT

Deputy Mayor Trefethen moved to adjourn; seconded by Councilor Weston.  
Vote: 8/0. Councilor Hooper was not present in the Council Chambers.