



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, October 27, 2010**
Meeting Time: **7:00pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Cruikshank led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Myers, Councilor Carrier, Councilor Cheney, Councilor Cruikshank, Councilor Garrison, Councilor Hooper, Councilor Nedelka and Councilor Weston.

Deputy Mayor Trefethen arrived at 7:12.

Also present: City Manager Joyal and City Clerk Lavertu.

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Councilor Hooper moved to add the School Board Report; seconded by Councilor Weston.

Vote: 8/0.

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

Vote: 8/0.

7. PUBLIC HEARINGS

A. DISCONTINUANCE OF A PORTION OF OLD ROLLINSFORD ROAD SPONSORED BY MAYOR MYERS BY REQUEST

Malcolm McNeill, Representative for Wentworth-Douglass Hospital: He said Wentworth-Douglass Hospital was the proponent for the discontinuance of Old Rollinsford Road. He discussed the reasons for moving the road to the south was to ensure the expansion of the hospital. He said all conditions have been met with no cost to the City. The City maintains the necessary utility easements. He said this was a discontinuance, but with a replacement that will not have an adverse effect on abutters. He said Wentworth-Douglass Hospital is asking for the Council to approve the discontinuance of the roadway and acceptance of the new roadway.

Robert Fisher, 23 Hillcrest Drive: He discussed the history of the roads around Wentworth-Douglass Hospital. He said just beyond the road is the Garrison Ski area, and he suggested that the City seek federal funds to put the ski lift back up. He said concerns about the cost of insurance could be eased because New Hampshire law provides that nothing can be recovered for a downhill ski accident. Another option would be to continue to the road into Rollinsford, which would alleviate traffic on Oak Street and Central Avenue.



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Harvey J. Lynch, 26B Lincoln Street: He asked any Councilors who have any relatives working for Wentworth-Douglass Hospital to recuse from voting on the Resolution.

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

**B. B11022 DREDGE DISPOSAL FACILITY OPERATIONS
(REQUIRES A 2/3 MAJORITY VOTE)
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.

Sharon Reynolds, 34B Court Street, a Friend of the Dover Public Library: She discussed the Library Book Sale.

Edward Bleiler, 28 Isaac Lucas Circle: He discussed the purchase of the water tower for the Dover Ice Arena, and the need to go out to bid on the project. He referred to the Foster's Daily Democrat article that surveyed the overall health of businesses in Dover, and disagreed with its finding for the need for Downtown parking.

Robert Fisher, 23 Hillcrest Drive: He responded to City Manager Joyal's comments regarding his statements at the last regular City Council meeting on October 13, 2010. He spoke about the bonding process. He said he is not seeing justification for expenditures during the year, because he didn't consider them emergencies.

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

9. CITY MANAGER'S REPORT

City Manager Joyal discussed two items not in his report: 1. The green envelope for donations, which will be included in the water bills and tax bills. 2. He said the tax rate has not been set, because they are waiting to get an appointment with the Department of Revenue Administration (DRA). He said the due date for the tax bill will be adjusted to allow time for the taxpayers to return their payment.

Deputy Mayor Trefethen asked about updates to assessments, which usually is sent out in early fall.

City Manager Joyal said a mailing was sent out two weeks ago to properties with a change in value. He said the list is posted on the website.

Councilor Nedelka referred to the Economic Development Director's report, and asked about meetings concerning the Tuttle property.



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City Manager Joyal said there has been some effort to find another agricultural reuse for the property by nonprofit groups with access to grants.

Councilor Weston moved to accept the City Manager's Report; seconded by Councilor Hooper.

Vote: 9/0.

10. APPROVAL OF MINUTES

A. October 6, 2010 – Workshop Session

B. October 13, 2010 – Regular Session

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

Vote: 9/0.

11. MAYOR'S REPORT

Mayor Myers discussed the City Council meeting schedule. He attended the plaque hanging ceremony at the Portsmouth Naval Shipyard for the USS Oklahoma City. He did several ribbons cuttings for the Greater Dover Chamber of Commerce. He attended the Municipal Advisory Committee meeting last week. He reminded everyone to vote on November 2nd, polling hours are 8:00 am to 7:00 pm. He will be hosting his "Coffee with the Mayor" at Café on the Corner on Saturday, October 30th, 9:00 am to 11:00 am.

Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Councilor Hooper.
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 RELOCATED "OLD ROLLINSFORD ROAD"

SPONSORED BY MAYOR MYERS BY REQUEST

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

Councilor Weston discussed her concerns on traffic congestions in this corridor.

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



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**2. DISCONTINUANCE OF A PORTION OF OLD ROLLINSFORD ROAD
 SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Garrison. Councilor Nedelka referred to the Public Hearing comment regarding relatives working for the Wentworth-Douglass Hospital. He said his wife is an independent contractor at the hospital, but does not work for the hospital. He will not be recusing himself from the vote. Roll Call Vote: 8/1; Passed. Councilor Weston was opposed.

**3. B11022 DREDGE DISPOSAL FACILITY OPERATIONS
 (REQUIRES A 2/3 MAJORITY VOTE)
 SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston. Mayor Myers discussed the completion of this project and closing the dredge cell. Roll Call Vote: 9/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. TAG – Newmarket High School Interact Club**
- 2. B08100 CHANGE ORDER I – ENERGY EFFICIENCY PERFORMANCE CONTRACT WITH JOHNSON CONTROLS
 SPONSORED BY MAYOR MYERS BY REQUEST**

COMMITTEE REPORTS

- | | |
|--|---|
| 1. School Board | 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 – 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 Weston.

Mayor Myers asked the Council if they had any items they would like pulled for further discussion. Councilor Hooper asked to pull the School Board Report.

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

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

Vote: 9/0.



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Deputy Mayor Trefethen moved for the approval of 13.A.2.; seconded by Councilor Weston. Deputy Mayor Trefethen asked about the source of the funds to pay for this equipment. City Manager Joyal said the City has realized additional savings in the natural gas account for the Arena as a result of the new compressors. He said they were addressing it now because it failed and needed to be replaced. He said the new equipment will provide even more energy efficiency. Councilor Weston asked why it wasn't put out to bid. City Manager Joyal said Johnson Controls' price was consistent with the manufacturer. Councilor Weston asked if it will become part of the contract. City Manager Joyal said it will not become part of the Energy Efficiency Performance contract. Roll Call Vote: 8/1; Passed. Councilor Cheney was opposed.

Councilor Hooper discussed the School Board Report with the Council. Councilor Weston moved to accept the School Board Report; seconded by Councilor Cheney. Vote: 9/0.

B. RESOLUTIONS – None

C. ORDINANCES IN 1ST READING

1. CHAPTER 170 – UPDATING THE DOVER ZONING ORDINANCE (TO BE REFERRED TO A PUBLIC HEARING ON NOVEMBER 10, 2010) SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved to refer to a public hearing on November 10, 2010 and waiving the mailing; seconded by Councilor Cruikshank. Vote: 9/0.

14. COUNCIL CORRESPONDENCE – None

15. COUNCIL MATTERS OF INTEREST

Councilor Nedelka pleaded with the public for volunteers for tax preparations at the Public Library. Councilor Cheney discussed registering to vote at the polling place on November 2nd. City Clerk Lavertu said that was correct. Councilor Cheney referred to the changes to the Zoning Ordinance and asked about crossing out the word "religion". She said she did some research and discussed the Religious Land Use and Institutionalized Persons Act (RLUIPA). City Manager Joyal said he would have the General Legal Counsel address this issue. Deputy Mayor Trefethen said the Ordinance cannot be amended, but could be sent back to the Planning Board to amend it.

16. ADJOURNMENT

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