



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, December 08, 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 Nedelka, and Councilor Weston.

Absent: Councilor Hooper

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

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Deputy Mayor Trefethen moved to remove Item 13.A.8. from the Agenda; seconded by Councilor Cruikshank.

Vote: 8/0.

Deputy Mayor Trefethen moved to add the Appointments Committee Report to the Consent Calendar; seconded by Councilor Weston.

Vote: 8/0.

Deputy Mayor Trefethen asked to add the amended Resolution: Appropriation for FY2012 Capital Improvements Program and Authorization for Bonding as Item 13.B.3.; seconded by Councilor Nedelka.

Vote: 8/0

Deputy Mayor Trefethen asked to add the amended Resolution: Appropriation for FY2012 Capital Improvements Program – Non-Debt Financed Projects as Item 13.B.4.; seconded by Councilor Garrison.

Vote: 8/0.

Deputy Mayor Trefethen moved to accept the Agenda as amended; seconded by Councilor Nedelka.

Vote: 8/0.



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7. PUBLIC HEARINGS

A. CHAPTER 170 – UPDATING THE DOVER ZONING ORDINANCE SPONSORED BY DEPUTY MAYOR TREFETHEN

Donald Medbery, 3 Covered Bridge Lane: He said he had a minor problem with the changes to the Zoning Ordinance. He referred the Council to Page 1/13, Civic Building, and the omission of Religion between Culture and Education. He explained why he felt the Council should take into consideration to put Religion back into the Zoning Ordinance.

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.

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

David Scott, 220 Back Road: He went over the three reasons why he was recommending that the Council vote no on the CIP package. He asked the Council to keep the CIP to the amount of debt being retired.

John Scruton, 99 Sixth Street: He referred to the 1990's when the City went to twice-a-year billing for property taxes, and the creation of Enterprise funds that were supposed to pay for everything. He said since that time taxes have only gone up. He said the City should be spending more time putting land into current use. He spoke about programs in the City and said he sees a lot of corporate welfare; \$3 million to widen Indian Brook and using parking meter funds to build a parking garage. He said he felt the City should just run the core of the City and stop the bonding.

Ronald Huml, 199 Mast Road: He referred to his Social Security not getting a cost of living increase this year, and asked the Council to keep the City's budget the same for 2011-2012. He spoke about the economic conditions and delinquent mortgages around the country. He understands that the Arena broke even, which is the second year in a row. He said the Arena should pay for their 34% share of the energy efficiency bonding, and lessen the tax burden on the people. He also said water/sewer should be excluded, and the funds taken out of the enterprise funds.

Donald Medbery, 3 Covered Bridge Lane: He said he supported shimming Tolend Road/Watson Road, and agrees that the reconstruction can wait. He addressed the Tolend Landfill project and bid for the CMA engineers that have increased, and asked why this wasn't researched and discovered before the bidding process. He asked why Mr. Peschel's contract wasn't put out to bid. He referred to Severino's violations that are being ignored. He asked the Council to look at the history of the CIP and the things that have been added into the contracts.



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Michelle B. Holt-Shannon, 13 Florence Street and John Leggett, 3 Penny Lane: They spoke about Dover Listens, the new group they are forming. Its sole purpose is to provide a safe forum to get involved and discuss community issues. They are hosting a facilitator program in January and a community dialogue in February. They were asking for support from the Council. The email address is dover.listens@gmail.org.

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

9. CITY MANAGER'S REPORT

City Manager Joyal submitted his written report to the Council. He referred to additional items placed on the Councilors' desks: Revised tables for the CIP based on discussions from the December 1st Council Workshop. He spoke about the new intercity bus service being provided by Falcon Bus Lines.

Councilor Nedelka referred to the item in the City Manager's Report regarding a damaged fire hydrant being replaced, and asked if the City was going to be reimbursed.

City Manager Joyal said they were planning on billing the party involved.

Councilor Cheney asked about the schedule on the CIP vote and if they were going to have any more workshops.

Mayor Myers said they will be having a Public Hearing on January 5th, followed by a Workshop. He said the vote on the CIP will occur on January 12th.

Mayor Myers referred to the Citizen's Forum comment regarding the Change Order, the Resolution that was pulled from the Agenda. He asked if it could be called something else because this is additional scope of work that will be piggybacking on the original bid.

City Manager Joyal said he will discuss it with the Purchasing Agent.

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

Vote: 8/0.

10. APPROVAL OF MINUTES

- A. November 10, 2010 – Workshop Session – Joint Meeting with Planning Board**
- B. November 10, 2010 – Regular Session**
- C. November 17, 2010 – Public Meeting held in City Manager's Office.**
- D. November 17, 2010 – Special Meeting**

Deputy Mayor Trefethen moved for the approval of the Minutes; seconded by Councilor Garrison.
Vote: 8/0.



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11. MAYOR'S REPORT

Mayor Myers thanked the Dover Veterans Council and Veterans who attended the Veterans Day ceremony. He attended the official opening of the Community Trail. He attended the 3rd Grade gathering to discuss the history of government in Dover. He attended the Local Government Center 3-day conference. He attended the celebration for R.F. Hunter's 65th year in business. He attended Blue Latitudes the day before Thanksgiving, where they provided meals to people less fortunate. He thanked the people at St. Mary's for organizing the Dover Christmas parade. He attended the Dover Business and Industrial Development Authority meeting. He attended the Christmas tree lighting at Henry Law Park last Friday, which was followed by the Festival of Trees in the City Hall Auditorium. He said he also did a few ribbon cuttings for the Greater Dover Chamber of Commerce.

Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Councilor Carrier.
Vote: 8/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING – None

B. ORDINANCES IN THE 3rd READING

1. CHAPTER 170 – UPDATING THE DOVER ZONING ORDINANCE SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor gave a brief background on the changes to the Ordinance. He felt it was a benefit to the community. He asked the Council not to delay this for one word, but realize that it can always be updated again at a later time.

Councilor Garrison spoke about his concern with farm animals. He said he has done some research on this, and his only concern is that he would like a minimum height for a fence be added.

Councilor Cheney said she didn't feel they should remove the word religion. She referred to Richmond, NH losing a \$1.5 million case for violating church rights. She spoke of her research with attorneys. She said she would not support this Ordinance.

Mayor Myers asked General Legal Counsel Krans to speak on this issue.

Counselor Krans said he researched the Richmond, NH case, and said it was totally different. He was comfortable that this wording would not put the City in jeopardy. He said there are many zones where churches are allowed.

Roll Call Vote: 7/1; Passed. Councilor Cheney was opposed.

C. RESOLUTIONS – None



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13. NEW BUSINESS

A. CONSENT CALENDAR

1. **PARADE – Moms on the Run – Mother’s Day 5K Run/Walk**
2. **RAFFLE – Community Services Employees**
3. **RAFFLE – Dover Children’s Home**
4. **TAG – Dover High School Girls Basketball Booster Club**
5. **TAG – Primetime All Star Boosters – December**
6. **TAG – Primetime All Star Boosters – January**

7. **RESOLUTION: ACCEPTANCE OF DONATION – OUTDOOR BENCH**
SPONSORED BY MAYOR MYERS

8. **RESOLUTION: B10033 CHANGE ORDER 1 - TOLEND ROAD AND WATSON ROAD ENGINEERING SERVICES**
SPONSORED BY MAYOR MYERS BY REQUEST

Item was pulled from the Agenda.

COMMITTEE REPORTS

- | | |
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| 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 Garrison.

Mayor Myers asked the Council if they had any items they wish to pull for further discussion.

Councilor Garrison asked to pull the Solid Waste Advisory Commission Report.

Deputy Mayor Trefethen asked to pull the Appointments Committee Report.

Mayor Myers asked to pull Item 13.A.7.

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

Vote: 8/0.

Mayor Myers moved for the approval of Item 13.A.7.; seconded by Councilor Garrison.

Mayor Myers said he just wanted to give recognition to people involved in this donation.

Vote: 8/0.



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Deputy Mayor Trefethen addressed the Appointments Committee Report. He gave their recommendations for the Council's approval:

New appointments:

- Ad-Hoc Willand Pond Committee – Suzanne Ellis, Alternate
Martha Wilson, Alternate
- Transportation Advisory Commission – Maurice Olivier
- Recreation Advisory Board – Scott Kelley
Jake Bishop
- Open Lands Committee – Anne Kotlus
- Arts Commission – Anthony McManus
- Dover Utilities Commission – Dana Leggett
- Trustees of the Trust Fund – David Dupont
- Conservation Commission – Cora Quisumbing- King
- Ethics Committee – Brendan Licata
Karen Gray
Rose Forcillo
- Zoning Board of Adjustment – Joshua Cote, Alternate
Jennifer Stone, Alternate

Reappointments:

- Library Board of Trustees – Carol Boc

Deputy Mayor Trefethen moved to accept the recommendations of the Appointments Committee; seconded by Councilor Weston.

Vote: 8/0.

Deputy Mayor Trefethen said there were still a number of vacancies:

- Arts Commission – 4 openings
- Conservation Commission – 5 regular, 1 alternate
- Solid Waste Advisory Commission – 2 openings
- Recreation Advisory Board – 1 opening
- Pool Advisory Committee – 1 opening
- Open Lands Committee – 4 openings
- Energy Advisory Committee – 2 openings
- Ad-Hoc Willand Pond Committee – 2 alternate openings

Councilor Garrison moved to accept the Appointments Committee Report; seconded by Councilor Cheney.

Vote: 8/0.



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Councilor Garrison gave an overview on his Solid Waste Advisory Commission Report.
Councilor Nedelka moved to accept the Solid Waste Advisory Commission Report; seconded by Councilor Carrier.
Vote: 8/0.

B. RESOLUTIONS

- 1. AUTHORIZING THE CITY MANAGER TO APPLY FOR THE ECONOMIC REVITALIZATION ZONE (ERZ) APPLICATION FOR THE SIXTH STREET SITE AND MAST ROAD SITE**
SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Cheney.
Mayor Myers gave an overview on this Resolution.
Vote: 7/1; Passed. Councilor Nedelka was opposed.

- 2. RESOLUTION: AMENDMENT OF FY2011 FEE SCHEDULE TO ESTABLISH PARKING METER TOKEN RATES (REQUIRES A 2/3 MAJORITY VOTE) (TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 12, 2011)**
SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved to refer to a public hearing on January 12, 2011; seconded by Councilor Weston.
Vote: 8/0

- 3. RESOLUTION: APPROPRIATION FOR FY2012 CAPITAL IMPROVEMENTS PROGRAM AND AUTHORIZATION FOR BONDING (TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 5, 2011)**
SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved to refer to a public hearing on January 5, 2011; seconded by Councilor Weston.
Vote: 8/0.

- 4. RESOLUTION: APPROPRIATION FOR FY2012 CAPITAL IMPROVEMENTS PROGRAM – NON-DEBT FINANCED PROJECTS (TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 5, 2011)**
SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved to refer to a public hearing on January 5, 2011; seconded by Councilor Cheney.
Vote: 8/0.

C. ORDINANCES IN 1ST READING – None



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14. COUNCIL CORRESPONDENCE – None

15. COUNCIL MATTERS OF INTEREST

Deputy Mayor Trefethen recommended that the Council have the Public Hearings on January 5th at 7:00 pm, followed by a Workshop on the CIP and other items.

Mayor Myers said they still may start earlier, but stop at 7:00 pm for the Public Hearings.

Deputy Mayor Trefethen congratulated Michelle Holt-Shannon and John Leggett for starting up Dover Listens.

Councilor Cheney referred to Earle Goodwin's letter and made a motion that it be submitted into the record as Council Correspondence; seconded by Councilor Weston.

Vote: 8/0.

Councilor Nedelka referred to the last meeting of the Ad-Hoc Stormwater Feasibility Committee to be held on December 13th. He said they will be bringing their recommendations to the Council on January 5th. He said it might be a good topic to discuss from 6:00 to 7:00 pm.

General Legal Counsel explained the Supreme Court ruling on the tax cap language. The language was ruled as illegal, not permitted in Manchester, and by extrapolation is not permitted in Dover. He said there is no longer a tax cap in Dover. He said it wasn't necessary to remove the language from the Charter, but it will have a footnote that cites the case.

City Manager Joyal said the City is cognizant of financial conditions, the requests and desires of the citizens and the presented budgets will continue to be frugal.

16. ADJOURNMENT

Councilor Nedelka moved to adjourn; seconded by Councilor Cruikshank.

Vote: 8/0.