



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, January 12, 2011**  
Meeting Time: **7:00pm**

### 1. CALL TO ORDER

### 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 Cheney, Councilor Cruikshank, Councilor Garrison, Councilor Hooper, Councilor Nedelka and Councilor Weston.

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

### 5. PROCLAMATIONS/AWARDS – None

### 6. APPROVAL OF AGENDA

Deputy Mayor Trefethen moved to add a letter from Mr. Vanderheide to Council Correspondence; seconded by Councilor Nedelka.

Vote: 9/0.

Deputy Mayor Trefethen moved to substitute 13.A.9. with amended Resolution; seconded by Councilor Hooper.

Vote: 9/0.

Deputy Mayor Trefethen moved to substitute 13.C.3. with amended Resolution; seconded by Councilor Carrier.

Vote: 9/0.

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

Vote: 9/0.

Councilor Cheney moved to add a letter from Suzanne Jones to Council Correspondence; seconded by Councilor Weston.

Vote: 9/0.

Deputy Mayor Trefethen moved to approve the Agenda as amended; seconded by Councilor Garrison.

Vote: 9/0.



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### 7. PUBLIC HEARINGS

#### **A. RESOLUTION: AMENDMENT OF FY2011 FEE SCHEDULE TO ESTABLISH PARKING METER TOKEN RATES (REQUIRES A 2/3 MAJORITY VOTE) SPONSORED BY MAYOR MYERS BY REQUEST**

**Pam Simpson, 11 Toftree Lane, co-owner of Harvey's Bakery Shop:** She felt Dover did not have a parking problem and shouldn't have paid parking, because it hurt businesses. She felt that the discounted tokens will allow Dover businesses to purchase tokens and hand them out to their customers. She said the City needed to educate people on how to use the new parking machines. She said businesses need help to find parking for their employees.

**Joga Singh, Manager for Taste of India Restaurant:** He said parking is a big problem. He said it should be cheaper and no fee after 5:00 pm.

**Raymond Guillemette, 7 Hayes Lane, former owner of Harvey's Bakery:** He said the Parking Commission didn't think about the people when they implemented the pay and display meters. He said people have to go to the meter and then back to their car to put the card on their dashboard. If it's raining or snowing, people with children, and elderly people find this very difficult. He understood that this is successful for the City, but he felt they should lower the fee to help customers. He asked for police officers to help those who don't know how to operate the meters. He asked that Officer Simon reassess the pricing program and make the transition easier. He said the City also needed to improve off street parking.

**Anthony McManus, 39 Glen Hill Road, Vice-Chairperson for the Parking Committee:** He said this Resolution was the next step in the process. He asked the Council to approve the discount token program as recommended by the Parking Committee.

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.*

**Ann Fredette, 109 Back River Road, Member of the Pool Advisory Committee:** She informed the Council that January 24<sup>th</sup> is the start of Dover Swims Week. She asked the public to help support the event.

**David Montenegro, 55 Union Street:** He discussed decisions that the City Council has to make and how they are made, and asked about the financial model that the Mayor mentioned at the last meeting.

Mayor Myers said the financial model that Mr. Montenegro referred to will be discussed at the Council Workshop scheduled for January 19, 2011.



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**Peter Driscoll, 41 Arch Street:** He discussed Item 13.C.3., Rezoning Arch Street, with the Council. He said on behalf of the citizens he asked that the Council support this Ordinance.

**Mary Hebbard, 97 Spruce Lane:** She spoke about Item 13.B.1., Creation of a Charter Commission, with the Council. She discussed the Stormwater Utility presentation, and said the City is moving too fast. She said minutes were missing for the meetings of the Stormwater Feasibility Study Committee. She said everyone should pay attention and say no to a new utility.

Councilor Nedelka asked for a point of order. He said he will check on the missing minutes for the Stormwater Feasibility Study Committee and have them updated as soon as possible.

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 written report to the Council, and wanted to bring a few items to the Council's attention.

- New procedures for Downtown emergency parking ban. The Police Chief declares an emergency and then there is a phone tree to notify businesses. Please contact the Parking Bureau or Police Department with any questions.
- Environmental Protection Agency hosting an informational update on the Tolend Landfill Remediation Project. Held at Community Services, 271 Mast Road, on January 20, 2011.
- Feedback from the Council regarding selling the Pedestrian Bridge. He said Kennebunk, Maine is interested in it.

Councilor Nedelka asked if Kennebunk would be paying money for the bridge, and if it alleviated the City's responsibility because there was a grant involved.

City Manager Joyal said the City would be relieved of any grant responsibility. He said there was just an expression of interest in the bridge, and no formal offers have been made.

Councilor Carrier started a discussion in favor of moving the bridge.

City Manager Joyal said he would see what interest is out there. He said there is interest with citizens who are looking into fundraising and finding a place for the bridge in Dover. He said no final decision will be made without the Council.

Councilor Weston spoke about the update for the Local Government Center (LGC), and asked four questions:

- What is the status on recovering the money from the LGC that was used for Worker's Compensation?
- What is estimated amount that may come back to Dover?
- What is the status of Dover's position on the surplus?
- What is the estimate of what that amount would be?

City Manager Joyal they believe it will be about 1% of health premiums paid over a four year period, a little less than \$200,000. He said the LGC is waiting for a final determination by the Secretary of State as to whether there is a surplus owed to the communities. He felt the money owed to Dover would probably be a credit on future health insurance premiums.

Councilor Cheney asked when the dredge cell will be closed.



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City Manager Joyal said once the dredging work was completed they would come before the Council with the final plan. He said the dredge cell is not completely full. He said preliminarily they will be asking to cap the portion of the cell that is full, and would give the City an area to put spoils. He said they have secured tentative approval from Department of Environmental Services (DES) to put snow on top of the dredge spoils, allow it to melt, run off into the wastewater system and be treated in accordance with the EPA requirements.

Councilor Cheney asked about the catch basin materials.

City Manager Joyal said they dry out the catch basic materials before placing them into the dredge cell.

Mayer Myers referred to Pages 30-32 of the City Manager's Report, stating that most of the revenue numbers seem to be tracking. He asked about water/sewer revenues trailing.

City Manager Joyal said it was the lag in receipts for the second residential billing due in December and monthly commercial billing for December.

Mayor Myers asked for a column showing the percentage of actual expenditures.

City Manager Joyal said the new financial software has been programmed to show it.

Mayor Myers asked about lagging revenues for the Arena.

City Manager Joyal said it was based on cash received. He said January, February and March are the busiest months.

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

Vote: 9/0.

### 10. APPROVAL OF MINUTES

- A. December 1, 2010 – Special Meeting
- B. December 1, 2010 – Workshop
- C. December 8, 2010 – Regular Session

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

Vote: 9/0.

### 11. MAYOR'S REPORT

Mayor Myers said he did some final holiday events. He did a reading at Café on the Corner for the kids, which was the warm up act for Santa and Mrs. Claus. He delivered holiday baskets to several residents in Dover. He attended meetings for the Financial Policy Committee and Dover Business and Industrial Development Authority (DBIDA). He sent letters on behalf of the City to Senator Gregg, Representatives Hollingsworth and Shea-Porter thanking them for their service. He and the City Manager met with representatives from Fairpoint.

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

Vote: 9/0.



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### 12. UNFINISHED BUSINESS

#### A. ORDINANCES IN THE 2<sup>nd</sup> READING – None

#### B. ORDINANCES IN THE 3<sup>rd</sup> READING – None

#### C. RESOLUTIONS

##### 1. RESOLUTION: AMENDMENT OF FY2011 FEE SCHEDULE TO ESTABLISH PARKING METER TOKEN RATES (REQUIRES A 2/3 MAJORITY VOTE) SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Garrison. Councilor Cheney moved to amend the Resolution to change the rate from \$0.20 for 20 minutes to \$0.10 for 20 minutes; seconded by Councilor Weston.

Mayor Myers said it's currently \$0.75 per hour, and asked for a percentage discount. He said this Resolution allows for a 20% discount, or \$0.60 per hour.

Councilor Cheney said she would like the discount to be \$0.30 per hour, or a 60% discount.

Councilor Cheney moved to amend the Resolution to change the discount to 60%, instead of 20%; seconded by Councilor Weston for discussion.

Councilor Weston clarified the discount amount. She felt 60% was too big a discount.

Councilor Hooper said they have to be careful not to impact Downtown businesses, but felt the City needed the parking revenue. She felt 50% would be a more moderate position.

Councilor Garrison suggested having a 50% discount for six months, 30% for the next six months, and then easing into the 20% discount.

Mayor Myers said he felt a 60% discount was too high. He felt this was going against the Parking Commission.

City Manager Joyal said Parking Commission did look at the system as a whole. He said it was the intent for businesses to purchase the tokens as an incentive program. He said it was part of something larger and a discount this large could defeat the purpose of pay and display meter system.

Councilor Cheney withdrew her motion to amend the Resolution.

Deputy Mayor Trefethen said tokens are a good idea, mostly used by people who frequent the Downtown area a lot, and the parking shufflers. He said most people will not use the token program. He felt there was a disconnect between the City Council and Parking Commission. He said it was the Council that was going to take the heat for the parking meters. He said the Council delegated authority to the Parking Commission, but the Council needs to be more in the loop before there is an official resolution.

Councilor Hooper asked for the cutoff point of where they are helping the merchant without cutting off revenue. She said the Council needed more information from the Parking Commission.

Mayor Myers said they should have a start off point with a discount when the meters go online.



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Deputy Mayor Trefethen asked when the new meters go online, and how the tokens were being sold.

City Manager Joyal said they are planning on using the new meters on January 18, 2011, and tokens are being sold by a roll.

Deputy Mayor Trefethen moved to amend the Resolution from a 20% discount to a 30% discount; seconded by Councilor Hooper.

Vote: 8/1; Passed. Mayor Myers was opposed.

Mayor Myers said he opposed because it went against the recommendations from the Parking Commission.

City Manager Joyal clarified that there were 30 tokens per roll, \$5.00, instead of \$7.50 without the tokens.

Mayor Myers asked for a vote on the amended Resolution.

Vote: 8/1; Passed. Mayor Myers was opposed.

### 13. NEW BUSINESS

#### A. CONSENT CALENDAR

1. **RAFFLE – Dover High School Basketball Boosters – 12/12/10-12/30/10**
2. **RAFFLE – Dover High School Basketball Boosters – 1/15/11-1/30/11**
3. **RAFFLE – Dover High School Basketball Boosters – Home Games**
4. **RAFFLE – Saint Mary Academy**
  
5. **RESOLUTION: RECYCLING CENTER AGREEMENT WITH THE TOWN OF MADBURY**  
SPONSORED BY MAYOR MYERS BY REQUEST
  
6. **RESOLUTION: B11027 PERIMETER SURVEYS, TEST BORINGS, ENVIRONMENTAL AND GEOTECHNICAL ANALYSIS FOR FOUR CITY OWNED PARKING LOTS**  
SPONSORED BY MAYOR MYERS BY REQUEST
  
7. **RESOLUTION: B11028 ELECTRICAL SERVICES CONTRACTOR**  
SPONSORED BY MAYOR MYERS BY REQUEST
  
8. **RESOLUTION: B11029 INTERSECTION SIGNAL REPAIRS & MAINTENANCE**  
SPONSORED BY MAYOR MYERS BY REQUEST
  
9. **RESOLUTION: B11034 PURCHASE OF SIX (6) FORD VEHICLES**  
SPONSORED BY MAYOR MYERS BY REQUEST
  
10. **RESOLUTION: B11035 PURCHASE OF FOUR 2011 FORD POLICE CROWN VICTORIA'S**  
SPONSORED BY MAYOR MYERS BY REQUEST



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### 11. RESOLUTION: MISCELLANEOUS OFFICE SUPPLIES 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. 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                     | <b>12. Pool Advisory Committee</b>          |

Deputy Mayor Trefethen moved for adoption of the Consent Calendar; seconded by Councilor Hooper.

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

Councilor Hooper asked to pull the School Board Report.

Councilor Cheney asked to pull 13.A.6 and 13.A.8.

Councilor Garrison asked to pull the Pool Advisory Committee Report.

Mayor Myers pulled 13.A.5. and 13.A.10.

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

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved to adopt 13.A.5.; seconded by Councilor Weston.

Deputy Mayor Trefethen moved to table this Resolution pending it going back before the Solid Waste Advisory Board; seconded by Councilor Weston.

Vote: 9/0.

Councilor Cheney moved to adopt 13.A.6.; seconded by Councilor Weston.

Councilor Cheney said she had a problem with this resolution because it directs the City Manager. She said she would not support this resolution.

Mayor Myers said DBIDA supports this resolution. This would give the City information and does not bind the Council into doing anything.

Deputy Mayor Trefethen said having this information is vital, regardless of the path the City takes.

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

Councilor Cheney moved to adopt 13.A.8.; seconded by Councilor Weston.

Councilor Cheney asked if the City's employees will be trained.

City Manager Joyal said things happen to the signals with underground wiring and programming needs to be done. He said only an experienced technician can handle it. If a light simply goes out the experienced technician will instruct a City employee on how to fix it without charge.

Roll Call Vote: 9/0.



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Deputy Mayor Trefethen moved to adopt 13.A.10; seconded by Councilor Weston.  
Mayor Myers realized he wanted to pull 13.A.9. – the amended Resolution was numbered incorrectly.

Councilor Cheney moved to rescind the vote for 13.A.9. on the Consent Calendar; seconded by Councilor Garrison.  
Vote: 9/0.

Deputy Mayor Trefethen moved to substitute as a whole 13.A.9.; seconded by Councilor Weston.  
Vote: 9/0.

Mayor Myers said this went out to bid, none were lower than the State's bid, and then they went to the local company to see if they would match the State's bid. The substituted resolution is with the local vendor who agreed to the State's bid price. He was concerned with the integrity of the City's bidding process.

The Council discussed the bidding process.

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

Deputy Mayor Trefethen moved to adopt 13.A.10.; seconded by Councilor Garrison.  
Roll Call Vote: 9/0.

Councilor Hooper discussed her School Board Report to the Council.

Councilor Cruikshank moved to accept the School Board Report; seconded by Councilor Nedelka.  
Vote: 9/0.

Councilor Garrison discussed his Pool Advisory Committee Report to the Council. He said the Pool Advisory Committee will be presenting to the Council on February 10, 2011.

Councilor Cruikshank moved to accept the Pool Advisory Committee Report; seconded by Councilor Nedelka.

Vote: 9/0.

### **B. RESOLUTIONS**

#### **1. CREATION OF CHARTER COMMISSION**

**SPONSORED BY MAYOR MYERS**

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

Mayor Myers said the last Charter Commission made it a policy that the question of creating a Charter Commission was asked every ten years. He said he was not in favor of creating a Charter Commission.

Roll Call Vote: 0/9.



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**2. B10033 AWARD OF EXPANDED SCOPE OF WORK TOLEND ROAD AND WATSON ROAD ENGINEERING SERVICES  
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Cruikshank. Councilor Cheney discussed the additional work, and asked why it wasn't known originally. City Manager Joyal said the land originally planned to be used was not large enough and another larger piece of property needs to be surveyed.  
Roll Call Vote: 8/1; Passed. Councilor Cheney was opposed.

**3. AMENDMENT OF FY2011 FEE SCHEDULE TO ESTABLISH ON-STREET PARKING PERMIT RATES  
(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 26, 2011)  
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved to refer to a Public Hearing on January 26, 2011. Mayor Myers asked if the Council wanted to have a discussion on this before the public hearing and vote on January 26<sup>th</sup>. City Manager Joyal suggested that the Council have a Workshop on this before the meeting on January 26<sup>th</sup>. Councilor Cruikshank seconded the motion. Deputy Mayor said the first page refers to Zones A & B, and the background information refers to Zones 1 & 2. He asked that it be corrected to be consistent.  
Vote: 9/0.

### **C. ORDINANCES IN 1ST READING**

**1. CHAPTER 5, BOARDS, COMMISSIONS AND COMMITTEES - TRANSPORTATION ADVISORY COMMISSION MEMBERSHIP  
(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 26, 2011)  
SPONSORED BY COUNCILOR WESTON**

Deputy Mayor Trefethen moved to refer to a Public Hearing on January 26, 2011; seconded by Councilor Weston.  
Vote: 9/0.

**2. CHAPTER 166-30 - VEHICLES AND TRAFFIC – FIRST NOTICE OF VIOLATIONS  
(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 26, 2011)  
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved to refer to a Public Hearing on January 26, 2011; seconded by Councilor Hooper.  
Vote: 9/0.



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**3. CHAPTER 170 – ARCH STREET REZONING  
(REQUIRES A 2/3 VOTE OF THE CITY COUNCIL MEMBERS PRESENT AND  
VOTING TO APPROVE THE PLANNING BOARD’S RECOMMENDATION FOR  
THE ARCH STREET REZONING.)  
(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 26, 2011)  
SPONSORED BY DEPUTY MAYOR TREFETHEN**

Deputy Mayor Trefethen moved to refer to a Public Hearing on January 26, 2011;  
seconded by Councilor Cruikshank.  
Vote: 9/0.

### **14. COUNCIL CORRESPONDENCE**

- A. Letter from Mr. Vanderheide** – added during Approval of Agenda
- B. Letter from Suzanne Jones** – added during Approval of Agenda

Deputy Mayor Trefethen moved accept the correspondence and place on file; seconded by  
Councilor Weston.  
Vote: 9/0.

### **15. COUNCIL MATTERS OF INTEREST**

Councilor Nedelka spoke about the Stormwater Feasibility Committee minutes.  
Councilor Weston asked for an accounting of the donation envelopes.

### **16. ADJOURNMENT**

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