



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, January 26, 2011**
Meeting Time: **7:00pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Carrier 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 Counsel and Deputy City Clerk Mistretta.

5. PROCLAMATIONS/AWARDS

Mayor Myers presented a proclamation to Dave and Sue McLean.

6. APPROVAL OF AGENDA

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

Deputy Mayor Trefethen moved to change the location of Item 12.A.3. to immediately follow the Citizen's Forum; seconded by Councilor Weston.

Vote: 9/0.

Councilor Nedelka asked to add Councilor Hooper as a sponsor to Items 13.B.4. and 13.C.1.
Councilor Cheney moved to approve the Agenda as amended; seconded by Councilor Garrison.
Vote: 9/0.

7. PUBLIC HEARINGS

A. AMENDMENT OF FY2011 FEE SCHEDULE TO ESTABLISH ON-STREET PARKING PERMIT RATES

SPONSORED BY MAYOR MYERS BY REQUEST

Mary Hebbard, 97 Spruce Lane: She discussed why she was opposed to the Resolution. She felt the spaces should be available to the public. She felt that the City didn't have a parking problem in Dover, but a management problem. She asked the Council not to do this at this time.



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Anthony McManus, Vice-Chairperson for the Parking Commission: He said this Resolution was at the recommendation of the Parking Commission. He said they were working on a system for the whole Downtown area to make parking accessible to more people during a time of day when parking is an issue, and to provide some kind of parking facility, a parking garage or additional parking lots, that was not paid for by tax money. He also spoke about the contract with a credit collection agency to collect outstanding parking tickets. He said the agency's fee is added to the parking fine, so the City doesn't lose any revenue.

Richard Hebbard, 97 Spruce Lane: He reminded the Councilor that if they approve this that the property owner abutting the street owns to the center of the road, and has rights to park on the road that cannot be abridged by the City. He said the property owner will beat the City in court.

Edward Bleiler, 28 Isaac Lucas Circle: He said he has conducted a five month parking study in the City of Dover, and there hasn't been one day in five months where there haven't been less than 140 spaces within a block of the square, and 12 spaces right in the square. He said there isn't a parking problem. He said the Council is bound and determined to build a parking garage. He added that the Council will be removing the parking meters in the City, because he felt people would go park in a mall parking lot for free instead of paying \$1.00/hour to park in Dover.

Donald Medbery, 3 Covered Bridge Lane: He supported the other speakers who were against this Resolution. He felt the City shouldn't have to provide employees with parking Downtown.

Mayor Myers clarified that there was a fee to obtain a parking permit.

David Martin, 10 Linda Avenue: He agreed that there wasn't a parking problem in Dover. He felt the City was complicating this issue.

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

B. CHAPTER 5, BOARDS, COMMISSIONS AND COMMITTEES - TRANSPORTATION ADVISORY COMMISSION (TAC) MEMBERSHIP SPONSORED BY COUNCILOR WESTON

Jeremiah Larose, 41 Baker Street, Manager of Operations for COAST: He supported this Ordinance, and asked the Council to support it.

Maurice Olivier, 67A Glenwood Avenue, Member of the Transportation Advisory Commission: He said having a COAST representative would really help the Commission.



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State Representative Peter Schmidt, 53A Fourth Street: He said he has served on TAC, and has also been the COAST Representative. He gave strong support for this Ordinance, and asked for the Council's approval.

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

C. CHAPTER 166-30 - VEHICLES AND TRAFFIC – FIRST NOTICE OF VIOLATIONS SPONSORED BY MAYOR MYERS BY REQUEST

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

D. CHAPTER 170 – ARCH STREET REZONING SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved to suspend the rules to allow representatives for each petition 10 minutes to speak; seconded by Councilor Weston.

Councilor Cheney said she was against this because it overwrites the Council's rules to limit public input.

Mayor Myers said this suspension of the rules did not preclude anyone else from speaking. Everyone else can still speak for the normal allotment of five minutes.

Roll Call Vote: 6/3; Passed. Councilor Cheney, Councilor Hooper, and Councilor Weston were opposed.

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

Mark Jones, 10 Arch Street: He gave the history on the 12 acres of land that he represents. He was opposed to the rezoning of this land. He said it was a bad idea for the City. He referred to the January 25th Planning Board meeting and discussed their decision on another rezoning ruling to refer it to the Economic Development Director. He said he didn't get that ruling with his situation, and discussed the disparity in the Planning Board process. He referred to the Master Plan, which calls upon the Planning Board and City Council to research opportunities for development of his land to preserve transportation corridors. He asked the Council to watch out for the citizens and not restrict the development and use of this land.

Dean Eggert, Attorney from Wadleigh, Starr & Peters, P.L.L.C., representing Salmon Falls Holding LLC: He said Salmon Falls Holdings LLC owns 46-48 Arch Street. He spoke in opposition of the petition. He referred the recommendations from the Planning Board, and discussed their decision and the Arch Street neighborhood. He said if the Council did not deny the petition he recommended an amendment to the petition that would withdraw his client's property, which would avoid the nonconformity and maintain a consistent goal of land use planning. He said this should probably be sent back to the Planning Board for a better solution.

Catherine Vanderweil, 20 Arch Street: She supported the rezoning for Arch Street and asked for the Council's support to preserve the character of the neighborhood.



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Margaret Jalbert, 10 Arch Street: She wasn't asking the Council to do anything particular to her, but asked the Council to make a good choice.

David Ferguson, 16 Arch Street: He supported the residents' petition for this change in zoning. He read a document he downloaded from archacres.com.

Carol Boc, 8 Arch Street: She spoke in support of the petition.

Peter Driscoll, 41 Arch Street: He supported the rezoning.

George Sherwood, 43 Arch Street: He supported the zoning change. He spoke about the history on the street. He quoted a poem by Oliver Goldsmith. He said disturbing a residential area is giving up the history of Dover.

Nancy Bryant, spoke on behalf of her mother who was present and owns 7 Arch Street: She explained why the Council should vote to adopt this rezoning change, which favors Dover. She asked for the Council's support.

Robert Carroll, 17 Arch Street: He asked the Council to support the vote of the Planning Board.

Nancy Coady-Carroll, 17 Arch Street: She asked for the Council's support.

Jane Sherwood, 43 Arch Street: She was in favor of the rezoning ordinance.

Hank Brandt, Member of Salmon Falls Holding LLC: He spoke about the proposed rezoning on Arch Street, and the impact to Salmon Falls Holdings LLC, traffic, water/sewer, and schools.

Richard Hebbard, 97 Spruce Lane: He spoke about non-conforming lots and asked the Council to amend the Ordinance to leave the existing properties.

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.

Mark Jones, 10 Arch Street: He referred to his handout to the Council. He spoke about the Master Plan, wetlands impact, traffic study on Arch Street, and comments from the Public Hearing.

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



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Thomas Lamy, 9 Deepwood Drive: He agreed with Mr. Bleiler's comments. He said he also stood in opposition of the Stormwater Utility, because it's not needed and it's just another tax. He said they are taxed enough, and he felt the City's representative should be protecting them from the State and Federal governments encroachments of unfunded mandates.

Donald Medbery, 3 Covered Bridge Lane: He spoke about the Stormwater Utility, and the authority being created. He recommended that Mast Road be considered for the Stormwater waste instead of Tolend Landfill. He said the Council is still spending a lot of money when other communities are cutting back.

David Montenegro, 55 Union Street: He spoke about taking a scientific approach to their decisions, and referred to the financial model that he didn't think it would work. He said it was really a marketing tool. He spoke about the water quality in Dover and his handout.

Richard Hebbard, 97 Spruce Lane: He spoke about the Stormwater Utility, which he felt was a scam and unconstitutional.

David Martin, 10 Linda Avenue: He referred to the 160-page Stormwater Report, and said it added high administrative costs. He felt it was a double taxation, because they already pay a water/sewer tax. He spoke about unneeded items in the CIP.

John Scruton, 99 Sixth Street: He spoke against the creation of the Stormwater Utility. He spoke about getting rid of sidewalks.

Charles Reed, 262 Gulf Road, Dover business owner: He spoke about his research on the Stormwater Feasibility study. He said they have done a great job, but he didn't agree with the subject matter. He said he businesses have a lot of impervious service, which are not part of the stormwater system.

Mark Morrow, co-owner of property on Crosby Road: He was concerned about the Stormwater Utility. He said it was a regional problem and needed to be treated that way. He said Dover didn't need to be first on this issue.

Renaud Pelletier, 45 Rutland Street, owns property on Crosby Road: He spoke about the charges for the Stormwater Utility. He said the average property owner is going to pay \$94.00 a year, with 9,473 properties, equaling \$821,000 per year. He asked if it was a one-time fee, and asked how many miles of pipe needed to be put in. He asked the Council to put a stop to this now.

Mary Hebbard, 97 Spruce Lane: She felt the City didn't have to create the Stormwater Utility, and discussed that the City knew about this since 2008. She said there was no city outreach, and it's part of the mandate. She said Foster's had incorrect information about this program. She spoke about her husband fixing the bench that had been damaged, and Foster's misrepresentation. She asked the Council to vote no on these two issues.



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Warren Lupien, 1 Berkshire Lane: He asked the Council to give the citizens a break. He said the women on the Council were fighting for Dover, and some of the others have been on the Council too long. He asked the Council to do something.

Jay Wulfson, 5 Rainbow Drive: He said the Council didn't respect the process. He said everyone tonight was speaking against the Stormwater Utility. He asked the Council to listen to the citizens.

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

Deputy Mayor Trefethen moved for the adoption of 12.A.3; seconded by Councilor Weston. Deputy Mayor Trefethen asked Planning Director Chris Parker speak to the Council on this issue. Mr. Parker gave an overview to the Council regarding the Arch Street Rezoning Resolution. Deputy Mayor Trefethen gave his reasons for supporting this rezoning proposal. He said the Council needs to do the right thing. The Council had a discussion on their support for this Ordinance. Roll Call Vote: 9/0.

9. CITY MANAGER'S REPORT

City Manager Joyal said he submitted his written report to the Council. Councilor Weston asked about the new law regarding landlord's agent required registration. Deputy City Clerk Mistretta explain the new law and the requirements for landlords to register with the City Clerk's office. City Manager Joyal stressed that the owner is responsible for filing with the City Clerk's office. He said he will be coming before the Council to propose a fee to help offset the added burden that is being pushed on the City from the State. Councilor Garrison asked if it would be public record. City Manager Joyal said it would be open to the public. Deputy Mayor Trefethen moved to accept the City Manager's Report; seconded by Councilor Carrier. Vote: 9/0.

10. APPROVAL OF MINUTES

- A. January 5, 2011 – Special Meeting
- B. January 5, 2011 – Workshop Session
- C. January 12, 2011 – Workshop Session
- D. January 12, 2011 – Regular Meeting

Deputy Mayor Trefethen moved for their adoption; seconded by Councilor Hooper. Councilor Garrison referred to January 5, 2011 Workshop Minutes, Page 2, third line from the bottom, change "Police Chief Trefethen" to "Police Chief Colarusso."



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Councilor Garrison referred to January 12, 2011 Regular Session Minutes, Page 8, last paragraph, date correction that the Pool Advisory Committee presentation to the Council will be on February 16th, and not February 10th.

Councilor Garrison moved to amend the two changes to the Minutes; seconded by Councilor Hooper.

Vote: 9/0.

Councilor Hooper moved to approve the Minutes as amended; seconded by Councilor Weston.

Vote: 9/0.

11. MAYOR'S REPORT

Mayor Myers said he was getting into the swing of things with the New Year. He and the City Manager met with a representative from Senator Guinta's office to discuss important issues concerning the City. He attended the assembly at the Garrison Elementary School and spoke about citizenship and respect. He attended the Economic Update Breakfast and the Business After Hours events hosted by the Greater Dover Chamber of Commerce. He attended the Municipal Advisory Committee meetings learning about new legislation. He attended the Tolend Landfill update meeting. He announced the Dover Reads Kickoff on Friday, February 4th. The book is "One Thousand Tracings, Healing the Wounds of World War II."

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

Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 5, BOARDS, COMMISSIONS AND COMMITTEES - TRANSPORTATION ADVISORY COMMISSION MEMBERSHIP SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Councilor Garrison.

Councilor Weston referred the background on this Ordinance, and started a discussion on the need for a COAST representative on the Transportation Advisory Commission.

Councilor Carrier moved to suspend the rules to continue past 10:30pm to complete the Agenda; seconded by Councilor Cheney.

Roll Call Vote: 9/0.

Councilor Weston moved to revise the membership to include four citizen members; seconded by Councilor Nedelka.

Vote: 9/0.

Mayor Myers asked for a roll call vote on the amended Ordinance.

Roll Call Vote: 9/0.



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2. CHAPTER 166-30 - VEHICLES AND TRAFFIC – FIRST NOTICE OF VIOLATIONS SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Garrison.
Roll Call Vote: 9/0.

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.) SPONSORED BY DEPUTY MAYOR TREFETHEN

Council voted to move up on the Agenda to after Item 8.

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS

1. ADOPTION OF FY2012-2017 CAPITAL IMPROVEMENTS PROGRAM SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Garrison. The Council discussed if they should table this Resolution, vote to approve just the first year, or keep the original Resolution, knowing they will be revising the out-years in the next few months. Councilor Cheney then added: “I am going to vote for this CIP tonight and I wanted to say that I do not agree with a lot of the projects that are in the out years and last meeting we spoke as the Mayor mentioned tonight of having a concerted effort to really go through the CIP in the out years and I hope get some solidification to what the Council really intends to do. And put some of these things that are on here on a wish list that are not going to impact the tax rate. As we had said with the Financial Policy and this and the OPEB obligations that we have and some of the other things that are coming up with the Type II employee benefits and everything, we have got to get serious about what we want to leave in here so we can look forward to the next year and there are some things that are needed. But, I am going to support this years CIP there are a couple of things that I am not sure I am going to support the funding for, in fact there are some things I’m sure I’m not going to support the funding for.”

Mayor Myers asked for a Roll Call Vote on the original Resolution.
Roll Call Vote: 9/0.

2. APPROPRIATION FOR FY2012 CAPITAL IMPROVEMENTS PROGRAM AND AUTHORIZATION FOR BONDING SPONSORED BY MAYOR MYERS BY REQUEST

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



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Councilor Cheney said she wouldn't support this Resolution, because she felt the water projects has not gotten the full attention that it deserves, and the rates have gone up too fast.

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

**3. APPROPRIATION FOR FY2012 CAPITAL IMPROVEMENTS PROGRAM –
 NON-DEBT FINANCED PROJECTS (REQUIRES A 2/3 MAJORITY VOTE)
 SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Cruikshank
 Roll Call Vote: 9/0.

**4. AMENDMENT OF FY2011 FEE SCHEDULE TO ESTABLISH ON-STREET
 PARKING PERMIT RATES (REQUIRES A 2/3 MAJORITY VOTE)
 SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston.
 Councilor Cheney voiced her concerns about not seeing the plan from the Parking Commission.

Councilor Weston had some concerns with some of the parking spots that will be available on Chapel Street.

Parking Manager William Simons explained the permitting process to the Council.
 Roll Call Vote: 8/1. Councilor Cheney was opposed.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. RAFFLE – Greater Dover Chamber of Commerce
2. TAG – Girls Scouts of the Green & White Mountains, Troop 2012

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 Garrison.



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

Councilor Hooper asked to pull the School Board Report.

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

Vote: 9/0.

Councilor Hooper spoke to the Council regarding her School Board Report.

Councilor Garrison moved to accept the School Board Report; seconded by Councilor Cheney.

Vote: 9/0.

B. RESOLUTIONS

1. ACCEPTANCE OF MALLARD LANE

SPONSORED BY MAYOR MYERS BY REQUEST

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

Mr. Parker explained the process of accepting streets that are several years old and fulfill City street standards.

Vote: 9/0.

2. ACCEPTANCE OF PICARD LANE

SPONSORED BY MAYOR MYERS BY REQUEST

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

Vote: 9/0.

3. ACCEPTANCE OF CARRIAGE HILL LANE

SPONSORED BY MAYOR MYERS BY REQUEST

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

Vote: 9/0.

4. RESOLUTION TO ESTABLISH A STORM WATER UTILITY

(TO BE REFERRED TO A PUBLIC HEARING ON FEBRUARY 9, 2011)

SPONSORED BY COUNCILOR NEDELKA AND COUNCILOR HOOPER

Deputy Mayor Trefethen moved to refer to a public hearing on February 9, 2011; seconded by Councilor Garrison.

Vote: 9/0.

C. ORDINANCES IN 1ST READING



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**1. CHAPTER 5-9, BOARDS COMMISSIONS AND COMMITTEES - DOVER UTILITY COMMISSION – STORM WATER FUNCTIONS
(TO BE REFERRED TO A PUBLIC HEARING ON FEBRUARY 9, 2011)
SPONSORED BY COUNCILOR NEDELKA AND COUNCILOR HOOPER**

Deputy Mayor Trefethen moved to refer to a public hearing on February 9, 2011; seconded by Councilor Weston.

Vote: 9/0.

14. COUNCIL CORRESPONDENCE – None

15. COUNCIL MATTERS OF INTEREST

Councilor Weston spoke about the \$800,000 bathhouse that was mentioned at the podium. She clarified that the correct number is \$185,000, and is funded by the Sand and Gravel Fund.

Councilor Nedelka spoke about the Stormwater Utility Sessions. He said it doesn't have to happen, but the City is being charged another \$300,000 by the EPA, and it has to be paid by the utility or property taxes. He asked the citizens to speak to their Federal representatives to ask them to fund these mandates, or alter the mandates. He said there is no mandate to treat the storm water at this time, or plans to build a new treatment plant.

Mayor Myers said there will be a Joint Fiscal Committee meeting at 6:00pm on February 2, 2011.

16. ADJOURNMENT

Deputy Mayor moved to adjourn; seconded by the rest of the Council.

Vote: 9/0.

Planning Director Chris Parker's comments will be archived with the Minutes.