



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, February 9, 2011**
Meeting Time: **7:00pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Deputy Mayor Trefethen 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 City Clerk Lavertu.

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Councilor Garrison moved to add the Legislative Report; seconded by Councilor Cruikshank.

Vote: 9/0.

Deputy Mayor Trefethen moved to move Item 12.C.1. up on the Agenda to before 12.A.1.; seconded by Councilor Weston.

Vote: 9/0.

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

Vote: 9/0.

7. PUBLIC HEARINGS

A. RESOLUTION TO ESTABLISH A STORM WATER UTILITY SPONSORED BY COUNCILOR NEDELKA

Richard Hebbard, 97 Spruce Lane: He was disturbed by the whole process for creating this utility. He said the Ad-Hoc Stormwater Committee didn't have the RSAs or EPA mandates to refer to. He read parts of the legislation enacted in 2008 to the Council describing stormwater runoff, districts, reasonable fees, proportional benefits, credits, assessing fees, and levies.

Douglas DeDe, 143 Locust Street: He said \$900,000 for stormwater was already part of the General Fund and paid for by property taxes, and there was a potential for an additional \$3 million needed to pay for the mandates. He spoke about the pros and cons for keeping it in the General Fund or creating a new utility. He said the Dover Chamber of Commerce voted unanimously that if this was going to be implemented that it should be in 2013 to allow businesses and nonprofits to prepare for it. He didn't agree with the Ad-Hoc Stormwater Committee that creating this utility is the answer, and recommended that the Resolution be tabled.



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Gary Green, 18 Footbridge Lane, Member of the Ad-Hoc Stormwater Committee: He said he voted for the creation of this Committee. He thanked Councilor Nedelka for his work. He said there has been a lot of confusion and misinformation. He said the utility is an efficient way of handling the mandates.

Donald Medbery, 3 Covered Bridge Lane: He first congratulated the City workers and the people who have done an excellent job in clearing the streets. He was against creating this utility and commission because he felt Dover was jumping out ahead of the rest of New Hampshire. He said they will end up bankrupting people if the City continues.

Michael Weeden, 365 Sixth Street: He said this utility is unnecessary. He said the EPA has not mandated annual clean up. He asked the Council to vote against the Resolution.

David Scott, 220 Back Road: He opposed this initiative. He said the Council is pushing new programs that will increase costs. He said this was an unfunded mandate and Dover should refuse to comply. He asked the Council to use their authority to instruct the City Manager to present a budget with lower spending; insisting on a budget that was 2% less than this year.

Patricia Kemen, 500 Sixth Street: She thanked Councilor Nedelka and the Ad-Hoc Stormwater Committee. She discussed the additional amounts needed to be raised and the proposed mandates which don't start until 2017. She spoke about Portsmouth's plan and how they were receiving federal funding to pay for this. She told the Council it was irresponsible to vote on this Resolution at this time, because additional research and study are needed for citizens to understand.

Thomas Lamy, 9 Deepwood Drive: He spoke about his displeasure with this stormwater utility proposal. He said he was annoyed that the Council has determined that EPA trumps the good of the citizens. He said the State is cutting spending and asked the City to follow their lead and protect the citizens. He asked the Council to table this proposal.

Mary Hebbard, 97 Spruce Lane: She said she adamantly opposed this utility. She said citizens feel the administration was trying to jam this through. She referred to the Ad-Hoc Stormwater Committee meetings and said they have scared the citizens. She spoke about public outreach and how it didn't happen. She asked the Council to vote no on this Resolution.

Renaud Pelletier, 45 Rutland Street: He referred to the previous speaker's comments about the Council scaring the people. He said this should be done right, and this Resolution was wrong.

David Martin, 10 Linda Avenue: He said it was a bad time for a new utility tax on rain and snow, because we're in a recession. He said this Resolution was a really bad idea. He listed the punishments to the citizens and businesses of Dover if this utility is created.



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Arthur McDonough, Local Businessman: He said if the City needs to do this then it needs to do it as economically as possible. He listed reasons why the City should not establish a stormwater utility.

Michael Bolduc, 5 Reynors Brook Drive, Chairperson for the Greater Dover Chamber of Commerce: He referred to the letter the Chamber of Commerce sent to the Council. He asked the Council to delay their vote on this Resolution. He said the delay will allow everyone a chance to educate themselves, prepare budgets, and talk with their Councilors.

Christopher Buck, 28B Lincoln Street, Representative for the Dover Republican Committee: He discussed fiscal conservatism and their belief in not just saving money, but opposing excessive regulation. He asked the City to stand up to the EPA. He asked the Council to delay their vote until they receive more information. He said the new utility is not a way to save money.

William Colbath, 129 Silver Street: He spoke in opposition of creating another Commission. He said the City should not get ahead of the EPA. He said the City should do what they have to do to keep costs within reason.

Joanne Eaton, 67 Mount Vernon Street: She referred to the Stormwater report and asked if personnel costs were totally for stormwater, which is already in the General Fund. She felt it should stay in the General Fund and be tax deductible. She asked the Council to table this Resolution at this time.

Edward Koza, 5 Berkshire Lane: He referred to the Foster's Daily Democrat article and the amounts that would be needed for the stormwater mandates. He felt the impact on the tax rate would be less than the proposed fee. He urged the Council to vote no on this Resolution.

Mark Morrow, co-owner of property at 50 Crosby Road: He spoke against creating a new utility. He also spoke about the disparity in the fees between businesses and residents.

Patricia Wulfson, 5 Rainbow Drive: She considers this a mystery mandate. She said fees for trash bags and parking she can control, but can't control fees on her roof. She referred to Portsmouth getting federal funding, and said Dover needs to research it also. She said if the mandate becomes reality it should remain in the General Fund.

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



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B. CHAPTER 5-9, BOARDS COMMISSIONS AND COMMITTEES - DOVER UTILITY COMMISSION – STORM WATER FUNCTIONS SPONSORED BY COUNCILOR NEDELKA

Mary Hebbard, 97 Spruce Lane: She spoke about the Ordinance change and the impact it will have on every property owner in Dover. She said it shouldn't pass.

William Colbath, 129 Silver Street: He said the power to spend and tax should stay with the Council. He asked the Council to vote no on this Ordinance.

Donald Medbery, 3 Covered Bridge Lane: He asked the Council to vote no on this Ordinance. He doesn't want the Commission to have the power to spend money.

Richard Hebbard, 97 Spruce Lane: He asked the Council to vote no on this Ordinance. He said he was a former member of the Dover Utility Commission, and the last member to have any experience with water, sewer, or stormwater.

Thomas Lamy, 9 Deepwood Drive: He asked the Council to vote no on this Ordinance. He said it was not needed.

Christopher Buck, 28B Lincoln Street: He said the City needs accountability over spending. He was against this 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.

Ronald Huml, 199 Mast Road: He spoke about his research on energy efficiency contract, and there being enough savings to pay for the contract. He spoke about the survey regarding cities under the tap cap, and how other towns were level funded and didn't exceed the tax cap last year. He spoke about New Hampshire being third highest in property taxes in the United States. He spoke about people taking City cars home for their own personal use. He ended his comments with parking, and said there was 90% vacancy on the main drag.

Carolyn Mebert, 254 Dover Point Road: She asked the Council to vote yes on the School's paraeducator contract. She said it was a good compromise.

Superintendent Jean Briggs-Badger: She asked the Council to vote yes on the School's paraeducator contract. She said there were no COLA increases. She said they have been two years on the current salary scale. She said it is only a \$0.30/hour raise, and discussed the other changes in the contract.



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Kim Taylor, 1 Mill Street, Special Education Teacher at Garrison Elementary School: She urged the Council to vote yes on the School's paraeducator contract.

Darlene Shanahan, 508 Tolend Road: She asked the Council to vote yes on the School's paraeducator contract, because the City needs to retain these employees.

Patricia Wulfson, 5 Rainbow Drive: She spoke about fluoride causing thyroid disease, and asked the City to remove it from the water supply. She said it would also save the City \$30,000 from the budget.

Lorna Zucaro, President of the Dover Paraeducator Association: She said it has been a pleasure to work with a highly skilled group of individuals. She asked the Council to support the contract.

Warren Lupien, 1 Berkshire Lane: He said the Council was supposed to inform the public about the water situation. He spoke about the economy and said the City cannot keep spending. He said he hoped the City gets new blood in November.

Richard Hebbard, 97 Spruce Lane: He spoke about the Stormwater Committee report. He said there are some discrepancies and he wanted to know who was telling the truth.

Mary Hebbard, 97 Spruce Lane: She spoke about respect and the lack of it shown to the citizens. She spoke about the Stormwater Study and the research she has done, and the comments from the Councilors that she didn't hear what they said. She said she cares about the City, but they weren't on the same page.

Mark Morrow, co-owner of property at 50 Crosby Road: He said the Council is being beat up tonight, because there was a trust issue with the citizens.

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.

Councilor Garrison referred to Page 7, paragraph regarding the Pool Advisory Committee. He said the Dover Swims week collected \$11,500.

Councilor Hooper asked about the Court Diversion Program.

City Manager Joyal explained the program to the Council.

Councilor Hooper gave kudos to the Fire Department, who has been fighting fires almost daily for the last few weeks, and putting their lives on the line rescuing people.

Councilor Cruikshank referred to comments that City vehicles were being used for personal use, and asked the City Manager to comment on it.

City Manager Joyal said it was only used to drive to and from work, but especially for emergency call backs.



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Deputy Mayor Trefethen referred to comments regarding fluoridating the drinking water, and asked the City Manager if he had discussed this with the staff.

City Manager Joyal said they have researched this issue, and have just received information from Health and Human Services that they are recommending lowering the thresholds for fluoridation from .9 to .7. He said they will be coming before the Council on how they would like to address the issue.

Mayor Myers pointed out that Wentworth-Douglass Hospital has paid the \$286,000 fee to the City as part of a \$28 million project.

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

Vote: 9/0

Deputy Mayor Trefethen moved to recess for three minutes; seconded by Councilor Weston.

10. APPROVAL OF MINUTES

A. January 19, 2011 – Workshop Session

B. January 26, 2011 – Regular Meeting

Deputy Mayor Trefethen moved for the approval of the Minutes; seconded by Councilor Weston. Councilor Cheney moved to add her additional statement to the January 26, 2011, Page 8 of 11; seconded by Councilor Weston.

Mayor Myers said the minutes are supposed to give a general overview of the meeting, but he will support this addition.

Vote: 9/0.

Councilor Weston moved to approve the Minutes with the one amendment; seconded by Councilor Garrison.

Vote: 9/0.

11. MAYOR'S REPORT

Mayor Myers said he attended the Greater Dover Chamber of Commerce annual Citizen and Business of the Year dinner. He congratulated the winner of the awards. He said Dover hosted a meeting with Congressman Guinta regarding the Great Bay Estuary Alliance. He attended the Taste of Dover event hosted by Dover Main Street. He attended the Dover Reads Kick Off.

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

Vote: 9/0.



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12. UNFINISHED BUSINESS

Councilor Nedelka moved for the adoption of 12.C.1.; seconded by Councilor Hooper.

Councilor Nedelka discussed the creation of the Stormwater Utility. He clarified some of the questions that were brought up during the Public Hearing and Council emails. He recommended citizens get in touch with the EPA regarding the mandates.

Councilor Hooper said it was a diverse committee. She said the Council doesn't have to accept this Resolution. She said the Committee did what they were charged to do.

Councilor Carrier said he felt it was premature to put this in place, and asked the Council to wait. He said he would be voting no on the Resolution.

Councilor Cruikshank said the recommendation was made in good faith, and the personal insults were disturbing. She said since they have time she would like to withdraw the Resolution for more discussion.

Deputy Mayor Trefethen said the work of the Committee will be very useful for several years to come. He still wanted to see a yes or no vote on this Resolution, and not withdrawn. He said it still needs to be funded and in the budget. He said he would vote no on this Resolution.

Councilor Garrison said he would not support this Resolution.

Mayor Myers clarified several issues brought up during the Public Hearing. He said he would not support this Resolution tonight, because he didn't want to hurt economic development in the City. He said the study can be easily updated and used years from now.

Councilor Cheney said she would not support this Resolution.

Councilor Weston discussed her reasons for not supporting the Resolution.

Councilor Nedelka spoke about the EPA and how anything the City does is a benefit to us. He said the State is considering a statewide utility to address this issue, which he feels is unlikely. He said the DES told him that if a community already has a Stormwater utility that they would keep the funds and not send it to the State. He discussed the benefits of measuring contamination in water and soil. He said if this is approved there is still a lot of work to be done. He said rules and rates would still need to be approved by the Council. He said if this Resolution fails he felt it would close it down.

Roll Call Vote: 2/7; Failed. Councilor Hooper and Nedelka voted in favor.

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 5-9, BOARDS COMMISSIONS AND COMMITTEES - DOVER UTILITY COMMISSION – STORM WATER FUNCTIONS SPONSORED BY COUNCILOR NEDELKA AND COUNCILOR HOOPER

Sponsors Councilor Nedelka and Councilor Hooper withdrew the Ordinance.

Deputy Mayor Trefethen moved to suspend the rules to move 12.B.1. to this point in the Agenda; seconded by Councilor Carrier.

Roll Call Vote: 9/0.



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Deputy Mayor Trefethen moved for its approval of Item 12.B.1.; seconded by Councilor Weston. Mayor Myers said he had to recuse himself from this vote, because of personal involvement. Councilor Weston moved to substitute as a whole a Resolution that includes a third year; seconded by Councilor Hooper.

Vote: 9/0.

Councilors Hooper, Carrier and Nedelka discussed their reasons for supporting this Resolution. Deputy Mayor Trefethen said he would support this Resolution. He said provisions are similar to Municipal contracts that contain no pay raises.

Councilor Cruikshank said it was reasonable, but she did struggle with the step increases.

Municipal employees have not received a pay increase in three years.

Councilor Cheney said she is struggling with this Resolution because steps are a problem. She said she will not support this Resolution.

Roll Call Vote: 5/3; Passed. Councilors Cruikshank, Cheney, and Weston were opposed.

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS

1. RESOLUTION TO ESTABLISH A STORM WATER UTILITY SPONSORED BY COUNCILOR NEDELKA AND COUNCILOR HOOPER

Council voted unanimously to move up on the Agenda to before 12.A.1.

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. RAFFLE – Dover Main Street**
- 2. PARADE – Helping Children Hear in New Hampshire 5K Road Race**
- 3. RESOLUTION: B11001 WASTE WATER TREATMENT FACILITIES PLAN
SPONSORED BY MAYOR MYERS BY REQUEST**
- 4. RESOLUTION: B11040 COMPOST RECYCLING – TRANSPORTATION &
MARKETING
SPONSORED BY MAYOR MYERS BY REQUEST**



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COMMITTEE REPORTS

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

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

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

Councilor Garrison asked to pull the Legislative Liaison Report.

Councilor Cheney asked to pull Item 13.A.2.

Mayor Myers asked to pull Item 13.A.4.

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

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved to approve Item 13.A.2.; seconded by Councilor Weston.

Councilor Cheney refer to another race and asked about the safety issues.

Deputy Mayor Trefethen said the problems with the previous race were more a neighborhood issue.

Vote: 9/0.

Deputy Mayor Trefethen moved to approve Item 13.A.4.; seconded by Councilor Weston.

Mayor Myers asked to pull this to inform the public that the City is not receiving revenue on the compost and invited citizens to help themselves to the compost.

Roll Call Vote: 9/0.

Councilor Garrison went over his Legislative Liaison report with the Council.

Deputy Mayor Trefethen moved to accept the Legislative Liaison Report; seconded by Councilor Weston.

Vote: 9/0.

B. RESOLUTIONS

1. COLLECTIVE BARGAINING AGREEMENT BETWEEN THE DOVER SCHOOL DISTRICT AND THE DOVER PARAEDUCATORS' ASSOCIATION SPONSORED BY MAYOR MYERS BY REQUEST

Council voted unanimously to move this Resolution up on the Agenda to after 12.A.1.



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**2. APPROVAL OF DOVER ADULT LEARNING CENTER LEASE, ROOM 220
SPONSORED BY MAYOR MYERS BY REQUEST**

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

**3. AUTHORIZATION FOR CONVEYANCE OF PORTION OF CITY OWNED RIGHT OF
WAY
SPONSORED BY MAYOR MYERS BY REQUEST**

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

C. ORDINANCES IN 1ST READING – None

14. COUNCIL CORRESPONDENCE

Deputy Mayor moved to accept the letter from the Greater Dover Chamber of Commerce and the letter from Anthony McManus; seconded by Councilor Cruikshank.
Vote: 9/0.

15. COUNCIL MATTERS OF INTEREST

Councilor Cheney asked the City Manager for overtime reports, showing which accounts where the money came from.

City Manager Joyal said he would get that for the Council.

Councilor Nedelka reminded the citizens that the Library is offering free tax preparations.

16. ADJOURNMENT

Councilor Weston moved to adjourn; seconded by Councilor Garrison.
Vote: 9/0.