



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: Wednesday, September 26, 2007  
Meeting Time: **7:00 pm**

### 1. MOMENT OF SILENCE

### 2. PLEDGE OF ALLEGIANCE

Councilor Turner led the Pledge of Allegiance.

### 3. ROLL CALL

Councilors Present: Dennis Ciotti, Doug DeDe, Deputy Mayor Jason Hindle, Robert Keays, Mayor Scott Myers, David Scott, Dean Trefethen, Harvey Turner and Catherine Cheney. Also Present: City Manager Mike Joyal and City Attorney Allan Krans.

### 4. PROCLAMATIONS – AWARDS

### 5. SUMMARY OF AGENDA

### 6. CITIZEN'S FORUM

*Citizens are invited to speak to items that pertain to the business and/or interests of Dover, NH. Statements shall be limited to five minutes.*

Mayor Myers opened the Citizen's Forum asking if anyone wished to speak:

Jerry Lynch, Lincoln Street – stated that everyone can vote for a change in government and believes that people are dissatisfied with the way things are happening in Dover.

Tony McManus, member of the Board of Directors for Dover Main Street – asked the council to support resolution 12B-1 creating the Joe B. Parks garden stating Mr. Parks deserves the recognition.

John Scruton, 99 Sixth Street – asked if the tax rate will be set before the election as people will want to know this information.

*Mayor Myers stated that the Council doesn't control when the rate is set.*

Next, Mr. Scruton discussed the Henry Law Avenue neighborhood asking what the speed limit will be set to when it is being designed as it should be 25 mph in a residential zone but feels that people are going 40 mph. He also stated that he doesn't think that the land should be taken from the Rousseau farm as he feels that this is a part of the traffic calming on that road.

Eric Steltzer, 103 Henry Law Avenue, Chair of Energy Advisory Committee, reviewed the achievements of the Energy Advisory Committee to this point including the Peak Oil workshop held at City Hall last week which he stated was well-attended. He stated they are reaching out to other committees to incorporate energy efficiency planning into their projects and stated that a recent success was the lighting retrofit at the Arena which has already realized 15% savings. He stated they will be at Apple Harvest Day with more information.



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Seeing no one else wishing to speak, they Mayor closed the Citizens Forum.

### 7. PUBLIC HEARINGS

#### A. RESOLUTION RE: NECESSITY TO ACQUIRE LAND. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Mayor Myers opened the public hearing asking City Engineer Paul Vlasich to outline the purpose of the public hearing and the resolution.

Paul Vlasich gave a brief history and explanation of the Henry Law reconstruction project to this point stating that during neighborhood meetings neighbors from Mulligan Drive, Penny Lane, etc. expressed the desire to have sidewalks added out at the end of Henry Law Avenue which is why it was designed to accommodate this request and why the land is needed to accomplish the project. He stated that discussions with Mr. Rousseau began in April 2004 but no agreement was reached which has brought us to this point in the process.

Rick Hebbard, 97 Spruce Lane – stated he is a good friend of Peter Rousseau and that they both are farmers and very proud of it. He stated that he know that at least 6 Councilors don't own much land so don't understand and feels that the taking of land by eminent domain is not the way to do things. He stated that the road works the way it is although Joyal eluded that it does not work well, but if that is the case then 300-400 other road in the city need to be fixed also. He stated that the neighborhood meeting that was previously mentioned was not held for that specific area and feels that this was misrepresented to the Council. He stated that it is reprehensible to take someone's land and feels that this is being done to open up the area for the waterfront development. He stated the Councilor Turner has been waiting for a sidewalk in his neighborhood for 11 years and that they haven't taken any land up there and wonders why not.

John Scruton, 99 Sixth Street – stated they should take a second look at installing sidewalks stating that there used to be shoulders of roads for people to park on but now when there is snow, there is no place for cars to park and that the sidewalks are buried in the rural areas because they aren't near schools so people are forced to walk in the roads anyway. He asked Paul Vlasich about the speed limit on Henry Law Avenue.

*Mayor Myers stated that will be addressed later.*

Peter Rousseau, 200 Henry Law Avenue – stated he has owned his land since he was 17 years old and needs the land to feed his cows and what has been offered by the city is not enough. He presented a petition to the Clerk signed by 126 people who are against the taking of his land. He stated he was never notified about any neighborhood meetings and he will not back down from this.



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Mary Hebbard, 97 Spruce Lane – candidate at-large – stated that this resolution sets policy and they should understand that it is not just the intent. She reviewed the language of the resolution and the definition of necessity – something that cannot be done without. She continued that there has never been any public evidence given until tonight and that there were never any maps posted or included with the resolution. She cited RSA 498A:1 regarding eminent domain procedure and stated she does not think the administration has followed this RSA. She stated that Back Road is 22 feet wide and doesn't understand why that portion of Henry Law Avenue has to be any wider than that. She concluded by urging the Council to vote no.

Garen Heller, 99 Bay View Road – stated he didn't know anything about any of this and is a neighbor of Peter Rousseau. He stated that this is a working farm and doesn't see the necessity of this as this is a rural area.

Judy Savignano, 205 Henry Law Avenue – stated she lives across the street from the Rousseau Farm and stated Peter Rousseau is a hard working man. She stated she has also never been notified of a neighborhood meeting. She stated that there are 100 year old trees out there as well as wild turkeys and asked that the Council at least give them time to get a neighborhood group together and more time to become educated.

Derek Young, 203 Henry Law Avenue – stated this is the first he has heard about this as well and moved to his home 2 years ago because he likes the rural atmosphere. He stated he is against the widening of this area because he has a 2 year old and has already had cars driving on his lawn.

Seeing no one else wishing to speak, the Mayor closed the public hearing.

### **8. CITY MANAGER'S REPORT**

Joyal introduced Karen Lavertu the new City Clerk and Allan Krans gave her the Oath of Office.

Joyal then stated he has added information to his report on the ongoing issue with the Madbury Pike Property and Seacoast Redi-mix and will keep them updated. Next he addressed the question regarding the setting of the tax rate stating they have submitted their information but have no appointment with the Dept. of Revenue Administration as of yet and are at the mercy of the DRA to set the rate.

Scott stated he was glad that question was asked and will the tax bills be out in the mail by October 31<sup>st</sup>.

Joyal stated they will do their best to comply.

Scott asked if the information has been submitted in a timely manner.

Joyal stated yes.

Hindle moved to accept the Manager's Report, seconded by DeDe.  
Motion passed on a 9-0 vote.



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### 9. MINUTES - NONE

### 10. MAYOR'S REPORT

Mayor Myers stated he attended the opening of the Hampton Inn recently. Also, he attended the Dept. of Transportation public hearing on the 10 year highway plan stating they have prioritized the list and removed some items including the Little Bay project. He stated people should remain involved in the process. He stated he cc'd the Council on his response from Senator Estabrook regarding the Willand Pond issue which is under Council Correspondence. He stated that Carol Shea Porter will be holding a public session at the McConnell Center on Sunday the 30<sup>th</sup> at 4:00 p.m. He concluded by wishing his wife a happy 20<sup>th</sup> anniversary.

Scott stated he has been working with the Mayor regarding a Tax Cap forum which has been set for October 9<sup>th</sup> from 7-9 p.m. at the McConnell Center. He stated he will be inviting officials from Franklin and Laconia and would like to have questions in writing.

Myers stated this is the first he has heard that they had settled on a date. He stated he would like to see Councilor Scott answering the questions and doesn't want to limit the questions to be in writing. He stated they also have the 16<sup>th</sup> as a backup date because they are not sure one session is going to be enough. He stated the session will be taped and re-broadcast.

Ciotti asked that there be an opportunity for people who cannot attend on the 9<sup>th</sup> to submit questions ahead of time.

Hindle moved to accept the Manager's Report, seconded by Ciotti.  
Motion passed on a 9-0 vote.

### 11. 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 RE: NECESSITY TO ACQUIRE LAND. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by DeDe.

Trefethen stated that what he heard described by the City Engineer in the background information was not the same as what was being said by people at the podium tonight. He stated that he feels there should be another neighborhood meeting held which includes those from the section in questions. He stated that the distinction also needs to be made that this issue is about the taking of land. He stated that the purpose tonight was to hold the public hearing and now he knows what people are thinking about this.



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Turner stated that during the site tour tonight he saw that the road is working, but not working well. He stated he was not surprised to see joggers, bicyclists and people walking out there and feels that the people out there do want a sidewalk. He continued that the city doesn't want to do it this way and have been trying since 2002. He stated that 2 things didn't happen that should have; maps were not put up for people to know where this was happening and no notification of the neighbors and also he doesn't agree with the straightening of the road. He stated that people know there is a curve there and slow down.

Turner moved to table for 2 weeks, (discussion ensued before seconded)

Cheney asked what the projected speed was in the 2002 engineering study.

Vlasich stated it was designed with a 30 mph speed limit.

Cheney stated that when roads are widened people go faster because they feel safe.

Cheney continued that during the site walk the input was that neighbors wanted the sidewalk but no one foresaw that this was going to be an issue and she personally cannot take land from a farmer that is needed to feed the cows.

DeDe stated he came tonight anticipating that he would support with 2 things in mind; 1<sup>st</sup> that negotiations had been ongoing but there was only one side at the table so there were no negotiations; and secondly, he was under the impression that there was a public outpouring for sidewalks, but no one spoke in favor of that tonight. He stated that although there may have been Council support to go forward with this several years ago, there is no support tonight and it does not meet the outlined requirements.

Keys stated he knows Peter Rousseau and he has always worked his land and that every part of that land is important to him.

Scott stated he is opposed also because it is not necessary and feels the design is flawed. He stated it is 24' up to that point then goes to 28' and then back down to 21' on Back Road and doesn't understand why that would be. He is also concerned with the taking of old trees as 147 trees were taken during the Back road reconstruction. He stated there are 28 people on the petition presented earlier that live in that area who do not want this done and he feels that the speed would increase if this went forward.

Ciotti stated that had this been something that was beneficial to the whole city such as for a water tower then it would be a different ball of wax. He stated that the people walking out there like the rural beauty and this is not a necessity.

Myers stated that some people weren't aware that this was happening as the neighborhood meeting was held several years ago so he is looking for direction as to this should be referred to workshop with public input.

Turner wonders how this was advertised and is shocked that no one was here to speak in favor.

Turner moved again to table, no second.

Motion to adopt FAILED on a 0-9 roll call vote.

### 12. New Business:

#### A. CONSENT CALENDAR

1. RAFFLE PERMIT – FOREVER YOUNG CLUB/COCHECO PARK ASSOC.
2. PARADE PERMIT – KNIGHTS OF COLUMBUS, DOVER COUNCIL #807
3. TAG PERMIT – GREAT BAY FIGURE SKATING, SHARPER EDGE SYNCHRONIZED SKATING



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4. TAG PERMIT –SOMERSWORTH/BERWICK YOUTH HOCKEY
5. RESOLUTION RE: COCHECO DREDGE CELL RENTAL OF EQUIPMENT. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.
6. RESOLUTION RE: HENRY LAW PHASE II ENGINEERING SERVICES – CHANGE ORDER TO P.O. 30-210883. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. (ITEM REMOVED - NO ACTION)

### COMMITTEE REPORTS

- |                                           |                                       |
|-------------------------------------------|---------------------------------------|
| 1. Appointments Committee                 | 6. McConnell Center                   |
| 2. Arena Committee                        | 7. Planning Board                     |
| 3. Cable Franchise Negotiations Committee | 8. Recreation Advisory Board          |
| 4. COAST Bus                              | 9. Class VI Roadway Committee         |
| 5. Joint Building Committee               | 10. Transportation Advisory Committee |

Hindle moved to grant 1-4 and to adopt #5, seconded by DeDe.  
 Trefethen removed item #4.  
 Turner removed item #2.

Remaining consent calendar items passed on a 9-0 roll call vote.

Item 12A-2 – Hindle moved to grant, seconded by DeDe.  
 Turner asked where this would be taking place and how will the “silent” part be upheld.  
 Joyal explained the location and stated that the police department will be monitoring the vigil.

Motion to grant passed on a 9-0 vote.

Item 12A-4 – Hindle moved to grant, seconded by Trefethen.

Trefethen stated he is concerned that this is a Somersworth/Berwick team and feels that we have enough Dover organizations looking to raise money. He stated he also has a pet peeve that this is a “tagging” permit because they used to have to give out a “tag” or receipt so you didn’t get asked at every location but no longer do that.  
 Mayor Myers explained that most of the locations are on private property anyway so we cannot prevent them from tagging there if they have permission and also feels that there is an intermingling of residents between various organizations.

Motion to grant passed on an 8-1 vote, Trefethen opposed.

### **B. RESOLUTIONS**



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### 1. RESOLUTION RE: NAMING OF THE "JOE B. PARKS" CENTRAL AVENUE/COCHECO RIVER PUBLIC GARDEN. SPONSORED BY MAYOR SCOTT MYERS, BY REQUEST.

Hindle moved to adopt, seconded by Ciotti.

Hindle moved to amend by adding all Council names as sponsors, seconded by Ciotti.

Motion passed on a 9-0 vote.

Myers asked the Council if they would allow Beth Fisher to speak on the resolution.

DeDe moved to suspend the rules to allow Beth Fisher to speak, seconded by Ciotti.

Motion passed on a 9-0 roll call vote.

Elizabeth Fisher, 24 Rutland Street – stated she was put in charge of a committee by Dover Main Street to move the Joe Parks garden from Longhill Road to Central Avenue. She thanked various people for their help in making this happen.

Motion to adopt passed on a 9-0 vote.

### C. ORDINANCES IN THEIR FIRST READING - NONE

### D. COUNCIL CORRESPONDENCE

#### 1. LETTER TO MAYOR FROM SENATOR IRIS ESTABROOK RE: WILLAND POND

Hindle moved to accept and place on file, seconded by DeDe.

Motion passed on a 9-0 vote.

### 13. COUNCIL MATTERS OF INTEREST

Scott stated that regarding the meeting on 10/09/07 on the tax cap impact it is his understanding that the City Manager and Finance Director have done calculations on the impact for next years budget.

Myers stated no, last year's budget is in the Council archives.

Joyal stated it is impossible to make calculations on next years' budget. He stated he doesn't want to make assumptions and doesn't know the CIP number for next year.

Keays stated he has brought to the attention of the City Manager the fact that they had bought a new machine to cut brush but feels it isn't being used and out Sixth Street is a mess. He discussed several other areas he feels need to be repaired.

Joyal explained the side mount brush mower was purchased and is used for roadside mowing, not weeds.

### 14. ADJOURN

Hindle moved to adjourn at 8:36 p.m., seconded by Ciotti.

Motion passed unanimously.