



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, December 9, 2009**
Meeting Time: **7:00 pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor DeDe led the Pledge of Allegiance.

3. ROLL CALL

Present: Mayor Myers, Deputy Mayor Trefethen, Councilors Callaghan, Carrier, Cheney, DeDe, McCusker, Scott and Weston.

Also Present: City Manager Joyal and City Clerk Lavertu.

4. PROCLAMATIONS – None

5. APPROVAL OF AGENDA

Mayor Myers asked the Council if they had any items they wished to add, remove, or change the location of on the Agenda as presented.

Mayor Myers said he wished to add the Appointments Committee Report; seconded by Deputy Mayor Trefethen.

Vote: 9/0.

Councilor Cheney said she would like to substitute as a whole Agenda Item 12.B.6.; seconded by Councilor Callaghan.

Vote: 8/0; Councilor DeDe did not vote.

Councilor Weston made a motion to accept the amended Agenda; seconded by Councilor DeDe.
Vote: 9/0.

6. 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.

Otis Perry, 91 Court Street, Chairman for the McConnell Center Advisory Committee: He referred to the Resolution for the subsidy for the Children's Center. He said the Committee supports the idea. He said the Children's Center is a valuable addition to the McConnell Center and to the City. He said it is actually not a subsidy for the McConnell Center, but is actually a subsidy for the Children's Center. He referred to credit cards being used for the parking meters. He said it was a good idea and he hoped it will be expanded for other uses, such as paying taxes, automobile registration, and those sorts of things. He referred to the purchase of the land for the water tower, and said that this was the very first step on a very important issue. He said he supported the changes to the Zoning Ordinance, because they were more responsive and flexible. He referred to the election of officers on Boards and Commissions, and respectfully asked that they be elected at the first calendar meeting of the year, instead of in January. He thanked the Councilors, especially those who were leaving. He appreciated their time and effort.



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Daniel Brigandi, 306 Long Hill Road: He spoke about the proposed water tower. He said he understood why the land being considered was chosen, it being a high point in the area and landlocked. He said he was concerned about easements going to the property, and wondered if there was a construction plan for the project. He said he would like to know the height of the water tower. He asked when the project was going to start. He asked if any other sites have been considered or explored. He was also concerned about his property value, as his property right now is surrounded by woods, with turkey, deer, and other wildlife around.

John Leggett, 128 Dover Point Road: He said he wanted to recognize the City Manager and Department Heads who put the CIP document together. He said it had excellent analyses of the City's financial position. He said he wanted to show his support for two Resolutions on the Agenda: limiting the FY2011 debt service to the amount approved in the FY2010 budget, and the resolution to increase the School debt ceiling. He said these resolutions represent a good starting point for putting Dover's long term financial planning on track. He thanked the retiring Councilors, who were leaving with his utmost respect and thanks for their efforts.

Edward Bleiler, 28 Isaac Lucas Circle: He said he is usually not a fan of the School Department, but when he observed the Council taking \$200,000 from the School Department he responded with his speech from several weeks ago. He said he believed that the City of Dover has been misappropriating funds that should have been part of the School's budget to educate our children. He said this is more appropriate than money spent on the bridge to nowhere, the McConnell Center, the Butterfield Gym, the Arena, and the recent energy audit. He said in most municipalities the School Department receives between 65% and 70% of the budget, but Dover's School Department only gets 54%. He said he believed that the School Department should get 62% of the total budget, leaving 38% for the City. He said the City owes the children of the City an excellent education. He thanked Councilor David Scott and Councilor Rick Callaghan for their service to the City of Dover.

John Scruton, 99 Sixth Street: He spoke about the zoning changes. He referred to the Strafford Regional Planners and their design principles, where it states that residential streets should be designed to accommodate speeds of less than 25 mph. He said he was on the Transportation Advisory Commission, where they get people coming to their meetings every month to talk about people cutting through their neighborhoods to avoid traffic lights. He said the City needs to look into traffic calming. He said it was also important for the City to pay attention to its green space, and look into increasing it. He referred to last year's ice storm when the City didn't have traffic lights, but traffic was still moving. He said the City should try something different and turn the traffic lights off.

Marcia Gasses, 114 Garrison Road, Member of Planning Board, Conservation Commission, and Open Lands Committee: She said she wanted to clarify the article that was written in the Foster's Daily Democrat, "Dover approves lifting conservation easement on land owned by a Councilor." She said there was a fear that people will think they can go before the Planning Board to have a conservation easement lifted. She said that is not the case. She said the easement in question was an agreement between two individuals, and was used as part of the condition for approval of a subdivision. She said two parcels from the subdivision are being purchased by Mr.



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Dan Philbrick in order to sell them, in addition to a third parcel, to the Nature's Conservancy. She said Mr. Philbrick cannot legally hold the easement on his own land, and therefore the condition of approval was removed in order to facilitate the sale. She said the land will be protected from future development, and turned over to New Hampshire Fish and Game, with non-motorized public access allowed. She said the Open Lands Committee and Conservation Commission fully endorsed this project, and it will come before the Council in January.

Christine Rockefeller, Business address 255 Washington Street: She said she was here to speak in support of Item 12.B.2., and referred to the attachment to the Resolution. She said they were asking for a short-term breathing time, to allow them to have more lengthy meetings to address a long-term solution, and a renegotiation of the lease with the intent to get back to full participation under the original lease agreement. She said they have discussed a timetable and their plan with the City Manager and Recreation Director Bannon. She said the economy was the major reason why they were in this position. She said their discussions have come up with a plan that should get them back on track within 8 to 18 months. She asked for the Council's support of this Resolution.

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

7. PUBLIC HEARINGS – None

8. CITY MANAGER'S REPORT

City Manager Joyal said the City employee's are engaged in a food drive to benefit the local food banks in Dover, and they are encouraging the public to donate as well.

Councilor Scott asked the City Manager when they can see the results for FY2009.

City Manager Joyal said he provided the Council the financial statements in October.

Councilor Scott asked when they will see the final report.

City Manager Joyal said he expects the audited financial statement to be completed this month.

Councilor Callaghan referred to Page 25 of 30 of the City Manager's Report, the expense line for Christmas lights for \$5,104. He asked if it was an annual expense.

City Manager Joyal said that was for the purchase of Christmas lights for the living tree in Downtown. The Rotary provided a donation of \$5,000 to fund that purchase.

Mayor Myers asked for a vote on accepting the City Manager's Report.

Vote: 9/0.

9. MINUTES

A. November 4, 2009 – Joint Workshop with Planning Board

B. November 4, 2009 – Special Meeting

Deputy Mayor Trefethen moved for the approval of the Minutes; seconded by Councilor DeDe.

Vote: 9/0.



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10. MAYOR'S REPORT

Mayor Myers said he attended the 100 year celebration for the Wentworth Hospice and Home Healthcare. He attended the Veterans Day Celebration in the City Hall Auditorium. He said he has been working together with the City Manager on the Council Orientation program, which starts on Friday, has a facilities tour on Saturday, and finishes up next Wednesday. He said he has had several ribbon cuttings with the Greater Dover Chamber of Commerce. He said the Cochecho River Waterfront Development Committee met to discuss the location of the pedestrian bridge. He attended the annual conference for the Local Government Center, where he attended several workshops and was elected to the Board of Directors. He thanked Superintendent O'Connor and Principal Grey for hosting the school tours with the Councilors and Councilors-Elect. He said there was a great community turnout for the Blood Drive. He said there was a great Thanksgiving meal held for those less fortunate, and it was the first of hopefully many annual events. He referred to the City being the host for the USS Oklahoma, and thanked the families who invited sailors to their home for Thanksgiving dinner. He attended the alumni basketball game, which included Councilor McCusker. He said the Holiday parade was a great success, and thanked St. Mary's Academy for all their hard work on it. He said the Dover Business and Industrial Development Authority (DBIDA) met last week and received an update about the business handout being used as a marketing tool. He said the Blue Crab has arrived at the Children's Museum. He attended the Christmas tree lighting. He thanked Recreation Director Bannon and his staff for setting it up, and the Rotary for donating the lights. He attended the annual Fire Department Soup/Chowder Cookoff fundraiser for the Lieutenant Chris DeWolfe Scholarship Fund. He wanted to recognize two young athletes in the community: Councilor McCusker's daughter Anna McCusker and Peyton Aubin, who went to Augusta, Maine to compete in the Junior Olympics Regional for cross-country running. He said each of them qualified for the Nationals in Reno, Nevada.

Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Councilor Weston.
Vote: 9/0.

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING

1. UPDATING THE DOVER ZONING ORDINANCES (TO BE REMOVED FROM THE TABLE)

SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved to remove from the table for its approval; seconded by Councilor DeDe.

Vote: 8/1; Passed. Councilor Callaghan was opposed.

Deputy Mayor Trefethen said they have had several public hearings, and he believed they were at the point for the Council to approve the Ordinance. He hoped there was unanimous support from the Council.

Councilor DeDe said the proposal for form-based zoning will help preserve the integrity of our New England town. He said it has his support, and said the Planning Department has done a great job.



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Councilor Callaghan explained why he was opposed to this Ordinance. He does feel it is an extreme improvement over what the City had. He said there are a few changes that he has expressed his opinion on since July, and expressed his opinion on two that he felt were extremely important. He said there isn't a provision that meets the statutory requirements for disabled people. He said the process the City has now could put the City in a position of forcing these people to provide their health information in a public domain. He said he felt that was wrong, and presents a liability to the City. He said the build-to line is very unreasonable, and he wouldn't be surprised if someone changed that at some point. He didn't see fairness in the conversion of residential land to non-residential land, as opposed to non-residential land being made residential land. He said form-based code is a good thing, but felt that everything needed to be fixed. Councilor Scott seconded Councilor Callaghan's comments. He referred to another item that he felt hasn't been changed, an apartment for a live-in relative. He said he will vote no on this Ordinance.

Councilor Cheney said there are still things in the Ordinance that she doesn't like. She feels that the City shouldn't require bike racks for every development. She said she doesn't agree with people getting things that don't agree with the makeup of Downtown. She said she had attended the numerous meetings, public hearings, and met with the Planning Director, really looking for a reason why she could vote against this, and she can't find one that warrants not going ahead with all the positive changes in here. She said she was going to support this Ordinance, knowing that there is a plan to tweak some of the concerns that have come forward.

Councilor McCusker said he felt this was a well thought out plan, and felt it was a long time coming. He said he supported the Ordinance.

Deputy Mayor Trefethen asked Councilor Callaghan about his issue with revealing personal health information, and if he was referring to in-law apartments.

Councilor Callaghan said that was correct.

Deputy Mayor Trefethen asked if Planning Director Parker could address this issue.

Mr. Parker said the City doesn't recognize in-law apartments. He said the State law says that a variance can be issued for a health hardship, and administratively that cannot be done by the City. He said he discussed this with the City Attorney, and they came up with a possible alternative for the Zoning Board of Adjustment to meet with the individual in a non-public session to learn about the medical hardship, and then vote on the variance request during the regular session after the public hearing. He said the abutters would still have the ability to speak about their concerns on the variance request, but the privacy of the individual would still be protected.

Councilor Cheney asked about the parking requirements.

Mr. Parker said they looked to remove areas of redundancies. He said they were taking it out of the Zoning Code, and making it easier for residents to go to the Planning Board for a waiver.

Councilor Scott asked Mr. Parker if there was some way to address medical privacy so it doesn't become an issue.

Mayor Myers said that that question has been asked and just answered by Mr. Parker.

Councilor Callaghan said he has spoken with Mr. Parker about this and he feels it is still not complete. He felt it should state up front in this book that if they are a person with a disability that the City has a method to keep their medical history private. He said he saw an extremely emotional event, which he will always remember, and it was wrong.

Councilor Weston asked if HIPPA would have something to do with this.



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City Manager Joyal said this was an administrative issue. He said when someone files an application for a variance, the staff will advise them that they have certain privacy rights. He said it will be asked on the application if they wish it to remain private and confidential under RSA 91-A, and the applicant will have the option of choosing that.

Deputy Mayor Trefethen said a provision for medical privacy is not in the current zoning ordinance. He said a "no" vote on this Ordinance doesn't solve the problem.

Roll Call Vote: 6/3; Passed. Councilors Callaghan, Cheney, and Scott were opposed.

B. RESOLUTIONS – None

12. NEW BUSINESS

A. CONSENT CALENDAR

1. **RAFFLE – Cochecho Park Preservation Associates**
2. **RAFFLE – Dover High School Girls Basketball Boosters**
3. **RAFFLE – Great Bay Figure Skating Club**
4. **RAFFLE – Sons of American Legion, Post 8, Dover**
5. **TAG – Dover High School Girls Basketball Boosters**

6. **RESOLUTION: B10028 THIRD PARTY WORKERS COMPENSATION CLAIMS ADMINISTRATION AND LOSS PREVENTION**
SPONSORED BY MAYOR MYERS BY REQUEST

7. **RESOLUTION: B10029 EXCESS WORKERS COMPENSATION AND EMPLOYER'S LIABILITY INSURANCE**
SPONSORED BY MAYOR MYERS BY REQUEST

8. **RESOLUTION: CONTINUATION OF AGREEMENT FOR WORK BOOTS/FOOTWEAR. SOLE SOURCE VENDOR REDS SHOE BARN**
SPONSORED BY MAYOR MYERS BY REQUEST

9. **RESOLUTION: ACCEPTANCE OF ELECTRONIC PAYMENTS FOR PARKING METER PROGRAM**
SPONSORED BY MAYOR MYERS BY REQUEST

10. **RESOLUTION: ROUTE 9 BRIDGE STATE NH PROJECT 13042 REPLACEMENT OVER B&M RAILROAD 109/106**
SPONSORED BY MAYOR MYERS BY REQUEST

11. **RESOLUTION: REYNER'S BROOK INTERCEPTOR AND COLLECTOR SEWERS**
SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS



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| 1. Appointments Committee | 7. City / School Joint Service Committee |
| 2. Arts Commission | 8. Solid Waste Advisory Committee |
| 3. McConnell Center Committee | 9. Transportation Advisory Committee |
| 4. Planning Board | 10. Joint Building Committee |
| 5. Cable Franchise Negotiations Committee | 11. Legislative Liaison |
| 6. School Board Liaison | 12. Coast Bus |

Deputy Mayor Trefethen moved for the approval of the Consent Calendar; seconded by Councilor Weston.

Mayor Myers asked if there were any items the Council would like pulled for further discussion.

Councilor Scott asked to pull Item 12.A.8.

Councilor Callaghan asked to pull Item 12.A.9.

Mayor Myers said he was going to pull the Appointments Committee Report.

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

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of 12.A.8.; seconded by Councilor DeDe.

Mayor Myers said he has to recuse himself on this resolution, because he has a conflict, with a family member in employment at Reds Shoe Barn.

Councilor Scott asked the City Manager to explain Page 4 of the Resolution, which showed \$111,000 in appropriations, in which there is a balance of \$73,000.

City Manager Joyal said Line 46:15 is Clothing and Uniforms, which boots would fall under.

Councilor Scott asked if the boots were a small portion of that.

City Manager Joyal said that was correct. He said in the background information it shows that the total amount spent last year was \$15,000.

Councilor Scott asked if the balance was the amount budgeted for FY2010 and not spent, or is that a rollover from several years.

City Manager Joyal said this was the annual appropriation for FY2010, and \$73,000 is the balance as of November 17th.

Roll Call Vote: 8/0.

Deputy Mayor Trefethen moved for the approval of 12.A.9.; seconded by Councilor Callaghan.

Councilor Callaghan said there was no cost associated with this, and it is just adding the ability to use credit cards. He asked if the City is committing to some volume of usage and if there was a penalty from the credit card company if that isn't met.

City Manager Joyal said there was no penalty, and they weren't committing to any of volume of business with the bank. He said they are paying the standard credit card fee.

Roll Call Vote: 9/0.



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Mayor Myers said the Appointments Committee met earlier this evening, and has the following appointment recommendations for approval by the Council:

Thomas Parks – Ethics Commission
John Flick – Transportation Advisory Commission
Richard Johnson – Recreation Advisory Board
Gary Green – Alternate for the Zoning Board of Adjustment
Nicholas Skaltsis – McConnell Center Advisory Board
James Sorbello – Conservation Commission
Lawrence Pilla – Open Lands Committee
Christopher Hunt - Reappointed to the Conservation Commission
Samuel Reid – Reappointed to the Zoning Board of Adjustment
Otis Perry – Regular Member of the Zoning Board of Adjustment, from an Alternate Member

Councilor Callaghan asked to have the three Zoning Board of Adjustment (ZBA) appointments voted on separately from the other recommendations.

Mayor Myers asked the Council if they had any objections. There were no objections.

Mayor Myers asked for a vote on the remaining recommendations for appointment.

Vote: 9/0.

Councilor Callaghan said the Appointments Committee had applications for two reappointments to the ZBA. He said one was William Colbath, who was Vice Chair, and a member of the ZBA for 24 years. He said Mr. Colbath has attended countless training sessions, and has a wealth of knowledge to contribute to the Board. He said he hardly ever missed a meeting. He said the ZBA is a group of people that needs to work with history, and it is important to keep that knowledge. He said he didn't have a single reason why the Appointments Committee didn't reappoint Mr. Colbath, and felt it was another slam in the face to another dedicated civil servant. He said this is the second time the Appointments Committee has done this. He asked the Council not to accept the nominations as presented. He said Otis Perry and Sam Reid can stay in their positions, but Gary Green already serves on two other committees. He said Mr. Colbath should be reappointed. He asked, if the Council will do this to Ron Cole, and if they should have done it to Tom Fargo. He asked when their terms have expired, do they say they're too old and not reappoint them? He made a motion to reappoint Mr. Colbath and Sam Reid, and leave Otis Perry as an alternate; seconded by Councilor Cheney.

Mayor Myers said there was already a motion on the floor, and another motion couldn't be made at this time. He said if the motion fails, another motion can be brought forth at that time. He also wanted it on the record that someone being too old was never mentioned, and Councilor Callaghan's statements were incorrect and could open up age discrimination concerns.

Councilor Callaghan said he didn't mean it that way.

Councilor Scott said he was disturbed when Rick Hebbard was not reappointed to the Utilities Commission, and feels this is the same situation for Mr. Colbath.

Councilor McCusker said he appreciated the citizen's time and energy working on these committees. He said a term appointment doesn't mean you get to serve forever. He said someone else applied and asked to be considered. He said it wasn't a case of trying to railroad someone out of the position. He said if it's true that they serve forever, then get rid of the municipal elections and the Council can serve until they don't want to serve anymore. He said he



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felt Mr. Colbath was competent and could look into the opportunity and challenge of serving on another board.

Councilor Weston said she attended the Appointments Committee meeting. She said she asked why Mr. Colbath wasn't reappointed, and didn't get a valid answer. She said the only thing put to her was that they needed new blood. She said she will be voting no on the recommendations of the Appointments Committee.

Councilor Cheney said Councilor Callaghan served on the ZBA, and has told her about the level of training that is needed and the history behind it. She said when someone comes to the ZBA they want someone with experience, history, and training. She said she disagreed with the Appointments Committee findings in not reappointing Mr. Colbath.

Councilor Carrier said this was a tough decision. He said he served on the Recreation Advisory Board for 15 years, and said he felt it was time to move on. He said he understood Councilor Callaghan's comments about the training and experience needed for the ZBA. He also believed that the decision was not made just to oust someone. He said he was being honest in saying that this will be a tough decision for him.

Deputy Mayor Trefethen said he served on the ZBA for 16 years, and agreed that the training and experience is important. He said he obviously resigned when he became Councilor, but he also knew it was time for him to go. He said he was becoming jaded and knew it was time to do something different. He said the average length of time is 3 to 5 years for the members on Boards. He knows of one member with at least 8 years, and said that was enough experience. He said he felt it was time to have some new blood, and hoped that Mr. Colbath will put his talents to use somewhere else in the City.

Councilor Callaghan said he agreed with Deputy Mayor Trefethen and Councilor Carrier. He also considered leaving the ZBA when he was elected as Councilor. He said the difference was that it was his choice, and not someone else saying goodbye. He felt the message was a poor one to send.

Mayor Myers asked for a roll call vote on the Appointments Committee recommendations for the ZBA.

Roll Call Vote: 4/5; Failed. Mayor Myers, Deputy Mayor Trefethen, Councilors DeDe and McCusker voted in favor.

Councilor Callaghan made a motion to reappoint Mr. Colbath and Mr. Reid to the ZBA; seconded by Councilor Scott.

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

B. RESOLUTIONS

1. CHAIR AND VICE CHAIR POSITIONS ON BOARDS, COMMISSIONS AND COMMITTEES

SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its approval; seconded by Councilor McCusker. Deputy Mayor Trefethen said he had heard from most of the Council that there should be some sort of turnover of Chairpersons and Vice Chairpersons on the Boards and Commissions. He said this Resolution basically says that a Chairperson or Vice Chairperson cannot serve more than seven consecutive years. He said the second



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provision will be to elect officers through an Australian ballot, and not through a show of hands. He said it was felt by several board members that a vote by a show of hands is very intimidating, and that a written ballot would be less intimidating. He said there was an exception to the seven year provision. He said it is RSA 673:9, which exempts the land use boards, Planning and Zoning Board of Adjustments. He wanted to amend the first Therefore from "in January" to "their first meeting in the calendar year;" seconded by Councilor McCusker.

Vote: 9/0.

Councilor DeDe asked if the balloting would be applied to all boards.

Deputy Mayor Trefethen said that was correct.

Councilor Callaghan said he thought this was going to be a workshop. He asked if Vice Chairperson had to be included in this Resolution, because he felt everyone strived for the Chairperson position.

Deputy Mayor Trefethen said he didn't think that was true.

Councilor DeDe said a secret ballot will make it much easier, and is more appropriate.

Councilor Cheney said she would support this Resolution.

Councilor Weston asked to make a friendly amendment for clarification purposes. She asked to amend the first sentence, "This Resolution limits the members of a board, commission, or committee," adding, "with the exception of land use boards under provision RSA 673:9," and then continue with the same wording. She said the last sentence can actually be stricken from the Resolution.

Deputy Mayor Trefethen said he just mentioned the RSA, and the new wording will have to be fixed if the RSA ever changes.

Councilor Weston asked if ":9" could be added to "RSA 673" in the background materials, Page 3.

Deputy Mayor Trefethen said an amendment isn't needed to change the background materials.

Vote: 9/0.

2. MCCONNELL CENTER DOVER CHILDREN'S CENTER SUBSIDY SPONSORED BY MAYOR MYERS BY REQUEST

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

Mayor Myers asked the City Manager to give the Council the background on this Resolution.

City Manager Joyal said the McConnell Center has a tenant, Dover Children's Center, which provided daycare services to very low and low income families. He said the City entered into a lease agreement with them approximately two years ago that included provisions to subsidize their rent to allow them to get established in the McConnell Center and make improvements to their space. He said various issues have caused some financial shortfalls, and as a result they are behind on the current rent that is due. He said the new rent rate was supposed to go into effect on July 1st, with less of a subsidy, and they have been unable to meet the rental payments at that amount. He said they are making a request to the Council to consider extending their subsidy at last year's rate through this current fiscal year.



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Councilor DeDe said he serves on the McConnell Center Oversight Committee and he has been asked to address the Council regarding this matter. He said if the Dover Children's Center wants to renegotiate their lease, they would like them to come back to the McConnell Center Oversight Committee to renegotiate. He said there are some factors they are not sure have been completed according to the plans that they outlined when they first applied to become a tenant. He said he would like to make a motion to table this Resolution until the Dover Children's Center has met with the McConnell Center Oversight Committee to renegotiate a lease, and then they will bring back a recommendation to the Council for approval; seconded by Councilor Weston.

Vote: 6/3; Passed. Deputy Mayor Trefethen, Councilors Cheney and McCusker were opposed.

3. PURCHASE OF LAND FOR SECOND WATER TOWER SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston. Mayor Myers said this Resolution only commits the City to the purchase of the land, and not to building the water tower. He asked the City Manager to address the questions brought up during Citizen's Forum.

City Manager Joyal asked Community Services Director Steele to speak to the Council. Mr. Steele said the size of the tower is preliminary right now, but the engineers have proposed 65 feet for the height of the tower, with a diameter of 58 feet, to provide the water pressure that will be needed. He said the need for easements is unknown at this point, because no engineering work has been completed. He said if this Resolution is approved tonight, then next week they will begin doing some borings, soil analysis, and determine that there are no environmental problems with the property prior to the final purchase of the land. He said as part of the CIP process, the Council will decide whether they will go forward with this project.

Councilor Callaghan said this Resolution is committing the City to the water tower. He said he felt the wording, "for the purpose of locating a second water tower," should be taken out, so that the land could be used for something else if the City decides not to build the water tower there.

Mayor Myers said it's telling the neighbors the intent of the City with the purchase of this land.

Councilor Scott said he was against this Resolution for several reasons. He said the price of the water tower is \$4 million, and he felt it needed a detailed discussion. He said since 2005 the cost of water has increased 7% per year. He said he didn't think the City was ready to commit to a second water tower.

Mayor Myers asked the Councilor to consider that until the City knows where the tower might be going, they can't determine the size and height of the tower.

Councilor Scott said the Mayor was assuming that the water tower was going to be approved.

Mayor Myers said that was why he started this discussion, that it was just for the land purchase and not committing the City to building a water tower.



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Councilor DeDe said this had been discussed at length four years ago, that a water tower was the most efficient way to deal with the water pressure problem. He said they increased the water rates two years ago to build up a reserve account, so the City would not exceed the statutory debt limitation that they placed on the water department. He said the City is looking at this piece of land at a very attractive price, because it's the highest piece in the area. He said for the Council not to take advantage of these opportunity just flies in the face of logic.

Councilor McCusker said they have to buy land to address the water pressure issue in the north end. He said it was unfortunate that the neighbors don't want it used this way. He said he has been through this himself, and he didn't like it either. He said he preferred it to stay the same. He said that Councilor DeDe was correct in saying that this was a four, five, or six year old issue. He also asked, what if something should happen to the Garrison Hill Water Tower, the primary water supply? He said this has to happen for the whole region, and he is sorry it will ruin the neighbors' views. He said the City will write easements that are good for everyone and will be a good neighbor.

Councilor Callaghan asked Mr. Steele what the height was for the cell tower.

Mr. Steele said he doesn't know.

Councilor Callaghan said there is a cell tower and a water tower on Garrison Hill, and he has been going there for years. He said this is a pretty big piece of land and it could be a park, and therefore increase property values. He said he was going to support this, because he felt buying land is always a good deal.

Deputy Mayor Trefethen said this land is available and has been deemed perfect for this application. He said they have been planning for this for a number of years, and it was important to have a back up for the Garrison Tower. He gave as a point of reference that Portsmouth has four towers, even though they have 1/3 less land and population than the City of Dover. He said it gives the City back up and options in case something happens. He said it also provides equalized pressure throughout the City. He said this has been talked about long enough, and they need to get the ball rolling. He said this was just for the purchase of the land, and the City has bought land before that hasn't been used for the purpose it was originally bought for.

Councilor Scott asked the City Manager if the neighbor, who spoke during Citizen's Forum, was correct when he stated that the land didn't have any public access.

City Manager Joyal said there were access easements to the lot.

Councilor Carrier said he liked Councilor Callaghan's idea that it could be turned into an area above and beyond a water tower. He said he is in support of this Resolution.

Mayor Myers said again this is just for the purchase of the land, and didn't like the other ideas floating around.

Roll Call Vote: 7/2; Passed. Councilors Cheney and Scott were opposed.



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4. COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DOVER AND DPA SPONSORED BY MAYOR MYERS BY REQUEST

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

Roll Call Vote: 9/0.

Mayor Myers said this was a 3 year agreement with the Dover Police Association that started July 1, 2008 and ends June 30, 2011.

5. FY2011 DEBT FINANCING LIMITATION SPONSORED BY COUNCILOR CALLAGHAN

Councilor Callaghan moved for its adoption; seconded by Councilor Cheney.

Councilor Callaghan said the intention behind this Resolution is to make a formal statement that we do not want to exceed debt financing from the previous year.

Councilor Scott said debt service is a big portion of the budget. He said each tax payer is carrying \$1,000/parcel.

Councilor DeDe said the present bonding level was passed by the Council on a 6/3 vote.

He said not all bonding has been issued. He said the bottom line is that this Councilor is attempting to dictate to the new Council. He said he would not support this Resolution.

He said this Resolution will die with this Council, and the new Council will not have to take a vote to overturn it.

Councilor Cheney said she would support this, because she felt it made a statement. She did agree that it isn't binding on the new Council.

Councilor Callaghan said he understood that it was not binding on a new Council. He said it was just making a request.

Vote: 3/6; Failed. Councilors Callaghan, Cheney and Scott voted in favor.

6. AMEND CITY COUNCIL ADOPTED FINANCIAL POLICIES DEBT POLICY – GOAL 5 SPONSORED BY COUNCILOR CHENEY

This Resolution was substituted as a whole.

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

Councilor Cheney tried to give a Powerpoint presentation to explain this Resolution, but had technical difficulties.

Councilor Callaghan asked to suspend the rules to go to the next Resolution and come back to this Resolution when the technical difficulties were resolved; seconded by Councilor Weston.

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



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7. RESTRICTION ON DEBT FINANCING OF EMPLOYEE WAGES SPONSORED BY COUNCILOR CHENEY

Councilor Cheney moved for its adoption; seconded by Councilor Callaghan. Councilor Cheney said during the budget season the Council discussed an item that included a position that is paid with debt financing. She said this Resolution is a policy that salaries are not paid with debt financing.

Mayor Myers said he would support this Resolution.

Councilor DeDe said he would not support it. He said the State dictates the level of staffing on certain CIP projects. He said the City could pay someone to do it, or have someone in-house working on it. He said part of the Tolend Road Landfill project is being paid for with CIP money. He said it wasn't really getting a loan to pay for these employees. He said work will be charged against this account. He said employees are paid out of the operating account, water, sewer, or some other enterprise fund. He said if the City had a big project and we don't use our own employees, then the company we hire will mark up on the labor. Deputy Mayor Trefethen asked the City Manager what would happen if this Resolution is passed.

City Manager Joyal said the City will have to find approximately \$40,000 to \$50,000 in the existing budget to transfer existing employee's costs.

Councilor Weston said she wouldn't support this Resolution. She said the Clerk of the Works working on the Joint Building Committees also is paid from debt financing.

Councilor Cheney said the Clerk of the Works is a part-time position with no benefits.

Councilor McCusker said if they do not pay someone in-house with the bonded money, then the City would have to hire someone to do the job with bonded money.

Councilor DeDe said the Clerk of the Works is a School employee working on School projects.

Roll Call Vote: 4/5; Failed. Mayor Myers, Councilors Callaghan, Cheney and Scott voted in favor.

Returned to Item 12.B.6.

Councilor Cheney gave her Powerpoint presentation to explain this Resolution. She said this Resolution did one thing: brought the School's current limit up to date with the original intent of the Financial Planning Committee.

Mayor Myers said the City Manager has been saying for the last six months that the Council needs to update the Financial Policies. He said he didn't want to be doing this on the fly, and felt it should be done comprehensively. He said a new committee should be formed to go over the Financial Policies, consisting of three Councilors and three members of the public. He said this Resolution should be withdrawn until after the Council gets a comprehensive report from the committee.

Councilor Cheney said the School Department would support a table and not a total withdrawal. She made a motion to table this Resolution pending the motions of the Financial Committee; seconded by Councilor Weston.

Vote: 5/4; Passed. Mayor Myers, Deputy Mayor Trefethen, Councilors DeDe and Scott were opposed.



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8. CITY COUNCIL ORGANIZATIONAL MEETINGS SPONSORED BY COUNCILOR CHENEY

Councilor Cheney moved for its adoption; seconded by Councilor Scott. Councilor Cheney said the Resolution just states that the Organizational Meeting will be held in the Council Chambers. Councilor DeDe said it was actually for adopting Council rules. He said only the Council-Elect should be making this decision. He said he would not support this Resolution. Deputy Mayor Trefethen said he wouldn't support this Resolution. He said the Resolution states that it will be held in the Council Chambers, be broadcasted and recorded. Mayor Myers said he wouldn't support this Resolution. Councilor Callaghan said he can see both sides. He said people didn't realize they were welcomed. He said he would support this Resolution, or support a different venue. Vote: 3/6; Failed. Councilors Callaghan, Cheney and Scott voted in favor.

C. ORDINANCES IN 1ST READING

1. MORNINGSIDE DRIVE STOP SIGN (TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 13, 2010) SPONSORED BY COUNCILOR WESTON

Deputy Mayor Trefethen moved to referred this Ordinance to a Public Hearing on January 13, 2010; seconded by Councilor Weston. Vote: 9/0.

2. SHAWS LANE PARKING (TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 13, 2010) SPONSORED BY COUNCILOR WESTON

Deputy Mayor Trefethen moved to referred this Ordinance to a Public Hearing on January 13, 2010; seconded by Councilor Weston. Vote: 9/0.

D. COUNCIL CORRESPONDENCE – None

13. COUNCIL MATTERS OF INTEREST

Councilor Cheney said Mr. Scruton talked again about traffic. She said he is right about the traffic lights, because where there are lights there are people cutting across roads. She said she would have liked the CIP to be on the Agenda. She thanked the exiting Councilors for serving.

Councilor Weston said she does have a formal Transportation Advisory Commission Report, but it was something that will come forward with the next Council. She said they were approached by the Dover Housing Authority. They want to take the Pleasantview Circle area and put in speed tables, which will be paid for by the Dover Housing Authority. She referred to the Dover Children's Center,



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and said there were a few things she would ask of the McConnell Center Advisory Board. She said she heard that one of the problems was that the School Department was not transporting kids to the center. She said she spoke with Superintendent O'Connor, who told her that parents need to appeal to the School Department to have their kids dropped off at the center. She said she asked the City Manager for an aging report for the McConnell Center. She said she is apprehensive about subsidies for the Children's Center, because there were a number of people that have lease agreements that are in arrears, and felt this was setting precedent. She said it was a pleasure to serve with everyone, even though there were some contentious debates.

Mayor Myers asked if other tenants were in arrears at the McConnell Center. City Manager Joyal said the only one in arrears was the Children's Center.

Councilor Scott complimented Councilor Cheney for bringing the School's limits to the Council's attention. He thanked Councilors Weston and Cheney for their kinds statements. He said he has been happy to serve Ward 3. He wished the new Council good luck.

Deputy Mayor Trefethen also wanted to recognize the Councilors that won't be returning.

Councilor Callaghan thanked the people at home for watching and sharing. He thanked all of his supporters.

Councilor DeDe said he wasn't going away. He said he won't be voting, but he will still have a voice. He said he still has a lot of phone numbers for a lot of people in the City. He said he will be applying for and hopes to be appointed to the McConnell Center Oversight Committee. He said he is on the Solid Waste Advisory Committee, and he will be working pro bono with the Economic Development Director, Daniel Barufaldi,

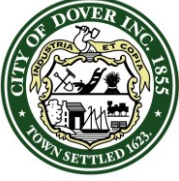
Councilor Carrier said he was the new guy on the block. He said he has total respect for the whole Council.

Mayor Myers said he had some presentations for the Councilors who will not be coming back. He thanked the Councilors for serving and representing residents. He said they each will receive certificates of appreciation, City of Dover denim shirts, and a nice City of Dover mirror. He said he gave each one a little something special from him, based on things said. He said there was so much material to work with from the past two years.

He read Councilor DeDe's certificate of appreciation. He gave Councilor DeDe something to wear at the Senior Center or at the Council podium, a T-shirt that said: "Sarcasm is just one of my many talents."

He read Councilor Scott's certificate of appreciation. He said Councilor Scott was always looking for specific financial reports, and that we should be able to push a button and get it. He said Councilor Scott worked on getting the new financial system that the City is getting. He said Councilor Scott has been provided with his own workstation to get all the numbers he wants. He gave Councilor Scott an abacus.

He read Councilor McCusker's certificate of appreciation. He said Councilor McCusker was the biggest challenge. He explained his gift of the Game of Life, the Councilor McCusker version.



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He read Councilor Callaghan's certificate of appreciation. He gave Councilor Callaghan a book entitled, "I Know My City Manager Loves Me." He read a few pages to the Council.

14. ADJOURN

Councilors DeDe, Callaghan, McCusker, and Scott made a motion to adjourn; seconded by everyone else.