



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 14, 2010**
Meeting Time: **7:00pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Garrison 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, Councilor Weston.

Also present: City Manager Joyal, Finance Director Lynch, and City Clerk Lavertu.

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

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

Deputy Mayor Trefethen moved to add the Appointments Committee Report; seconded by Councilor Nedelka.

Vote: 9/0.

Councilor Weston moved to add a new Ordinance to the Agenda as Item 13.C.1.; seconded by Councilor Hooper.

Vote: 9/0.

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

Vote: 9/0.

7. PUBLIC HEARINGS

A. ORDINANCE: CHAPTER 3: ADMINISTRATIVE CODE

SPONSORED BY MAYOR MYERS BY REQUEST

Douglas Glennon, 4 Old French Mill Road, Barrington, Board Member of the Greater Dover Chamber of Commerce: He encouraged the citizens to shop locally and asked the City to do the same. He asked that the City maintain the current language in Article 3-25, and asked the Council not to vote for the proposed language change. He asked the Council to collaborate with the Chamber of Commerce to come up with proposed language that makes sense for the City of Dover's taxpayers and the 500 members of the Chamber of Commerce.

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



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B. ORDINANCE: CHAPTER 5: BOARDS, COMMISSIONS, AND COMMITTEES SPONSORED BY MAYOR MYERS BY REQUEST

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

C. ORDINANCE: CHAPTER 152: STREETS AND SIDEWALKS SPONSORED BY MAYOR MYERS BY REQUEST

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

D. RESOLUTION: REPROGRAMMING OF UNEXPENDED BOND PROCEEDS AND APPROPRIATIONS FOR CERTAIN CAPITAL IMPROVEMENT PROJECTS SPONSORED BY COUNCILOR WESTON AND COUNCILOR GARRISON

Mayor Myers, seeing no one 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.

Dawn Haines, 17 Elm Street, SOS Representative: She thanked the Council for appointing members to the newly created Pool Advisory Committee that will be approved tonight. She said she was thankful for all the guidance she received from the Councilors and the City Manager.

Brian Mahoney, 14 Adelle Drive: He said he was wrongfully placed on the webpage for sexual offenders by Dover Detectives Harrington and Conolopy, after being acquitted 28 years ago. He said he has fought this for four years and felt something should be done about the management of the Detectives. He said he is filing a \$5.5 million lawsuit for putting him on the sex offender webpage, because the Dover Detectives did not do their jobs. He said they should be fired. He showed the letter from Attorney General Michael A. Delaney stating that he was found guilty.

William Colbath, 129 Silver Street: He asked the Council to reconsider their vote to remove Masi Denison from the Zoning Board of Adjustment. He said she has done an exemplary job and doesn't deserve this slap in the face.

Harvey J. Lynch, 26B Lincoln Street: He said he was disappointed with the spending cap override. He discussed items on the agenda regarding privatizing positions and the City Manager's position.

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



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9. CITY MANAGER'S REPORT

City Manager Joyal said he had two quick items: 1. He appointed Daniel Barufaldi, Economic Development Director, to the Sky Haven Advisory Board. 2. He introduced Lena Nichols, the new Human Services Director to speak to the Council.

Ms. Nichols said she was happy to have the opportunity to fill this position. She has worked for the City for six years. She told the Council to call her if they have any questions.

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

Vote: 9/0.

10. APPROVAL OF MINUTES

A. June 23, 2010

Mayor Myers asked to correct the spelling of Mike McMahon's name on Page 2/7.

Deputy Mayor Trefethen moved to correct the spelling on Page 2/7; seconded by Councilor Hooper.

Vote: 9/0.

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

Vote: 9/0.

11. MAYOR'S REPORT

Mayor Myers said he attended the Municipal Advisory Committee meeting, where they adopted their Legislative Policy position. He said there will be a workshop on August 4th. He said the 4th of July celebration was a great day with a full day of events. He attended the Local Government Center Board retreat, where they reviewed the vision, mission statement, and objectives. He met with author Larry Keenan, where he received a book entitled "Big Jim, Mayor of Dover, a Small City North of Boston." He said a few months ago he was asked to pen the epilogue for the book. He said Mr. Keenan also donated a copy of the book to the Dover Public Library.

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

Vote: 9/0.



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12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 3: ADMINISTRATIVE CODE

SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Nedelka. Councilor Hooper said she supported using local businesses, and asked if the City was protected from locking into working with the low bid.

City Manager Joyal explained the Article 3-25 provision. He said the proposed revision takes out the specific language about picking the local company in the case of a tie, but the language throughout the Ordinance relates to accepting the bid most advantageous to the City. He said this allows the Purchasing Agent to pick the bid that is most advantageous to the City and not necessarily the lowest bid. He referred the Council to a handout which was his recommended amendment to the Ordinance.

Deputy Mayor Trefethen moved to amend the Ordinance; seconded by Councilor Weston.

Vote: 9/0.

Councilor Cheney referred to Legislative Authority, Page 3-2, and started a discussion that the Administrative Code is the Council's responsibility, and felt there should have been a Councilor working on the changes in the Administrative Code. She said this Ordinance was a very big change.

City Manager Joyal said it was set up a long time ago that the City Manager sets up the administrative structure and goes to the Council for approval. He said any amendments have to be recommended by the City Manager and approved by the Council. He said this Ordinance is just trying to update the structure and to use consistent language. He said there was no transference of power or creating of new departments, but that duties have changed over time.

Mayor Myers said it was a working document and that it was perfectly acceptable for the Council to change it.

Councilor Cheney said this was a complete rewrite and the Council has not had a workshop to discuss it. She said she would not support this Ordinance.

Mayor Myers asked for a roll call vote on the Chapter 3 Ordinance as amended.

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

2. CHAPTER 5: BOARDS, COMMISSIONS, AND COMMITTEES

SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Garrison. Deputy Mayor Trefethen moved to amend the Ordinance to change the sponsor to Mayor Myers by request; seconded by Councilor Weston.

Vote: 9/0.

Deputy Mayor Trefethen moved to amend the Ordinance deleting the Building Code Board of Appeals, Section 5-12, renumbering subsequent sections, and adding



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language in Section 5-10 to expand the authority of the Zoning Board of Adjustments to include hearing appeals regarding the Building Code. He said the amendment to Section 5-10 would add the sentence to Part C): "The members shall also perform the duties of Building Code Board of Appeals, pursuant to RSA 674:34." This amendment was seconded by Councilor Cruikshank.

Vote: 9/0.

Councilor Nedelka referred to Item 5-1.J., and said he would like to amend it by adding "this provision applies prospectively."; seconded by Deputy Mayor Trefethen.

Vote: 9/0.

Councilor Weston referred to 5-15., and said she wanted to meet with the Transportation Advisory Commission before the Council voted on this Ordinance. She made a motion to table this Ordinance; seconded by Councilor Cheney.

Vote: 2/7; Failed. Councilors Cheney and Weston voted in favor.

Mayor Myers asked for a roll call vote on the Chapter 5 Ordinance as amended.

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

3. CHAPTER 152: STREETS AND SIDEWALKS SPONSORED BY MAYOR MYERS BY REQUEST

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

Mayor Myers said these were minor changes.

Councilor Garrison referred to Section 152-28.C., and asked if there were any limits.

City Attorney Krans said there were no limits.

Councilor Cheney said she didn't agree with some of the content in the Ordinance. She didn't like changing the wheelchair allowance from 60" to 40".

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

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS

1. REPROGRAMMING OF UNEXPENDED BOND PROCEEDS AND APPROPRIATIONS FOR CERTAIN CAPITAL IMPROVEMENT PROJECTS (REQUIRES A 2/3 MAJORITY VOTE)

SPONSORED BY COUNCILOR WESTON AND COUNCILOR GARRISON

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

Councilor Weston discussed that the purpose of this Resolution was to reprogram the \$189,970 of unexpended bond proceeds. She said this Resolution asks to appropriate the funds to two areas: \$27,946 to Streets and Sidewalk Maintenance and \$150,000 to fix the retaining wall at Henry Law Park.

Mayor Myers said the Council did this in accordance within the New Hampshire Municipal Finance Act, RSA 33; and the City Charter provision C6-6 and C6-14. He said they had a Public Hearing that was advertised. He said this Resolution requires a 2/3 majority vote.



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Roll Call Vote: 9/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **BLOCK PARTY – American Legion Auxiliary**
2. **ROAD TOLL – American Legion Auxiliary**
3. **BLOCK PARTY – Florence Street Block Party**
4. **TAG – Dover Little Green Football, Inc.**
5. **TAG – Seacoast Titans Football & Cheer League**

6. **RESOLUTION: MISCELLANEOUS HARDWARE SUPPLIES**
SPONSORED BY MAYOR MYERS BY REQUEST

7. **RESOLUTION: B09054 PURCHASE OF UNLEADED AND DIESEL FUEL**
SPONSORED BY MAYOR MYERS BY REQUEST

8. **RESOLUTION: B09052 WASTEWATER TREATMENT PLANT SLUDGE
DEWATERING UPGRADE DESIGN SERVICES**
SPONSORED BY MAYOR MYERS BY REQUEST

9. **RESOLUTION: B10089 HOT BITUMINOUS PAVING (ASPHALT)**
SPONSORED BY MAYOR MYERS BY REQUEST

10. **RESOLUTION: B10090 SIDEWALK IMPROVEMENTS**
SPONSORED BY MAYOR MYERS BY REQUEST

11. **RESOLUTION: B10091 BRIDGES OVER COCHECO RIVER**
SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

- | | |
|---|--|
| 1. School Board Liaison | 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. Joint Building Committee – Woodman Park |
| 6. Arts Commission | 12. Legislative Liaison |

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



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

Councilor Hooper asked to pull the School Board Liaison Report.

Deputy Mayor Trefethen asked to pull the Appointments Committee Report.

Councilor Cheney asked to pull the Joint Building Committee Report for Woodman Park School.

Mayor Myers asked for a Roll Call Vote on the remaining items on the Consent Calendar.

Roll Call Vote: 9/0.

Councilor Hooper discussed her School Board Liaison report with the Council.

Vote: 9/0.

Deputy Mayor Trefethen said the Appointments Committee has the following recommendations for approval by the Council:

Dover Pool Advisory Committee

Dawn Haines	1 year term
Peter Marcos	1 year term
Suzanne Peterson	2 year term
Douglas Dodd	2 year term
Phillip Reed	3 year term
Tim Paiva	3 year term
Richard Arnold	3 year term
Ann Fredette, Alternate	1 year term
Suzanne Medbery, Alternate	1 year term

Dover Planning Board

Jake Forget, Alternate Member

Dover Arena Commission

Marc Saunders, Alternate Member

Dover Conservation Commission

William Hunt

Deborah Calabro

Deputy Mayor Trefethen moved to accept the appointments; seconded by Councilor Weston.

Vote: 9/0.

Councilor Cheney moved to accept the Joint Building Committee Report for the Woodman Park School; seconded by Councilor Nedelka.

Councilor Cheney read her report into the record. (The report will be archived with the Minutes.)

Mayor Myers referred to Paragraph 2 and corrected the spelling of M. Geuther's name. He asked to make a friendly amendment to add Councilor Weston and identify the date she was appointed.

Councilor Cheney made a motion to add Councilor Weston and insert the date she was appointed; seconded by Councilor Cruikshank.

Vote: 9/0.

Councilor Cruikshank moved to accept the amended report; seconded by Councilor Nedelka.

Vote: 9/0.



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B. RESOLUTIONS

1. **DOVER UTILITIES COMMISSION RULES AND REGULATIONS** SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Weston.
Roll Call Vote: 8/1; Passed. Councilor Cheney was opposed.

2. **2010 CITY MANAGER EVALUATION** SPONSORED BY MAYOR MYERS

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

3. **2010 CITY MANAGER CONTRACT AMENDMENT** SPONSORED BY MAYOR MYERS

Mayor Myers moved for its adoption; seconded by Councilor Weston.
Mayor Myers explained that the City Manager took a pay cut last year, and a pay freeze this year. He said the City Manager's raise is based on the Boston CPIU, and said the Council added a provision to the City Manager's contract which states that starting July 1st, 2011 the Council will add an additional 1% to the City Manager's raise, and will continue to do that until the City Manager's salary reaches the median of other city managers in communities of comparable size to Dover. He referred to the handout that showed that the City Manager makes \$116,000+, and that the median is just short of \$126,000. He said the second change in the contract is that the City's contribution to his 457 Deferred Compensation will increase from his current level of 6% by 1% per year until it's capped out at 10%. He said the third change in the contract indicates that he would be grandfathered in to receive health benefits now at 17 years of service instead of waiting until 20 years of service.

Councilor Nedelka moved to amend the Resolution to attach the salary worksheet that showed other municipalities; seconded by Councilor Weston.

Vote: 9/0.

Councilor Cheney discussed the changes and said she felt it was too much.

Councilor Hooper said she felt 1% was a small amount.

Councilor Nedelka said the worksheet shows City Manager Joyal as #9 out of 10 comparable communities and the recommended changes which will happen over time will make him #5 on the list.

Councilor Cheney said the Council was adding benefits that cannot be removed.

Mayor Myers said any three year contract that the Council signs now will bind a future Council. He said he was pleased with the City Manager and that this Resolution has his support.

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



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4. MERIT PLAN AMENDMENT PURSUANT TO CITY CHARTER C7-2 SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Garrison. City Manager Joyal went over the amendments to the Merit Plan with the Council. Councilor Cheney said she didn't like the title change for the City Attorney to General Legal Counsel. She said this would be giving the City Manager more power. Roll Call Vote: 8/1; Passed. Councilor Cheney was opposed.

5. FINAL ACCEPTANCE WOODMAN PARK ELEMENTARY SCHOOL ADDITION AND RENOVATIONS SPONSORED BY COUNCILOR CHENEY AND COUNCILOR WESTON

Councilor Cheney moved for its adoption; seconded by Councilor Weston. Councilor Weston moved to amend the Resolution to show sponsors as Councilor Cheney and Councilor Weston; seconded by Councilor Cheney. Vote: 9/0. Councilor Weston moved to add the same background information as on the Joint Building Committee Report for the Woodman Park School: add Councilor Weston as a member and the date she was appointed. This amendment was seconded by Councilor Nedelka. Roll Call Vote: 9/0.

6. NAMING OF NEW BRIDGE SPANNING COCHECHO RIVER (TO BE REFERRED TO A PUBLIC HEARING TO BE HELD ON JULY 28, 2010) SPONSORED BY MAYOR MYERS

Deputy Mayor Trefethen moved to refer this Resolution to a Public Hearing to be held on July 28, 2010; seconded by Councilor Cruikshank. Vote: 9/0.

C. ORDINANCES IN 1ST READING

1. AUTHORIZING NEW SIDEWALK CONSTRUCTION (TO BE REFERRED TO A PUBLIC HEARING TO BE HELD ON JULY 28, 2010) SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved to refer this Resolution to a Public Hearing to be held on July 28, 2010; seconded by Councilor Nedelka. Vote: 9/0.

14. COUNCIL CORRESPONDENCE – None



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15. COUNCIL MATTERS OF INTEREST

Mayor Myers spoke the about appointment of Council liaisons to the Stormwater Commission and the Dover Pool Advisory Committee. He referred to the Stormwater Commission and recommended Councilor Nedelka as Chairperson and Councilor Hooper as Vice Chairperson; Jay Stevens would be the Dover Utilities Commission representative, Gary Green would be the Planning Board representative, and the five citizen representatives would be Chad Kageliery, Dennis Ciotti, Chris Nash, Ray Bardwell, and Dana Lynch.

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

Vote: 9/0.

Mayor Myers said two Councilors, Cheney and Garrison, have expressed an interest in being on the Pool Advisory Committee.

Councilor Garrison said this issue was brought to his attention by Dawn Haines; he has researched this issue, and he is motivated to support the value of these pools to the community. Councilor Cheney said she saw the value of the pools before she was Councilor. She said she has been a strong advocate for the pools.

Mayor Myers asked for a vote for Councilor Cheney.

Votes for Councilor Cheney: 2; Councilors Cheney and Weston

Mayor Myers asked for a vote for Councilor Garrison.

Votes for Councilor Garrison: 7; Mayor Myers, Deputy Mayor Trefethen, Councilors Carrier, Cruikshank, Garrison, Hooper, Nedelka.

Councilor Garrison spoke about the large amount of paper being used to produce the Agenda packets. He asked to eliminate the City Manager statistics from his report in hard copy, but to keep it available on the website.

Council discussed saving paper and the use of the website.

Mayor Myers said he still wanted it prepared, but he was comfortable with the website.

Councilor Cheney asked for them to be available at the City Clerk's Office.

Mayor Myers said it seemed to be the consensus of the Council to eliminate the statistics and spreadsheets.

Councilor Weston asked for another vote on changing the Agenda packet from double-sided to single-sided copies. She said it is very confusing, and gets more confusing with substitutions, to keep it in order. She said she also has heard comments from people watching at home that they are having trouble hearing the Councilors because of the page turning.

Councilor Cheney said she agreed with Councilor Weston.

Mayor Myers asked for a vote.

Vote: 5/4; Passed. Deputy Mayor Trefethen, Councilors Carrier, Cheney, Hooper, and Weston.

Mayor Myers said the packets will be single-sided again.

16. ADJOURNMENT

Deputy Mayor Trefethen moved to adjourn; seconded by Councilor Weston.

Vote: 9/0.