



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, August 24, 2011**
Meeting Time: **7:00pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Carrier led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Trefethen, Deputy Mayor Weston, Councilor Carrier, Councilor Cheney, Councilor Ciotti, Councilor Cruikshank, Councilor Hooper, and Councilor Nedelka.

Absent: Councilor Garrison.

Also present: City Manager Joyal, General Legal Counsel, and City Clerk Lavertu.

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Councilor Hooper moved to add the School Board Report; seconded by Councilor Nedelka.

Vote: 7/1; Passed. Councilor Cheney was opposed.

Deputy Mayor Weston moved to add the Road Toll permit for the Muscular Dystrophy Association to the Consent Calendar; seconded by Councilor Nedelka.

Vote: 7/1; Passed. Councilor Cheney was opposed.

Deputy Mayor Weston asked to move Item 13.B.2. to after the Citizen's Forum; seconded by Councilor Cruikshank.

Vote: 8/0.

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

Vote: 8/0.

Deputy Mayor Weston moved to approve the agenda as amended; seconded by Councilor Ciotti.

Vote: 8/0.

7. PUBLIC HEARINGS

A. CHARTER AMENDMENT – TAX CAP

SPONSORED BY MAYOR TREFETHEN BY REQUEST

Ronald Huml, 199 Mast Road: He spoke against the Tax Cap Charter Amendment. He felt the language was too vague. He said he liked the current tax cap better than the proposed version.

David Scott, 220 Back Road: He opposed the Charter change. He said the current tax cap is alive, well, and legal. He said the new proposal will allow for more taxes. He encouraged the Council to vote no on the Tax Cap Charter Amendment resolution.



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David Montenegro, 55 Union Street: He spoke against the Tax Cap Charter Amendment. He said it's not clear how the levy will be computed, and the language should reflect what would happen if the index is a negative value..

Donald Medbery, 3 Covered Bridge Lane: He said he was opposed to using the Boston CPI, because it doesn't fit with Dover's image. He felt there was no need to change the current tax cap. He said the Council can override the current tax cap, and asked the Council to vote against the Tax Cap Charter Amendment resolution.

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

William Degrandpre, 21 Danielle Lane: He spoke in favor of keeping the current tax cap. He said the City needs less spending and the tax cap should only be overridden for needs.

John Scruton, 99 Sixth Street: He said he would like to see the 2007 tax cap stay in place.

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

B. CHARTER AMENDMENT – REDISTRICTING OF WARD BOUNDARIES SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

C. CHAPTER 5, BOARDS, COMMISSIONS AND COMMITTEES - CREATING AN ENERGY COMMISSION SPONSORED BY MAYOR TREFETHEN BY REQUEST

Eric Steltzer, 103 Henry Law Avenue, Energy Advisory Committee Chairperson: He asked for the Council's support for the creation of an Energy Commission.

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

John Pelletier, 94 Back River Road: He spoke in favor of the creation of the Energy Commission. He said this won't cost or save the City money, but will allow for future help. He asked the Council to vote for the creation of this commission.

Elizabeth Fisher, 24 Rutland Street: She spoke in favor of the creation of the Energy Commission. She said it was a wonderful opportunity for the City.

Donald Medbery, 3 Covered Bridge Lane: He said the City need a citizen's committee to bring forth a plan to the Council. He said Dover had enough commissions.

Shannon Rogers, 22½ Baker Street, Energy Advisory Committee Member: She spoke in support of creating an Energy Commission.



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David Boynton, 189 Central Avenue: He spoke in support of creating an Energy Commission.

David Scott, 220 Back Road: He asked if the City had a report on the Johnson Controls' activities, which he opposed when he was councilor. He asked for a report from the City Manager. He felt the citizens should see a report before the creation of any committee.

Mayor Trefethen said the Council has received more than one report on results from Johnson Controls' Energy Efficient Program.

Mayor Trefethen, 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.

Elizabeth Fisher, 24 Rutland Street: She asked the Council to approve Item 13.B.2., Lorraine's Corner.

Ronald Huml, 199 Mast Road: He spoke about the tax cap and the Council's decision to override the tax cap the past two years.

David Scott, 220 Back Road: He spoke about overrides only being for emergencies, and felt there hasn't been an emergency that would allow for an override. Therefore, he felt the Council was in violation of the City's Charter.

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

Donald Medbery, 3 Covered Bridge Lane: He encouraged young people to speak at the podium. He spoke about the Superfund site. He thanked Community Services Director Doug Steele and Environmental Project Manager Dean Peschel for their work on the new bridge crossing the river.

John Pelletier, 94 Back River Road: He spoke about the Dover Listens Scavenger Hunt.

Gary Green, 18 Footbridge Lane: He said he was excited about Dover making the Top 100 list in the Country. He felt the City was on the right track. He thanked past and current volunteers and councilors. He gave credit to Economic Development Director Dan Barufaldi. He asked the Council to consider changing their rules on what citizens can address at the podium.

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

Deputy Mayor Weston moved to adopt Item 13.B.2.; seconded by Councilor Ciotti.

Vote: 8/0.



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9. CITY MANAGER'S REPORT

City Manager Joyal said he submitted his report in writing.

Councilor Cheney asked about the tax cap questions and if the Council needed to vote to override the spending cap.

Mayor Trefethen said last year the first vote was to amend the budget resolution to indicate an override, not a vote to override.

City Manager Joyal said there is not a specific instruction or provision in the tax cap for two separate votes. He explained the procedure to the Council.

Councilor Ciotti asked about the City Manager's Report

City Manager Joyal explained the process for his reports. He said the 1st regular meeting of the month is a report on the City, and the 2nd regular meeting of the month is a report from the Economic Development Director and the General Legal Counsel. He said it was included in the Agenda packet for the Council meeting and is available on the website.

Councilor Hooper asked about the Energy Efficiency reports.

City Manager Joyal said the City has been keeping track of the project. He said the contract is working as projected.

Deputy Mayor Weston asked for clarification of the Councilor At Large vacancy, because people have been contacting her about her position being vacant.

City Manager Joyal said with the resignation of Mayor Myers and the selection of Mayor Trefethen, who was also a Councilor At Large, it was his position that was being filled by Councilor Ciotti.

Deputy Mayor Weston spoke about the Local Government Center (LGC) and the money that should be returned to the City. She said she felt the City Manager should ask for the \$281,000 in workers' compensation money at this point.

City Manager Joyal said the City is keeping track of this situation and he has consulted with other cities. The LGC has agreed to return this money through a credit on future insurance bills.

Councilor Cheney asked about the City getting out of the contract with LGC.

City Manager Joyal said the City has contractual agreements with the employee groups, and there are no comparable options to offer in negotiations. He said they need to wait for the process to work out.

Councilor Nedelka asked about tax breaks to seniors.

City Manager Joyal said there is information available on the tax assessor's website regarding seniors getting tax breaks from the City and State.

Councilor Nedelka started a discussion regarding the comments made during Citizen's Forum and \$4.5 million being owed back to the City from the LGC.

City Manager Joyal explained that the City was not due \$4.5, but \$281,000, which was a 1% charge for workers' compensation.

Councilor Nedelka asked about the new bridge on Covered Bridge Lane and asked if it cost the taxpayers \$200,000.

City Manager Joyal said it did not, but was paid for by the responsible parties involved in the Superfund site.

Councilor Carrier spoke briefly about the Johnson Control contract and how the City is in the positive. He also spoke about the LGC funds and said he was willing to wait, but felt it should be earning interest.



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Councilor Nedelka said he was willing to wait for the process to play out, but felt it should be credited in the next year and not over three years.

Mayor Trefethen said he felt it would be cleaner to have the full \$281,000 returned to the City. He asked for a consensus of the Council to have the City Manager pursue that course.

Three years: 0

Lump sum of \$281,000: 8.

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

Vote: 8/0.

10. APPROVAL OF MINUTES

- A. August 3, 2011 - Workshop
- B. August 10, 2011 – Special Meeting
- C. August 10, 2011 – Regular Session

Deputy Mayor Weston for the approval of the minutes; seconded by Councilor Hooper.

Vote: 8/0.

11. MAYOR'S REPORT

Mayor Trefethen said he attended the Park Street Park rededication, and thanked the Rotary Club for their help. He attended Scott Myers' Day party. He spoke about the public hearings and citizen's forum comments being clear, concise, and informative.

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

Vote: 8/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 5, BOARDS, COMMISSIONS AND COMMITTEES - CREATING AN ENERGY COMMISSION

SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Weston moved for its adoption; seconded by Councilor Ciotti.

Councilor Hooper asked for clarification for the public on the difference between a commission and an advisory committee.

City Manager Joyal explained the difference to the Council. He said a committee is advisory, but commissions have authorities by statute.

Mayor Trefethen spoke about substituting this resolution as a whole, and went over the difference in the substituted resolution with the Council.

Deputy Mayor Weston moved to substitute resolution as a whole; seconded by Councilor Cruikshank.



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Councilor Cheney started a discussion on the RSA regarding any amount over \$500 needing approval, and asked if it was overridden by the language in the resolution. Mayor Trefethen said it does not override the RSA. He asked for a vote on substituting the resolution.

Vote: 8/0.

Deputy Mayor Weston asked why the commission needs money.

City Manager Joyal asked Mr. Eric Steltzer, current Energy Advisory Committee Chairperson, to speak to the Council.

Mr. Steltzer explained the reasoning for having the authority to handle money and being able to accept grants.

Roll Call Vote: 7/1; Passed. Councilor Cheney was opposed.

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS

1. CHARTER AMENDMENT – TAX CAP

SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Weston moved for its adoption; seconded by Councilor Nedelka.

Mayor Trefethen gave background information on the current tax cap language. He said this was a chance for the people to vote on this issue.

Councilor Cheney said this language is completely different from the current tax cap. She asked again for the current tax cap charter and the proposed tax cap charter amendment to be available on the City's website homepage. She said this doesn't have to be voted on tonight.

Councilor Weston felt this was more than a few word changes and needed more work. She spoke about the previous Charter amendment in 2007 and asked for another workshop.

Mayor Trefethen said the informational sessions in 2007 were for the citizens to understand the impact of the tax cap, not the Council.

Councilor Weston respectfully disagreed and said she would not support this resolution.

Councilor Ciotti asked when the deadline was for getting this on the ballot.

City Manager Joyal said September 8, 2011.

Councilor Ciotti said this needed to get approved tonight in order to get it on the ballot. He said the City Manager could possibly show this year's budget with this proposed charter amendment language.

Roll Call Vote: 6/2; Passed. Councilors Cheney and Weston were opposed.



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2. CHARTER AMENDMENT – REDISTRICTING OF WARD BOUNDARIES SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Weston moved for its adoption; seconded by Councilor Nedelka. Councilor Nedelka asked what happens if the public rejects this ballot question. General Legal Counsel said the City would ask the Secretary of State for his wisdom. Mayor Trefethen said if this charter amendment passes it will not take effect until June 1, 2012.

Councilor Ciotti asked how the residents will be notified.

City Clerk Lavertu said every registered voter that is impacted will be notified by mail. She said the new ward map will be posted during the January Presidential Primary.

Roll Call Vote: 8/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. RAFFLE – Dover High School, Class of 1981**
- 2. RAFFLE – Dover Little Green Football, Inc.**
- 3. RAFFLE – Target Funding, LLC d/b/a BNI**
- 4. RAFFLE & BLOCK PARTY – Dover Main Street & Dover Chamber of Commerce**
- 4a. ROAD BLOCK – Muscular Dystrophy Association**

- 5. RESOLUTION: AUTHORIZATION TO ACCEPT UNH PROPOSAL #11-721 FOR PHASE II BERRY BROOK WATERSHED MANAGEMENT PLAN GRANT
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

- 6. RESOLUTION: B11072 CRACK SEALING SERVICES
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

- 7. RESOLUTION: B12003 HOUSEHOLD HAZARDOUS WASTE COLLECTION SERVICE
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

- 8. RESOLUTION: B12006 LIQUID PROPANE
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

- 9. RESOLUTION: B12007 #2 HEATING FUEL
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

- 10. RESOLUTION: B12008 OFF ROAD DIESEL FUEL
SPONSORED BY MAYOR TREFETHEN BY REQUEST**



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11. RESOLUTION: BOOK AND MEDIA PURCHASES
 SPONSORED BY MAYOR TREFETHEN BY REQUEST

12. APPROVAL OF STRAFFORD COUNTY CAP LEASE, ROOM 240
 SPONSORED BY MAYOR TREFETHEN BY REQUEST

COMMITTEE REPORTS

- | | |
|--|---|
| 1. School Board | 8. Transportation Advisory Commission |
| 2. Planning Board | 9. Joint Building Committee – Horne Street |
| 3. Appointments Committee | 10. Joint Building Committee – Media Access |
| 4. Recreation Advisory Board | 11. Legislative Liaison |
| 5. McConnell Center Advisory Committee | 12. Pool Advisory Committee |
| 6. Arts Commission | 13. Parking Commission |
| 7. Solid Waste Advisory Commission | |

Deputy Mayor Weston moved for the adoption of the Consent Calendar; seconded by Councilor Nedelka.

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

Councilor Hooper asked to pull the School Board Report.

Councilor Cheney asked to pull Item 13.A.7.

Mayor Trefethen asked to pull Item 13.A.9 and the Appointments Committee Report.

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

Roll Call Vote: 8/0.

Deputy Mayor Weston moved for the adoption of 13.A.7.; seconded by Councilor Cheney.

Councilor Cheney asked if the collection date scheduled is September 24, 2011.

City Manager Joyal said that was correct.

Roll Call Vote: 8/0.

Deputy Mayor Weston moved for the adoption of 13.A.9.; seconded by Councilor Ciotti.

Mayor Trefethen spoke about locking in the price for a full year. He said the City Manager budget for \$3.21, and the City has locked in at \$3.20. He said he was in favor of this resolution.

Councilor Ciotti started a discussion regarding the bidding process.

Mayor Trefethen said there is an on-line database that list current bid requests, where companies can put their name as possible vendors.

Roll Call Vote: 8/0.

Councilor Hooper gave an overview of the School Board Report.

Deputy Mayor Weston moved to accept the School Board Report; seconded by Councilor Carrier.

Vote: 8/0.



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Mayor Trefethen said the Appointments Committee is hoping to meet soon, and primarily will be concerned with reappointing existing committee members whose terms have expired. He went over the list of openings:

- Arena Commission – 1 regular and 1 alternate
- Arts Commission – 4 regular
- Conservation Commission – 2 regular
- Library Board of Trustees – 1 regular
- Open Lands Committee – 5 regular and 1 alternate
- Planning Board – 1 alternate
- Pool Advisory Committee – 2 regular
- Recreation Advisory Board – 1 regular and 3 alternates
- Transportation Advisory Commission – 2 alternate

Deputy Mayor Weston moved to accept the Appointments Committee Report; seconded by Councilor Ciotti.

Vote: 8/0.

B. RESOLUTIONS

1. CITY COUNCIL RULE CHANGES

SPONSORED BY MAYOR TREFETHEN

Deputy Mayor Weston moved for its adoption; seconded by Councilor Ciotti.

Mayor Trefethen went over the changes with the Council. He said it basically is just moving the deadlines up one day.

Councilor Nedelka made a motion for a friendly amendment. Third paragraph, "Page 10, Section 6-F: Agenda Materials." Second sentence says: "The agenda packets will be emailed." He moved to insert the words "a link to" before the sentence. He wanted to stop circulating large files that had to be archived. Seconded by Councilor Carrier.

Mayor Trefethen asked the City Clerk if that was possible.

City Clerk Lavertu said it's available on-line.

Vote: 8/0.

Mayor Trefethen asked for a vote on the amended resolution.

Vote: 8/0.

2. LORRAINE'S CORNER

SPONSORED BY MAYOR TREFETHEN BY REQUEST

Council voted to move up on the Agenda to after the Citizen's Forum.

C. ORDINANCES IN 1ST READING - None

14. COUNCIL CORRESPONDENCE - None



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15. COUNCIL MATTERS OF INTEREST

Deputy Mayor Weston asked the City Clerk if she knew the filing period dates for the November Municipal Election.

City Clerk Lavertu said she is finalizing the dates. She is waiting to hear from the Secretary of State's office regarding the order of names. She believes it has to be changed to an alphabetical listing, beginning with the random letter chosen by the Secretary of State's office.

16. ADJOURNMENT

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

Vote: 8/0.