



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, August 10, 2011**
Meeting Time: **7:00pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE – held during the Special Meeting

3. PLEDGE OF ALLEGIANCE – held during the Special Meeting

4. ROLL CALL ATTENDANCE

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

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

5. PROCLAMATIONS/AWARDS

Mayor Trefethen read a proclamation for Honorable Scott Myers. Mr. Myers spoke to the Council and citizens of Dover.

6. APPROVAL OF AGENDA

Councilor Hooper asked to add the School Board Report to the agenda; seconded by Councilor Garrison.

Vote: 9/0.

Councilor Carrier asked to add the Recreation Advisory Board Report to the agenda; seconded by Councilor Nedelka.

Vote: 9/0.

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

Vote: 9/0.

7. PUBLIC HEARINGS

A. FRESHET ROAD REZONING

SPONSORED BY MAYOR TREFETHEN BY REQUEST

James Schulte, Esq, 2 Towle Avenue: He represents the original applicant, Joanne Johnson. He spoke about the rezoning proposal for this road, which was mostly in Madbury. He asked the Council to vote as the Planning Board has recommended; to return the zoning to R40.

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



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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.

David Montenegro, 55 Union Street: He spoke about the City needing to conduct their business with integrity. He spoke about the Jenny Thompson bathhouse resolution and the bidding process.

Ronald Huml, 199 Mast Road: He spoke about leaving the meeting after he speaks during Citizen's Forum, and said he leaves because he has numerous health issues and can't stay. He apologized if he insulted anyone. He spoke about the current tax cap and the need for it to be reviewed, and changing the CPI to Boston area. He asked that the current cap legality issue be answered.

David Scott, 220 Back Road: He spoke about the Local Government Center (LGC) illegal activities and not returning the money to the cities.

Donald Medbery, 3 Covered Bridge Lane: He spoke about the criminal investigation of LGC and not returning the money to the cities. He spoke about the secret ballot vote for the Councilor at Large vacancy, and said it should have been an open vote.

Edward Bleiler, 28 Isaac Lucas Circle: He spoke about the Jenny Thompson bathhouse resolution and said the City should rebid the project. He read his statement to the Council.

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

9. CITY MANAGER'S REPORT

City Manager Joyal said he has submitted his report in writing to the Council, but wanted to bring a few items to the Council's attention. He spoke about the summer programs winding down. He said the City is preparing to participate in the national citizens' survey to measure quality and importance of services. He said the Greater Dover Chamber of Commerce will be hosting the 3rd Annual Citizen Leadership Academy, which is limited to 20-25 participants.

He discussed issues brought up during Citizen's Forum. He discussed the process for the original tax cap charter question in 2007, and the process for the current charter question that has been approved. He spoke about the investigation of the LGC and the process that has to take place that he has been following.

Councilor Nedelka asked if there is a difference in insurers between Portsmouth and Dover. City Manager Joyal said there are differences. He said Portsmouth has a greater number of employees, possibly doubled, that are insured by the LGC than Dover.

Councilor Cheney said the figure in the report is \$104 million. She said the City still doesn't know the amount.



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City Manager Joyal said there was a 1% surcharge added to premiums to start worker's compensation, which Dover doesn't participate. He said from 2003 through 2010 it is approximately \$280,000. He said there are legitimate concerns, but there is a process. Councilor Cheney spoke about the City renewed the contract, and asked how many years that was in effect. She asked if LGC is found guilty can the City get out of the contract, because the LGC threatened to raise premiums if they have to pay back the money.

City Manager Joyal said it was a one year renewal with a five year option to renew. He said the taxpayers need to be insured.

Mayor Trefethen agreed with Councilor Cheney's comments that the Secretary of State's report is damning, but felt the Council needed to hear the defense from LGC on this report. He said it wasn't time yet to act on this issue.

Councilor Weston spoke about State Representative Pam Tucker's legislation, which would go against the LGC. She asked if the LGC was a nonprofit or a Delaware LLC.

City Manager Joyal said he isn't defending the LGC, but he felt some things were being taken out of context. He discussed what he understood about the corporation and the problems the Secretary of State has with it.

Councilor Nedelka started a discussion regarding the fund balance of the LGC.

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

Vote: 9/0.

10. APPROVAL OF MINUTES

A. July 27, 2011 – Special Meeting

B. July 27, 2011 – Regular Session

Deputy Mayor Weston moved for the minutes' approval; seconded by Councilor Nedelka.

Councilor Cheney ask that the vote be separated.

Deputy Mayor Weston moved for the adoption of the July 27, 2011 – Special Meeting; seconded by Councilor Nedelka.

Vote: 9/0.

Deputy Mayor Weston moved for the adoption of the July 27, 2011 – Regular Session; seconded by Councilor Ciotti.

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

11. MAYOR'S REPORT

Mayor Trefethen spoke about the misunderstanding from earlier in the evening. He said he will send out an email before a meeting regarding procedural issues, and expects a response to him alone if there is an objection. He spoke about his email regarding the voting process for the Councilor at Large vacancy.

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

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



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12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING – None

1. FRESHET ROAD REZONING

SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Weston moved for its adoption; seconded by Councilor Cruikshank. Mayor Trefethen, as the Planning Board representative, gave background information regarding this Ordinance change.

Roll Call Vote: 9/0.

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS - None

13. NEW BUSINESS

A. CONSENT CALENDAR

1. PARADE – Loyal Order of Moose to benefit the Dover Children's Home
2. RAFFLE – Dover Children's Home
3. TAG – Dover Little Green Football, Inc.
4. BLOCK PARTY – Dover High School Homecoming Committee
5. PARADE – Dover Area Religious Leaders Association

6. RESOLUTION: B11089 SIDEWALK TIPDOWNS 2011 INCREASED SCOPE OF WORK

SPONSORED BY MAYOR TREFETHEN BY REQUEST

7. RESOLUTION: B11091 JENNY THOMPSON POOL BATHHOUSE DESIGN BUILD RENOVATIONS AWARD OF BID

SPONSORED BY MAYOR TREFETHEN BY REQUEST

8. RESOLUTION: AUTHORIZATION TO COMMIT ADDITIONAL FUNDS TO THE NUTRIENT CRITERIA, GREAT BAY ESTUARY COALITION

SPONSORED BY MAYOR TREFETHEN BY REQUEST



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COMMITTEE REPORTS

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

Deputy Mayor Weston for the adoption of the Consent Calendar; seconded by Councilor Garrison. Mayor Trefethen asked if there were any items the Council would like pulled for further consideration.

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

Councilor Hooper asked to pull the School Board Report.

Councilor Cheney asked to pull Item 13.A.8.

Mayor Trefethen asked to pull Item 13.A.6.

Councilor Carrier asked to pull the Recreation Advisory Board Report.

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

Vote: 9/0.

Deputy Mayor Weston moved for the adoption of Item 13.A.6.; seconded by Councilor Garrison.

Mayor Trefethen asked what was the source of money.

City Manager Joyal said these are additional CDBG funds that have become available to the City.

Roll Call Vote: 9/0.

Deputy Mayor Weston moved for the adoption of Item 13.A.6.; seconded by Councilor Nedelka.

Councilor Nedelka asked about the bidding process, and asked what \$185,000 entailed.

City Manager Joyal said they'll be using the existing footprint of the building, renovating the bath facilities, updating electrical and plumbing. He said the \$300,000 original bid included expanding the building.

Councilor Nedelka asked if safety issues were part of the renovations.

City Manager Joyal said it was the first priority.

Councilor Nedelka said he was concerned that it wasn't enough to do the job right. He wanted to wait to accrue more money to do the job right. He said they could just address safety issues.

Deputy Mayor Weston said she co-sponsored the original resolution with Councilor Keays. She asked Recreation Director Bannon about the changes in the resolution.

Director Bannon spoke about the process and finding out what the City could get for \$185,000.

Councilor Weston asked if a handicapped access was addressed.

Director Bannon said everything will be brought to code.

Mayor Trefethen asked about the timeframe.

Director Bannon said it will be ready in the spring.

Mayor Trefethen said he had two concerns: 1) is this what the City needs versus settling; and 2) about the future of the pools and operation of the pools themselves.



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Director Bannon said they will make more money with the bathhouse.
Councilor Nedelka said he is willing to vote for this Resolution since future expansions can be made after this renovation is completed.
Roll Call Vote: 8/1; Passed. Mayor Trefethen was opposed.

Deputy Mayor Weston moved for its adoption; seconded by Councilor Cheney.
Councilor Cheney asked why the amount has doubled.
Environmental Project Manager Peschel gave an overview of the resolution.
Roll Call Vote: 9/0.

Councilor Hooper gave an overview of the School Board Report.
Councilor Nedelka moved to approve the School Board Report; seconded by Councilor Cruikshank.
Vote: 9/0.

Councilor Carrier gave an overview of the Recreation Advisory Board Report.
Deputy Mayor Weston moved to approve the Recreation Advisory Board Report; seconded by Councilor Ciotti.
Vote: 9/0.

B. RESOLUTIONS

1. B11052 – NORTH END PRESSURE ZONE CONTRACT 1- WATER TRANSMISSION MAINS
SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

2. B11092 – NORTH END PRESSURE ZONE CONTRACT 2- WATER STORAGE TANK
SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

3. FIRE CHIEF EMPLOYMENT AGREEMENT
SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Weston moved for its adoption; seconded by Councilor Ciotti.
Vote: 9/0.



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4. ACCEPT COMMUNITY TRAIL IMPROVEMENTS SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Weston moved for its adoption; seconded by Councilor Cheney.
Mayor Trefethen gave an overview of this resolution to the Council.
Vote: 9/0.

5. CHARTER AMENDMENT – TAX CAP (TO BE REFERRED TO A PUBLIC HEARING ON AUGUST 24, 2011) SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Weston moved to refer to a public hearing on August 24, 2011; seconded by Councilor Ciotti.
Vote: 8/1; Passed. Councilor Cheney was opposed.

6. CHARTER AMENDMENT – REDISTRICTING OF WARD BOUNDARIES (TO BE REFERRED TO A PUBLIC HEARING ON AUGUST 24, 2011) SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Weston moved to refer to a public hearing on August 24, 2011; seconded by Councilor Hooper.
Vote: 9/0.

C. ORDINANCES IN 1ST READING

1. CHAPTER 5, BOARDS, COMMISSIONS AND COMMITTEES - CREATING AN ENERGY COMMISSION (TO BE REFERRED TO A PUBLIC HEARING ON AUGUST 24, 2011) SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Weston moved to refer to a public hearing on August 24, 2011; seconded by Councilor Cruikshank.
Councilor Cheney made a motion to table this Ordinance. There was no second.
Deputy Mayor Weston asked the City Manager provide the Council with information as to the duties and powers of the Energy Commission.
City Manager Joyal said he could provide that information.
Mayor Trefethen asked if there was a general consensus to have the City Manager provide this information.
There was consensus.
Mayor Trefethen asked for a show of hands vote to refer to a public hearing.
Vote: 8/1; Passed. Councilor Cheney was opposed.

14. COUNCIL CORRESPONDENCE – None



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15. COUNCIL MATTERS OF INTEREST

Councilor Cheney said the Council needs to put prior spending cap and proposed tax cap language on the City's website.

Councilor Carrier asked if Councilors go to ribbon cuttings to report back to the Mayor for his report so the new businesses get recognized.

Deputy Mayor Weston said she will be forwarding to the Council the information she received from the Clerk in Manchester regarding their old spending cap, along with their new proposed changes. Councilor Cruikshank spoke about the August 20th event planned for the former Mayor, and said it will be on the Greater Dover Chamber of Commerce's website on Friday.

Mayor Trefethen said the event is 3:00 pm to 7:00 pm on Saturday, August 20, 2011, at The Works in Somersworth. He said Wentworth-Douglass Hospital donated the facilities.

Councilor Nedelka was interested in Council consensus to have just the link sent to Council Agenda and Agenda Materials be emailed, instead of attaching the files to the email. He was trying to save data storage.

Mayor Trefethen talked about changing the Council rules for the preparation of the Council Agenda. He said he intends to introduce a rule change to have items submitted by Tuesday at noon, and the packet completed by Thursday at noon.

16. ADJOURNMENT

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

Vote: 9/0.