



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, September 14, 2011**  
Meeting Time: **7:00pm**

### 1. CALL TO ORDER

### 2. MOMENT OF SILENCE

### 3. PLEDGE OF ALLEGIANCE

Deputy Mayor Weston led the Pledge of Allegiance.

### 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 – None

### 6. APPROVAL OF AGENDA

Mayor Trefethen asked the Council if they had any items they would like to change, add, or delete on the Agenda.

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

Vote: 9/0.

Deputy Mayor Weston moved to add the Dover Ice Arena Development Agreement to the background of Item 13.B.1.; seconded by Councilor Garrison.

Vote: 9/0.

Deputy Mayor Weston moved to add background information to the City Manager's Evaluation, Item #13.B.4.; seconded by Councilor Cruikshank.

Vote: 9/0.

Deputy Mayor Weston moved to add the language, "Refer to a public hearing on September 28, 2011," to item 13.B.3.; seconded by Councilor Hooper.

Mayor Trefethen moved to withdraw Item 13.B.2. from the agenda; seconded by Councilor Cruikshank.

Vote: 9/0.

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

Vote: 9/0.

Deputy Mayor Weston moved to accept the agenda as amended; seconded by Councilor Cruikshank.

Vote: 9/0.

### 7. PUBLIC HEARINGS – None



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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.*

**Thomas Clark, 1 Chesley Street, City of Dover Employee:** He referred to the newspaper article regarding the Local Government Center (LGC), and the Councilor's comment that it was not in the employees' best interest to do business with the LGC. He asked what the basis was for the comment. He said he wasn't here on behalf of the employees, but that he wasn't aware of employees being concerned with the contract with the LGC or the City Manager's decision to renew the contract.

**Edward Bleiler, 22 Isaac Lucas Circle:** He read his statement to the Council.

Mayor Trefethen told Mr. Bleiler that several of his figures were incorrect, and he will have City Manager Joyal address it during the City Manager's Report.

**Douglas DeDe, 143 Locust Street:** He congratulated the Council on recognizing a job well done by the best City Manager in the State. He said, as Councilor, he didn't vote to appoint him, but the City Manager has changed his opinion and earned his respect. He spoke about the misinformation in the newspaper article regarding the LGC. He said it's a political witch hunt and the LGC is being singled out.

**Donald Medbery, 3 Covered Bridge Lane:** He spoke about the LGC and why it is being investigated. He spoke about the 4-day work week, and the City's need to be open five days. He spoke about the City Manager's contract.

Mayor Trefethen asked Mr. Medbery to conclude his comments. Mayor Trefethen ordered the microphone be shut off and camera directed on something else.

Mayor Trefethen ordered the microphone turned on and continued the Citizen's Forum. He reminded the citizen's that there is a 5-minute time limit.

**David Scott, 220 Back Road:** He spoke about calls he has received from citizens regarding the City Manager's raise. He spoke about the LGC contract. He said the City should be able to get the property tax bill mailed out before the November election.

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

### 9. CITY MANAGER'S REPORT

City Manager Joyal asked Mr. Raymond Bardwell, member of the Save our Bridge Committee, to speak to the Council regarding the status of the covered bridge project.

Mr. Bardwell gave the status of the Save our Bridge fundraising and plans for the relocation of the bridge. He said the Conservation Commission has approved the location.



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Councilor Ciotti asked that a copy of the plan be given to the City Manager, who will give copies to the Council.

Mr. Bardwell said they will also be setting up a display of the plan in the hallway for the public.

Councilor Carrier said there was also talk of putting in stairs up to Central Avenue. He said maybe the Committee could get together with the Children's Museum and clean up that area while this project is underway.

Mr. Bardwell said they are working to incorporate it into the project.

City Manager Joyal said he had a few issues to discuss with the Council. He spoke about paving work that is to be completed. He said the Applevale Road project is being sent to bid, and expects an Award of Bid resolution at the next Council meeting. He said the Northend Water Pressure work will be starting in the next few days. He responded to comments made during Citizen's Forum. He said the figures were not accurate, and said he would be happy to meet with Mr. Bleiler.

Councilor Hooper asked the City Manager to correct that information for the public.

City Manager Joyal said in 2008 his base wage was \$124,978, and \$47,000 for benefits. He said his salary consists of a base salary, contribution to retirement deferred compensation program, and buying down vacation that isn't used. He said there were imputed wages that are shown as income for tax purposes. He said in 2009 his wage was \$127,552.56. In 2010 his wage was \$133,779.13, consisting of \$116,902 base salary, retirement contribution of 6%, and payment of 20-days leave accrued. He said all this information is available on the City's website, the City hall, and the Dover Library.

Councilor Garrison asked the City Manager to explain the City Hall hours, and how they save taxes for the City.

City Manager Joyal spoke about the cost savings being \$12,000 for taxpayers, and \$40,000 for water/sewer expenses. He said the City will also have energy savings because the building is closed. He said one benefit is the City Hall is open later four days a week, instead of just the one day per week previously. He said the disadvantage is that the City Hall being closed on Fridays is inconvenient for some folks, but they did have alternatives: online registrations, mailing payments that are processed by lockbox. He said it was ultimately a budget decision choice made by the Council.

Councilor Garrison asked what services were being provided by the LGC, besides health insurance.

City Manager Joyal said the LGC provides legal services, training services, representation in Concord for legislative initiatives. He said under the umbrella policy they provide health insurance, property and liability insurance, and workers' compensation insurance. He discussed the ongoing LGC investigation with the Council.

Councilor Carrier spoke about the City Manager's salary increase and asked what the salary would be.

City Manager Joyal explained the process to the Council. He said his salary ranks him 8 out of 9 comparable communities.

Councilor Nedelka referred to other city managers in the State receiving car allowances, and asked City Manager Joyal if he received a car allowance.

City Manager Joyal said he doesn't receive a car allowance and he drives his own car.



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Councilor Nedelka asked for the status on the electronic counting meters for parking. City Manager Joyal said the vendor has asked the City to hold off on proceeding with the electronic counters until they come out with multi-jurisdictional units, which should be later this year.

Councilor Nedelka referred to Applevale Road going out to bid, and asked if there will be water/sewer work completed before winter.

City Manager Joyal said they will be buttoning that up for winter.

Councilor Nedelka asked if there will be additional water/sewer work in 2012, or will it all be road work.

City Manager Joyal said there will be additional water/sewer work, but will be done at the same time as the road reconstruction.

Councilor Cheney spoke about the City Manager's compensation, and asked about the additional 1% wage increase.

City Manager Joyal said that was to increase his salary up to the median of comparable communities' city managers.

Councilor Cheney spoke about the LGC issue, and said it was more than just what they have in reserves. She said it was hard for her to believe that employees were comfortable with LGC.

City Manager Joyal said he agreed that there are other issues involved.

Deputy Mayor Weston referred to previous City Manager contracts including a car allowance, and asked what happened to it.

Mayor Trefethen said he felt he has been very lenient with the discussion regarding the LGC. He said the issue is still pending and asked the Council not to give interpretations and opinions during the City Manager's Report.

City Manager Joyal said his contract was amended in 2009.

Deputy Mayor Weston asked for an update on the parking expenses or Parking Commission.

City Manager Joyal said it's an attachment to his City Manager's Report, Pages 26-28.

Councilor Ciotti asked what the median salary was for city managers for the 2010-2011 fiscal year.

City Manager Joyal listed the nine communities used in computing the median salary, and it is \$143,506.

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

Vote: 9/0.

### 10. APPROVAL OF MINUTES

#### A. August 24, 2011 – Regular Session

Deputy Mayor Weston moved for its approval; seconded by Councilor Cheney.

Councilor Cheney referred to Page 4/10, and stated for the record that during the August 24, 2011 meeting she asked the City Manager for the employee agreement documents, which the whole Council did receive. She said the City Manager said there were no comparable options to offer. She said the minutes need to be corrected, because she felt there were other options that the City should pursue.



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City Manager Joyal said he still believes there are no other comparable options that are available to the City given what is in the contracts.

Mayor Trefethen asked if Councilor Cheney was making a motion.

Councilor Cheney said she wasn't.

Mayor Trefethen asked for a vote on the Minutes as presented.

Vote: 9/0.

### 11. MAYOR'S REPORT

Mayor Trefethen said he attended the 9/11 Ceremony presented by the Dover Fire Department. He attended the Dover Business and Industrial Development Authority (DBIDA) meeting, where they heard the proposals for the parking lots and about new companies interested in moving to Dover.

He attended several ribbon cuttings for the Greater Dover Chamber of Commerce.

Councilor Carrier said he was moved by the Mayor's speech during the 9/11 Ceremony.

Deputy Mayor Weston moved to accept the Mayor's report; seconded by Councilor Hooper.

Vote: 9/0.

### 12. UNFINISHED BUSINESS

**A. ORDINANCES IN THE 2<sup>nd</sup> READING – None**

**B. ORDINANCES IN THE 3<sup>rd</sup> READING – None**

**C. RESOLUTIONS – None**

### 13. NEW BUSINESS

#### A. CONSENT CALENDAR

1. RAFFLE – Amy's Treat
2. RAFFLE – First Parish Church Congregational, UCC
3. RAFFLE – Grace Community Church
4. TAG – Dover Little Green Cheerleading
5. TAG – Prime Time All Star Boosters
6. RESOLUTION: AWARD OF ADDITIONAL SCOPE OF SERVICES B08043  
CENTRAL AVE AND WENTWORTH-DOUGLASS HOSPITAL ACCESS  
MANAGEMENT PLAN  
SPONSORED BY MAYOR TREFETHEN BY REQUEST



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### COMMITTEE REPORTS

- |  |   |
|--|---|
| 1. <b>School Board</b>                 | 8. Transportation Advisory Commission       |
| 2. Planning Board                      | 9. Joint Building Committee – Horne Street  |
| 3. <b>Appointments Committee</b>       | 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     |   |

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.

Mayor Trefethen said he would like pull the Appointments Committee Report.

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

Roll Call Vote: 9/0.

Councilor Hooper gave an overview on the School Board Report.

Councilor Nedelka moved to accept the School Board Report; seconded by Councilor Cruikshank.

Vote: 9/0.

Mayor Trefethen gave an overview on the Appointments Committee Report. He gave a partial listing of openings still available. He said the committee recommends the following reappointments and appointments for the Council's approval:

#### Reappointments:

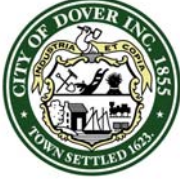
- Cemetery Board – Roland Hofemann, Alternate
- Pool Advisory Committee – Dawn Haines
- Trustees of the Trust Fund – Donald Cichon
- Parking Commission – Anthony McManus and Otis Perry

#### Appointments:

- Planning Board – Gary Green appointed to a regular position from alternate, and Kurt Schuman being appointed to the alternate position
- Arts Commission - Jake Johnson and Rebecca Proctor
- Open Lands Committee – Greg Braun and Christopher Buck

Deputy Mayor Weston moved to accept the Appointments Committee Report and the recommendations for appointments; seconded by Councilor Nedelka.

Vote: 8/0. Councilor Hooper was absent from the Council Chambers.



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### B. RESOLUTIONS

**1. DOVER ICE ARENA AGREEMENT – LEACH BROTHERS**  
SPONSORED BY DEPUTY MAYOR WESTON AND COUNCILOR CRUIKSHANK

Deputy Mayor Weston moved for its adoption; seconded by Councilor Cruikshank.  
Deputy Mayor Weston gave an overview for this resolution.  
Roll Call Vote: 9/0.

**2. CLOSE OUT THE SCHOOL DISTRICT MEDIA ACCESS CENTER JOINT BUILDING COMMITTEE**  
SPONSORED BY MAYOR TREFETHEN

Item was withdrawn.

**3. FRANKLIN PLAZA**  
**(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 28, 2011)**  
SPONSORED BY DEPUTY MAYOR WESTON

Deputy Mayor Weston moved to refer to a public hearing on September 28, 2011;  
seconded by Councilor Cruikshank.  
Vote: 9/0.

**4. CITY MANAGER EVALUATION**  
SPONSORED BY MAYOR TREFETHEN

Mayor Trefethen moved for its adoption; seconded by Councilor Nedelka.  
Mayor Trefethen gave an overview on the background information.  
The Council discussed why the City Manager should get the raise even in this economy.  
Councilor Cheney said she couldn't support the raise.  
Deputy Mayor Weston said she agreed with the other Councilors' opinions. She said he does deserve a raise, but was against the merit increase because of the economic times.  
Mayor Trefethen said the funds for this raise is already in the budget.  
Roll Call Vote: 7/2; Passed. Deputy Mayor Weston and Councilor Cheney were opposed.

### C. ORDINANCES IN 1ST READING - None

**14. COUNCIL CORRESPONDENCE - None**



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### 15. COUNCIL MATTERS OF INTEREST

Councilor Cruikshank referred to Citizen's Forum comments regarding the increase to health insurance being a maximum of 9% per year. She said that was a bargain, because in her line of work she is seeing 30 to 50 percent increases.

Deputy Mayor Weston agreed with Councilor Cruikshank's comments, and said her business' health insurance went up 27% this year.

Councilor Nedelka asked for a point of order. He asked the Mayor to speak to the person in the audience to please be quiet.

Mayor Trefethen asked Mr. Medbery to be quiet while the Council was talking.

Deputy Mayor Weston discussed the history of the City's connection with the LGC. She said she will be sponsoring a resolution so the Council takes back its responsibility to control the authorization of the healthcare insurance contract.

Councilor Nedelka said the Council has really struggled with communicating with the School Board, and really feels that something needs to be done to improve the relationship. He said he would be willing to put forward a resolution to restructure the Joint Fiscal Committee.

Mayor Trefethen spoke about the LGC. He said it was very complicated, but they have no control over what the State might do. He referred to an article he read on the internet, and said a major organization was giving classes on how to disrupt a meeting. He said he fears this tactic is being used in this body as well, and said obvious attempts will not be tolerated.

Councilor Cheney said the LGC contract was just sent to the Council via email, and felt it needed to be discussed as it unfolds.

### 16. ADJOURNMENT

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

Vote: 9/0.