



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, October 26, 2011**  
Meeting Time: **7:00pm**

### 1. CALL TO ORDER

### 2. MOMENT OF SILENCE

### 3. PLEDGE OF ALLEGIANCE

Councilor Ciotti 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

Mayor Trefethen read a proclamation for National Indian Heritage Month, which was accepted by Barbara Langley.

### 6. APPROVAL OF AGENDA

Deputy Mayor Weston moved to approve the agenda; seconded by Councilor Garrison.  
Vote: 9/0.

### 7. PUBLIC HEARINGS

#### A. CHAPTER 166, VEHICLES AND TRAFFIC TRAKKEY STREET TURNING RESTRICTION SPONSORED BY DEPUTY MAYOR WESTON

**Richard Hebbard, 97 Spruce Lane:** He spoke against making this a one-way street. He urged the Council to vote no on this ordinance change.

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.*

**Donald Medbery, 3 Covered Bridge Lane, Candidate for Mayor:** He said "Dover Listens" was an instant success last night, bringing voters to the candidates. He said the candidates that are for the tax cap change are not exposing negative ramifications, because it uses the Boston CPI. He said the City should leave the tax cap as it is. He spoke in favor of keeping the pools. He spoke against the City Hall 4-day work week and the City Manager's pay raise.



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**Donald Andolina, 59 Littleworth Road, District 6 State Representative and Councilor At Large Candidate:** He spoke about downshifting from the State. He said the State administration pledged to live within budget without borrowing, and they have accomplished that goal. He spoke about the NH Retirement System, and said the State felt it was considered a generous subsidy and not a guaranteed forever gift.

**Richard Hebbard, 97 Spruce Lane:** He spoke about both ballot questions and urged the citizens to vote no.

**Ted Inglese, 23 Wallace Drive:** He spoke in favor of the present tax cap, and urged the citizens to vote no on changing the tax cap language.

**Suzanne Medbery, 3 Covered Bridge Lane:** She spoke about the Dover Listens forum the previous night, and said there was a lot of confusion regarding the ramifications of the tax cap amendment question.

**David Scott, 220 Back Road:** He spoke about people not being able to afford their property taxes. He urged people to go vote on November 8<sup>th</sup>, and vote no on Question 2.

**Maurice Olivier, 67A Glenwood Avenue, Transportation Advisory Committee Member:** He spoke about the intersection of Long Hill Road and Old Rochester Road.

**Linda Merullo, 21 Sandy Lane:** She referred to the previous speaker's comments regarding the increase in traffic, and recommended overhead blinking lights.

**Gordon Smith, 2A Glencrest Avenue:** He spoke about the intersection of Long Hill Road and Old Rochester Road, and said he was a strong advocate for 4-way stop signs.

**Richard Hebbard, 97 Spruce Lane: (second time at the podium)** He spoke about driver inattentiveness while driving. He said this should be investigated and why these accidents are happening.

**John Scruton, 99 Sixth Street, Transportation Advisory Committee Member:** He spoke about roundabouts, and said they work if they are designed right. He asked why the City was bonding \$3 million for Applevale. He said roads, school, safety, and health should be part of the operating budget.

**Peter Schmidt, NH State Representative:** He spoke about the State Administration, and said Mr. Andolina's comments were self serving and questionable. He said the NH Retirement System cannot be explained in 5 minutes, and said the Council should have a workshop to inform the citizens. He spoke about the current tax cap, which passed in 5 out of 6 wards. He said promises were made to the voters that did not correspond to the facts. He said several tap caps have been deemed illegal under NH Statute. He spoke about the Proclamation that was given, and said they should be referred to as Native Americans.



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**Mary Hebbard, 97 Spruce Lane, Candidate for Mayor:** She spoke about the ballots questions, and urged the citizens to vote no on both.

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

### 9. CITY MANAGER'S REPORT

- A. October 12, 2011
- B. October 26, 2011

City Manager Joyal said his written reports have been submitted. He said staff from the Wastewater Treatment Plant and himself has met with EPA officials, and the City will be receiving a draft permit within the new few weeks. He spoke about projects that were wrapping up for the season. He spoke about the Council being invited to the Children's Fire Safety Festival next week.

Deputy Mayor Weston started a discussion on work being done on Watson Road.

Councilor Cheney asked about the EPA permit, and the 3ml per liter nitrogen limit.

City Manager Joyal spoke about the water quality issues in Great Bay, and the EPA looking to address wastewater treatment plants that feed into Great Bay. He said the EPA cannot address nonpoint sources, which account for 70% of the issues. He said this is a major concern economically for the City, and the coalition wants to keep investigating the issue to make sure it works. He said they are currently having Wright Pierce conducting a study to determine upgrades the City will have to do to the 20-year old wastewater treatment plant.

Councilor Nedelka asked about a senior discount on property taxes.

City Manager Joyal said the City does offer property tax exemptions if they qualify.

Councilor Nedelka referred to Citizen's Forum comments regarding the redistricting of ward boundaries, and asked if the proposed boundary changes on the ballot was the first draft.

City Manager Joyal said there were several drafts.

Councilor Cruikshank asked if it was possible to run the numbers of the current tax cap and the new language to see if there are any discrepancies and potential increases.

City Manager Joyal said he could do that, and added that the CPIU Boston was less than CPIU National.

Deputy Mayor Weston asked the City Manager to explain some of the tax breaks available so it would inform some of the people that are unaware that they could use.

City Manager Joyal said he couldn't do it off the top of his head, but recommended people go to the City's Website, Tax Assessment, where there is an explanation on exemptions, Veterans credit, and the State program that offer tax assistance. He said they can also call the Tax Assessor's Office or come in in person. He said the requests need to be received by the Tax Assessor's office by March 31<sup>st</sup> to qualify for the next tax year.

Mayor Trefethen said Dover has the highest exemption rates in the State. He said he understood that some residents have a pride factor and don't want to ask for help, but this is a good program that could mean staying in their homes.

Councilor Nedelka went over the qualifications for elderly exemptions, and he said all the information is kept confidential.



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

Vote: 9/0.

### 10. APPROVAL OF MINUTES

- A. **October 5, 2011 – Workshop**
- B. **October 12, 2011 - Regular Session**

Deputy Mayor Weston moved to approve the Minutes as presented; seconded by Councilor Hooper.

Vote: 9/0.

### 11. MAYOR'S REPORT

Mayor Trefethen thanked the Greater Dover Chamber of Commerce for their Monday night event, which will be replayed on Channel 22. He said the School Board will be meeting on Thursday night. He said Dover Discussion was held Tuesday night and was a good first time event. He spoke about the Redistricting Committee and said there was no analyses of voters' political party affiliation were considered.

Councilor Cruikshank asked if there would need to be a special election if the Redistricting question is voted down.

General Legal Counsel Krans said he would call the Secretary of State to ask for his guidance, and he suspects that he'll be told to do it again until it passes.

Councilor Nedelka said he was on the Redistricting Committee, and they never considered party affiliation.

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

##### 1. CHAPTER 166, VEHICLES AND TRAFFIC TRAIKEY STREET TURNING RESTRICTION

SPONSORED BY DEPUTY MAYOR WESTON

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

Deputy Mayor Weston gave an overview of the ordinance change to the Council.

Councilor Nedelka started a discussion against supporting this Ordinance, because it would just move the traffic to another possibly more hazardous situation.

Deputy Mayor Weston said she understood the concern of the residents, because it is being used as a shortcut. She didn't want to influence anyone, but she would not support this Ordinance.

Roll Call Vote: 0/9; Failed.



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### B. ORDINANCES IN THE 3<sup>rd</sup> READING

#### 1. CHAPTER 166, VEHICLES AND TRAFFIC: OLD ROCHESTER ROAD STOP SIGNS (TO BE REMOVED FROM TABLE) SPONSORED BY DEPUTY MAYOR WESTON

Deputy Mayor Weston moved to remove from the table; seconded by Councilor Garrison.

Vote: 9/0.

Deputy Mayor Weston gave an overview of the ordinance change with the Council.

Councilor Carrier explained why he felt a 4-way stop was not the solution.

Councilor Garrison said he felt it was a great interim measure.

Councilor Nedelka said he agreed with Councilor Carrier that it will create a mess, but it will be a slower, safer mess.

Councilor Hooper spoke about her concerns, and recommended stop signs with flashing lights on top as an appropriate compromise.

City Manager Joyal said Sergeant Speidel and Community Services have looked into stop signs with flashing lights on top, and a possible solution.

Councilor Cheney asked about a roundabout in this location.

City Manager Joyal said they will be looking into alternative solutions when they go to put in traffic signaling.

Councilor Ciotti said speed was the real issue, and a 4-way stop would only bring more accidents to this location.

Councilor Hooper made a friendly amendment that there will be flashing red lights on the stop signs; seconded by Councilor Garrison.

Community Services Director Steele said the lights were LED, solar with battery backup, which are supposed to last up to three years. He said they cost approximately \$30.00.

Vote: 7/2; Passed. Councilors Carrier and Ciotti were opposed.

Councilor Cheney said she supported moving the project up on the CIP.

Councilor Ciotti asked about a traffic study being completed by the City or State.

Sergeant Speidel said the warrant requirement has been met based on signals already installed.

Councilor Garrison made a motion to add report as background material to the Ordinance; seconded by Councilor Cheney.

Vote: 9/0.

Mayor Trefethen asked for a vote on the Ordinance with two amendments.

Roll Call Vote: 6/3; Passed. Councilors Carrier, Cheney, and Ciotti.

### C. RESOLUTIONS – None



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### 13. NEW BUSINESS

#### A. CONSENT CALENDAR

1. **RAFFLE – Bethany Christian Services**
2. **RAFFLE – Our House for Girls**
  
3. **RESOLUTION: AWARD OF CONTRACT AMBULANCE BILLING SERVICES WITH COMSTAR**  
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 to accept the Consent Calendar; seconded by Councilor Cruikshank.

Roll Call Vote: 9/0.

#### B. RESOLUTIONS

1. **REPROGRAMMING UNEXPENDED BOND PROCEEDS FOR WATER FUND PORTION OF APPLEVALE INFRASTRUCTURE IMPROVEMENT PROJECT (REQUIRES A 2/3 MAJORITY VOTE)**  
SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

City Manager Joyal gave an overview of the Resolution to the Council.

Roll Call Vote: 9/0.

2. **RESOLUTION – B12016 – AWARD OF BID FOR NORTH END PRESSURE ZONE CONTRACT 3 – BOOSTER PUMPING STATION**  
SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

Roll Call Vote: 9/0.



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### **3. OPERATING RULES FOR DBIDA, ZBA AND CONSERVATION COMMISSION SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Deputy Mayor Weston moved for its adoption; seconded by Councilor Ciotti.  
The Council discussed the operating rules for the three committees.  
General Legal Counsel Krans gave an overview of the process for updating and changing operating rules for all committees.  
Councilor Nedelka moved to pull the Zoning Board of Adjustment Operating Rules from the Resolution to separate it out; seconded by Deputy Mayor Weston.  
Vote: 7/2; Passed. Mayor Trefethen and Councilor Cruikshank were opposed.  
Mayor Trefethen asked for a vote on the amended resolution.  
Vote: 9/0.  
Councilor Nedelka moved to table the Zoning Board of Adjustment Operating Rules; seconded by Councilor Ciotti.  
Vote: 9/0.

### **4. ESTABLISHMENT OF FY 2012 EXPECTATIONS BY MAYOR AND CITY COUNCIL FOR CITY MANAGER SPONSORED BY MAYOR TREFETHEN**

Mayor Trefethen moved for its adoption; seconded by Councilor Nedelka.  
Vote: 9/0.

## **C. ORDINANCES IN 1ST READING**

### **1. CHAPTER 5-11 BOARD OF TRUSTEES, FINANCE DIRECTOR AS MEMBER OF BOARD OF TRUSTEES (TO BE REFERRED TO A PUBLIC HEARING ON NOVEMBER 9, 2011) SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Deputy Mayor Weston moved to refer this to a public hearing on November 9, 2011;  
seconded by Councilor Ciotti.  
Vote: 9/0.

## **14. COUNCIL CORRESPONDENCE – None**

## **15. COUNCIL MATTERS OF INTEREST**

Councilor Cheney referred to comments discussed tonight, and said she voted against putting Question #2 on the November ballot.

## **16. ADJOURNMENT**

Deputy Mayor Weston moved to adjourn; seconded by Councilor Cruikshank.  
Vote: 9/0.