



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, October 12, 2011**
Meeting Time: **7:00pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Hooper 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, and Councilor Hooper.

Absent: Councilor Nedelka.

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

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Councilor Garrison moved to add the Dover Pool Advisory Committee Report; seconded by Councilor Cruikshank.

Vote: 8/0.

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

Vote: 8/0.

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

Vote: 8/0.

7. PUBLIC HEARINGS

A. CHAPTER 166, VEHICLES AND TRAFFIC: OLD ROCHESTER ROAD STOP SIGNS SPONSORED BY DEPUTY MAYOR WESTON

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

B. B12011 AWARD OF APPELVALE INFRASTRUCTURE IMPROVEMENT PROJECT (REQUIRES A 2/3 MAJORITY VOTE) SPONSORED BY MAYOR TREFETHEN BY REQUEST

Raymond Schwendeman, 8 Newport Road: He spoke about the project and the sidewalks. He said they were not necessary and a cosmetic step that the area could live without. He said they were told that there would be another meeting and that hasn't happened.



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Donald Medbery, 3 Covered Bridge Lane: He spoke about the project costing a lot of money, and his belief that the contractor should not be allowed to subcontract the job without the City's approval.

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

**C. FISCAL YEAR 2012 BUDGET ADJUSTMENT 1
(REQUIRES A 2/3 MAJORITY VOTE)
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Mayor Trefethen, 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.

Mayor Trefethen, before opening the Citizen's Forum, said this was not an opportunity for campaign speeches.

Councilor Cheney said it was not the Council Rules that they can't say they are a candidate for Council.

Mayor Trefethen agreed with Councilor Cheney. He said it was the will of the Council that the campaign speeches are not allowed during the Citizen's Forum.

Mary Hebbard, 97 Spruce Lane, Candidate for Mayor: She spoke about Deputy Mayor Weston's resolution regarding the LGC Healthtrust. She spoke about meeting with Secretary of State Gardner. She told Deputy Mayor Weston to withdraw the resolution from the agenda.

Richard Hebbard, 97 Spruce Lane, Candidate for Ward 4 Council: He spoke about the LGC Healthtrust resolution, and the belief that the City employees don't have health insurance coverage.

Donald Andolina, 59 Littleworth Road, District 6 State Representative: He spoke about the passing of HB654, which would require the New Hampshire Retirement System overpayments to be credited to cities and towns. He spoke about SB91, automatic fire suppression. He spoke about HB109, Planning Boards requiring fire suppression in 1- or 2-family residents.

Donald Medbery, 3 Covered Bridge Lane: He spoke about his meeting with the Secretary of State. He said the issue with the LGC is serious and will be getting worse. He told the citizen's to pay attention to the Federal Water Run-off Act. He said if the City Hall needs a 4-day work week, then it should be Wednesday that the City Hall is closed. He also felt the City should get rid of the parking meters.



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David Scott, 220 Back Road: He spoke about the proposed change to the tax cap. He spoke about the lack of action in getting the refund from the LGC. He spoke against the parking meters and the revenue not covering the salaries for the six new employees. He spoke about closing the City Hall offices on Fridays. He spoke about the new tax for rain falling on roofs and driveways. He asked if the citizens understood the City Manager's raise which jumped from \$116,000 to \$126,000. He spoke about not receiving tax bills before the November election. He spoke about money being borrowed for aesthetics in the Applevale area. He hoped the citizens will vote on November 8th.

Richard Callaghan, 32 Horne Street: He asked the Council to correct the September 28th minutes; his wife's name is Charlene. He spoke in favor of the Willand Pond Hockey Tournament, and asked for the Council's support for the resolution.

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

9. CITY MANAGER'S REPORT

City Manager Joyal said his report was delivered to the Councilors' mailbox this morning. He spoke about the Jenny Thompson Bathhouse renovation being underway and should be completed by the end of the year. He spoke about the New Hampshire primary date not being set, and asked for volunteers to get in touch with the City Clerk to offer to work at the polling places on election day. He spoke about attending the Dover Coalition of Youth meeting with Superintendent Briggs Badger, where Dover was named one of the 100 Best Places for Young People.

Mayor Trefethen asked about the status of the Applevale project and a second meeting area residents.

Community Services Director Steele said they held two neighborhood meetings regarding the Applevale project. He said the question regarding sidewalks was addressed with about a 50/50 response. He said sidewalks were recommended for Hawthorn and Middlebrook. He said Newport connects Hawthorn to Middlebrook, which created the looping effect recommended in the City's Master Plan. He said another meeting will be scheduled this Fall to update the residents. He addressed Deputy Mayor Weston's question regarding travel lanes on Newport. Councilor Hooper asked the City Manager to address the LGC health insurance issue.

City Manager Joyal said LGC meeting with the Secretary of State are being scheduled. He referred to the resolution sponsored by Deputy Mayor Weston. He first stated that the City does provide health insurance for its employees as required by contract. He referred to previous resolutions regarding employee contracts that provided health insurance. He said statements made during the Citizen's Forum were not factual. He said there are two separate insurance trusts that the City is involved in, and felt this might have caused the confusion.

Mayor Trefethen asked the City Manager to give a status on meeting with the State to set the tax rate.

City Manager Joyal said the information has been submitted to the State and the City is waiting for an appointment with the Department of Revenue Administration (DRA) where the tax rate will be set, and then tax bills will be processed and mailed.



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Mayor Trefethen asked the City Manager if he still expected to have the tax bills out before the election.

City Manager Joyal said he expects that to be the case, but he is still waiting to meet with the DRA.

Councilor Cheney asked for an explanation on the funds the City will be receiving from the State for the New Hampshire Retirement System.

City Manager Joyal explained that the City will be receiving funds from the State that wasn't budgeted for.

Councilor Cheney asked about the old tax cap and new tax cap language being on the website.

City Manager Joyal said both are available on the website.

Councilor Cheney asked about the ballot and the order of the questions.

Mayor Trefethen said Question 1 was about the Ward Boundaries, and Question 2 was the proposed tax cap amendment.

Councilor Cheney asked if they were voting on approving the City Manager's written report, because she hasn't had a chance to read it.

Mayor Trefethen said they could vote on the two City Manager's written reports at the October 26, 2011 Council meeting.

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

Vote: 8/0.

10. APPROVAL OF MINUTES

A. September 28, 2011 – Regular Session

Deputy Mayor Weston moved for the approval of the Minutes; seconded by Councilor Cheney. Councilor Cheney referred to Page 1 of 6, and moved to change the name from Howard Tuttle to Edward Ely; seconded by Councilor Cruikshank.

Vote: 8/0.

Councilor Cheney referred to Page 6 of 6, and moved to change the name again from Howard Tuttle to Edward Ely; seconded by Councilor Hooper.

Vote: 8/0.

Deputy Mayor Weston referred to Page 2 of 6, and moved the change the name Sharon Callaghan to Charlene Callaghan; seconded by Councilor Cruikshank.

Vote: 8/0.

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

Vote: 8/0.



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11. MAYOR'S REPORT

Mayor Trefethen said he attended the Dover Business and Industrial Development Authority (DBIDA) meeting. He said they are discussing negotiations on potential real estate issues and parking. He attended Apple Harvest Day.

Deputy Mayor Weston moved to accept the Mayor's Report; seconded by Councilor Cheney.
Vote: 8/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 166, VEHICLES AND TRAFFIC: OLD ROCHESTER ROAD STOP SIGNS

SPONSORED BY DEPUTY MAYOR WESTON

Deputy Mayor Weston moved for its adoption; seconded by Councilor Garrison.
Deputy Mayor Weston gave an overview of this intersection and number of accidents, which prompted this temporary change to put in a 4-way stop sign until a traffic light can be put in.

Councilor Cheney said she would not be supporting this ordinance.

Councilor Carrier said he had concerns and would not be supporting this ordinance.

Deputy Mayor Weston said there would no change in turning traffic. She said Planning, Engineering and Community Services have looked at it, and recommend it.

Councilor Garrison asked which year of the CIP the traffic light is slotted to be put in.

Deputy Mayor Weston said she isn't sure, but should be in the CIP presentation workshop next week.

Councilor Garrison asked about the cost.

City Manager Joyal said the cost may be as high as \$200,000 to \$500,000.

Councilor Garrison asked about adding flashing lights to the stop sign until other traffic control measures can be put in place.

City Manager Joyal said he wasn't sure.

Councilor Ciotti said there was a flashing light there for many years, but it was removed when the intersection was renovated.

Deputy Mayor Weston said they are looking at grant money.

City Manager Joyal said they would submit an application for a grant from the State's Transportation Improvement Program (TIP).

Councilor Cheney said the input she has received from citizens is for there not to be a stop sign. She said she would support a flashing light.

Councilor Garrison moved to table this ordinance to October 26, 2011; seconded by Councilor Hooper.

Vote: 8/0.



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B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS

1. B12011 AWARD OF APPEVALE 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 Ciotti.
City Manager Joyal asked the Council to amend the resolution to split the question. He said the City Charter has a provision regarding reprogramming bond funds, and the vote must wait three days after the Public Hearing which was held tonight. He said the contractor is ready to start the project, and he is asking the Council to approve the award of bid, using funds from the Streets and Sidewalk Improvement funds. He said at the next meeting the Council will vote on reprogramming the bond funds.
Councilor Garrison moved to amend the resolution to award the bid, using the funds from the current bond fund for this project and funds from the Streets and Sidewalk Improvements funds, with a subsequent resolution on reprogramming bond funds; seconded by Councilor Hooper.
Councilor Cheney said she would not support the resolution.
Mayor Trefethen gave an overview of the project to the Council. He said he would be supporting this amended resolution and the reprogramming of funds resolution at the next meeting.
Councilor Carrier asked about renovating of the Applevale playground at the same time.
Mayor Trefethen asked for a roll call vote on the amended resolution.
Roll Call Vote: 7/1; Passed. Councilor Cheney was opposed.

2. FISCAL YEAR 2012 BUDGET ADJUSTMENT 1 (REQUIRES A 2/3 MAJORITY VOTE) SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Weston moved for its adoption; seconded by Councilor Ciotti.
Mayor Trefethen said the resolution should be numbered 12.C.2.
City Manager Joyal gave an overview of this resolution to the Council.
Roll Call Vote: 8/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. BLOCK PARTY – Stimilon International, LLC**
- 2. RESOLUTION: B12001 HVAC EQUIPMENT MAINTENANCE AND REPAIR SERVICES
SPONSORED BY MAYOR TREFETHEN BY REQUEST**



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3. RESOLUTION: B12015 FOR SEGREGATION AND RECYCLING OF CONSTRUCTION DEBRIS AND DEMOLITION WASTE
 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 acceptance of the Consent Calendar; seconded by Councilor Hooper.

Mayor Trefethen asked the Council if they had items they would like to pull for further discussion. Councilor Hooper asked to pull the School Board Report.

Councilor Garrison asked to pull the Dover Pool Advisory Committee Report.

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

Vote: 8/0.

Councilor Hooper gave an overview on the School Board Report.

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

Vote: 8/0.

Councilor Garrison gave an overview on the Dover Pool Advisory Committee Report.

Councilor Cruikshank moved to accept the Dover Pool Advisory Committee Report; seconded by Councilor Carrier.

Vote: 8/0.

B. RESOLUTIONS

1. LICENSE FOR 2012 POND HOCKEY TOURNAMENT
 SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Weston moved for its adoption; seconded by Councilor Cruikshank. Recreation Director Gary Bannon gave an overview of this resolution to the Council.

Vote: 8/0.



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2. MERIT PLAN – CLASSIFICATION AND PAY PLAN SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Weston moved for its adoption; seconded by Councilor Ciotti.
Mayor Trefethen gave an overview of the change to the Merit Plan.
Roll Call Vote: 8/0.

3. HEALTHTRUST PROGRAM SPONSORED BY DEPUTY MAYOR WESTON

Deputy Mayor Weston moved for its adoption; seconded by Councilor Cruikshank.
Deputy Mayor Weston said she disagreed with the podium speaker during Citizen's Forum. She said the intent of this resolution was to bring the City into compliance. She said she asked the speaker to meet with her and she declined. She gave an overview to the reasoning behind the need for this resolution.

Mayor Trefethen referred to the Ordinance on Purchasing, and asked the City Manager if there was a provision for single source that do not need to go out to bid.

City Manager Joyal referred to Chapter 3-29F, exceptions to competitive bidding with sole purchases. He explained why Healthtrust is a single source, and isn't required to go out to bid.

Deputy Mayor Weston said she had heard of other companies that would offer a like program. She said the City needs to go out to bid for health insurance.

Councilor Cheney said she had a friendly amendment to the resolution to remove that the Council approves the participation with the Local Government Center (LGC) as of January 1, 2008.

There was no second.

Councilor Cheney said she also felt the contract wasn't legitimate because it is with a different company. She said it should have come before the Council in 2008.

Mayor Trefethen asked the General Legal Counselor to weigh in on the assertions that the Council was supposed to approve the contract in 2008.

General Legal Counselor Krans said he wasn't aware of the 1995 resolution, and he would have taken that into consideration.

Councilor Cruikshank asked if the Council was aware of the new contract in 2008, even though they weren't approving it.

City Manager Joyal said the Council was aware that the City had obligations to provide insurance, but he can't say they were aware that he signed the contract.

Councilor Cruikshank said she didn't support this resolution. She spoke about the reprehensible comments from the Citizen's Forum speakers.

General Legal Counselor Krans said this resolution was a legal practice to ratify a contract.

Councilor Cheney asked what would happen if this resolution is not passed tonight.

City Manager Joyal said the resolution adoption by a prior City Council, which gave the City Manager the authorization to sign contracts for health insurance, was still in effect.

He explained to the Council that they have brought other health insurance options to the negotiating table with the employees and they have been soundly rejected.



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Councilor Hooper moved to call the question; seconded by Councilor Cruikshank.
Mayor Trefethen asked for a vote to call the question.
Vote: 6/2; Passed. Deputy Mayor Weston and Councilor Cheney were opposed.
Roll Call Vote: 2/6; Failed. Deputy Mayor Weston and Councilor Cheney voted in favor.

**4. AWARD OF ADDITIONAL SCOPE OF SERVICES B09052 WWTP SLUDGE
DEWATERING UPGRADE DESIGN SERVICES
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Deputy Mayor Weston moved for its adoption; seconded by Councilor Ciotti.
Roll Call Vote: 8/0.

**5. TELECOMMUNICATIONS SERVICES – SWITCH UPGRADE
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Deputy Mayor Weston moved for its adoption; seconded by Councilor Cruikshank.
Roll Call Vote: 8/0.

C. ORDINANCES IN 1ST READING

**1. CHAPTER 166, VEHICLES AND TRAFFIC TRAKY STREET TURNING
RESTRICTION
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 26, 2011)
SPONSORED BY DEPUTY MAYOR WESTON**

Deputy Mayor Weston moved to refer to a public hearing on October 26, 2011; seconded
by Councilor Cruikshank.
Vote: 8/0.

14. COUNCIL CORRESPONDENCE

A. Letter from Edward Ely, dated September 18, 2011.

Deputy Mayor Weston moved to accept the correspondence and placed on file; seconded by
Councilor Cheney.
Vote: 8/0.

15. COUNCIL MATTERS OF INTEREST

Councilor Cheney spoke about the LGC investigation.
Councilor Carrier said it was a current ongoing investigation.
Councilor Ciotti asked the City Manager to clarify the issue brought up during Citizen's Forum that
the employees don't have health insurance.



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City Manager Joyal said City employees currently receive health insurance through the HealthTrust insurance pool. He spoke about the LGC investigation and what problems might arise if health insurance coverage evaporates.

Councilor Cheney spoke about the call to question by Councilor Hooper. She said the LGC is a huge issue and said the silence and closed discussion is upsetting.

Mayor Trefethen said he wasn't trying to suppress any discussion, but had an issue when it was being discussed during the City Manager's Report. He spoke about the employees having health insurance. He spoke about the Council getting and discussing the Secretary of State's report on the investigation.

Deputy Mayor Weston said she was disappointed her resolution didn't pass tonight. She really felt there was a possibility to get better health insurance for the employees that would save money for both the City and employees.

16. ADJOURNMENT

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

Vote: 8/0.