



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, February 22, 2012**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Deputy Mayor Carrier led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Trefethen, Deputy Mayor Carrier, Councilor Cheney, Councilor Crago, Councilor Garrison, Councilor Hooper, Councilor Spuler, Councilor Weeden, and Councilor Weston.

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

5. PROCLAMATIONS/AWARDS

Mayor Trefethen read the Proclamation for the 100 Year Anniversary of Girl Scouts.

6. APPROVAL OF AGENDA

Councilor Weeden moved to add the Pool Advisory Committee Report; seconded by Councilor Cheney.

Vote: 9/0.

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

Vote: 9/0.

Councilor Spuler moved to add the Arts Commission Report; seconded by Councilor Weston.

Vote: 9/0.

Councilor Garrison moved to the Legislative Liaison Report; seconded by Councilor Hooper.

Vote: 9/0.

Deputy Mayor Carrier moved to accept the Agenda as amended; seconded by Councilor Weeden.

Vote: 9/0.

7. PUBLIC HEARINGS

- A. ADVANCED REFUNDING FOR CITY OF DOVER JUNE 15, 2003 AND JUNE 15, 2004
GENERAL OBLIGATION BONDS AND AUTHORIZATION TO ISSUE REFUNDING
BONDS (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)
(THE COUNCIL VOTE TO BE HELD ON MARCH 14, 2012.)
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Mayor Trefethen, seeing no one 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 against the block party permit for Apple Harvest Festival, and asked that it be amended to include dissenting views. He referred to the February 8, 2012 minutes and said Councilor Lavertu should be amended to City Clerk Lavertu.

Donald Medbery, 3 Covered Bridge Lane: He congratulated the young representatives from the Girl Scouts. He spoke about the December 30, 2009 email Councilor Cheney received from former Councilor DeDe. He spoke about the LGC corruption investigation and his expectation that the General Legal Counsel fulfill his RSA 91-A request.

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

9. CITY MANAGER'S REPORT

City Manager Joyal submitted his report in writing. He spoke about the Public Hearing with the EPA regarding the wastewater treatment plant renewal permit. He said the Cochecho Waterfront Development Advisory Committee has scheduled a meeting for March 20, 2012 at 4:30 to be held at City Hall, with the intent to get an update from Dickinson Development.

Councilor Crago referred to the Speak Out Session to be held on February 23, 2012, and said he will be handing out a draft letter for people to send to the EPA.

Mayor Trefethen said he would request a revision to the Cochecho Waterfront Advisory Committee agenda to include and Q & A session.

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

Vote: 9/0.

10. APPROVAL OF MINUTES

A. January 28, 2012 – Goal Setting Session

B. February 8, 2012 – Regular Session

C. February 8, 2012 – Workshop

Deputy Mayor Carrier moved to accept the Minutes; seconded by Councilor Hooper.

Councilor Weeden referred to the Citizen's Forum comment referring to City Clerk Lavertu being mentioned as Councilor Lavertu, and asked that it be fixed.

Mayor Trefethen said City Clerk Lavertu will locate it and correct it.

Councilor Spuler referred to the February 8, 2012 Regular Meeting, Section 9, City Manager's Report, and moved to amend "8%" to 8 milligrams per liter and "3%" to 3 milligrams per liter; seconded by Councilor Weston.

Vote: 9/0.



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Councilor Cheney referred to Mr. Huml's Citizen's Forum comments, and said it should be Glen Hill Road and not Tolend Road.

Deputy Mayor Carrier moved to accept the minutes as amended; seconded by Councilor Weston.
Vote: 9/0.

11. MAYOR'S REPORT

Mayor Trefethen said he attended the Public Hearing with the EPA. He attended the School Department's Budget Coffee. He said Councilor Weston attended the Greater Dover of Commerce ribbon cuttings for him.

He spoke about Council emails, and said the Council should be careful that they are not advocating outside of a meeting.

Councilor Cheney said she did not share that opinion.

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

Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING – None

B. ORDINANCES IN THE 3rd READING

1. UPDATING THE DOVER ZONING ORDINANCE

SPONSORED BY MAYOR TREFETHEN AS PLANNING BOARD REPRESENTATIVE

Mayor Trefethen moved to adopt the updated Ordinance; seconded by Councilor Garrison.
Mayor Trefethen gave an overview of the Ordinance changes to the Council.

Councilor Weston moved to make a friendly amendment to Page 8/19, 4th paragraph, "expansions to or renovations to existing structures has a 35' setback"; to change 35' to 20'; seconded by Councilor Weeden.

Councilor Weston said she had discussed this change with the Planning Department.

Vote: 9/0.

Councilor Weeden referred to Page 17/19 and moved to strike "on private property."

Mayor Trefethen explained sign regulations.

Councilor Weeden withdrew his motion.

Deputy Mayor Carrier moved to adopt as amended; seconded by Councilor Weston.

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



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C. RESOLUTIONS

1. AUTHENTICATION OF THE CITY CHARTER (TO BE REMOVED FROM THE TABLE.)

SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved to remove from the table; seconded by Councilor Weston. Mayor Trefethen said it was his understanding that Councilors are still working on this Resolution, and recommended that it be tabled until it is completed.

Councilor Cheney said she is still working on this cause and agreed with the Mayor that it should be tabled.

Councilor Garrison moved to table this Resolution until March 14, 2012; seconded by Councilor Crago.

Vote: 9/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **RAFFLE – American Legion Auxiliary**
2. **BLOCK PARTY – Greater Dover Chamber of Commerce – Apple Harvest Day**
3. **ROAD RACE – Greater Dover Chamber of Commerce – Apple Harvest Day 5K**

4. **RESOLUTION: PURCHASE OF FOUR 2012 FORD POLICE INTERCEPTORS**
SPONSORED BY MAYOR TREFETHEN BY REQUEST

5. **RESOLUTION: PURCHASE OF A 2012 FORD FUSION S**
SPONSORED BY MAYOR TREFETHEN BY REQUEST

6. **RESOLUTION: B11041 – PLUMBING SERVICES AS NEEDED**
SPONSORED BY MAYOR TREFETHEN BY REQUEST

7. **OPERATING RULES FOR ZONING BOARD OF ADJUSTMENT, ARTS COMMISSION, AND TRUSTEES OF THE TRUST FUND**
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 Carrier moved to approve the Consent Calendar; seconded by Councilor Garrison. Mayor Trefethen asked the Council if they had items they would like to pull for further discussion. Councilor Weeden asked to pull Item #13.A.2., 13.A.5., 13.A.7., School Board Report, Arts Commission Report, Legislative Liaison Report, and the Pool Advisory Committee Report. Mayor Trefethen asked for a roll call vote on the remaining items of the Consent Calendar. Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the acceptance of Item #13.A.2. Councilor Weeden said he would like spots be allowed for people to express opinions. General Legal Counsel said the City has always allowed room for people to express their opinions on Apple Harvest Day. He said the Police Department has offered reasonable alternatives. City Manager Joyal gave the history of this request to the Council. Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of Item #13.A.5. Councilor Weeden asked what the purpose of the Ford Fusion S was. Mayor Trefethen gave an overview of this Resolution to the Council. Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of the Item #13.A.7. Councilor Cheney said she would not support the rule changes. Vote: 8/1; Passed. Councilor Cheney was opposed.

Councilor Hooper gave an overview of the School Board Report to the Council. Deputy Mayor Carrier moved to accept the School Board Report; seconded by Councilor Garrison. Vote: 9/0.

Councilor Spuler gave an overview of the Arts Commission Report to the Council. Deputy Mayor Carrier moved to accept the Arts Commission Report; seconded by Councilor Cheney. Vote: 9/0.

Councilor Garrison gave an overview of the Legislative Liaison Report to the Council.



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Deputy Mayor Carrier moved to accept the Legislative Liaison Report; seconded by Councilor Weston.

Vote: 9/0.

Councilor Weeden gave an overview of the Pool Advisory Committee Report to the Council. Deputy Mayor Carrier moved to accept the Pool Advisory Committee Report; seconded by Councilor Spuler.

Vote: 9/0.

B. RESOLUTIONS

1. ADOPTION OF 2012-2013 CITY COUNCIL GOALS AND OBJECTIVES WITH TIMELINE

SPONSORED BY MAYOR TREFETHEN

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

City Manager Joyal said the City Clerk's Office asked him if he wanted the background duplicated since they were in the minutes, but he realized that the background material also had the changes the Council made during the workshop. He said he would provide the information to the Council.

Councilor Cheney moved to make a friendly amendment that anything the Council votes on is archived with the resolution materials.

City Manager Joyal went over the Council goals and objectives timeline.

Councilor Garrison referred to Goal #2, Objective #4, and asked for there to be another updated report during the City Council Workshop in late April that is dedicated to the School Department's budget; seconded by Councilor Hooper.

Vote: 9/0.

Councilor Crago referred Goal #3, Objective #1, and asked to reschedule the February 29, 2012 workshop meeting regarding Management Best Practices to March 21, 2012 so that everyone can be present; seconded by Councilor Weeden.

Vote: 9/0.

Mayor Trefethen asked for a vote on the amended resolution.

Vote: 9/0.

2. CITY COUNCIL FY2013 BUDGET GUIDANCE

SPONSORED BY MAYOR TREFETHEN

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Crago.

Mayor Trefethen gave an overview of this Resolution to the Council.

Mayor Trefethen moved to amended the Now, Therefore, "... resulting in an allowed tax levy increase" and change it to "...resulting in a maximum tax levy increase;" seconded by Councilor Crago.

Vote: 9/0.

Mayor Trefethen asked for a vote on the amended resolution.

Vote: 9/0.



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3. APPEAL TO REGULATOR FOR INSURANCE PREMIUM REFUND SPONSORED BY COUNCILORS CHENEY AND WESTON

Councilor Cheney moved for its adoption; seconded by Councilor Weston.
Councilor Weston gave an overview of the resolution to the Council.
Councilor Cheney urged the Council to vote in favor of this resolution.
Councilor Crago moved to make a friendly amendment to make sure the funds are committed to the health insurance it was intended for.
Mayor Trefethen said the Council will decide what happens to the funds.
City Manager Joyal explained the LGC investigation to the Council and LGC's decision to credit or lower the rate the City owed for health insurance.
Councilor Hooper said she would not support this resolution because she felt it would just lead to a lawsuit.
City Manager Joyal asked the Council to make a friendly amendment to the fifth Whereas, to add the words "an estimate of" in front of "\$282,000." He asked to amend the next Whereas to strike everything after Local Government Center. He said this resolution in its entirety will be going to the Secretary of State and he didn't want them to think that all the City of Dover is expecting is \$282,000.
Councilor Weston moved to amend the resolution to reflect the City Manager's suggested changes; seconded by Councilor Weeden.
Vote: 9/0.
Roll Call Vote: 7/2; Passed. Councilors Garrison and Hooper were opposed.

4. MCCONNELL CENTER LEASE WITH NEW HAMPSHIRE ASSOCIATION FOR THE BLIND, INC. SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved for its approval, seconded by Councilor Cheney.
Recreation Director Bannon gave an overview of the lease with the Council.
Councilor Cheney asked that the lease itself be made available online for the public.
Mayor Trefethen said the lease will be archived with the Resolution.
Vote: 9/0.

5. 2012-2013 CITY COUNCIL RULES AMENDMENT – COUNCIL MATTERS OF INTEREST (COUNCIL VOTE TO BE HELD ON MARCH 14, 2012) SPONSORED BY COUNCILOR CRAGO

Councilor Crago moved to refer to March 14, 2012; seconded by Councilor Weston.
Councilor Crago gave an overview of the resolution to the Council, moving Councilor Matters of Interest to follow the Mayor's Report.
Mayor Trefethen amended the Resolution to Item #12 on the Agenda, instead of #10; seconded by Councilor Cheney.
Vote: 9/0.
Councilor Garrison said he felt more comfortable with it at the end.
Councilor Hooper said she wouldn't be supporting the resolution.



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Councilor Carrier said it would interrupt the business that is on the agenda.
Councilor Cheney said she would support this resolution. She said the Council Rules can change this with a simple majority vote.
Councilor Weeden said he agreed that it should remain at the end of the meeting.
Mayor Trefethen asked for a vote to refer this to March 14, 2012.
Vote: 9/0.

6. AMENDMENT OF FY2012 FEE SCHEDULE TO ESTABLISH VALET PARKING SERVICE FEES (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL) (TO BE REFERRED TO A PUBLIC HEARING ON MARCH 14, 2012)
SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved to refer this to a public hearing on March 14, 2012; seconded by Councilor Garrison.
Vote: 9/0.

C. ORDINANCES IN 1ST READING

1. CHAPTER 9 – BUDGET
(TO BE REFERRED TO A PUBLIC HEARING ON MARCH 14, 2012)
SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved to refer this to a public hearing on March 14, 2012; seconded by Councilor Weston.
Vote: 9/0.

2. CHAPTER 35-5, LICENSING BOARD – AUTHORITY TO REGULATE TAXICAB OPERATIONS
(TO BE REFERRED TO A PUBLIC HEARING ON MARCH 14, 2012)
SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved to refer this to a public hearing on March 14, 2012; seconded by Councilor Crago.
Vote: 9/0.

3. CHAPTER 161-2, 161-3 – TAXICABS
(TO BE REFERRED TO A PUBLIC HEARING ON MARCH 14, 2012)
SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved to refer this to a public hearing on March 14, 2012; seconded by Councilor Weston.
Councilor Spuler asked why they were striking the Editor's Note in this Ordinance.
General Legal Counsel said the Chapter it refers to doesn't exist today.
Vote: 9/0.



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**4. CHAPTER 166, VEHICLES AND TRAFFIC – BOYLE STREET PARKING RESTRICTION
(TO BE REFERRED TO A PUBLIC HEARING ON MARCH 14, 2012)
SPONSORED BY COUNCILOR WESTON**

Councilor Weston moved to refer this to a public hearing on March 14, 2012; seconded by Councilor Spuler.

Vote: 9/0.

14. COUNCIL CORRESPONDENCE - None

15. COUNCIL MATTERS OF INTEREST

Councilor Weeden reminded citizens of the Wards 1, 3, 6, and At-Large Speaks Out Session on February 23, 2012 at Langdon Place from 7:00 to 8:30 pm.

Councilor Crago said he will have the draft letter for citizens to send to the EPA. He asked the Council to consent to have postage paid envelopes addressed to the EPA for the convenience of the citizens.

Mayor Trefethen asked if any Councilor objected to this expense.

No one objected.

Councilor Weeden asked the General Legal Counsel about the resolution regarding the parking kiosks, and if the public session would be held on March 14, 2012.

General Legal Counsel Krans said it didn't require a public hearing.

City Manager Joyal said he will put the resolution into the agenda process for March 14, 2012, and since it isn't a required public hearing it can be held on the same night.

City Clerk Lavertu said she can advertise it in the newspaper with the other public hearings.

Mayor Trefethen said he didn't know anything about the resolution.

Councilor Weeden explained the proposed resolution to the Council.

General Legal Counsel Krans said the resolution says to remove the parking kiosks within 60 days of passing the resolution.

Mayor Trefethen said there was an expense involved and it needs to be referred to a public hearing, and not have it the same night the resolution is introduced.

Councilor Weeden said he was rushing this because the City Manager needs to create a budget based on the vote on this resolution and its effect on businesses. He was willing to refer the public hearing to March 28, 2012.

Councilor Spuler asked about the bid with Reds Shoe Barn and when the contract ends.

City Manager Joyal said he doesn't have the answer, but will get back to the Council.

Councilor Weston asked the City Manager about the Cochecho Waterfront Advisory Committee and the process to have it televised.

City Manager Joyal said he will be contacting the chairperson of the Committee, and it's his decision.

Mayor Trefethen asked if any of the Councilors object to having the City Manager ask the Cochecho Waterfront Advisory Committee Chairperson to have the meeting televised.

No one objected.



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Councilor Spuler thanked the Greater Dover Chamber of Commerce for supporting the Apple Harvest Day. He also supported the lease with the New Hampshire Association for the Blind. Councilor Cheney again supported the resolution to move Council Matters of Interest, and still have another session at the end of the meeting.

16. ADJOURNMENT

Deputy Mayor Carrier moved to adjourn.
Vote: 9/0.