



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, March 14, 2012**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Spuler 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, and Councilor Weston.

Absent: Councilor Weeden

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

5. PROCLAMATIONS/AWARDS

Mayor Trefethen read his proclamation to the Dover High School Girl's Swimteam.

6. APPROVAL OF AGENDA

Councilor Crago moved to withdraw Item 12.C.2.; seconded by Councilor Garrison.

Vote: 8/0.

Councilor Cheney moved to withdraw Item 12.C.1.; seconded by Councilor Garrison.

Vote: 8/0.

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

Vote: 8/0.

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

Vote: 8/0.

Deputy Mayor Carrier moved to add the Appointments Committee Report; seconded by Councilor Hooper.

Vote: 8/0.

Deputy Mayor Carrier moved to accept the Agenda as revised; seconded by Councilor Spuler.

Vote: 8/0.

7. PUBLIC HEARINGS

A. AMENDMENT OF FY2012 FEE SCHEDULE TO ESTABLISH VALET PARKING SERVICE FEES (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL) SPONSORED BY MAYOR TREFETHEN BY REQUEST

Paul Streeter, 6 Coolidge Avenue, APS Valet Company: He spoke in favor of this resolution.

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



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B. CHAPTER 9 – BUDGET

SPONSORED BY MAYOR TREFETHEN BY REQUEST

Ronald Huml, 199 Mast Road: He said City and School must submit a budget at or below the tax cap.

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

C. CHAPTER 35-5, LICENSING BOARD - AUTHORITY TO REGULATE TAXICAB OPERATIONS

SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

D. CHAPTER 161-2, 161-3 – TAXICABS

SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

E. CHAPTER 166, VEHICLES AND TRAFFIC - BOYLE STREET PARKING RESTRICTION SPONSORED BY COUNCILOR WESTON

Charles Boyle, 9 Boyle Street: He spoke in favor of 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.

Ronald Huml, 199 Mast Road: He spoke about the School's budget being \$500,000 over the tax cap.

William Hunt, 245 Back Road, Conservation Commission Member: He spoke against the resolution regarding the parking meters. He spoke about Marcia Gasses not being reappointed to the Conservation Commission, and asked that it be reconsidered.

Darlene Shanahan, 508 Tolend Road, Paraeducator for Dover Schools: She spoke in favor of the Item 13.B.1, regarding the Collective Bargaining Agreement with the Paraeducators.

David Montenegro, 55 Union Street: He spoke about his previous comments during Citizen's Forum. He said he was here today to speak about the budget and the process. He said the City funds the Police Department is to have a low crime rate, and funds to plow roads to have safe roads. He said the City needs to think about its goals and spend money to support those goals.



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Deborah Calabro, 34A Ham Street, Conservation Commission Member: She spoke about the Appointments Committee not recommending the reappointment of Marcia Gasses to the Conservation Commission.

Amanda Russell, 20 Cranbrook Lane, School Board Vice Chairperson: She said she was okay with the parking meters. She was a negotiator for the paraprofessionals' contract and asked for the Council's support.

Mary Hibbard, 97 Spruce Lane: She spoke about the Dover 2023 Master Plan Committee meeting. She spoke about the practice of the Delphi technique that she believes the City is implementing. She said the citizens need to wake, because Dover's way of life is at stake.

Cora Quisumbing-King, 40 Sandpiper Drive: She spoke in support of reappointing Marcia Gasses to the Conservation Commission. She attended the Dover 2023 Master Plan Committee meeting and doesn't agree with the previous speaker's comments.

NH State Representative Peter Schmidt, Fourth Street: He spoke about Mrs. Hibbard's comments. He spoke in support of the Youth to Youth celebration, and said it was the finest program in the country. He spoke in support of the parking meters, and urged the Council to vote no on the resolution to remove them.

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, but had a few items to bring to the Council's attention. He said the City will be starting the Northend Water project again; signs and notices will be sent out. He spoke about the status of the Whittier Street Bridge. He said the state will not have the funds for the 80% match, and has recommended the City pursue the Federal Highway Administration Bridge Aid Program. He said deferring the bridge project the City can realize substantial savings. He said the City will be doing minor repairs to the bridge until they receive the funds to replace the bridge in 2017. He spoke about the forum he attended at the McConnell Center, which discussed the factors behind Dover being the fastest growing city in New Hampshire. He spoke about the budget process. He said the School Budget is complete. He said Dover Dollars are available again this year, which can be completed online or at City Hall. He encourages participation in the Dover 2023, and said there is no predetermined outcome. He said the City is unveiling a new initiative, Sunshine Week, which promotes the importance of open government and freedom of information. He said the City's website has list of information. He said he will be reappointing Mark Moeller to the Dover Housing Authority for another five years. Councilor Cheney asked if the dates for the Dover 2023 Master Plan meetings televised. City Manager Joyal listed the dates and times of the meetings, which are also on the website. He said there was a meeting this evening at Woodman Park School, March 22nd at Horne Street School, April 10th at Woodman Park School, April 12th at Garrison School, April 16th at Horne Street School, and May 5th at Dover Middle School.



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Mayor Trefethen said the acceptance of the City Manager's Report included the reappointed of Mark Moeller to the Dover Housing Authority.

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

Vote: 8/0.

10. APPROVAL OF MINUTES

A. February 22, 2012

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

Vote: 8/0.

11. MAYOR'S REPORT

Mayor Trefethen said he participated in the Dover Dancing with the Stars along with Councilor Weston. He attended the 100th Anniversary of the Girl Scouts. He attended the 20 year celebration of the Youth to Youth program.

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

Vote: 8/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 9 – BUDGET

SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

Mayor Trefethen gave an overview of the changes to the Council.

Councilor Cheney moved to amend the Ordinance to add 9-4.E. Both the City Manager's and the School's budget shall be in compliance within the spending cap per Dover City Charter C6-3.1; seconded by Councilor Weston.

City Manager Joyal said the amendment would actually violate RSA 49C, and conflict with the City's Charter. He said it's the City Manager's responsibility to submit a recommended budget to provide for needs and services of the City, and ultimately it is up to the Council to determine the final budget.

General Legal Counsel said New Hampshire is not a home rule state, and the Council can only do what the State authorizes the City to do. He said there isn't a State statute that says the Council can mandate a tax cap budget, and this could open the City to a challenge.

City Manager Joyal read C6-3 to the Council, emphasizing the section that states the City Manager shall submit his/her recommended budget.

Councilor Cheney said she believed they needed a legal opinion, because she doesn't agree it conflicts with home rule.



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Councilor Crago started a discussion regarding the resolution that the Council passed that the City and School budgets conform to the tax cap.

Mayor Trefethen read the "Now, therefore" section of the resolution to the Council.

Councilor Cheney motioned to table the Ordinance. No second.

Mayor Trefethen asked for a vote on the amendment.

Vote: 1/6; Failed. Councilor Cheney voted in favor. Councilor Crago abstained.

Mayor Trefethen asked for a vote on the original ordinance.

Roll Call Vote: 7/1; Passed. Councilor Cheney was opposed.

2. CHAPTER 35-5, LICENSING BOARD – AUTHORITY TO REGULATE TAXICAB OPERATIONS

SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

Mayor Trefethen gave an overview of the Ordinance to the Council. He said the cars will be parked in private parking lots or on-street parking out of the central core of Dover.

Officer Simons explained the process of valet parking to the Council.

Roll Call Vote: 8/0.

3. CHAPTER 161-2, 161-3 – TAXICABS

SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

Roll Call Vote: 8/0.

4. CHAPTER 166, VEHICLES AND TRAFFIC – BOYLE STREET PARKING RESTRICTION

SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Councilor Spuler.

Councilor Weston gave an overview of this Ordinance to the Council.

Roll Call Vote: 8/0.

Deputy Mayor Carrier made a motion to suspend the rules and move Item #13.B.1. to this point in the meeting; seconded by Councilor Cheney.

Roll Call Vote: 8/0.

13.B.1. AMENDMENT FOR WAGES ONLY FOR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE DOVER SCHOOL DISTRICT AND THE DOVER PARAEducATORS' ASSOCIATION

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

Superintendent Briggs Badger gave an overview of the Resolution to the Council.

Roll Call Vote: 6/2; Passed. Councilors Cheney and Weston were opposed.



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B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS

- 1. AUTHENTICATION OF THE CITY CHARTER
(TO BE REMOVED FROM THE TABLE.)
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Withdrawn

- 2. 2012-2013 CITY COUNCIL RULES AMENDMENT – COUNCIL MATTERS OF INTEREST
SPONSORED BY COUNCILOR CRAGO**

Withdrawn

- 3. 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)
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Weston.
Mayor Trefethen gave an overview of the Resolution to the Council.
Roll Call Vote: 8/0.

- 4. AMENDMENT OF FY2012 FEE SCHEDULE TO ESTABLISH VALET PARKING SERVICE FEES (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

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

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. PARADE – Baby Rachel’s Legacy Walk/Run**
- 2. PARADE – American Cancer Society**
- 3. RAFFLE – Greater Dover Chamber of Commerce, Price Wheel at Apple Harvest**
- 4. RESOLUTION: B12033 COUNCIL CHAMBER RENOVATIONS
SPONSORED BY MAYOR TREFETHEN BY REQUEST**



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5. RESOLUTION: B12040 MISCELLANEOUS WORK BOOTS/FOOTWEAR
SPONSORED BY MAYOR TREFETHEN BY REQUEST

6. RESOLUTION: AWARD OF BID B12042 CUMMINGS WELL CLEANING AND PUMP REPAIRS
SPONSORED BY MAYOR TREFETHEN BY REQUEST

COMMITTEE REPORTS

1. **School Board (2)**
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 for the approval of the Consent Calendar; seconded by Councilor Hooper.

Mayor Trefethen asked the Council if they had items they would like pulled for further discussion.

Councilor Hooper asked to pull the second School Board Report.

Deputy Mayor Carrier asked to pull the Appointments Committee Report.

Councilor Garrison asked to pull the Legislative Liaison Report.

Councilor Cheney asked to pull Item #13.A.4.

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

Roll Call Vote: 8/0.

Deputy Mayor Carrier moved for the adoption of Item 13.A.4; seconded by Councilor Cheney.

Councilor Cheney started a discussion about the additional scope of work.

Roll Call Vote: 8/0.

Councilor Hooper gave an overview of the second School Board Report.

Deputy Mayor Carrier moved to accept the School Board Report; seconded by Councilor Garrison.

Vote: 8/0.

Councilor Garrison gave an overview of the Legislative Liaison Report.

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

Vote: 8/0.



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Deputy Mayor Carrier gave an overview of the Appointments Committee Report, and asked for the approval of the following reappointments:

Stanley Kaubris – Recreation Advisory Board – Alternate
Mark Moeller, Otis Perry, Jay Stephens to the Dover Utilities Commission.
Michael Egan – Library Board of Trustees.
Marcia Gasses – Planning Board
Otis Perry – Cemetery Board

He said they will be interviewing several applicants at the next meeting, and listed openings on boards and committees.

Councilor Crago asked about Marcia Gasses reappointment to the Conservation Commission and if there is a conflict of interest.

Mayor Trefethen said there has been no final decision made on her reappointment.

Councilor Cheney handed out her statement about the Land Use Boards and cross appointments, and gave an overview to the Council.

Deputy Mayor Carrier moved to accept the Appointments Committee Report; seconded by Councilor Cheney.

Vote: 8/0.

B. RESOLUTIONS

- 1. AMENDMENT FOR WAGES ONLY FOR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE DOVER SCHOOL DISTRICT AND THE DOVER PARAEDUCATORS' ASSOCIATION**
SPONSORED BY MAYOR TREFETHEN BY REQUEST

Moved up on the Agenda to after Item 12.A.4.

- 2. AWARD PURCHASE BIOCUBE MEDIA REPLACEMENT KIT**
SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

City Manager Joyal explained the Resolution to the Council.

Roll Call Vote: 8/0.

- 3. ESTABLISHMENT OF R.W. LORD LIBRARY CAPITAL IMPROVEMENTS TRUST FUND**
SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

Roll Call Vote: 8/0.



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4. ESTABLISHMENT OF SCHOOL ATHLETIC EQUIPMENT CAPITAL RESERVE FUND

(TO BE REFERRED TO A PUBLIC HEARING ON MARCH 28, 2012)
SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved to refer to a public hearing on March 28, 2012; seconded by Councilor Weston.

Vote: 8/0.

5. ESTABLISHMENT OF SCHOOL CURRICULUM CAPITAL RESERVE FUND

(TO BE REFERRED TO A PUBLIC HEARING ON MARCH 28, 2012)
SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved to refer to a public hearing on March 28, 2012; seconded by Councilor Weston.

Vote: 8/0.

6. ESTABLISHMENT OF SCHOOL TECHNOLOGY CAPITAL RESERVE FUND

(TO BE REFERRED TO A PUBLIC HEARING ON MARCH 28, 2012)
SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved to refer to a public hearing on March 28, 2012; seconded by Councilor Crago.

Vote: 8/0.

7. FREE PARKING IN THE DOWNTOWN AREA

(TO BE REFERRED TO A PUBLIC HEARING ON MARCH 28, 2012)
SPONSORED BY COUNCILOR WEEDEN

Deputy Mayor Carrier moved to refer to a public hearing on March 28, 2012; seconded by Councilor Crago.

Vote: 8/0.

C. ORDINANCES IN 1ST READING – None

14. COUNCIL CORRESPONDENCE

A. Marilyn Follansbee

Deputy Mayor Carrier moved to accept and place correspondence on file; seconded by Councilor Hooper.

Vote: 8/0.



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15. COUNCIL MATTERS OF INTEREST

Councilor Crago asked that the Council workshop scheduled for March 21, 2012 be held at the Media Access Center in the McConnell Center.

Mayor Trefethen said the workshop will also discuss the topic of Councilors' feedback on the 2023 Meeting.

Deputy Mayor Carrier spoke about the Master Plan Steering Committee, and the accusations are unfounded and not true. He said they are getting tremendous input from the public and he is proud to be part of it.

Councilor Crago said he attended the workshop on Saturday and said it was very professional. Councilor Weston thanked James Omira, for moving the funding for the ROTC program to the CTC to allow for a revenue source. She said it was a pleasure to participate in the Dover Dancing with the Stars. She recommended that the floor be refinished. She recommended the Police Chief and City Manager to participate next year.

Mayor Trefethen said as they are going through the budget process he wanted to remind the citizens that the Council only has bottom line authority over the School Department's budget.

16. ADJOURNMENT

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

Vote: 8/0.