



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Media Access Center, McConnell Center**
Meeting Date: **Wednesday, April 11, 2012**
Meeting Time: **7:00 pm**

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 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 – None

6. APPROVAL OF AGENDA

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

Vote: 9/0.

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

Vote: 9/0.

Deputy Mayor Carrier moved to approve the agenda as amended; seconded by Councilor Garrison.

Vote: 9/0.

7. PUBLIC HEARINGS – None

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.

John Scruton, 99 Sixth Street: He spoke in favor of the resolution regarding the postal delivery on Sixth Street.

David Montenegro, 55 Union Street: He referred to previous Citizen's Forum comments regarding the echo chamber of the Council, misleading citizens, and influencing votes. He talked about the sign he displayed during the meeting and how he was told by the Mayor to put it away. He said there isn't a rule, regulation, or law that says he can't display the sign. He will continue to display it. He spoke about the budget and asked to use his flash drive to display his presentation.

Mayor Trefethen said the Citizen's Forum is for Citizen's to speak to the Council, and not present graphics. He said there wasn't a specific rule on this and asked the Council if they wanted to



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allow this to occur during Citizen's Forum. He said the Council has no policy to provide visual aids.

The Council discussed whether or not to allow Mr. Montenegro's presentation.

City Manager Joyal said they can accommodate Mr. Montenegro, but the Council was in the midst of a meeting and was not prepared. His suggestion was to defer this to a future meeting, and the City's Media Services person can check the compatibility of Mr. Montenegro's equipment.

Another suggestion was to schedule a workshop to discuss this policy.

Mayor Trefethen said the consensus of the Council was not to do this tonight. He said the Council will schedule a workshop to discuss this policy. He asked Mr. Montenegro if he would like to use the remainder of his time.

Mr. Montenegro said he would like to use the remainder of his five minutes to ask the Council to entertain a motion to allow him to present his presentation on his own laptop during Council Matters of Interest.

Mayor Trefethen said the consensus of the Council was that this was not going to happen tonight. Councilor Weeden called for a point of order: He said the Council and Citizen's Forum speaker were not allowed to have a conversation.

Mayor Trefethen said as Chairperson he has to make a ruling, and the Council can override him at anytime. He said the ruling was that this was not being done tonight.

Mr. Montenegro said it takes one Councilor to question the ruling of the Chairperson.

The Council didn't respond.

Mr. Montenegro left the podium.

Carole Carville, 97 Sixth Street: She spoke in favor of the resolution regarding postal delivery on Sixth Street.

Robert Santovasi, United States Post Office, Dover Office: He spoke about the issue with the postal route on Sixth Street. He said it involves two different carrier unions; rural and in-city deliveries. He said they can't just take territory away from one and give it to another. He said they have tried to come up with different solutions. He said it wasn't something they can change.

Donald Medbery, 3 Covered Bridge Lane: He spoke about the Waterfront project going from high end condominiums to apartments. He spoke against TIFs financing the parking garage. He spoke about his requests for emails, and said he will be contacting the Attorney General. He read an April 2, 2012 email from the Mayor to the City Manager. He spoke about the previous Council meeting where two Councilors fell asleep.

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

9. CITY MANAGER'S REPORT – FY2013 PROPOSED BUDGET PRESENTATION

City Manager Joyal gave a PowerPoint presentation on his fiscal year 2013 proposed budget. Councilor Garrison asked if the change to the shift coverage for the Firefighter EMT position will affect the opening of all three fire stations.

City Manager Joyal said it could impact response capability, but all three stations will remain open.



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Councilor Weeden asked what the tax cap amount was in comparison with the proposed budget increase of \$144.00 for the average taxpayer.

City Manager Joyal said he didn't have that figure right now, but he will provide it to the Council.

Councilor Crago asked if there was any way to find additional cuts for the City side to help offset the School side so the proposed budget comes in within the tax cap.

City Manager Joyal said the budget can be adjusted, but there were impacts associated with that. He said that would be a policy decision made by the Council. He said the budget he has presented has no fluff, and he feels there is no extra money to be shifted around.

Councilor Cheney asked about the elimination of the 3.7 full-time McConnell Center Fitness Facility employees, and asked if they were being supported by the Recreation user fees.

City Manager Joyal said the facility itself is supported by the General Fund and the programs are supported by user fees.

Mayor Trefethen asked how tasks at the McConnell Center Fitness Facility will be accomplished. City Manager Joyal said the administration offices for the Recreation Department, which is located in the McConnell Center, will take over the tasks. He said there will not be full coverage for the facility.

Mayor Trefethen asked about the fitness facility itself and the classroom.

City Manager Joyal said it will be open for scheduled events. He said it will not be open for public use.

Mayor Trefethen asked if the rent was still the responsibility of the Recreation Department.

City Manager Joyal said that was correct. He said an alternative would be to put the rent into the Council's budget where other subsidies are located.

Mayor Trefethen referred to the Teen Center closure, and asked if there is an increase in space in the McConnell Center that the City is paying for that we are not using.

City Manager Joyal said those departments will continue to be responsible for that space, but the City will be looking into other uses for that space with potential tenants.

Councilor Cheney asked if they could get volunteers to cover the Fitness Facility.

City Manager Joyal said they could do that, but it brings up two concerns: 1) the City has to be careful to having volunteer labor for previously paid labor, which the Department of Labor frowns upon. 2) it takes an incredible amount of resources to manage volunteers. He said they are looking into helping the physical therapy customers by asking private sectors therapists take them into their facilities.

Councilor Crago asked if there was a foundation that can be used for fundraising for City and School sides.

City Manager Joyal said municipal governments are not in the business of fundraising. It requires a significant investment and dedicated staff.

Councilor Weston asked how much revenue the City would lose by closing the Fitness Facility.

City Manager Joyal said the City would lose almost \$37,000 to membership fees.

Councilor Garrison commented on fundraising and referred to the Pool Advisory Committee efforts. He said it is complicated and challenging, and people burn out and get frustrated.

City Manager Joyal said the Council would have to reduce the proposed budget +/- \$900,000 to meet the tax cap.

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

Vote: 9/0.



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Deputy Mayor Carrier moved to suspend the rules and move Item 13.B.2. to this point of the Agenda; seconded by Councilor Cheney.
Roll Call Vote: 9/0.

Councilor Weston moved for the adoption of Item 13.B.2.; seconded by Councilor Cheney. Councilor Weston gave an overview of the Resolution to the Council. She said this resolution will give leverage for the citizen's to contact Senators and lobby unions to make a compromise, because this is a federal issue.
Vote: 9/0.

10. APPROVAL OF MINUTES

- A. **March 21, 2012**
- B. **March 28, 2012**

Deputy Mayor Carrier moved to approve the Minutes; seconded by Councilor Crago.
Vote: 9/0.

11. MAYOR'S REPORT

Mayor Trefethen referred to Mr. Medbery's Citizen's Forum comments and apologized for his regrettable email. He said he attended the Recreation Awards Dinner last week. Councilor Weeden says it shows to the good character of the Mayor to apologize. Councilor Crago echoed Councilor Weeden's comments, and said they recognize that everyone can have a bad day.
Deputy Mayor Carrier moved to accept the Mayor's Report; seconded by Councilor Spuler.
Vote: 9/0.

12. UNFINISHED BUSINESS

- A. **ORDINANCES IN THE 2nd READING – None**
- B. **ORDINANCES IN THE 3rd READING – None**
- C. **RESOLUTIONS – None**

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **RAFFLE – Maine Coast Runners Flyball Team**
2. **RESOLUTION: B12047 PAVEMENT MARKINGS LONG LINE REFLECTORIZED
SPONSORED BY MAYOR TREFETHEN BY REQUEST**



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- 3. RESOLUTION: B12046 AWARD OF BID HAND PAVEMENT MARKINGS**
SPONSORED BY MAYOR TREFETHEN BY REQUEST
- 4. RESOLUTION: B12055 ASPHALT TRENCH PATCHING SERVICES**
SPONSORED BY MAYOR TREFETHEN BY REQUEST
- 5. RESOLUTION: B12056 AWARD OF BID TRAFFIC CONTROL FLAGGING**
SPONSORED BY MAYOR TREFETHEN BY REQUEST

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 for the adoption of the Consent Calendar; seconded by Councilor Weeden.

Vote: 9/0.

Mayor Trefethen asked the Council if they had items they would like pulled for further discussion. Councilor Garrison asked to pull Item 13.A.2.

Councilor Hooper asked to pull the School Board Report.

Deputy Mayor Carrier asked to pull the Appointments Committee Report.

Councilor Weston asked to pull Item 13.A.4.

Deputy Mayor Carrier moved for the adoption of the remaining items of the Consent Calendar; seconded by Councilor Garrison.

Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of Item 13.A.2.; seconded by Councilor Garrison. Councilor Garrison asked if teaming up with Somersworth was typically done.

City Manager Joyal this was the first time for this type of service, but he does have other examples where they have reached out to other communities in an effort to save money.

Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of Item 13.A.4.; seconded by Councilor Weston. Councilor Weston referred to the third Whereas and asked if they checked references. She spoke to other work done by this company and questioned if they are doing quality work.

City Manager Joyal said the Purchasing Agent checked references. He spoke about the previous work done by this company, which was actually a test and unique situation. He said it was not a fault of the company.

Roll Call Vote: 9/0.



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

Councilor Hooper gave an overview of the School Board Report.

Vote: 9/0.

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

Deputy Mayor Carrier listed persons the Appointments Committee is recommending for appointments:

- Library Board of Trustees – Dorothy Wagner
- Arts Commission – Martha Kaubris, Carol Van Loon, Justine Roberts, and Malone Cloitre
- Pool Advisory Committee – Jessica Bonello
- Planning Board – Dennis Ciotti, Regular Member
Dexter Tarbox, Alternate Member
- McConnell Center Advisory Board – Cora Quisumbing-King
- Open Lands Committee – Malone Cloitre and Gregory Habib

Reappointment:

- Arena Commission – David Goodwin

Deputy Mayor Carrier moved for the approval of the Appointments Committee's recommendations for appointments; seconded by Councilor Hooper.

Vote: 9/0.

Deputy Mayor Carrier listed current openings on Boards and Commissions.

B. RESOLUTIONS

1. RESOLUTION: B12039 AWARD OF BID TAX ASSESSING & DATA COLLECTION SERVICES SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

Councilor Cheney appealed to the Council that this Resolution should be put off to a future date. She said this should be part of the County regionalization effort, and this Resolution is for a three year contract.

City Manager Joyal said a clause could be inserted to end contract is regionalization occurs.

Councilor Cheney moved to amend Now, Therefor to direct City Manager to add an opt out clause; seconded by Councilor Crago.

Vote: 9/0.

Mayor Trefethen asked for a roll call vote on the amended Resolution.

Roll Call Vote: 9/0.



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2. USPS DELIVERIES IN SIXTH/HILLCREST AREA SPONSORED BY COUNCILOR WESTON

Councilor voted to move this Item up on the Agenda to after the City Manager's Report.

3. NAMING OF BRUCE THORNER FIELD (TO BE REFERRED TO A PUBLIC HEARING ON APRIL 25, 2012) SPONSORED BY DEPUTY MAYOR CARRIER

Deputy Mayor Carrier moved to referred to a public hearing on April 25, 2012; seconded by Councilor Crago.

Vote: 9/0.

4. ACCEPTANCE OF THE ACTION PLAN AND EXPENDITURES FOR FISCAL YEAR 2013 CDBG ENTITLEMENT FUNDS (TO BE REFERRED TO A PUBLIC HEARING ON APRIL 25, 2012) SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved to referred to a public hearing on April 25, 2012; seconded by Councilor Crago.

Vote: 9/0.

C. ORDINANCES IN 1ST READING

1. CHAPTER 5, BOARDS AND COMMISSIONS – SOLID WASTE ADVISORY COMMISSION (TO BE REFERRED TO A PUBLIC HEARING ON APRIL 25, 2012) SPONSORED BY COUNCILOR GARRISON

Councilor Garrison moved to referred to a public hearing on April 25, 2012; seconded by Councilor Cheney.

Councilor Cheney asked for a copy of the Commission's Rules.

City Manager Joyal said he will provide that information to the Council.

Vote: 9/0.

2. CHAPTER 166, VEHICLES AND TRAFFIC: PIERCE STREET STOP SIGN (TO BE REFERRED TO A PUBLIC HEARING ON APRIL 25, 2012) SPONSORED BY COUNCILOR WESTON AND COUNCILOR WEEDEN

Councilor Weston moved to referred to a public hearing on April 25, 2012; seconded by Councilor Weeden.

Vote: 9/0.

14. COUNCIL CORRESPONDENCE – None



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15. COUNCIL MATTERS OF INTEREST

Councilor Hooper said Dover is in danger of losing a Representative in Dover, with the combination of a district with Dover and Somersworth. She said some communities are bringing it to court, and asked the Council if they wanted the City to jump on board.

Mayor Trefethen asked if our in-house Council can work on this issue.

City Manager Joyal said they would look into it.

Council discussed the issue.

Deputy Mayor Carrier read an update on the 2023 Vision project, and spoke about future meetings.

Councilor Garrison discussed Council Rules and Guidelines. He said they received a gold star for tonight's meeting, but some Councilors have pushed the limit on rules during previous meetings. He referred to Council Rules, Section 5, Paragraph H., and listed some of the rules.

Mayor Trefethen said there will be a special meeting next week to refer the School and City budget to public hearings. He will be instructing the City Manager to post the future budget meetings on the website. He discussed Mr. Montenegro's comments regarding his sign. He said his objection was that he attached the sign to a Council chair. He said the Council did need to discuss digital or other forms of presentations during Citizen's Forum.

Councilor Cheney said her son, Sam Cheney, became an Eagle Scout on March 28, 2012.

16. ADJOURNMENT

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

Vote: 9/0.

City Manager Joyal's handouts and PowerPoint Presentations have been archived with these Minutes.