



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Media Access Center, McConnell Center**
Meeting Date: **Wednesday, May 9, 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, 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 Weeden moved to add a tax cap compliant Fiscal Year 2013 Budget resolution to the agenda, and refer it to a public hearing on June 6, 2012; seconded by Councilor Cheney.

Councilor Weston asked if they could just amend the resolution that has been vetted by the General Legal Counselor instead.

Councilor Weeden said that was his intention. He wanted to make the budget a tax cap budget by changing the total budget from \$89,274,173 to \$88,403,806.

Mayor Trefethen said other adjustments needed to be made to the figures.

Councilor Weeden said he would like the official tax cap numbers to be raised by General Fund appropriations and the property taxation numbers to be changed.

Mayor Trefethen asked Councilor Weeden if this could be done at another meeting, since the figures on the substituted resolution are not accurate.

Councilor Weeden said he wanted a tax cap budget resolution, and then if they choose to override the tax cap they will add things into the budget.

Mayor Trefethen said Councilor Weeden's substituted resolution doesn't specify where to reduce the \$870,000.

Councilor Weeden said it would be the School side of the budget, and reflected in Notes #2 and #4. He asked the City Manager to put in the appropriate numbers so it complies with the tax cap.

Councilor Garrison said this resolution is incorrect and did not go through the proper process.

Councilor Hooper wanted to register a complaint that this resolution did not go through the proper process. She said she didn't mind a tax cap amendment, but not this resolution.

Councilor Weeden said he was motioning to amend the official fiscal year 2013 budget with a change so that it's a tax cap compliant budget.

Mayor Trefethen recommended that they add the official resolution that went through the process and amend it while they are discussing it during this meeting.

Councilor Weeden said he was fine with that.

Mayor Trefethen asked for a vote to amend the official budget resolution.

Vote: 0/9; Failed.



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Councilor Weeden moved to add the approved updated City Manager's budget resolution as Item 13.B.6.; seconded by Councilor Cheney.

Vote: 9/0; Passed.

Councilor Hooper moved to add two School Board Reports; seconded by Deputy Mayor Carrier.

Vote: 9/0.

Deputy Mayor Carrier moved to add a Raffle for the Dover Adult Learning Center to the Consent Calendar; seconded by Councilor Weston.

Vote: 9/0.

Deputy Mayor Carrier moved to approve the amended agenda; 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.

Peter Schmidt, New Hampshire State Representative, 53 Fourth Street: He spoke about the issues arising with redistricting in the State.

David Montenegro, 55 Union Street: He spoke about what he perceived as Councilor Weeden's attempt to add a resolution that the City Manager and General Legal Counsel didn't approve. He referred to the resolution for the automatic meter reading and where it states "Now, therefore, be it resolved by the City Manager", and said it should be City Council.

Mary Krans, 4 Renaud Avenue, Dover Main Street Board Member: She spoke about the success of Dover Clean Up Day. She thanked all sponsors and volunteers.

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

9. CITY MANAGER'S REPORT

City Manager Joyal said he submitted his report in writing. He said the Cities of Dover, Portsmouth, Rochester, and Towns of Exeter and Newmarket, sent a letter and documentation to United States EPA Administrative Jackson regarding the Great Bay Water issues. He said it is available to view on the City's website. He said the Jenny Thompson Pool Bathhouse is nearing completion, and they are planning a May 19, 2012 ribbon cutting ceremony. He thanked all volunteers and sponsors who helped with Dover Clean Up Day.

Deputy Mayor Carrier asked about the Long Hill Road activity.

Community Services Director Steele said a contractor is doing water main work at night on Central Avenue. He said their supplies are on Long Hill Road. He said they should be complete by May 18th, as long as the weather cooperates.

Councilor Garrison referred to Mr. Schmidt's comments regarding the redistricting, and asked if the proper approach was for the Council to bring forth a resolution to direct the City Manager.

City Manager Joyal said that was correct.



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Councilor Garrison asked if the General Legal Counsel would be all the City would need, or would an outside attorney need to be hired.

General Legal Counsel Krans said the City Manchester has a volunteer attorney helping them with this issue, and he will be asking other cities how they are doing it. He said it will be a considerable time commitment.

Councilor Garrison said the Supreme Court could put aside the law.

Councilor Hooper said they have to move on it. She said this is a very serious issue and the City will lose representation.

Councilor Weeden asked for an official vote of the Council to see where people stand on this issue. He said he would not support a lawsuit.

Councilor Weston spoke about phone calls from senior citizens regarding the closure of the fitness center.

City Manager Joyal said the fitness center will be closed for general public use, but organized groups will continue to use the facility. He said the Council will be given a presentation on the Recreation Department's portion of the budget next Wednesday. He said they are looking at alternatives.

Councilor Crago asked if the City has considered using the Fund Balance as a source of fiscal relief.

City Manager Joyal said it would be irresponsible to use the Fund Balance to subsidize the budget. He said they are not at the 8% Fund Balance recommended by the financial policy. He said it would affect the City's rating if they used the Fund Balance.

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

Vote: 9/0.

10. APPROVAL OF MINUTES

- A. April 18, 2012 – Special Meeting**
- B. April 18, 2012 – Workshop Session**
- C. April 25, 2012 – Workshop Session**
- D. April 25, 2012 – Regular Session**

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

Vote: 9/0.

11. MAYOR'S REPORT

Mayor Trefethen said he attended the following events: the retirement ceremony for the Assistant Fire Chief Eric Hagman; the Greater Dover Chamber of Commerce Sweeps event; the ribbon cutting for J.D. Howard Dental on Sixth Street; Dover Clean Up Day; and the Dover Girls Softball opening day. He referred to the ribbon cutting for the Jenny Thompson Pool Bathhouse on May 18th, which he cannot attend, and encouraged the councilors to attend.

Councilor Cheney said she attended the Weightwatchers ribbon cutting.

Deputy Mayor Carrier also thanked citizens for volunteering on Dover Clean Up Day.

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

Vote: 9.0,



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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. **BLOCK PARTY – Greater Dover Chamber of Commerce, Farmer’s Market**
2. **BLOCK PARTY – Greater Dover Chamber of Commerce, 4th of July**
3. **BLOCK PARTY – Greater Dover Chamber of Commerce, Cochecho Arts Festival**
4. **PARADE/WALK – Dover Area Religious Leader’s Association**
5. **RAFFLE – Dover Police Association**

6. **RESOLUTION: WATER METERS AND AUTOMATIC METER READING SYSTEM
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

7. **RESOLUTION: SENIOR CENTER TRIP TO QUEBEC CITY
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

8. **RAFFLE – Dover Adult Learning Center**

COMMITTEE REPORTS

- | | |
|--|---|
| 1. School Board (2) | 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 Carrier moved to approve the Consent Calendar; seconded by Councilor Weeden. Mayor Trefethen said Items 13.A.6. and 13.A.7. have typographical errors, City Manager instead of City Council, and will be corrected by the City Clerk. He asked the Councilors if they had items they would like pulled for further discussion.

Councilor Hooper asked to pull the School Board Reports.

Councilor Weston asked to pulled Items 13.A.1. and 13.A.2.

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

Roll Call Vote: 9/0.



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Deputy Mayor Carrier moved for the approval of Item 13.A.1.; seconded by Councilor Weston. Councilor Weston asked about closing the street and alternatives.

City Manager Joyal said a few years ago they looked into other areas, and the Chamber of Commerce parking lot is best location.

Councilor Cheney moved to table until the next meeting; seconded by Councilor Weston.

Vote: 3/6; Failed. Councilor Cheney, Crago, and Weston voted in favor.

Mayor Trefethen asked for a vote on the permit application.

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

Deputy Mayor Carrier moved for the approval of Item 13.A.2.; seconded by Councilor Weston.

Councilor Weston spoke to the concerns of the Fire Department.

City Manager Joyal said the closure was at the City's suggestion because of all the people in the street. He said the Fire Department will manage the situation.

Vote: 9/0.

Councilor Hooper gave an overview of the School Board Reports.

Deputy Mayor Carrier moved to accept the School Board Reports; seconded by Councilor Weeden.

Vote: 9/0.

B. RESOLUTIONS

1. CLOSE OUT THE SCHOOL DISTRICT MEDIA ACCESS CENTER JOINT BUILDING COMMITTEE

SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

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

City Manager Joyal said now that the project has been closed they will be eligible to receive building aid reimbursement from the State over the next five years.

Councilor Weston said the resolutions says it was funded by School impact fees, and it should be cable franchise fees.

City Manager Joyal said he will have that corrected.

Councilor Weston moved to amended "school impact " to franchise; seconded by Deputy Mayor Carrier.

Vote: 9/0.

Mayor Trefethen asked for a vote on the amended resolution.

Vote: 9/0.



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2. OPERATING RULES FOR ENERGY COMMISSION SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

Councilor Cheney discussed her concerns regarding the operating rules. She said the operating rules duplicate the Dover City Charter and State Statutes. She said the rules should just explain how to conduct business.

Councilor Crago asked the City Manager what steps are taken to avoid a problem.

City Manager Joyal said the whole issue of rules for committees is something the City has been working through the last several months.

General Legal Counsel Krans said this goes back to revamping Chapter 5 of the City Ordinances, and explained the process to the Council. He said the 200 volunteers on the City's boards and commission want operating rules, which aligns their scope of authority.

Councilor Weston asked Councilor Cheney where in the operating rules it conflicts with State Statute.

Councilor Cheney read the statement to the Council.

Councilor Weeden asked if he could make a friendly amendment.

Mayor Trefethen said they can't amend the rules. The Council can make suggestions to the commission. He said he felt these operating rules were vital to the members, because they are not going to refer to the City Charter or State Statutes.

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

3. B12049 SILVER STREET RECONSTRUCTION CONSULTING SERVICES SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

Roll Call Vote: 9/0.

4. B12068 AWARD OF BID RUBBER WHEELED EXCAVATOR SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

Mayor Trefethen said this was a perfect example supporting the use of a capital reserve fund.

Roll Call Vote: 9/0.

5. APPROVAL OF SCENIC BYWAY APPLICATION **(TO BE REFERRED TO A PUBLIC HEARING ON MAY 23, 2012)** SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

Vote: 9/0.



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**6. FISCAL YEAR 2013 BUDGET APPROPRIATIONS, FEES AND CAPITAL IMPROVEMENTS PROGRAM
(TO BE REFERRED TO A PUBLIC HEARING ON MAY 16, 2012 – SCHOOL PORTION ONLY, AND MAY 23, 2012 FOR CITY PORTION)
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Deputy Mayor Carrier moved to refer to a public hearing for the School portion on May 16, 2012, and a public hearing for the City portion on May 23, 2012; seconded by Councilor Weeden.

Councilor Weeden moved to amend “Fund 1000” from \$89,274,173 to \$88,403,806, which would change the total from 113,059,663 to 112,189,296. Note 2 would change from 42,926,277 to 42,052,919 for School Department operations. This motion was seconded by Councilor Crago.

City Manager Joyal asked the motion be just to change the resolution to comply with the tax cap. He said he hasn’t vetted these numbers and doesn’t know if they are correct. He said he will put the appropriate numbers into the resolution.

Councilor Weeden said he was comfortable with his own numbers.

Councilor Garrison said the City Manager does work for the Council and should look at the documentation and numbers. He said he would not support the amendment.

Councilor Weeden explained why he wanted to amend this resolution. He said they should be starting with a tax cap budget, and add things back in if necessary. He also wanted the amendment now because if they don’t pass the budget by June 15th then the amendment budget would go in.

Mayor Trefethen said if the Council doesn’t vote in a budget, then the City Manager’s proposed budget is the new budget, not an amended budget.

Vote: 5/4; Passed. Mayor Trefethen, Deputy Mayor Carrier, Councilors Garrison and Hooper were opposed.

Councilor Weeden referred to page 3/5 and motioned to change “requires a 2/3 vote” to a favorable majority vote, because it’s a tax cap budget; seconded by Councilor Cheney.

City Manager Joyal said you don’t need to make a motion, the administration will note that. Mayor Trefethen asked for a vote to refer to the two public hearings.

Vote: 7/2; Passed. Councilors Garrison and Hooper were opposed.

C. ORDINANCES IN 1ST READING

**1. CHAPTER 166 VEHICLES AND TRAFFIC; SECTION 166-28 EXEMPTIONS;
SUBSECTION A
(TO BE REFERRED TO A PUBLIC HEARING ON MAY 23, 2012)
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Deputy Mayor Carrier move to refer to a public hearing on May 23, 2012; seconded by Councilor Weston.

Vote: 9/0.



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**2. CHAPTER 166 VEHICLES AND TRAFFIC; SECTION 166-57: LIMITED TIME PARKING
(TO BE REFERRED TO A PUBLIC HEARING ON MAY 23, 2012)
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Deputy Mayor Carrier move to refer to a public hearing on May 23, 2012; seconded by Councilor Weston.

Vote: 9/0.

14. COUNCIL CORRESPONDENCE

A. Letter from Cocheco River Local Advisory Committee, dated April 11, 2012.

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

Vote: 9/0.

15. COUNCIL MATTERS OF INTEREST

Councilor Hooper made a motion to direct the City Manager to pursue a lawsuit regarding redistricting; seconded by Councilor Crago.

Councilor Garrison asked if they would still need a resolution.

Mayor Trefethen said it was his understanding that the Council would need to discuss this during an Executive Session.

Councilor Cheney said the State's Committee did their work and came up with their solutions. She said she wouldn't support a lawsuit.

Councilor Hooper said it's a matter of Dover losing representatives and it will make Dover less effective.

Councilor Weeden disagreed and said Somersworth is smaller than Dover with similar interests.

He urged the Council to vote no on pursuing a lawsuit.

Deputy Mayor Carrier said if a Somersworth representative was voted in they won't have a vested interest in Dover.

Councilor Weeden said as a State Representative he represents his constituents, no matter which city they live in. He said he represents Dover citizens as a Councilor.

Mayor Trefethen said it had to do with the disparity of the other two districts in Dover, and the third being different.

Councilor Weeden said Wards 5 and 6 are smaller more rural areas.

Mayor Trefethen said the City has redistricted the six wards to be more equal in size.

Councilor Weeden said when the committee did the redistricting that wasn't true.

Mayor Trefethen said that was why they should consider pursuing this lawsuit.

Roll Call Vote: 7/2; Passed. Councilors Cheney and Weeden were opposed.

Councilor Spuler started a discussion regarding the rules for bringing a resolution forward to the Council. It is a suggestion and not a requirement that they bring it to the City Manager and General Legal Counsel.



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Mayor Trefethen said that was correct. He said there are very strict rules regarding the budget that they need to follow.

City Manager Joyal went over the rules to bring a resolution forward to the Council.

Councilor Weeden started a discussion about maintaining decorum in City emails.

Councilor Cheney spoke about Workshop meetings and receiving presentations before the meeting. She spoke about Ordinances and the need to show what is being omitted with strike through and new matter should be indicated by underscore. She said there should be a Councilor involved with any change to an Ordinance.

Councilor Crago spoke about the toxic atmosphere during the budget process and he didn't like being accused of decorum and ethics violations. He said he is for the City and its people. Mayor Trefethen said he agreed 100%, and he felt they have all suffered the same fate. He made a plea to anyone sending an email to read it again objectively.

Councilor Weeden asked the Council and School Board not use words "short-sighted" or "ignorant", because they each believe they have the right ideas to move the City in the right direction.

Mayor Trefethen asked the Councilors to be careful how they present their opinions. He spoke about how the use of "we" when it hasn't been defined infers the majority of the Council. He asked Councilor Cheney when the Dover City Charter validation will be completed.

Councilor Cheney said maybe at the next meeting she will bring something to the Council.

Mayor Trefethen asked Councilor Weston about a report from the Horne Street School Joint Building Committee.

Councilor Weston said they just had a meeting, and they have about \$7,900 left over. They awarded the bid to do the parking lot. She said their next meeting won't be until after school is out for the summer.

Councilor Crago talked about two short workshops to discuss his best practices and how the City Manager will make it work in Dover.

Mayor Trefethen asked him to email an outline of the two workshops to the City Manager and Council and they will try to schedule it.

Councilor Weston asked about have a workshop on the Charter changes.

16. ADJOURNMENT

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

Vote: 9/0.