



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**  
Meeting Location: **Council Chambers, City Hall**  
Meeting Date: **Wednesday, August 8, 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 Hooper, Councilor Spuler, Councilor Weeden, and Councilor Weston.

**Absent:** Councilor Garrison.

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

### 5. PROCLAMATIONS/AWARDS – None

### 6. APPROVAL OF AGENDA

Councilor Hooper moved to add a second School Board Report; seconded by Councilor Spuler.  
Vote: 8/0.

Councilor Spuler moved to add a resolution to Authorize Public Art Displays as Item 13.B.2.; seconded by Councilor Weeden.

Vote: 8/0.

Councilor Spuler moved to add the application for a Public Art Display

Mayor Trefethen suggested the Council revisit it and suspend the rules to add to the agenda after 13.B.2. has been approved.

Deputy Mayor Carrier withdrew Item 13.A.8.; seconded by Councilor Spuler.

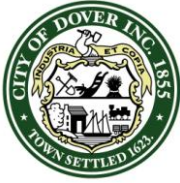
Vote: 8/0.

Councilor Cheney moved to add a resolution to create an Ordinance Committee as Item 13.B.3.; seconded by Councilor Weston.

Vote: 8/0.

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

Vote: 8/0.



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**  
Meeting Location: **Council Chambers, City Hall**  
Meeting Date: **Wednesday, August 8, 2012**  
Meeting Time: **7:00 pm**

### 7. PUBLIC HEARINGS

#### A. AUTHENTICATION OF THE OFFICIAL CHARTER OF THE CITY OF DOVER SPONSORED BY MAYOR TREFETHEN BY REQUEST

**Mary Hebbard, 97 Spruce Lane:** She wanted to publicly thank Councilor Cheney for all her hard work on the Charter. She volunteered to be a citizen representative on the new committee if it passes this evening. She spoke about the Charter being in the City Clerk's office at all times, and felt it was a clear violation of the Charter if it wasn't. She said disciplinary action should be taken against the City Clerk, as well as anyone who told her that she could do this.

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

#### B. AMENDMENT OF FY2013 FEE SCHEDULE RELATED TO IN-VEHICLE PARKING METER RELOAD FEES (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL) SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

#### C. CHAPTER 166-44: VEHICLES AND TRAFFIC; IN-VEHICLE PARKING METERS 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.*

**Mary Hebbard, 97 Spruce Lane:** She spoke about the Ordinance change in 2010 and General Legal Counselor's comment that the intent of the Council had to be considered. She said intent has nothing to do with it if it was done incorrectly. She spoke about the intent of the City Clerk to work on the Charter at home, and that it's very clear in the Charter that it can't leave the City Clerk's office. She said the Council needed to look at the facts and not the intent, because it's a clear violation of the Charter.

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



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**  
Meeting Location: **Council Chambers, City Hall**  
Meeting Date: **Wednesday, August 8, 2012**  
Meeting Time: **7:00 pm**

### 9. CITY MANAGER'S REPORT

City Manager Joyal notified the Council that he authorized a purchase order for \$41,364.80 to purchase steel plates for the Whittier Street Bridge, and he expected them to be delivered in a few days. He said the City is eligible for State funding but are waiting to hear if they are eligible for Federal bridge aid funding, and if that happens they will be able to proceed sooner with replacing the bridge. He said the City received a grant from the Department of Environmental Services (DES) to complete a survey on the water main system.

Councilor Weston referred to page 2 and asked about the gravel processing costs.

City Manager Joyal said the City owns the gravel pit and were just paying for the extra processing for the gravel to be used.

Councilor Weston referred to page 13, and asked if the higher fitness center fees were successful.

City Manager Joyal said it was too early to tell.

Councilor Hooper referred to the newspaper article that stated the Environmental Protection Agency (EPA) might cooperate and raise the nitrogen level in the water to 8%, and asked if the City has heard anything.

City Manager Joyal said they haven't.

Councilor Hooper asked how many police officers work per shift.

City Manager Joyal said it depended on the time of day.

Councilor Crago referred to page 22, and asked for an explanation of what that was.

City Manager Joyal said he would have to look into that, but said the City does have a laboratory to test the treated water going into the river.

Councilor Crago referred to page 16, and asked about the \$50,000 grant from New Hampshire Housing Finance Authority and if it had anything to do with the scenic byway.

City Manager Joyal said it was for a specific zoning project, form based code, and not the scenic byway. He said the grant is allowing the City to expand that project.

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

Mayor Trefethen reminded the Council that by accepting the City Manager's Report they were also accepting his authorization to award the bid for the Whittier Street bridge steel plates under an executive purchase order.

Vote: 8/0.

### 10. APPROVAL OF MINUTES

- A. July 18, 2012 – Workshop**
- B. July 25, 2012 – Regular Meeting**
- C. July 25, 2012 – Workshop**

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

Vote: 8/0.



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**  
Meeting Location: **Council Chambers, City Hall**  
Meeting Date: **Wednesday, August 8, 2012**  
Meeting Time: **7:00 pm**

### 11. MAYOR'S REPORT

Mayor Trefethen reminded the Council and citizens that Friday night was the closing of the Coheco Arts Festival.

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

### 12. UNFINISHED BUSINESS

#### A. ORDINANCES IN THE 2<sup>nd</sup> READING

##### 1. CHAPTER 166-44: VEHICLES AND TRAFFIC; IN-VEHICLE PARKING METERS SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

Mayor Trefethen gave an overview of this ordinance with the Council.

Councilor Hooper asked if there was a price set yet.

Parking Manager Simons said the total cost is \$19.95, which includes \$10 of free parking.

Councilor Hooper asked if it will work in other cities, such as Portsmouth.

Parking Manager Simons said not yet, but there is interested in numerous cities.

Councilor Weston asked about the impact to the City.

Parking Manager Simons said he would project that there will be a slight decrease in income. He said this device only pays by the minute, and not for the estimated time period the person pays for.

Councilor Crago started a discussion regarding the reload fees and the City not absorbing the cost.

Parking Manager Simons talked about the functions of the device. How it is a computer and will only work during parking hours, 9:00am to 7:00pm. He gave a brief demonstration to the Council.

Councilor Weston said this addressed the inconvenience of using the parking meters. She said the only drawback is if you forget to turn it off.

Parking Manager Simons said it does beep 30 seconds after you drive away from the parking spot to remind you to shut it off.

Deputy Mayor Carrier asked what happened if it's lost or stolen.

Parking Manager Simons said they will replace it once.

Roll Call Vote: 8/0.

#### B. ORDINANCES IN THE 3<sup>rd</sup> READING – None



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**  
Meeting Location: **Council Chambers, City Hall**  
Meeting Date: **Wednesday, August 8, 2012**  
Meeting Time: **7:00 pm**

### C. RESOLUTIONS

#### 1. AUTHENTICATION OF THE OFFICIAL CHARTER OF THE CITY OF DOVER SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Weeden. Councilor Cheney said the version on the Council's table is the final version that the Council will be authenticating. She said she will not compromise on the Charter, and asked if the Council would be willing to sign a document to not obey the Charter. She said the word shall means no ifs, ands, or buts. She said if there is going to be any pushback from anybody that it would be anywhere besides the City Clerk's office then she would request from the Council that they audibly and for the record state that they would be willing to forego this provision of the Charter and allow it to be kept in another place. She said she would vote no.

Councilor Crago agreed with Councilor Cheney's comments that the "shall" is clear and it's understood that it be kept in the City Clerk's office.

Councilor Weeden also agreed that it's the law that it be kept in the City Clerk's office. He felt the City should not prosecute for past offenses, because he felt it was not done out of disrespect.

Councilor Cheney mentioned two things the Secretary of State said should be in the Charter. Editor's notes should include the date it was put into the Charter. She referred to section C11-10: "The City Clerk shall be responsible for the proper maintenance of the Charter, under the direction of the City Manager." She said she felt the City Clerk was responsible for her own actions, and "under the direction of the City Manager" should not be there. She also talked about the book, "The Final Report of the Dover Charter Commission", and asked to have it available to the public.

General Legal Counselor said he doesn't have a problem with keeping the City Charter in the City Clerk's Office, but reminded the Council that the City Hall has 11 vaults, 5 of which are under the control of the City Clerk. He said the City Clerk is very responsible of the vaults, and felt it should be in a vault in case the City Hall burnt down. He said it was the City Clerk's decision to put it in a vault.

Deputy Mayor Carrier talked about the cost to copy the report.

Mayor Trefethen said there were 50 copies made seven years ago, and he suspected there weren't any left.

Councilor Cheney said there weren't any, because they were authenticating the City Charter tonight.

City Manager Joyal said they were talking about two different things. The Council is authenticating the new Charter tonight that will be kept in the City Clerk's office. He said it was his understanding that Councilor Cheney was asking for copies of the Final Report of the Charter Commission be made available to the public and Council. He said they have the electronic copy of that report, and it is available to the public. He said copies will also be available of the Official Charter.

Councilor Cheney said they misunderstood. She was asking for copies of the authenticated City Charter.

Councilor Weston asked the City Clerk if there is a vault in the City Clerk's office.



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**  
Meeting Location: **Council Chambers, City Hall**  
Meeting Date: **Wednesday, August 8, 2012**  
Meeting Time: **7:00 pm**

City Clerk Lavertu said there is a vault in the City Clerk's/Tax Collection office.  
Mayor Trefethen said there will also be an electronic version of the authenticated City Charter on the City's website.

Mayor Trefethen said the Council was voting to authenticate the City Charter.

Roll Call Vote: 8/0.

The Council signed the signature page to authenticate the City Charter.

Mayor Trefethen recessed the meeting to allow the City Clerk to put the authenticated City Charter in the City Clerk's vault.

**2. AMENDMENT OF FY2013 FEE SCHEDULE RELATED TO IN-VEHICLE PARKING METER RELOAD 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 Hooper.  
Councilor Weeded asked if this wasn't passed then the City would absorb the cost of the reload.

Parking Manager Simons discussed the change in the costs to reload. He said the City would be subsidizing other towns included in the network.

Councilor Cheney started a discussion on the contract, and it not being part of this ordinance.

City Manager Joyal said there isn't a contract at this point. He will bring the contract before the Council when they have one.

Mayor Trefethen said this was a convenience.

Councilor Cheney said she would support this resolution, but she wanted to see the contract.

Roll Call Vote: 8/0.

### **13. NEW BUSINESS**

#### **A. CONSENT CALENDAR**

- 1. BLOCK PARTY – Lexington Street**
- 2. 50/50 RAFFLE – Dover High School Football Booster's Club**
- 3. RAFFLE – Dover High School Football Booster's Club – Thanksgiving**
- 4. ROAD TOLL – American Legion Auxiliary**
  
- 5. RESOLUTION: SETTING VOTING HOURS FOR THE NOVEMBER 6, 2012 GENERAL ELECTION  
SPONSORED BY MAYOR TREFETHEN BY REQUEST**
  
- 6. RESOLUTION: B13003 OFF ROAD DIESEL FUEL  
SPONSORED BY MAYOR TREFETHEN BY REQUEST**



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**  
Meeting Location: **Council Chambers, City Hall**  
Meeting Date: **Wednesday, August 8, 2012**  
Meeting Time: **7:00 pm**

- 7. RESOLUTION: B13004 #2 HEATING FUEL**  
SPONSORED BY MAYOR TREFETHEN BY REQUEST
- 8. RESOLUTION: B13005 NATURAL GAS SUPPLIER**  
SPONSORED BY MAYOR TREFETHEN BY REQUEST

Item was pulled from the Agenda.

### COMMITTEE REPORTS

- |  |   |
|--|---|
| 1. <b>School Board (2)</b>             | 7. Solid Waste Advisory Commission                |
| 2. Planning Board                      | 8. Transportation Advisory Commission             |
| 3. Appointments Committee              | 9. Joint Building Committee – Horne Street School |
| 4. Recreation Advisory Board           | 10. Legislative Liaison                           |
| 5. McConnell Center Advisory Committee | 11. Pool Advisory Committee                       |
| 6. Arts Commission                     | 12. Parking Commission                            |

Deputy Mayor Carrier moved to approve the Consent Calendar; seconded by Councilor Weston. Mayor Trefethen asked the Council if they had any items they would like pulled for further discussion.

Deputy Mayor Carrier asked to pull Items 13.A.6. and 13.A. 7. to be substituted in whole. Councilor Weston asked to pull item 13.A.5.

Councilor Hooper asked to pull both School Board Reports.

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

Vote: 8/0.

Deputy Mayor Carrier moved for the adoption of 13.A.5.; seconded by Councilor Weston. Councilor Weston referred to the first Whereas and moved to change to "In accordance with State RSA 659:4, the City Council must set voting hours in their respective communities; and"; seconded by Councilor Cheney.

Vote: 8/0.

Councilor Weeden said he has had several constituents asked that the polls open at 7:00 am. Mayor Trefethen said the people working at the polls get there at 6:00 am to open at 8:00 am. Mayor Trefethen asked for a roll call vote for the resolution.

Roll Call Vote: 8/0.

Deputy Mayor Carrier moved for the adoption of 13.A.6., and substitute as a whole; seconded by Councilor Weeden.

City Manager Joyal gave an overview of the resolution to the Council.

Roll Call Vote: 8/0.

Deputy Mayor Carrier moved for the adoption of 13.A.7., and substitute as a whole; seconded by Councilor Weeden.

Roll Call Vote: 8/0.



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**  
Meeting Location: **Council Chambers, City Hall**  
Meeting Date: **Wednesday, August 8, 2012**  
Meeting Time: **7:00 pm**

Councilor Hooper gave an overview of the School Board reports to the Council.  
Deputy Mayor Carrier moved to approve both School Board reports; seconded by Councilor Cheney.  
Vote: 8/0.

### **B. RESOLUTIONS**

#### **1. SETTING OF PROPERTY TAX EXEMPTIONS FOR ELDERLY, BLIND AND DISABLED FOR FY2013** SPONSORED BY MAYOR TREFETHEN

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

#### **2. AUTHORIZING PUBLIC ART DISPLAYS** SPONSORED BY COUNCILOR SPULER

Councilor Spuler moved for its adoption; seconded by Councilor Weeden.  
Councilor Spuler gave an overview of the resolution to the Council.  
City Manager Joyal said the City will review public safety, maintenance issues, and vandalism concerns. He said requests will be reviewed by the City's insurance carrier.  
Vote: 8/0.

Councilor Spuler moved to suspend the rules to introduce the application; seconded by Councilor Weston.  
Roll Call Vote: 8/0.

Councilor Spuler gave an overview of the application to the Council.  
Vote: 8/0.

#### **3. CREATION OF AN ORDINANCE COMMITTEE** SPONSORED BY COUNCILOR CHENEY, COUNCILOR HOOPER, COUNCILOR WESTON AND COUNCILOR WEEDEN

Councilor Cheney moved for its adoption; seconded by Councilor Weston.  
Councilor Cheney gave an overview of the resolution to the Council.  
Mayor Trefethen asked if the four sponsoring Councilors also be the members of the committee.  
Councilor Cheney said that was correct, with the caviat that the Council approves the appointment.  
Mayor Trefethen said the resolution creates the committee, but does not appoint the members. He asked if there was going to be a resolution to appoint members at a subsequent meeting.



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**  
Meeting Location: **Council Chambers, City Hall**  
Meeting Date: **Wednesday, August 8, 2012**  
Meeting Time: **7:00 pm**

Councilor Cheney said she would like to appoint the members now.

Councilor Weston moved for a friendly amendment to the resolution to include as the first Now, Therefore: "Four sponsors will be appointed to the committee;" seconded by Deputy Mayor Carrier.

Vote: 8/0.

Councilor Spuler started a discussion on clarifying the difference between adoption and amending the Code.

Mayor Trefethen asked for a vote on adopting the amended resolution.

Vote: 8/0.

### **C. ORDINANCES IN 1ST READING – None**

#### **14. COUNCIL CORRESPONDENCE – None**

#### **15. COUNCIL MATTERS OF INTEREST**

Councilor Weeden thanked Laurenne Ramsdell, Foster's Daily Democrat Reporter, for her work, and wished her the best of luck.

Councilor Weston also thanked Laurenne Ramsdell, and welcomed her replacement. She gave an update to the Council on the Horne Street School project.

Deputy Mayor Carrier said he walked the Community Trail and said it was unbelievable.

#### **16. ADJOURNMENT**

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

Vote: 8/0.