



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Media Access Center, McConnell Center**
Meeting Date: **Wednesday, June 27, 2012**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Weston 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 Counsel Krans and Deputy City Clerk Mistretta.

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

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

Councilor Weeden moved to suspend the rules to add items to the agenda; seconded by Councilor Weston.
Roll Call Vote: 8/0.

Councilor Weeden moved to add the ordinance entitled “Chapter 109 - Fire Prevention and Life Safety” as Item 13.C.1.; seconded by Councilor Cheney.
Vote: 8/0.

Deputy Mayor Carrier moved to add the resolution entitled “Purchase of Stackpole Property, in Somersworth, NH” as item 13.B.12.; seconded by Councilor Crago.
Vote: 8/0.

Councilor Weeden moved to remove from the table the “Scenic Byway” resolution; seconded by Councilor Cheney.

Councilor Weston asked about the workshop scheduled for July 18, 2012 on the topic.

Councilor Weeden said he was unaware of that and withdrew his motion.

Councilor Cheney withdrew her second.

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

Vote: 8/0.



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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.

Richard Hebbard, 97 Spruce Lane: He spoke against the Scenic Byway resolution and Agenda 21. He thanked the Mayor for coming to his informational session regarding the issue.

Mary Hebbard, 97 Spruce Lane: She spoke against the Scenic Byway resolution. She asked why the background material was removed from the May 23 agenda packet.

Arthur Burke, 2 Union Street: He read his statement to the Council regarding the proposed legislation to eliminate all income tax and how it will negatively affect the State.

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

9. CITY MANAGER'S REPORT

City Manager Joyal said he has submitted his report in writing, which included reports from the Economic Development Director and General Legal Counselor. He asked Ray Bardwell, Save Our Bridge Chairperson, to give an update to the Council on the Pedestrian Bridge project.

Mr. Bardwell gave an overview of his report on the Pedestrian Bridge project to the Council.

Councilor Weston referred to the Citizen's Forum comment that the background materials for the Scenic Byway was missing from the website. City Manager Joyal said he would look into it.

Deputy Mayor Carrier moved to accept the City Manager's report; seconded by Councilor Spuler. Vote: 8/0.

10. APPROVAL OF MINUTES

- A. May 16, 2012 – Workshop Session
- B. May 16, 2012 – Special Meeting
- C. May 23, 2012 – Regular Meeting
- D. May 30, 2012 – Workshop Session
- E. June 4, 2012 – Workshop Session
- F. June 6, 2012 – Workshop Session
- G. June 6, 2012 – Special Meeting

Deputy Mayor Carrier moved to accept the minutes; seconded by Councilor Weston. Councilor Weston asked that the Hebbard's name be corrected. Vote: 8/0.



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11. MAYOR'S REPORT

Mayor Trefethen listed the events he has attended the past month since his last report.

June 10, 2012 – Dedication of Lorraine's Corner

June 13, 2012 – Dover High School graduation

June 14, 2012 – Flag Day ceremony

June 15, 2012 – UPS event acknowledging four drivers with 25 years of safe driving

June 21, 2012 – Dover Adult Learning Center graduation

June 24, 2012 – Information Session regarding Agenda 21

June 25, 2012 – Friendship Force event, who hosted members from New Zealand

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

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. BLOCK PARTY – Florence Street**
- 2. BLOCK PARTY – Jewelry Creations**
- 3. RAFFLE – City of Dover Recreation Department**
- 4. RAFFLE – Friends of Earth, Sea, Space Museum**
- 5. RAFFLE – Pen Ink Design Co.**
- 6. TAG – Dover Little Green Football, Inc. – August**
- 7. TAG – Dover Little Green Football, Inc. – October**

8. RESOLUTION: DOG WARRANT
SPONSORED BY MAYOR TREFETHEN BY REQUEST

**9. RESOLUTION: SETTING VOTING HOURS FOR THE SEPTEMBER 11, 2012
NEW HAMPSHIRE STATE PRIMARY**
SPONSORED BY MAYOR TREFETHEN BY REQUEST

10. RESOLUTION: B11075 – OCCUPATIONAL HEALTH SERVICES
SPONSORED BY MAYOR TREFETHEN BY REQUEST



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- 11. RESOLUTION: B12077 – VARIOUS CHEMICALS**
SPONSORED BY MAYOR TREFETHEN BY REQUEST
- 12. RESOLUTION: B12065 – CRACK SEALING SERVICES**
SPONSORED BY MAYOR TREFETHEN BY REQUEST
- 13. RESOLUTION: B12075 – BITUMINOUS CONCRETE ASPHALT PICKED UP**
SPONSORED BY MAYOR TREFETHEN BY REQUEST
- 14. RESOLUTION: B12080 – SPECIALIZED MUNICIPAL LEGAL SERVICES**
SPONSORED BY MAYOR TREFETHEN BY REQUEST
- 15. RESOLUTION: GENERATOR MAINTENANCE SOUTHWORTH-MILTON INC**
SPONSORED BY MAYOR TREFETHEN BY REQUEST
- 16. RESOLUTION: VARIOUS SENIOR CENTER TRIPS**
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 School
10. Legislative Liaison
11. Pool Advisory Committee
12. Parking Commission

Deputy Mayor Carrier moved to approve the Consent Calendar; seconded by Councilor Weeden. Mayor Trefethen asked the Council if they had items they would like pulled for further discussion. Councilor Weeden asked to pull items 13.A.8. and 13.A.15. Councilor Hooper asked to pull both School Board Reports. Councilor Cheney asked to pull items 13.A.10., 13.A.13., and 13.A.14.

Mayor Trefethen asked for a roll call 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.8.; seconded by Councilor Weeden. Councilor Weeden said he pulled the resolution to separate out the vote.
Vote: 7/1; Passed. Councilor Weeden was opposed.

Deputy Mayor Carrier moved for the adoption of Item 13.A.10.; seconded by Councilor Cheney. Councilor Cheney asked why this vendor did not meet certain specifications. City Manager Joyal explained that the vendor needed to be in close proximity to Dover.
Roll Call Vote: 8/0.



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Deputy Mayor Carrier moved for the adoption of Item 13.A.13.; seconded by Councilor Cheney. Councilor Cheney asked about last's year award and if it was split between two vendors. City Manager Joyal said it was split between the two vendors.
Roll Call Vote: 8/0.

Deputy Mayor Carrier moved for the adoption of Item 13.A.14.; seconded by Councilor Cheney. Councilor Cheney asked if there was an estimated savings report by having an in-house attorney. City Manager Joyal said it will be in next month's City Manager's Report. Mayor Trefethen said they were told about the savings during the General Legal Counsel's budget presentation. Councilor Cheney said she felt it was appropriate for her to abstain from the vote, because she received the opinion from Attorney Mitchell that the City has broken the law. Mayor Trefethen didn't see where that was a conflict of interest. City Manager Joyal made it clear that the City of Dover has not broken the law. Mayor Trefethen said the decision to abstain is hers.
Roll Call Vote: 7/0. Councilor Cheney abstained.

Deputy Mayor Carrier moved for the adoption of Item 13.A.15.; seconded by Councilor Spuler. Councilor Weeden asked about waiving the bidding process and if it was setting a policy. Mayor Trefethen referred to City of Dover's Code, Section 3-24.B, and said the City can waive the bidding process.
Roll Call Vote: 8/0.

Councilor Hooper gave an overview of the two School Board Reports, dated June 11, 2012 and June 18, 2012. Deputy Mayor Carrier moved to approve the School Board Reports; seconded by Councilor Weeden.
Vote: 8/0.

B. RESOLUTIONS

1. FISCAL YEAR 2012 WRITE-DOWN OF UNCOLLECTIBLE AMBULANCE ACCOUNTS RECEIVABLE SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Spuler. City Manager Joyal gave an overview of the resolution to the Council. Councilor Cheney referred to the Now, Therefore, and asked to make a friendly amendment that the last line be deleted; seconded by Councilor Weeden. City Manager Joyal said the friendly amendment will allow him to write-down at any time. He said the Council could add that the City Manager will report this on a yearly basis to the Council, but he would do that as his normal practice. Councilor Cheney withdrew her motion. Councilor Weeden withdrew his second.
Roll Call Vote: 8/0



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2. MCCONNELL CENTER LEASE WITH SOPHEM CORPORATION SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Hooper. Recreation Director Bannon gave an overview of this resolution to the Council. Councilor Cheney asked to see the lease agreements for all the leases. City Manager Joyal said he can make it available. Councilor Weston asked if after three years any of the four leases have a subsidy from the City. Director Bannon said this lease has the caveat of the equipment for the first two years, but all four leases are not subsidized. Mayor Trefethen said his preference is not to include the leases in the agenda packet, but encouraged the Council to contact the City Manager or City Clerk's office to get the additional information if they want it. Councilor Cheney said she preferred to have a complete agenda packet. Councilor Weston asked if the complete agenda packet can be put online, so the additional material can be printed out. City Manager Joyal said that was possible. Councilor Cheney said she preferred the paper copy. City Manager Joyal said the resolution is giving the City Manager the authorization to enter into a lease agreement. He said this was an additional expense and time consuming. Councilor Cheney said if this was going to be the policy then the Council should review Council Rules. Mayor Trefethen asked Councilor Cheney if she knew the process to change Council Rules. Discussion ensued regarding having the complete packet available on the web, and the ability to get hard copies through the City Manager's or City Clerk's offices. Roll Call Vote: 8/0.

3. MCCONNELL CENTER LEASE WITH EASTER SEALS NEW HAMPSHIRE SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Weeden. Councilor Spuler said he would abstain from the vote, because he has family members who are employed by Easter Seals. Roll Call Vote: 7/0. Councilor Spuler abstained.

4. MCCONNELL CENTER LEASE WITH GREENPATH, INC. SPONSORED BY MAYOR TREFETHEN BY REQUEST

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



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**5. MCCONNELL CENTER LUTHERAN COMMUNITY SERVICES LEASE
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

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

**6. B11032 MCCONNELL CENTER STAINED GLASS WINDOW REPAIRS
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Weeden.
Roll Call Vote: 7/1; passed. Councilor Weeden was opposed.

**7. B11038 – SLUDGE DEWATERING UPGRADES AWARD OF ADDITIONAL
SCOPE OF WORK
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

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

**8. B12051 – NELSON STREET RECONSTRUCTION CONSULTING SERVICES
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Crago.
Roll Call Vote:

**9. PURCHASE OF TRUCK FOR COMMUNITY SERVICES FROM STATE NH BID
SOLICITATION 1362.12
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Hooper.
Community Service Director Steele gave an overview of the resolution to the Council.
Roll Call Vote: 8/0.

**10. PURCHASE OF SUV FOR FIRE DEPARTMENT FROM STATE NH BID
SOLICITATION 1362.12
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Spuler.
Fire Chief Driscoll gave an overview of the resolution to the Council.
Roll Call Vote: 8/0.

Mayor Trefethen made a comment that these resolutions were items that are in the current budget and need to be appropriated by the end of the fiscal year.



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11. FY12 TRANSFER OF APPROPRIATION – GENERAL FUND SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Weeden.
City Manager Joyal gave an overview of the resolution to the Council.
Councilor Cheney asked for an accounting of where the money is coming to cover these over expenditures.
City Manager Joyal said he provides the Council this accounting ever year after the books have been closed.
Roll Call Vote: 8/0

12. PURCHASE OF STACKPOLE PROPERTY SOMERSWORTH NH SPONSORED BY COUNCILOR WEEDEN

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Crago.
City Manager Joyal gave an overview of the resolution to the Council.
Roll Call Vote: 8/0.

C. ORDINANCES IN 1ST READING

1. CHAPTER 109 - FIRE PREVENTION AND LIFE SAFETY (TO BE REFERRED TO A PUBLIC HEARING ON JULY 11, 2012) SPONSORED BY COUNCILOR WEEDEN

Deputy Mayor Carrier moved to refer to a public hearing on July 11, 2012; seconded by Councilor Weeden.
Councilor Weeden gave an overview of the resolution to the Council.
Councilor Weston asked if there would be a fee for the permit.
Councilor Weeden said that was something the Council can discuss.
Councilor Spuler asked Fire Chief Driscoll if this ordinance change will be better for controlling fireworks.
Fire Chief Driscoll said he felt it will increase the use in fireworks in the City, because the only people doing them now are doing them illegally.
Councilor Crago asked Fire Chief Driscoll if he felt comfortable with this ordinance change. He spoke about the potential revenue source and better accountability of a permitting process.
Fire Chief Driscoll said the Fire and Police Departments will be busier.
Vote: 8/0.

14. COUNCIL CORRESPONDENCE – None



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15. COUNCIL MATTERS OF INTEREST

Mayor Trefethen asked for consensus on the process for the agenda materials. He said these materials will be made available on the online agenda packet. He asked Councilor Cheney on her progress with the City Charter.

Councilor Cheney said the Charter has not been authenticated for 35 years and said she wanted to show the Council the issues found during her research.

Mayor Trefethen asked when she would be ready to present to the Council.

Councilor Cheney said at the next Council meeting, July 11, 2012.

Mayor Trefethen asked if the City Clerk and City Manager seen the work she has done.

Councilor Cheney said no, it has to be looked at by the Council. She wanted to show the evolution of the Charter.

Council discussed the issue of Councilor Cheney showing the City Manager and City Clerk her research and having a workshop to show the whole Council.

Councilor Cheney agreed to show the presentation to the City Manager and City Clerk, and then have a workshop on July 11, 2012 after the regular meeting.

Deputy Mayor Carrier read the press release from Dover Southside Little League. They donated their fields to the Dover Softball League.

Councilor Crago spoke about the McConnell Center Advisory Board meeting on June 25, 2012, and the need to reprogram any surplus funds in this year's budget to complete construction on the remaining units in McConnell Center.

Councilor Weston discussed the workshop on the Agenda 21 issues, and the need to get some answers before the Council makes a decision.

16. ADJOURNMENT

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

Vote: 8/0.