



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, January 23, 2013**
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 Garrison, Councilor Hooper, Councilor Spuler, Councilor Weeden, and Councilor Weston.

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

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Councilor Garrison moved to add the Legislative Liaison Report; seconded by Deputy Mayor Carrier.

Vote: 9/0.

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

Vote: 9/0.

Deputy Mayor Carrier moved to add the Recreation Advisory Board Report; seconded by Councilor Hooper.

Vote: 9/0.

Councilor Cheney moved to add the Ordinance Codification and Verification Committee Report; seconded by Councilor Weston.

Vote: 9/0.

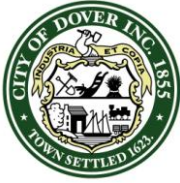
Deputy Mayor Carrier moved to approve the agenda as amended; seconded by Councilor Garrison.

Vote: 9/0.

7. PUBLIC HEARINGS

A. CHAPTER 5: BOARDS, COMMISSIONS & COMMITTEES – PARKING COMMISSION SPONSORED BY MAYOR TREFETHEN BY REQUEST

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



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B. CHAPTER 131-18: OFFENSES - USE OF TOBACCO PRODUCTS IN HENRY LAW SKATE PARK, SCHOOL GROUNDS, AND ATHLETIC FIELDS SPONSORED BY MAYOR TREFETHEN BY REQUEST

Brian Eldridge, Chase Retrosi, and Abirami Ravichandran, Dover School Students and Youth to Youth Members: They spoke in favor of the Ordinance change. They had a handout for the Council and Powerpoint presentation.

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

C. FISCAL YEAR 2013 BUDGET AMENDMENT #1 – APPROPRIATION FOR TRANSFER TO CERTAIN CAPITAL RESERVE FUNDS (REQUIRES A 2/3 MAJORITY COUNCIL VOTE) SPONSORED BY COUNCILORS WESTON, SPULER, AND WEEDEN

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.

Human, 55 Union Street: He spoke about Deputy Mayor Carrier's and Councilor Weeden's Speak Out Session. He said more than half the people who attended spoke out against the parking garage and Police Department proposal for Orchard Street. He said the Council created the committee to oversee the Police Facility and he noted the differences with the creation of the North End Fire Station Committee. He talked about the media presentation being against the Council rules. He talked about the resolution for the used bucket truck, and asked why the lowest bid wasn't accepted.

Deborah Thibodeaux, 335 Middle Road: She spoke about the new Police Station and said it wasn't just a building that needs to be built and certain considerations have to be looked at. She said they needed more meetings, and believed there would be more meetings, to discuss what is needed for the new Police Station. She asked the Council allow the Police to have that conversation so the citizens understand it better. So hopes this will allow an easier transition than the building of the North End Fire Station.

Dee Sorbello, 60 Boxwood Lane: She spoke in favor of the resolution to accept Boxwood Lane as a City street.

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



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9. CITY MANAGER'S REPORT

City Manager Joyal submitted his report in writing, which included an update on Economic Development and General Legal Counsel activities. He said he had a few items to bring to the Council's and public's attention. First, he reminded the Council that the City is in the process of completing a gateway rezoning study and urges participation for its success. He said the NH Housing Finance Authority awarded this grant to the City. He said there will be two brainstorming sessions on February 2nd and February 9th at 10:00 am in the McConnell Center, Room 306. He said there is a short online survey on the City's website. He said the City's newsletter has a new design, which is part of the ongoing effort to redesign the entire website. He said there is a vacancy on the Dover Housing Authority, which is his responsibility to fill. He is appointing Timothy Granfield, a resident of Dover.

Councilor Weeden spoke about his resolution for the Fourth Street Parking Ban not being on the agenda.

City Manager Joyal said it wasn't completed in time for the agenda.

Councilor Cheney referred to the water main break and asked if the water pressure problems have been resolved.

City Manager Joyal said there was a water main break, which was believed to be caused by the cold weather and ground movement.

Councilor Hooper asked about the Citizen's forum comment regarding the bidding process on the bucket truck.

City Manager Joyal explained why the City is recommending the middle bid for the bucket. He said the price difference was \$7,000-\$8,000, 2011 instead of a 2007, and mileage of 2,500 instead of 70,000, and has a 3 year warranty. He said the recommended truck has the same boom as the current truck the City has, and comes with a 1 year warranty.

Councilor Hooper made the point that the City's staff always has good reasons for not always accepting the lowest bid.

Councilor Crago asked about the media presentation and it being against Council Rules.

City Manager Joyal said the Youth-to-Youth is a City sponsor, and its advisory is a City employee, so it didn't apply.

Councilor Weeden said the rule is that the presentation would be brought to a Councilor and they would decide if it should be brought forward to the Council during a workshop session.

Deputy Mayor Carrier moved to accept the City Manager's Report; seconded by Councilor Spuler. Mayor Trefethen said the approval of the City Manager's Report also included the acceptance of the appointment of Timothy Granfield to the Dover Housing Authority.

Vote: 9/0.



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10. APPROVAL OF MINUTES

- A. January 2, 2013 – Workshop Session**
- B. January 9, 2013 – Regular Meeting**

Deputy Mayor Carrier moved to accept the minutes; seconded by Councilor Garrison.
Deputy Mayor Carrier moved to substitute as a whole the January 9, 2013 minutes; seconded by Councilor Spuler.

Vote: 9/0.

Mayor Trefethen asked for a vote on accepting the minutes.

Vote: 9/0.

11. MAYOR'S REPORT

Mayor Trefethen attended the Children's Museum where they accepted the 100 Best Communities for Youth award. He spoke about the appointments to the Police Facility Building Committee, which was at his discretion. He appointed as citizen representatives: Jack Buckley, David Hanna. He appointed as Police Department employee representatives: Sargeant Mark Collopy and Officer Sean Mask. He appointed Deputy Mayor Carrier as Council liaison and as the Committee's chairperson. He said the Police Chief and Planning Director are also members of the Committee. Councilor Crago referred to the Citizen's Forum comments, and asked the Mayor how he felt about adding two more citizen's to the Committee.

Mayor Trefethen said he was ambivalent about it. He felt there was an area of expertise that was needed.

Councilor Garrison said any person can participate and attend the meetings. He asked if all seven members were voting members.

Mayor Trefethen said that they were all voting members.

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

Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 5: BOARDS, COMMISSIONS & COMMITTEES – PARKING COMMISSION

SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

Roll Call Vote: 9/0.



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2. CHAPTER 131-18: OFFENSES - USE OF TOBACCO PRODUCTS IN HENRY LAW SKATE PARK, SCHOOL GROUNDS, AND ATHLETIC FIELDS SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Crago. Councilor Weeden said he felt it was confusing to have some parts of the park non-smoking and some parts where it is allowed. He moved to amend the ordinance to ban smoking from the entire park.

Mayor Trefethen asked if the Council could make this change without another public hearing.

General Legal Counselor Krans said the Council was allowed to make a minor change, and it was also up to them to decide if this was a minor or major change.

Mayor Trefethen asked if there was a second to the motion.

There was no second to the motion.

Deputy Mayor Carrier asked about enforcement.

City Manager Joyal said there will be signs so that it will be enforceable.

Police Chief Colarusso said there will be signs and enforced by the police similar to school grounds.

Councilor Hooper asked Police Chief Colarusso if he felt the ban should include the entire park.

Police Chief Colarusso said the Youth-to-Youth group thought it through and this resolution actually makes a lot of sense.

Roll Call Vote: 9/0.

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS

1. FISCAL YEAR 2013 BUDGET AMENDMENT #1 – APPROPRIATION FOR TRANSFER TO CERTAIN CAPITAL RESERVE FUNDS (REQUIRES A 2/3 MAJORITY COUNCIL VOTE) SPONSORED BY COUNCILORS WESTON, SPULER, AND WEEDEN

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

Councilor Weston gave an overview of the resolution to the Council.

Councilor Garrison said the Dickinson funds should be used for the Waterfront area, and the School Board should be supported by the Council supporting their budget. He said he would not support this resolution.

Councilor Cheney spoke about using the money for projects affected by the waterfront development project. She asked Councilor Crago about the Save the Bridge resolution that was tabled.

Councilor Crago said he had mixed emotions with this resolution, but felt it was a justified gesture to the school. He said he also had mixed emotions about the Save the Bridge resolution that was tabled because the City has been overcome by events. He said his biggest concern is the crosswalk safety issue, and asked the City Manager if the City had the funds to fix this problem.



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City Manager Joyal said the Council appropriated sufficient funds to address the crosswalk safety issues. He said a local civil engineer has donated his services to design some improvements. He doesn't know the cost for the work on the crosswalks, but felt it should be covered by the Streets Improvement line item. He said they didn't have the funds for traffic lights, but he didn't believe that was going to be needed. Councilor Crago said he felt the Council was trying to do too many things with the Dickinson revenue. He discussed his conversation with the City Manager regarding using the excess surplus funds towards these reserve funds. He said he will support this resolution as a gesture to help get these funds started. Councilor Weston discussed the Save the Bridge Committee and the email from Ray Bardwell. She said it was her impression that the project was dead. So the money is available to spend on these reserves and felt they should support the schools. Councilor Cheney said she has not heard that the Save the Bridge Committee has disbanded. She did support the concept of reserve funding. Mayor Trefethen said he didn't support this resolution, because he felt this money should be saved for when the waterfront development is completed and used to unexpected problems that need to be addressed. He said this could be tabled for a third reading, so they can attend the Joint Fiscal Committee meeting and make a decision from what they learned from those discussions. Roll Call Vote: 5/4; Failed. Mayor Trefethen, Deputy Mayor Carrier, Councilors Garrison and Hooper were opposed.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **PARADE – ROCHESTER RUNNERS CLUB**
2. **RESOLUTION: B13028 PURCHASE OF USED BUCKET TRUCK**
SPONSORED BY MAYOR TREFETHEN BY REQUEST
3. **RESOLUTION: PURCHASE OF GENERATOR FOR SOUTH END FIRE STATION**
SPONSORED BY MAYOR TREFETHEN BY REQUEST
4. **RESOLUTION: PURCHASE OF FIVE 2013 FORD POLICE INTERCEPTORS**
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 School
10. **Legislative Liaison**
11. Pool Advisory Committee
12. Parking Commission
13. Ordinance Codification and Verification Committee



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Deputy Mayor Carrier moved for the adoption of the Consent Calendar; seconded by Councilor Spuler.

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

Councilor Hooper asked to pull the School Board Report.

Councilor Garrison asked to pull the Legislative Liaison Report.

Councilor Cheney asked to pull the Ordinance Codification and Verification Committee Report.

Deputy Mayor Carrier asked to pull the Appointments Committee Report and Recreation Advisory Board Report.

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

Roll Call Vote: 8/0. Councilor Crago was absent from Council Chambers.

Councilor Garrison gave an overview of the Legislative Liaison Report to the Council.

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

Vote: 9/0.

Councilor Hooper gave an overview of the School Board Report to the Council.

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

Vote: 9/0.

Deputy Mayor Carrier gave an overview of the Appointments Committee Report to the Council, which included the following recommendations for appointments:

New Appointments:

- Rich Thorpe – Recreation Advisory Board
- Kristen Murphy – Open Lands Committee
- Michele Alexander – Energy Commission
- Jamie Clavet – Arts Commission

Appointments to an additional 3 year terms:

- Ronald Huml – Arena Commission
- Larry Raiche – Arena Commission
- Timothy Dargan – Dover Business and Industrial Development Authority
- Peter Hamblett - Dover Business and Industrial Development Authority
- Phil Rinaldi - Dover Business and Industrial Development Authority
- Richard Johnson – Recreation Advisory Board
- Kathleen Morrison – Recreation Advisory Board
- Sam Reid – Zoning Board of Adjustment

Change of standing for Chris Prior from alternate member to regular member on the Zoning Board of Adjustments.

Deputy Mayor Carrier moved to accept the Appointments Committee Report and recommended appointments; seconded by Councilor Weston.

Vote: 9/0.



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Deputy Mayor Carrier listed the openings on the various Boards and Commissions, and asked people to apply.
Councilor Crago recommended that openings be posted to the Dover Download and Channel 22.

Deputy Mayor Carrier gave an overview of the Recreation Advisory Board Report to the Council. Deputy Mayor Carrier moved to accept the Recreation Advisory Board Report, seconded by Councilor Crago.
Vote: 9/0.

Councilor Cheney gave an overview of the Ordinance Codification and Verification Committee Report to the Council.
Deputy Mayor Carrier moved to accept the Ordinance Codification and Verification Committee; seconded by Councilor Crago.
Vote: 9/0.

Deputy Mayor Carrier moved to suspend the rules and move Item 13.B.4. to this point of the Agenda; seconded by Councilor Weeden.
Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of 13.B.4.; seconded by Councilor Weston.
Mayor Trefethen gave an overview of the resolution to the Council.
Roll Call Vote: 9/0.

B. RESOLUTIONS

1. SUPPORT FOR JENNY THOMPSON AQUATIC CENTER PUBLIC/PRIVATE PARTNERSHIP PROJECT SPONSORED BY COUNCILOR WESTON AND COUNCILOR CRAGO

Councilor Crago moved for its adoption; seconded by Councilor Weston.
Councilor Crago gave an overview of the resolution to the Council.
Councilor Cheney discussed that she didn't want the taxpayers support a private organization.
Councilor Weston addressed Councilor Cheney's concerns. She said this resolution is just giving Seacoast Swim the ability to start fundraising. She said the notion that the City is giving away property and taxpayers' dollars is incorrect.
City Manager Joyal said this was an opportunity for the City to work with an existing well established non-profit organization. They are considering of building a better aquatic center for the City of Dover. He said there are many steps that need to be worked out, but is somewhat exciting. He urges caution and due diligence.
Councilor Cheney said she will not support taking away the public pools.
Councilor Weeden moved to table the resolution; seconded by Councilor Cheney.
Vote: 2/7; Failed. Councilors Cheney and Weeden voted in favor.
Councilor Weeden said he will be voting no on this resolution.
Deputy Mayor Carrier said he supports this resolution. He said Councilor Cheney's concerns could occur, but the Council will protect the City and not going any further.



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Councilor Weeden said he will abstain from voting until he has further information. He was not present for the workshop on this proposal.

Roll Call Vote: 7/1. Councilor Cheney was opposed. Councilor Weeden abstained from the vote.

2. B13031 TOLEND ROAD RECONSTRUCTION SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Garrison. City Manager Joyal gave an overview of the project to the Council. He said the construction will take at least one season, but will more than likely continue into two. Roll Call Vote: 9/0.

3. SANI-SPORT NEW ENGLAND LEASE SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Spuler. Vote: 9/0.

4. ACCEPTANCE OF BOXWOOD LANE AS A PUBLIC WAY SPONSORED BY MAYOR TREFETHEN BY REQUEST

Moved on Agenda to before 13.B.

C. ORDINANCES IN 1ST READING – None

14. COUNCIL CORRESPONDENCE – None

15. COUNCIL MATTERS OF INTEREST

Councilor Garrison informed the Council that he volunteered to be the Council liaison for the School District's Safety Review Committee.

Deputy Mayor Carrier spoke about the Speak Out Session held on Monday night. He said it went well.

16. ADJOURNMENT

Deputy Mayor Carrier moved to adjourn; seconded by Councilor Weston. Vote: 8/0. Councilor Weeden was absent from Council Chambers.