



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**  
Meeting Location: **Council Chambers, City Hall**  
Meeting Date: **Wednesday, May 8, 2013**  
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 Counselor Krans, and City Clerk Lavertu.

### 5. PROCLAMATIONS/AWARDS – None

### 6. APPROVAL OF AGENDA

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

Vote: 9/0.

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

Vote: 9/0.

Councilor Cheney ask to pull Item 13.C.1.; seconded by Councilor Weeden.

Vote: 9/0.

Deputy Mayor Carrier made a motion to approve the agenda as amended; seconded by Councilor Garrison.

Vote: 9/0.

### 7. PUBLIC HEARINGS

#### A. CHAPTER 170, ZONING – REZONING LITTLEWORTH ROAD

SPONSORED BY MAYOR TREFETHEN, PLANNING BOARD REPRESENTATIVE

**Economic Development Director Daniel Barufaldi:** He spoke in favor of the ordinance change.

**Deborah Goard, 6 Beverly Lane:** She spoke against the rezoning ordinance.

**Rachel Roberge, 19 Littleworth Road:** She spoke against the rezoning ordinance and commercial development of this area.

**Deborah Sousane, 24 Littleworth Road:** She spoke against the rezoning ordinance.

**Robert Sherwood, Kox Marsh Road Property Owner:** He spoke in favor of the ordinance change.



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**Diane Stowell, 5 Old Littleworth Road:** She spoke against the rezoning ordinance.

**Nancy Boyle, 4 Chandler Way:** She spoke against the rezoning ordinance.

**Marcela LeDuc, 9 Old Littleworth Road:** She spoke against the rezoning ordinance.

**John Grammas, Developer for the proposed property:**

Mayor Trefethen asked him if he was a property owner or resident of Dover.

Mr. Grammas said he was not.

Mayor Trefethen said he wasn't allowed to address the Council.

**Gloria Michaud, Knox Marsh Road:** She spoke in favor of the rezoning ordinance.

**Cheryl Carmichael, 19A Littleworth Road:** She spoke against the rezoning ordinance.

Councilor Weeden made a motion to suspend the rules to allow the Developer to speak. It was not seconded.

**Richard Hebbard, 97 Spruce Lane:** He spoke about the process for the Public Hearing not being followed.

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

**B. CHAPTER 170, ZONING – REZONING RUTLAND STREET**

SPONSORED BY MAYOR TREFETHEN, PLANNING BOARD REPRESENTATIVE

**Attorney Jim Schulte, Towle Ave:** He said he represented the applicant requesting the ordinance change. He discussed the owner's intentions with the property.

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

**C. ACCEPTANCE OF THE ACTION PLAN AND EXPENDITURES FOR FISCAL YEAR 2014 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDS**  
SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

**D. FISCAL YEAR 2014 BUDGET APPROPRIATIONS, FEES AND CAPITAL IMPROVEMENTS PROGRAM (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL) SCHOOL DEPARTMENT BUDGET ONLY**  
SPONSORED BY MAYOR TREFETHEN BY REQUEST

**Elizabeth Malia, 39 Tideview Drive:** She spoke in favor of the proposed School Board's budget.

**Wotton, 12 Apache Street:** He spoke in favor of the proposed School Board's budget.



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**Amanda Russell, 20 Cranbrook Lane, School Board Member:** She spoke in favor of the proposed School Board's budget.

**Peter Driscoll, 41 Arch Street:** He spoke in favor of the proposed School Board's budget.

**Donald Medbery, 3 Covered Bridge Lane:** He spoke against the proposed School Board's budget. He also discussed the problems with the Barrington and Nottingham contracts, and the non-public meetings of the School Board.

**Kathleen Costello, 18 Hemlock Forest:** She spoke in favor of the proposed School Board's budget.

**Michael Limanni, Business Administrator:** He spoke in favor of the proposed School Board's budget.

Councilor Cheney interrupted the Citizen's Forum to clarify the Public Hearing rules. She made a motion to allow Mr. Grammas an opportunity to speak to the Council; seconded by Councilor Crago.

The Council discussed the issue.

Councilor Crago withdrew his second.

Councilor Cheney said she just found out that he is a resident.

Vote: 4/5; Failed.

Councilor Cheney said he could still speak during Citizen's Forum.

Mayor Trefethen agreed.

**Richard Hebbard, 97 Spruce Lane:** He asked the Council not to override the tax cap.

**Betsey Andrews Parker, School Board Member:** She spoke in favor of the proposed School Board's budget.

**Joseph Tenuta, 262 Long Hill Road:** He spoke in favor of the proposed School Board's budget.

**Mary Hebbard, 97 Spruce Lane:** She asked the Council not to override the tax cap.

**Gregory Brown, 6 Arbor Drive:** He spoke in favor of the proposed School Board's budget.

**David Latchaw, 1 Crescent Avenue:** He spoke in favor of the proposed School Board's budget.

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



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### 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 the appointment of the current General Legal Counselor Krans as the new Director of the Dover Housing Authority. He also spoke about the Police Facility Building Committee conspiracy.

**Donald Medbery, 3 Covered Bridge Lane:** He questioned the current General Legal Counselor Krans appointment as Director to the Dover Housing Authority. He also talked about the Dickinson Waterfront project.

**Mary Hebbard, 97 Spruce Lane:** She spoke about the letter from Mr. McManus and the strategy of the Strafford Regional Planning Commission to penalize nonpaying communities. She spoke about the Ordinance Codification and Verification Committee.

**Bentley Jessee, 10 Grove Street:** He spoke about the changes of sidewalk signage in the City.

**Maybeth Anderson, 16 Monroe Street:** She urged the Council to vote in favor of Item 13.B.4.

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

### 9. CITY MANAGER'S REPORT

City Manager Joyal submitted his report in writing. He said the City has completed the water/sewer meter readings and bills will be mailed tomorrow. He reminded the Council and citizens that property tax bills are due June 3<sup>rd</sup>.

Councilor Weston started a discussion on the sale of the armory and the impact to the proposed budget.

City Manager Joyal said it hasn't been formally put the armory up for sale at this time.

Councilor Weston asked about the status of the bridge on Watson Road.

City Manager Joyal said he was going to be asking the Council at the next meeting to put it up for sale.

Councilor Weeden made a motion to give direction to the City Manager to put the armory up for sale; seconded by Councilor Weston.

Vote: 9/0.

Councilor Spuler asked for clarification regarding the process for a public notice and public hearing for rezoning.

City Manager Joyal explained the process to the Council.

Councilor Crago referred to Mr. Jessee's comments regarding signage, and asked why it is so difficult to have signs in the City.

City Manager Joyal said the City has a comprehensive sign ordinance which has to be enforced.

Planning Director Parker explained the ordinance and their enforcement procedures to the Council.



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

Vote: 8/0. Councilor Weeden was absent from the Council Chambers.

### 10. APPROVAL OF MINUTES

**A. April 17, 2013 – Workshop Session**

**B. April 24, 2013 – Regular Meeting**

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

Vote: 9/0.

### 11. MAYOR'S REPORT

Mayor Trefethen said he attended the Cochecho Waterfront Development Advisory Committee meeting. He attended the Greater Dover Chamber of Commerce Sweepstakes event. He attended the Dover Softball Opening Day.

Councilor Cheney asked about the Police Facility Building Committee and 91-A rules for a non-public meeting.

Deputy Mayor Carrier said they have received 14 proposals and there were sensitive areas with negotiations.

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

Vote: 9/0.

### 12. UNFINISHED BUSINESS

**A. ORDINANCES IN THE 2<sup>nd</sup> READING – None**

**B. ORDINANCES IN THE 3<sup>rd</sup> READING**

**1. CHAPTER 170, ZONING – REZONING LITTLEWORTH ROAD**

**SPONSORED BY MAYOR TREFETHEN, PLANNING BOARD REPRESENTATIVE**

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

Councilor Hooper asked if the City knew what was going to be developed.

Planning Director Parker said they have not been specifically told what will be built.

Councilor Hooper asked if something could be planted or constructed to separate the residences from the strip mall.

Planning Director Parker said the ordinance requires screening.

Councilor Hooper asked if there were any plans to control traffic.

Planning Director Parker said a traffic study would be required.

Mayor Trefethen said normally this would require six no votes from the Council to overturn, but with the citizen petition it would require six yes votes from the Council to approve.

Roll Call Vote: 5/4; Failed. Councilors Cheney, Hooper, Spuler and Weston were opposed.



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### **2. CHAPTER 170, ZONING – REZONING RUTLAND STREET** SPONSORED BY MAYOR TREFETHEN, PLANNING BOARD REPRESENTATIVE

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

Deputy Mayor Carrier moved to suspend the rules to move Items 13.B.2., 13.B.3, and 13.B.4. to this point in the meeting; seconded by Councilor Garrison.  
Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of Item 13.B.2.; seconded by Councilor Weeden.  
Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of Item 13.B.3.; seconded by Councilor Spuler.  
Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of Item 13.B.4.; seconded by Councilor Weston.  
Roll Call Vote: 9/0.

### **C. RESOLUTIONS**

#### **1. ACCEPTANCE OF THE ACTION PLAN AND EXPENDITURES FOR FISCAL YEAR 2014 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDS** SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

Deputy Mayor Carrier moved to suspend the rules to continue the meeting past 10:30 pm to complete the agenda; seconded by Councilor Hooper.  
Roll Call Vote: 9/0.

### **13. NEW BUSINESS**

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

- 1. ROAD RACE – Triangle Club, Inc.**
- 2. RESOLUTION: B13049 ASPHALT TRENCH PATCHING SERVICES**  
SPONSORED BY MAYOR TREFETHEN BY REQUEST
- 3. RESOLUTION: ESTABLISHMENT OF BRANDON J CULLEN-TOWLE MEMORIAL SCHOLARSHIP TRUST FUND**  
SPONSORED BY MAYOR TREFETHEN BY REQUEST



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- 4. RESOLUTION: AMENDMENT TO CLASS OF 1971 SCHOLARSHIP TRUST FUND SPONSORED BY MAYOR TREFETHEN BY REQUEST**
- 5. RESOLUTION: ACCEPTANCE OF CREDIT CARDS FOR PAYMENT OF SCHOOL DISTRICT FEES 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. Legislative Liaison
10. Pool Advisory Committee
11. Parking Commission
12. **Ordinance Codification and Verification Committee**

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

Mayor Trefethen asked for a roll call vote on the remaining items of the Consent Calendar.  
Roll Call Vote: 9/0.

Councilor Hooper gave an oral School Board Report regarding the School Board Special Session meeting that took place on May 6, 2013.

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

Vote: 9/0.

### B. RESOLUTIONS

- 1. RESCIND SCHOOL FY2013 AND FY2011 CIP AUTHORIZATIONS FOR BONDING SPONSORED BY MAYOR TREFETHEN BY REQUEST**

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

- 2. RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT WITH DOVER PARAEDUCATORS ASSOCIATION SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Council suspended the rules to move up on the Agenda to follow Item 12.B.2.

- 3. RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT WITH DOVER EDUCATIONAL OFFICE PERSONNEL SPONSORED BY MAYOR TREFETHEN BY REQUEST**



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Council suspended the rules to move up on the Agenda to follow Item 12.B.2.

**4. RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT WITH DOVER TEACHER'S UNION**  
SPONSORED BY MAYOR TREFETHEN BY REQUEST

Council suspended the rules to move up on the Agenda to follow Item 12.B.2.

**C. ORDINANCES IN 1ST READING**

**1. CHAPTERS 1 THROUGH 170 - GENERAL PROVISION et al**  
**(TO BE REFERRED TO A PUBLIC HEARING ON MAY 22, 2013)**  
SPONSORED BY THE ORDINANCE CODIFICATION AND VERIFICATION COMMITTEE

Councilor voted to withdraw from the agenda.

**14. COUNCIL CORRESPONDENCE**

**A. MEMORANDUM FROM ANTHONY McMANUS, DATED APRIL 19, 2013**

**B. LETTER FROM NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES, DATED APRIL 23, 2013**

**C. LETTER FROM COMCAST, DATED APRIL 23, 2013**

Deputy Mayor Carrier moved to place on file; seconded by Councilor Hooper.  
Vote: 9/0.

**15. COUNCIL MATTERS OF INTEREST**

Councilor Hooper thanked General Legal Counselor Krans for his years of service and wished him well in his new position as Director of the Dover Housing Authority.

Councilor Crago thanked Senator Watters for his success with the Department of Environmental Services (DES) to agree to a peer review regarding the wastewater treatment plants.

Mayor Trefethen said he has a list of dates that he will be sending the Councilor for a Citywide Speak Out Session.

**16. ADJOURNMENT**

Deputy Mayor Carrier moved to adjourn; seconded by Councilor Weston.  
Vote: 9/0.