



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**  
Meeting Location: **Media Access Center, McConnell Center**  
Meeting Date: **Wednesday, July 24, 2013**  
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 Garrison, Councilor Hooper, Councilor Spuler, Councilor Weeden, and Councilor Weston.

**Also Present:** City Manager Joyal and City Clerk Lavertu.

### 5. PROCLAMATIONS/AWARDS – None

### 6. APPROVAL OF AGENDA

Councilor Cheney moved to substitute as a whole Item #13.B.3.; seconded by Councilor Spuler.

Vote: 9/0.

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

Vote: 9/0.

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

Vote: 9/0.

### 7. PUBLIC HEARINGS

- A. AUTHORIZATION FOR CITY TO PARTICIPATE IN STATE CLEAN WATER STATE REVOLVING FUND FOR WASTEWATER TREATMENT FACILITY (WWTF) UPGRADE CAPITAL IMPROVEMENT PROJECT (CIP)  
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL, WITH THE VOTE OCCURRING ON AUGUST 14, 2013)  
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Mayor Trefethen, seeing no one 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 resolution for Additional Scope of work for video cameras and said the bid is from 2009 and felt it should be redone. He spoke about the misspelling of General Legal Counsel in the resolution for the Council Rule Change. He spoke about the sale of the First Street Parking Lot stating that the appraised value for the property is between \$500,000 and \$800,000, but is being sold for \$202,000. He spoke about developer's public improvements that allowed for the lower purchase price and why he didn't consider them public improvements. He recommended that the City put a lien on the property for the discounted price to allow the City to recoup the funds if the property is sold.

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

### 9. CITY MANAGER'S REPORT

City Manager Joyal spoke about Senator Watter's legislation SB163. He said the Bill has passed and Dover will have one seat on the Board. He appointed City Planner Steve Bird. He said the City will be participating in the National Citizen Survey. He said the Library will be closed on August 5<sup>th</sup> for upgrades. He said Back River Road will be paved over the next two weeks. He said they will be shimming and shoring up Piscataqua Road. He spoke about the memorandum from the Strafford Regional Planning Commission, which will make Dover eligible for grant funds. He said they have been asked to submit of a letter of support. He said Michelle Mears from the Strafford County Regional Planning Commission was here to answer any questions.

Councilor Crago commented that he and Councilor Spuler asked for information from the City Manager regarding the parking issues. He said the City Manager and his staff did an excellent job. He recommended that this process might be added to the City Manager's Report.

Councilor Cheney asked to hear from Michelle Mears from the Strafford County Regional Planning Commission.

Ms. Mears gave an overview of the regional project and the grant funds available to the City. Mayor Trefethen asked about the progress of hiring a General Legal Counselor.

City Manager Joyal talked about the interview process and said an announcement will be made in the next week or two.

Councilor Hooper asked if there was any new information on the Dickinson Project.

City Manager Joyal said there has been no new developments at this point, but did mention that he is expecting the \$25,000 agreed upon upfront payment by the end of the month.

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

Mayor Trefethen clarified that accepting the City Manager's Report included accepting the City Manager's appointment of Steve Bird to the Regional Planning and the letter of support for the economic development district.

Vote: 9/0.



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### 10. APPROVAL OF MINUTES

#### A. July 10, 2013

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

### 11. MAYOR'S REPORT

Mayor Trefethen said next week's meeting will cover the City Manager's evaluation, in which the meeting will go into non-public session. He said they will be having a workshop on August 7, 2013 regarding new City Manager Goals. He announced that he will not be running for reelection in November.

Councilor Hooper said anyone in public service is a target. She has huge respect for the Mayor and felt it will be a great loss to the City.

Deputy Mayor Carrier moved to accept the Mayor's Report; seconded by Councilor Garrison.  
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 – None

#### C. RESOLUTIONS – None

### 13. NEW BUSINESS

#### A. CONSENT CALENDAR

1. TAG – Children's Museum of New Hampshire
2. TAG – Pen Ink Design Co.
3. TAG – Seacoast Titans
  
4. RESOLUTION: B09100 VIDEO SECURITY SYSTEM AWARD OF ADDITIONAL SCOPE OF WORK  
SPONSORED BY MAYOR TREFETHEN BY REQUEST
  
5. RESOLUTION: B13076 ASPHALT PATCHER AWARD OF BID  
SPONSORED BY MAYOR TREFETHEN BY REQUEST
  
6. RESOLUTION: BOOKS & MEDIA PURCHASES  
SPONSORED BY MAYOR TREFETHEN BY REQUEST



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### 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

Deputy Mayor Carrier moved to accept the Consent Calendar; seconded by Councilor Hooper. Mayor Trefethen asked the Council if they had items they would like pulled for further discussion. Councilor Weeden asked to pull Item 13.A.4.

Deputy Mayor Carrier asked to pull the Appointments Committee Report.

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

Roll Call Vote: 9/0.

Deputy Mayor Carrier moved to accept Item 13.A.4.; seconded by Councilor Weeden. Councilor Weeden referred to the 2009 bid comment made during Citizen's Forum and asked for an explanation from the City Manager.

City Manager Joyal said there are additional areas in the City Hall that needed to be improved.

He said it was a compatibility issue. He said they requested a quote from the current vendor and the purchasing agent said it was competitive and didn't require a new bid.

Roll Call Vote: 9/0.

Deputy Mayor Carrier went over his Appointments Committee Report with the Council. He requested the following appointments to be approved by the Council:

New Appointments:

- Aimee Blesing – Arts Commission, Regular Member
- Mark Cuddy – Arts Commission, Alternate Member
- Bill Rogers – Dover Business and Industrial Development Authority
- Jason Gagnon – Dover Utilities Commission
- Thomas Massingham – Parking Commission
- Christophe Cloitre – Pool Advisory Committee, Regular Member
- Elizabeth Comeau – McConnell Center Advisory Board

Appointments to another term:

- Richard Arnold – Pool Advisory Committee
- William Hunt – Conservation Commission
- Peter Mathieu – Ethics Commission
- Tom Parks – Personnel Advisory Board

He said they would like to discuss the application of Scott Johnson to the Dover Business and Industrial Development Authority. He said he was a business owner in Dover, but was not a resident.

Councilor Cheney discussed her opinion that the rules are members should be a resident of Dover.



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Mayor Trefethen discussed the merits of making an exception to appoint Scott Johnson. He said Mr. Johnson is already helping DBIDA.

The Councilors gave their support to Scott Johnson's application.

Mayor Trefethen said accepting the Appointments Committee Report will accept all recommended appointments.

Deputy Mayor Carrier listed the remaining openings on Boards and Commissions.

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

Vote: 9/0.

### **B. RESOLUTIONS**

#### **1. SALE OF FIRST STREET PARKING LOT MAP 6 LOT 3 AND ACCEPTANCE OF DEVELOPMENT AGREEMENT WITH FIRST STREET AT GARRISON, LLC SPONSORED BY MAYOR TREFETHEN BY REQUEST**

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

Councilor Weeden asked about the appraised value for the parking lot.

Planning Director Parker said the appraisals did come in at \$500,000 and \$800,000. He said the City felt that the surety and control the City requires covered the difference.

Councilor Weeden said the City will now make money on this property and felt it was a smart decision.

Councilor Weston asked about fire access to the river-side of the building.

Planning Director Parker talked about options to make sure fire access is available. He said they will take all that into account and make sure it follows the fire code.

Mayor Trefethen allowed the Developer, Mr. Ray Bamford, to speak to the Council.

Mr. Bamford spoke to the Council regarding concerns that they weren't purchasing the property at the appraised value. He said the City's requirements will cost him more in the end. He said they weren't getting a deal.

City Manager Joyal said the City has no risk with this development. He said they are conducting an environmental study and may need to remove some soil.

Roll Call Vote: 9/0.

#### **2. SALE OF COVERED PEDESTRIAN BRIDGE 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. He was asking for the Council's approval to sell the bridge to the Town of Belmont.

Mayor Trefethen asked about the process to return the donations to Save the Bridge.

City Manager Joyal said the process has already begun, and anonymous donations will be put towards a community project.

Roll Call Vote: 9/0.



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### **3. COUNCIL RULE CHANGE – ORDINANCE COMMITTEE** SPONSORED BY COUNCILORS CHENEY, WESTON, AND WEEDEN

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

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

Councilor Hooper commented that the resolution states the members of the committee, which is actually a Mayoral duty and she felt it was out of order. She said she would not be supporting this resolution.

Deputy Mayor Carrier talked about it being televised and the expense to the City.

Councilor Weston said it is a different committee and will not require staff time. She went over the process for an Ordinance change if this committee is formed. She said it was a check and balance process.

Councilor Garrison said the process they are talking about in the resolution is being done. He asked if other towns and city have this type of ongoing committee.

Councilor Cheney said the City of Rochester has a committee.

City Manager Joyal said this committee would be a second set of eyes to view the Ordinance between the first reading and the actual vote by the Council.

Councilor Garrison asked for a set of guidelines that will need City Council approval. He made a friendly amendment in the Now, Therefore – to include that the Committee will come up with a working set of guidelines to be approved by the City Council; seconded by Councilor Crago.

Councilor Weston said the amendment wasn't necessary and felt it was redundant.

Councilor Garrison said he had concerns and requests that it be included.

Councilor Cheney said this was a Council Rule change and could be changed again at any time. She said new Council Rules will be adopted with the new Council in January, 2014.

Councilor Weeden said if it's redundant then they are going to do it anyways.

Councilor Garrison said they haven't seen the work of the Ordinance and Codification Verification Committee. He wasn't comfortable with the wording of this resolution as it is now.

Councilor Weston said this Committee will simplify and save time for the next codification. Mayor Trefethen asked for a vote on the amendment.

Vote: 9/0.

Deputy Mayor Carrier asked about the Committee membership, and said he felt the resolution should not list any names since it's a Mayoral appointment.

Mayor Trefethen explained why he felt this resolution was additional step that is totally unnecessary and could be an impediment to the process.

Councilor Garrison moved to amend the resolution by striking the membership names and inserting: "with the membership to be appointed by the Mayor"; seconded by Deputy Mayor Carrier.

Councilor Cheney said the three Councilors listed had more experience with this process, and said it was only for the rest of the term.

Councilor Garrison said he found the comment that the three Councilors listed are more qualified insulting. He talked about the process of it being a Mayoral appointment and the Council should not set precedence.



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Councilor Cheney said she was willing to take the names off and asked to submit her name for Chairperson. She said she wanted to get this committee up and running because they had a lot of work to do.

Mayor Trefethen asked for a vote on the second amendment.

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

Mayor Trefethen spoke about his concern from Councilor Cheney's comment about the work needed to complete the codification. He said these are two separate committees.

Councilor Spuler made a motion for a friendly amendment under IX.C.i. after three (3) Council Members to add "recommended by the Mayor and affirmed by the City Council..."; seconded by Councilor Cheney.

Mayor Trefethen asked for a vote on the third amendment.

Vote: 9/0.

Councilor Spuler made a motion for a friendly amendment to add "IX.C.iii. The Ordinance Committee's duties shall include conducting a regular review of proposed ordinance changes and making recommendations to the City Council for those ordinances."; seconded by Councilor Weeden.

Mayor Trefethen asked for a vote on the fourth amendment.

Vote: 9/0.

Councilor Hooper called to move the question.

There was no second.

Councilor Spuler talked about the extra step in the process and compared the Appointments Committee to being an extra step. He spoke about Justine Roberts' application and how she was waiting to be appointed to the Arts Commission.

Councilor Crago discussed the integrity of the Council.

Councilor Weeden called to move the question; seconded by Councilor Hooper.

Roll Call Vote: 7/2; Passed. Mayor Trefethen and Councilor Hooper were opposed.

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

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

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

Councilor Spuler asked for confirmation that Justine Roberts was appointed to the Arts Commission.

Mayor Trefethen said she was appointed a few months ago.

Councilor Cheney reiterated that she would like to be appointed to the Ordinance Committee.

Councilor Crago asked the Mayor to consider the same three people for the Ordinance Committee that served on the Ordinance Codification and Verification Committee.

Mayor Trefethen asked the Councilors who wish to be considered for appointment to the Ordinance Committee email him.

#### **16. ADJOURNMENT**

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

Vote: 9/0.