



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: Special Meeting  
Meeting Location: Council Chambers, City Hall  
Meeting Date: **Wednesday, November 4, 2009**  
Meeting Time: **To follow Workshop**

### 1. MOMENT OF SILENCE

### 2. PLEDGE OF ALLEGIANCE

Councilor McCusker led the Pledge of Allegiance during the Workshop.

### 3. ROLL CALL

**Present:** Mayor Myers, Deputy Mayor Trefethen, Councilors Carrier, Cheney, DeDe, McCusker, and Weston.

**Also Present:** City Manager Joyal, City Attorney Krans and City Clerk Lavertu.

**Absent:** Councilors Callaghan and Scott.

### 4. APPROVAL OF AGENDA

Mayor Myers asked the Council if they had any items they wished to add, delete, or change on the Agenda.

Councilor DeDe asked to add the Appointments Committee Report, as Item 6.A.3.; seconded by Councilor Carrier.

Vote: 7/0.

Deputy Mayor Trefethen said he would like to add a Resolution, as Item 6.A.4., for the Arts Commission, regarding a piece of art work at Henry Law Park; seconded by Councilor Weston.

Vote: 7/0.

Councilor Cheney asked to add the Joint Building Committee Report, as Item 6.A.5.; seconded by Councilor Carrier.

Vote: 7/0.

Deputy Mayor Trefethen moved to accept the Agenda as amended; seconded by Councilor DeDe.

Vote: 7/0.

### 5. CITIZEN'S FORUM

*Citizens are invited to speak on the subject matter of the Special Meeting and the Workshop on the CIP. Statements shall be limited to five minutes.*

**Joyce El Kouarti, 19 Northway Circle, Chairperson for the Arts Commission:** She said the Arts Commission was approached by Nathan Walker, a Seacoast artist, who wished to display a sculpture of a blue crab in Henry Law Park, in front of the Children's Museum. She said the sculpture would be installed by the artist and on loan to the City through August of 2010. She said the Arts Commission voted unanimously to endorse the project, and she asked the Council to authorize the placement of the sculpture.

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

### 6. NEW BUSINESS



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### A. RESOLUTIONS

#### 1. COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DOVER AND AFSCME SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor DeDe. Councilor Cheney referred to Council Rules 15-2.c., where it states that tentative agreements shall be delivered to the Council in Executive Session within eight days of ratification by the union. She referred to the next rule, 15-2.d., where it states that the tentative agreement will be placed on the agenda for a subsequent Executive Session and Regular Session for a vote. She said she wanted the rules clarified, because even though this is a Special Meeting for a vote, the Council didn't have a subsequent Executive Session.

Mayor Myers read the rules and said the Council did not have the second Executive Session. He said the Council can suspend the rules to vote on these resolutions tonight, or refer them to the next agenda.

City Manager Joyal said this is where the Council has a problem, because it was presented to the Council last Wednesday, and you have 30 days to take action to avoid a filing of an unfair labor practice.

Mayor Myers said the Council was meeting on November 18<sup>th</sup> for a workshop.

City Manager Joyal said he wasn't planning on a meeting on November 18<sup>th</sup>, but the Council can meet.

Mayor Myers said the Council can suspend the rules to vote on this, or they could schedule a Special Meeting in order to vote on these resolutions.

Councilor McCusker asked if the Council could adjourn to an Executive Session, and then reconvene, since it is already on the agenda.

Mayor Myers said it needed to be posted.

City Manager Joyal said it would be just as easy to suspend the rules.

Councilor DeDe made a motion to suspend the Council Rules so they can vote on the two labor contract resolutions; seconded by Councilor Weston.

Mayor Myers said it would take 2/3 of the Council to suspend the rules, 6 votes, even though there are only 7 members here.

Roll Call Vote: 7/0.

Deputy Mayor Trefethen said he would be supporting this resolution, because it has very little cost to the City. He said once again the City's employees have stepped up to the plate, recognizing the reality of the economy, and are doing what is right.

Councilor DeDe said the numbers are a negative number, costing the City less money, which is a reflection on the City's employees willingness to work with the City Manager and their department heads. He said the Council really needs to recognize what they have done.

Roll Call Vote: 7/0.

Mayor Myers said since the resolution has been passed he could talk about it. He said it was a three year contract with AFSCME labor union, which is the Public Works



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employees, covering fiscal years 2009 through 2011. He said it shows that the employees took pay freezes or pay cuts in 2009, agreed to no pay raises for COLA, steps in 2010, and in fiscal year 2011 they have agreed to only step raises. He said there is an option for renegotiations only for the COLA item if both parties agree to open discussions. He thanked the employees for stepping up to the plate.

### **2. COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DOVER AND DMEA**

**SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its approval; seconded by Councilor DeDe.

Deputy Mayor Trefethen said he reiterated his previous comments.

Councilor DeDe said he would say the same comments.

Mayor Myers said he would agree with the intent of it, and with what the employees have done. He said this one was slightly different, because it was a Memorandum of Understanding that extends the existing contract that is in place, and it's only for a two year period. He said the Council had gotten into a three year cycle with all seven bargaining units. He said he would be supporting this, but it was his understanding that this union was made aware that when this two year cycle ends, which is basically in the fiscal year we're in right now, the Council will negotiate again for a four year agreement, which will then put them back on the cycle with the other bargaining units.

Roll Call Vote: 7/0.

Mayor Myers said this contract was for the fiscal year 2009, where there were no COLAs given, and Fiscal Year 2010, where it was agreed that no COLAs or no steps will be given. He thanked the employees for stepping up.

### **3. APPOINTMENTS COMMITTEE REPORT**

Mayor Myers said the Appointments Committee met this evening and has the following recommendations for new appointments:

- Grace Dean – Arts Commission
- David Gerjouy – Council Representative to COAST
- Miles Moriarty – Energy Advisory Commission
- Jeff Canfield – Recreation Advisory Board
- Kathleen Morrison – Recreation Advisory Board
- James Brandon – Trustees of the Trust Fund

Mayor Myers said the Appointments Committee had the following recommendation for reappointment:

- Walter Colby – the City's representative with Skyhaven Airport

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- Thomas Fargo – New Hampshire Rivers Management and Protection Program, specifically for the Cochecho River Local Advisory Committee

Deputy Mayor Trefethen moved to accept the appointments; seconded by Councilor Weston.

Vote: 7/0.

#### **4. ACCEPTANCE OF DONATION OF CRAB SCULPTURE FOR PLACEMENT IN HENRY LAW PARK**

**SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Carrier. Deputy Mayor Trefethen asked Ms. El Kouarti if it wasn't a piece of playground equipment, but a piece of art.

Ms. El Kouarti said that was correct.

Councilor DeDe asked if there was a hold harmless agreement that will be signed by the artist to protect the City in case there is some damage that is experienced.

Ms. El Kouarti said the artist has verbally agreed that that is his understanding, but she was sure the City Attorney could put something on paper.

City Manager Joyal said they will have an agreement with the artist, and have insurance coverage that addresses public art.

Councilor Cheney asked what kind of documents will be necessary to sign on behalf of the City to accept this temporary donation.

City Manager Joyal said it would essentially be an acknowledgment between the City and the artist that it is going to be installed, the City will have its own insurance coverages, and will spell out the time frame that it will be "on loan," with the possibility that it may become permanent. He didn't expect it to be too elaborate.

Councilor Cheney said she understood that the City will be providing the cement blocks to put the sculpture on.

City Manager Joyal said the artist would be providing the template of the feet on which the sculpture will sit, and the City will provide the concrete blocks that it will be bolted to.

Councilor Cheney asked what happened after the temporary period.

City Manager Joyal said if it is well received and weathering properly then the artist would go back to the Arts Commission to see whether or not they wanted to keep it permanently at Henry Law Park. He said if the Arts Commission does want to keep it, then the City will make arrangements for that.

Roll Call Vote: 7/0.

#### **5. JOINT BUILDING COMMITTEE REPORT**

Councilor Cheney said she wanted to give the Joint Building Committee update to the Council. She said the Joint Building Committee has had several meetings and a workshop. She said the poor economy has saved some money on labor and materials. She said they will be having a walk-through on Tuesday, November 10<sup>th</sup> at 5:30pm.



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Councilor Weston made a motion to accept the Joint Building Committee Report; seconded by Councilor Cheney.  
Vote: 7/0.

### **B. ORDINANCES**

#### **1. CHAPTER 3: McCONNELL CENTER ADVISORY COMMITTEE (TO BE REFERRED TO A PUBLIC HEARING ON DECEMBER 9, 2009) SPONSORED BY COUNCILOR DEDE**

Deputy Mayor Trefethen moved to refer to the public hearing on December 9<sup>th</sup>; seconded by Councilor DeDe.  
Vote: 7/0.

### **7. ADJOURN**

Councilor Weston moved to adjourn; seconded by Councilor Cheney.  
Vote: 7/0.

**DRAFT**