



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Media Access Center, McConnell Center**
Meeting Date: **Wednesday, May 23, 2012**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Weeden 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 Counsel Krans, and City Clerk Lavertu.

5. PROCLAMATIONS/AWARDS – Eagle Scouts

Mayor Trefethen presented a proclamation for Eagle Scout Bergeron.

6. APPROVAL OF AGENDA

Councilor Weeden requested to move Item 12.C.1. up on the agenda to after the Citizen's Forum; seconded by Councilor Cheney.

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

Vote: 9/0.

7. PUBLIC HEARINGS

A. FISCAL YEAR 2013 BUDGET APPROPRIATIONS, FEES AND CAPITAL IMPROVEMENTS PROGRAM (CITY PORTION ONLY) SPONSORED BY MAYOR TREFETHEN

Majked Kuzmier, 24 Ham Street: She spoke in favor of the Fitness Center. She handed a petition of signatures to the City Clerk.

Ronald Huml, 199 Mast Road: He said the City did a very good job with the budget by coming in at the tax cap amount. He discussed the high wages for three positions. He spoke about the Charter and his belief that it was violated.

Jack Dudley, 4 Fern Court: He spoke in favor of the Fitness Center and hoped the Council knew how important it was to Dover's senior citizens. He thanked Gary Bannon for his help when he was having a heart attack and needed an ambulance.

Leonard Disesa, 29 Pleasant Valley Road: He spoke in support of the City's Recreation Department, and urged the Council's support to keep the program viable and functioning.



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Judith Zalansky, 19 Dovetail Lane: She spoke in support of the Recreation Department.

Tyler Burdwood, 1 Cedarbrook Drive: He spoke in support of the Teen Center and putting it back into the budget.

Nelson Stenson, 723 Martha's Way: He spoke in support of Dover's Youth to Youth Program.

Jean Field, 24 Second Street: She spoke in support of the Recreation Department.

Joseph Tenuta, 262 Long Hill Road, Recreation Advisory Board Chairperson: He spoke in support of the Recreation Department, and asked the Council to reconsider the budget.

Jun Yun Jong (phonetic), Renaud Avenue: He spoke in support of the Fitness Center and asked the Council to keep it open.

Tyler Morrissette, 20 Sixth Street: He spoke in support of the Teen Center, and asked the Council to keep Mr. Papajohn's position.

Holly King, 12 Addison Place: She spoke in support of the Teen Center.

John Colford, 24 Hubbard Road: He spoke in support of the Teen Center and told the Council to find funds for the Director position.

Evan Rice, 8 Waverly Drive: He spoke in support of the Teen Center.

Michael Holland, 13 Fisher Street: He spoke in support of the Teen Center.

Timothy Marshall, 29 Tennyson Avenue: He spoke in support of the Fitness Center and keeping it open.

Amy Elliott, 67 Fifth Street: She spoke in support of the Teen Center.

Joshua Abrams, 67 Fifth Street: He spoke in support of the Teen Center.

Thomas Hudd (phonetic), 52A Glenwood Avenue: He spoke in support of the Teen Center.

Macy Leighton, 138 Varney Road: She spoke in support of the Teen Center.

Kianti Smith, 10 Freeman Court: He spoke in support of the Teen Center.

David Venice (phonetic), 35 Littleworth Road: He spoke in support of the Teen Center.

Elly Young, 235 Dover Point Road: She spoke in support of the Teen Center.



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Marisa Adams, 11½ Mechanic Street: She spoke in support of the Teen Center.

Nick Piscitello, 581 Tolend Road; Page Nyler, 99 Back River Road; and Katelyn Hutchins, 24 Wentworth Terrace: They spoke in support of the Teen Center and asked the Council to keep it in the budget.

Perry Plummer, 48 Varney Street: He spoke in support of the community and said it was very well managed. He spoke about maintaining adequate police and fire coverage. He said nothing is more important than safety.

David Scott, 220 Back Road: He spoke about the impressive group of children from the Teen Center. He said he was surprised and concerned that the City Manager didn't create a budget that met the tax cap, and spoke about the resolution that directed the City Manager to do so. He said the City Charter needs to be honored.

Fire Captain Paul Haas, 401 Old Garrison: He spoke in support of the Fire Department and shared his insight with staffing problems.

Elizabeth (no last name given), 32 Rosanna Drive: She spoke in support of Dover's Youth to Youth Program.

Lisa Munoz, 33 Basil Place: She spoke in support of Dover's Youth to Youth Program, and urged the Council to reconsider the budget cuts.

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

**B. CHAPTER 166 VEHICLES AND TRAFFIC; SECTION 166-28 EXEMPTIONS;
SUBSECTION A
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

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

**C. CHAPTER 166 VEHICLES AND TRAFFIC; SECTION 166-57: LIMITED TIME PARKING
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

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

**D. APPROVAL OF SCENIC BYWAY APPLICATION
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Richard Hebbard, 99 Spruce Lane: He spoke against the resolution.

Phyllis Woods, 1 Berry Street: She spoke against the resolution, and asked the Council to proceed with the utmost caution.



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Jack Kimball, 24 Isaac Lucas Circle: He said the City needed to research this project. He asked why the City needs this project, how it impacts the property in the area, and what is its purpose.

David Scott, 220 Back Road: He said it was a distraction and should not take attention away from the budget. He asked the Council to stop this project.

Mary Hebbard, 97 Spruce Lane: She said the City doesn't need this project.

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

Mayor Trefethen issued his second proclamation at this time to Eagle Scout Cheney.

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.

Mary Hebbard, 97 Spruce Lane: She continued to speak about the Scenic Byway Application.

Brian Murphy, 56 Sandpiper Lane: He spoke about the budget and the need to fully fund the School Department's budget. He said budget decisions should not be made along party lines.

Richard Hebbard, 97 Spruce Lane: He spoke out against School funding. He said the Scenic Byway is foolish.

David Scott, 220 Back Road: He said other towns with a tax cap are not overriding it, and he hoped the Council would do the same.

Jack Kimball, 24 Isaac Lucas Circle: He said the Teen Center is important. He said businessmen will support these programs. He said people were willing to pay more for membership to the Fitness Center.

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

Deputy Mayor Carrier moved for the adoption of Item 12.C.1.; seconded by Councilor Garrison. Planning Director Parker gave an overview of the resolution to the Council.

Mayor Trefethen said he felt the Council didn't want to make a decision on this tonight, and suggested tabling the resolution at this point.

Deputy Mayor Carrier moved to table the resolution to a later date and a workshop; seconded by Councilor Hooper.

Vote: 8/1; Passed. Councilor Cheney was opposed.



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9. CITY MANAGER'S REPORT

City Manager Joyal said he submitted his report in writing, which included a report on economic development and a summary from the legal counsel. He said the City has joined in the redistricting lawsuit. He said the City has sold \$9 million bonds for debt service and refinanced a previous bond at a favorable rate of 2.37%. He said Moody has downgraded the City's bond rating one notch. Standard and Poor maintained the City's credit rating at the same level. Councilor Garrison referred to comments made during Citizen's Forum regarding the issue that the City Manager must present a budget that is within the tax cap, and asked the City Manager to explain this to the public.

City Manager Joyal said the budget he submitted was in accordance with State law and the City Charter. He read the section of the Charter into the record.

Councilor Garrison asked about comments made about wages.

City Manager Joyal spoke about how the City employees volunteered to forego pay raises the past two years. He spoke about Citizen's Forum comments regarding a few employees' salaries and he will look into it.

Councilor Weeden asked if pay raises were automatic or if the Council had control of it.

City Manager Joyal said the merit plan removes politics and the Council does not vote on it. He said the Council does have to authorize any change to the overall pay structure. He said all employment agreements have to come before the Council.

Councilor Weeden asked the City Manager to go through budget to find funding for the Teen Center, and report back to the Council.

Councilor Hooper asked for a list of items and their costs that could be added back into the budget. She referred to an editorial regarding the City's bond rating, and asked if it was correct that one of the reasons for the downgrade is the tax cap. She asked why it would affect the rating.

City Manager Joyal said that was correct. He said there were four reasons cited. He believed the concern is the City's ability to sustain its fiscal health over the long term, while still being able to have the capacity to fund the needed necessary services for a community that includes infrastructure, education, and quality of life issues that ultimately maintain the values of the property. He said they may not have understood the tax cap and the Council's ability to override the tax cap.

Councilor Hooper referred to Citizen's Forum comments that the tax cap override can only be used in an emergency, and said she doesn't see that in the language.

City Manager Joyal said it was not in the tax cap language. The tax cap can be overridden at the discretion of the Council with a super majority vote.

Councilor Weston asked why Moody's downgraded the City's rating now and not in 2007 when the tax cap was voted in.

City Manager Joyal said one reason is that the rating was completed by a new analyst.

Councilor Weston asked for a compounding chart showing what the City has saved over the years in City employees' wages.

City Manager Joyal said he has already created a table that shows the reduction and savings in fiscal years 2010 and 2011. He said there were too many variables to show the compounding effect.



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Councilor Weston asked about impact fees that the City has acquired and to use it to free up some debt service. She asked if the savings from refinancing debt service were included in this year's budget.

City Manager Joyal said there would be some savings. He said for next week's workshop he will create a list of various programs and services and their amounts for the Council to consider for the budget. He will also itemize savings from refinancing debt service, some refunding, and impact fees.

Councilor Weston referred to the comments made about City employees' salaries and asked for a chart of prior year, current year, and proposed salaries. She asked for a notation of who are grandfathered under the old payment plan.

City Manager Joyal said he will have that for the workshop.

Councilor Crago asked the City Manager to explain the four points that the City needs to be doing to help with the City's bond rating.

City Manager Joyal gave an overview of the rating process. He said Standard & Poor felt the City's credit was as strong and consistent as it has been in the last few years. He said they felt the City has implemented good practices to create fiscal policies that will benefit the community over the long term and introduced financial stability. Moody's felt that the City was not strong enough to support or sustain the past ratings. He said they were concerned with the tax cap, fund balance, and just the whole economic situation. He said Moody's had four concerns. 1) A tax cap that potentially could stifle the community's ability to sustain services that are needed to support the quality of life and enhance the value of property in the community. 2) The strength of the City's balance sheet overall, in particular fund balances. 3) The City had a moderate to above average debt level. He said the City is working on getting away from debt financing. 4) The last item was liability and OPEB liability. He said they did not acknowledge that the City has stopped future OPEB liability.

Councilor Weeden asked the Mayor to schedule a budget workshop meeting on Monday, June 4, 2012.

Mayor Trefethen said he had no objection. He said they will check on room availability. He said they will have a better sense at the end of the workshop next week and they can schedule the meeting then.

Councilor Cheney spoke about the City's rating downgrade. She said the City now has a tax cap instead of a spending cap. She said they are losing essential things because they are putting money into savings. She asked if the 2007 flood repairs have been paid back.

City Manager Joyal said it wasn't paying it back, but managing fund balance throughout the year. Councilor Cheney referred to the enterprise funds and asked for the percentage of the budget has gone to salaries.

City Manager Joyal said he had already sent it to the Council on May 2, 2012.

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

Vote: 8/0. Councilor Garrison was out of the room.



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10. APPROVAL OF MINUTES

- A. May 2, 2012 – Workshop Session**
- B. May 9, 2012 – Regular Meeting**

Deputy Mayor Carrier moved to accept the Minutes; seconded by Councilor Weeden. Councilor Weeden referred to page 9/9 of the May 9, 2012 minutes, and said it says Mayor Weeden, and it should be corrected to Councilor Weeden.
Vote: 8/0. Councilor Garrison was out of the room.

11. MAYOR'S REPORT

Mayor Trefethen recognized new businesses that joined the Greater Dover Chamber of Commerce. He spoke about the rededication of the Jenny Thompson Bathhouse and thanked the Councilors who were able to attend. He attended the Cocheco River clean up day and trout release. He referred to Citizen's Forum comments regarding the tax cap budget resolution, and said it was to amend the resolution and was not a directive to the City Manager.
Deputy Mayor Carrier moved to accept the Mayor's Report; seconded by Councilor Weeden.
Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 166 VEHICLES AND TRAFFIC; SECTION 166-28 EXEMPTIONS; SUBSECTION A

SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Hooper. Councilor Cheney motioned to eliminate Paragraph A in the Exemption Section; seconded by Councilor Weeden.
City Manager Joyal said they haven't had a chance to look this over, and suggested this be referred to a third reading.
Motion was withdrawn.
Deputy Mayor Carrier moved to refer to a third reading; seconded by Councilor Weeden.
Vote: 9/0.

2. CHAPTER 166 VEHICLES AND TRAFFIC; SECTION 166-57: LIMITED TIME PARKING

SPONSORED BY MAYOR TREFETHEN BY REQUEST

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



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B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS

1. APPROVAL OF SCENIC BYWAY APPLICATION SPONSORED BY MAYOR TREFETHEN BY REQUEST

Council voted to move up on the agenda to after the Citizen's Forum.

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. ROAD RACE – Garrison Elementary School Boot Camp**
- 2. ROAD RACE – Goodwin Community Health**
- 3. BLOCK PARTY-22 Lexington Street**
- 4. TAGGING-Prime Time Boosters**
- 5. RAFFLE-Sons of American legion Post 8**

- 6. RESOLUTION: B11073 DOVER DRAW STRING TRASH BAGS
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

- 7. RESOLUTION: B12050 HOT BITUMINOUS PAVING – ASPHALT LAID IN PLACE
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

- 8. RESOLUTION: B12067 CATCH BASIN CLEANING
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

COMMITTEE REPORTS

- | | |
|--|---|
| 1. School Board | 7. Solid Waste Advisory Commission |
| 2. Planning Board | 8. Transportation Advisory Commission |
| 3. Appointments Committee | 9. Joint Building Committee – Horne Street School |
| 4. Recreation Advisory Board | 10. Legislative Liaison |
| 5. McConnell Center Advisory Committee | 11. Pool Advisory Committee |
| 6. Arts Commission | 12. Parking Commission |

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

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.



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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 Garrison.
Vote: 9/0.

Councilor Garrison motioned to suspend the rules to continue past 10:30 pm to complete the agenda; seconded by Councilor Spuler.
Roll Call Vote: 9/0

B. RESOLUTIONS – None

C. ORDINANCES IN 1ST READING – None

14. COUNCIL CORRESPONDENCE – None

15. COUNCIL MATTERS OF INTEREST

Councilor Weeden spoke about the projection of a negative 1.3% for 2013, and asked the City Manager to create a group to look into the potential challenge.
Councilor Weston referred to an email to Dr. Butler and how his email was hacked.
Deputy Mayor Carrier started a discussion regarding requests to the City Manager.
Councilor Spuler thanked Jenny Thompson for coming to the rededication of the Jenny Thompson Pool Bathhouse.

16. ADJOURNMENT

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