



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, December 11, 2013**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Spuler led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Weston, Deputy Mayor Carrier, Councilor Cheney, Councilor Crago, Councilor Garrison, and Councilor Spuler.

Absent: Councilor Hooper and Councilor Weeden.

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

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Councilor Cheney moved to add as 13.B.7.: Clarification and Information Request from HealthTrust, Inc.

Deputy Mayor Carrier moved to add the Appointments Committee Report.

Councilor Cheney moved to add a second School Board Report.

Mayor Weston asked for a vote on the agenda as amended.

Vote: 6/0.

7. PUBLIC HEARINGS - None

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.

Ronald Huml, 199 Mast Road: He spoke against the Parking Garage, because he's never had a problem with finding a parking space. He spoke about the increased debt for the State because of pensions. He said he was sorry to see the three Councilors leave, because they supported the taxpayers and the future. He said election turnout was very low and didn't represent the majority of voters. He asked about the status of the 10-hour work day/4 day week. He spoke about holidays making some weeks a 3 day week. He said if the workers can do the work in 30 hours then they should all become part-time. He said they should work 8-hours over 5 days, and 4 days when there is a holiday.

David Scott, 220 Back Road: He thanked the Council for their good service for the past two years. He seconded Mr. Huml's comments regarding the State's debt. He said it wasn't parking that brings businesses to Dover, but a low tax rate. He compared Dover's rate with Portsmouth's rate. He recommended that the Council be prudent.



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Barbara Hay, 40 Chestnut Street, Cochecho Park: She spoke against the Parking Garage. She said the Council needs to get out and talk to the people.

Patrice Foster, 192 Dover Point Road: She spoke in favor of the Parking Garage. She said the market dictates what will stay and what will go. She said parking was a challenge for the Fosters Daily Democrat employees. She said the Parking Garage will create revenue that the citizens don't realize. She said other communities are envious of Dover. She said this combined project of the Police Department/Parking Garage was looking to the future.

Mary Hebbard, 97 Spruce Lane: She spoke about how upset she was that former Dover General Legal Counselor Krans was appointment to the HealthTrust instead of Councilor Cheney. She spoke against the Police Station/Parking Garage. She said no one is accountable and said City Manager Joyal should be fired if the project fails. She said the Police Station should be put on Knox Marsh Road.

Margaret Carter, 210 Gulf Road, Downtown Business Owners: She spoke against the Parking Garage and said the Council should be concentrating on a new High School. She said she pays \$400/month for parking for her business in Downtown. She said the Police Station should not be located in the most congested part of the City. She said there is plenty of parking. She asked the Council to table the CIP resolutions.

Richard Hebbard, 97 Spruce Lane: He spoke against the Police Station/Parking Garage. He said the reason why was Agenda 21, and that the Councilors are all socialist communists. He spoke about how Dover used to be a safe community. He said the Police Garage should be underground under the Orchard Street parking lot. He said the Council needs to ask the public what they want and stop acting stupid. He said the people don't want this.

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

9. CITY MANAGER'S REPORT

A. November 27, 2013

B. December 11, 2013

City Manager Joyal said he submitted his reports in writing. He spoke about the differences in tax rates with different towns and said they needed to compare the equalized tax rate which included the assessed value differences. He spoke about the businesses in Downtown and the ability to do Christmas shopping. He recommended Dover Main Street Dollars, which can be used at Dover Businesses.

Councilor Cheney asked about the comparison in tax rates to Portsmouth.

City Manager Joyal said the equalized tax rate between Dover and Portsmouth is very similar. Councilor Crago referred to Page 15/26 of the December 11, 2013 report, and recognized the Fire Department Heroes in Action award.

City Manager Joyal spoke about the report from the General Legal Counselor regarding the School Department. He said the School Department has its own authority, but the authority to spend funds comes from the City Council. He explained the whole process of School contracts



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and when they need the Council to appropriate the funds.

Mayor Weston asked about the soil testing being done at the proposed Police Station/Parking Garage location.

City Manager Joyal said Phase I showed nothing of concern and they are proceeding to Phase II.

Mayor Weston asked about City employees getting free parking.

City Manager Joyal said currently the City Hall employees get free parking with employment as part of their union contract. He said the Police Department vehicles will be housed in the lower level of the parking garage.

Mayor Weston asked about the status of when the City will be receiving the next payment from the LGC.

City Manager Joyal said he will get back to the Council to confirm, but he believed that the next payment is due in August 2014.

Deputy Mayor Carrier moved to approve the City Manager Reports; seconded by Councilor Garrison.

Vote: 6/0.

10. APPROVAL OF MINUTES

A. November 13, 2013 – Regular Session

B. November 20, 2013 – Workshop

Deputy Mayor Carrier moved for the approval of the Minutes; seconded by Councilor Garrison.

Vote: 6/0.

11. MAYOR'S REPORT

Mayor Weston said she was unable to attend the Christmas parade. She did attend the Christmas Tree Lighting, which was followed by the Festival of Trees.

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

Vote: 6/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING – None

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS

1. ADOPTION OF FY2015-2020 CAPITAL IMPROVEMENTS PROGRAM SPONSORED BY DEPUTY MAYOR CARRIER BY REQUEST

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

Councilor Crago moved to table this resolution; seconded by Councilor Cheney.

Vote: 5/1; Passed. Councilor Spuler was opposed.



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**2. APPROPRIATION FOR FY2015 CAPITAL IMPROVEMENTS PROGRAM –
NON-DEBT FINANCED PROJECTS
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)
SPONSORED BY DEPUTY MAYOR CARRIER BY REQUEST**

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Garrison.
Councilor Crago moved to table this resolution; seconded by Councilor Garrison.
Vote: 5/1; Passed. Councilor Spuler was opposed.

**3. APPROPRIATION FOR FY2015 CAPITAL IMPROVEMENTS PROGRAM AND
AUTHORIZATION FOR BONDING
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)
SPONSORED BY DEPUTY MAYOR CARRIER BY REQUEST**

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Garrison.
Councilor Crago moved to table this resolution; seconded by Councilor Garrison.
Vote: 5/1; Passed. Councilor Spuler was opposed.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **RESOLUTION: B14014 AWARD OF BID FOR EXCESS WORKERS
COMPENSATION AND EMPLOYERS LIABILITY INSURANCE**
SPONSORED BY MAYOR WESTON BY REQUEST
2. **RESOLUTION: CANVASS OF VOTERS FOR THE NOVEMBER 5, 2013
MUNICIPAL ELECTION**
SPONSORED BY MAYOR WESTON BY REQUEST

COMMITTEE REPORTS

- | | |
|---------------------------------------|---------------------------------------|
| 1. School Board (2) | 7. Solid Waste Advisory Commission |
| 2. Planning Board | 8. Transportation Advisory Commission |
| 3. Appointments Committee | 9. Legislative Liaison |
| 4. Recreation Advisory Board | 10. Pool Advisory Committee |
| 5. McConnellCenter Advisory Committee | 11. Parking Commission |
| 6. Arts Commission | |

Deputy Mayor Carrier moved to approve the Consent Calendar; seconded by Councilor Garrison.
Mayor Weston asked the Council if there were any items they would like pulled for further discussion.

Councilor Cheney asked to pull Item 13.A.1.

Deputy Mayor Carrier asked to pull the Appointments Committee Report.

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

Vote: 6/0.



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Deputy Mayor Carrier moved for the adoption of Item 13.A.1.; seconded by Councilor Cheney. Councilor Cheney said she wanted this resolution for its own vote. Councilor Garrison referred to Page 4 and asked about retention. City Manager Joyal said retention is the amount of risk the City retains. He said the City self insures the risk, and the insurance kicks in after \$500,000. Roll Call Vote: 6/0.

Deputy Mayor Carrier gave an overview of the Appointments Committee Report, which included the following Appointments:

Timothy Pavia, appointment to another term on the Pool Advisory Committee
Mark Cuddy—Regular Member of the Arts Commission
Stephanie Moquin - Regular Member of the Arts Commission
Elizabeth Goldman - Alternate Member of the Arts Commission
Cecilia Kiely - Alternate Member of the Arts Commission
Jillian Carmichael - Regular Member of the Conservation Commission
Laura Raineri—Regular member of the Energy Commission
Brenda Davidson – Regular Member of the Open Lands Committee
Wayne Boucher – Regular Member of the Recreation Advisory Board
Bret Carmichael – Regular Member of the Utilities Commission
Catherine Plante—Regular Member of the Planning Board
Gina Cruikshank – Alternate Member of the Planning Board
Matt Lahr – Alternate Member of the Dover Utilities Commission
Christopher Lawrence – Alternate Member of the Planning Board
Richard Erickson – Regular Member of the Conservation Commission
Maggie Fogarty – Alternate Member of the Planning Board
Gretchen Bean - Regular Member of the McConnell Center Advisory Board

Deputy Mayor Carrier moved for the approval of the Appointments Committee Report; seconded by Councilor Garrison.

Vote: 6/0.

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

B. RESOLUTIONS

1. SCHOOL STREET PARKING LOT LEASE AMENDMENT SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Garrison. Planning Director Parker gave an overview of the changes to the lease agreement. Councilor Cheney said she would not support this resolution. She would support tabling until after the CIP has been voted on. City Manager Joyal said this resolution was not related to the CIP. Parking Manager Simons answered the Councilors questions about changes to the lease agreement, the increase in revenue to the City, and the variables in rates. Roll Call Vote: 5/1; Passed. Councilor Cheney was opposed.



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2. AMENDMENT OF FY2014 FEE SCHEDULE TO ESTABLISH METER AND PERMIT RATES FOR THE TRANSPORTATION CENTER PARKING LOT (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL) (TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 8, 2013) SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved to refer to a public hearing on January 8, 2013; seconded by Councilor Garrison.
Vote: 6/0.

**3. COUNCIL APPOINTMENTS COMMITTEE GUIDELINES
SPONSORED BY COUNCILOR CHENEY**

Councilor Cheney moved for its adoption; seconded by Councilor Crago.
Councilor Cheney gave an overview of the resolution to the Council.
Deputy Mayor Carrier said it's pretty straightforward and what the Committee does already.
Councilor Spuler said the Boards and Commission should be notified that someone is interested in serving.
Deputy Mayor Carrier said that has been addressed.
Mayor Weston said these guidelines were a good starting point.
Councilor Garrison said he was uncomfortable and stepping over the bounds. He spoke against being notified about everything and said it was too much and not necessary. He said the Appointments Committee is supposed to do this work.
Councilor Garrison moved to table the resolution; seconded by Deputy Mayor Carrier.
Roll Call Vote: 2/4; Failed. Deputy Mayor Carrier and Councilor Garrison were opposed.
Councilor Cheney said this committee consists of Councilor and exists to help the Council and the whole Council needs to be notified of their work. She went over the proposed guidelines with the Council.
Deputy Mayor Carrier said he didn't have a problem with this list, but he didn't mind waiting on it to get further input from the Council.
Councilor Garrison said he just had concerns with some of the items on the list and not with having guidelines. He felt it shouldn't be pushed through.
Mayor Weston said this was a good foundation to start with.
Vote: 5/1; Passed. Councilor Garrison was opposed.

**4. COUNCIL ORDINANCE COMMITTEE GUIDELINES
SPONSORED BY COUNCILOR CHENEY**

Councilor Cheney moved for its adoption; seconded by Councilor Spuler.
Councilor Cheney gave an overview of the resolution to the Council.
Vote: 5/1; Passed. Councilor Garrison was opposed.



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5. ESTABLISHMENT OF AD-HOC COMMITTEE FOR STUDY OF SUSTAINABLE TURF MANAGEMENT PRACTICES SPONSORED BY COUNCILOR SPULER

Councilor Spuler moved for its adoption; seconded by Councilor Crago.

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

Councilor Cheney questioned the membership and if any of the Councilors would serve on it. She asked Councilor Spuler if he wanted to serve on the committee as a citizen once his term as Councilor has ended.

Councilor Spuler said he would defer it to the citizen who brought this forward and a turf management professional.

Councilor Garrison said the resolution doesn't specify a Councilor as a member, but one could be appointed as a liaison or ex-officio. He said having a professional turf management person could have a conflict of interest. He recommended a friendly amendment to strike out the words in parenthesis after Dover citizens in the Resolution Background Material. He moved to have the committee membership shall consist of five persons which shall be two Dover citizens, the City's Environmental Projects consultant, the Community Services Director and the Dover School Superintendent; seconded by Deputy Mayor Carrier.

Deputy Mayor Carrier asked if the City's Environmental Projects consultant is willing to do this without payment.

City Manager Joyal said he has already said he will do it.

Councilor Cheney said Ad-Hoc members applicants are not brought forward by the Appointments Committee.

Mayor Weston wanted to know if anyone wanted to be appointed.

City Manager Joyal said they are going to advertise it in several places and he hopes they will have a handful of applicants in January.

Vote: 6/0.

6. MERIT PLAN AMENDMENT – PART-TIME DEFINITION SPONSORED BY MAYOR WESTON BY REQUEST

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

Mayor Weston said they just voted on this and asked why it was being brought up again.

City Manager Joyal said Councilor Cheney had concerns with the previous resolution, and he resubmitted it with background information.

Roll Call Vote: 6/0.

7. CLARIFICATION AND INFORMATION REQUEST FROM HEALTHTRUST, INC. SPONSORED BY COUNCILORS CHENEY AND CRAGO

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

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

Councilor Garrison spoke against this resolution. He felt it looked like they were against Attorney Krans.



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Councilor Cheney said they questioned all three municipal selections. She said she is just looking for answers.

Deputy Mayor Carrier said he didn't feel they should drag the City of Dover into this situation. He recommended that they take some time to calm down and not be inflammatory. He said he will not support this resolution.

City Manager Joyal said there was nothing wrong with asking the questions. He looked into the nomination of Attorney Krans, and he was allowed to be nominated as the Dover Housing Authority Director, which is a member of HealthTrust and an entity of the municipality. He question is who is going to ask these questions.

Councilor Cheney said that she was doing this to find out the answers to her questions about the procedures. She knows the vote occurred and it's over.

Councilor Garrison moved to suspend the rules to continue the meeting past 10:30 pm. Roll Call Vote: 5/1; Passed. Councilor Spuler was opposed.

Councilor Cheney said it was a memorandum to address these questions. She said they don't have to answer.

Mayor Weston moved to make a friendly amendment to change the "Now, Therefore be it resolved by the Mayor and City Council to direct the City Manager to request HealthTrust, Inc. submit information..."

Deputy Mayor Carrier said he wasn't comfortable with the information in this resolution.

Councilor Garrison asked why they need the resolution. He asked for the entire resolution to be retracted.

Roll Call Vote: 4/2; Passed. Deputy Mayor Carrier and Councilor Garrison were opposed.

Councilor Garrison moved to retract the resolution; seconded by Deputy Mayor Carrier.

Mayor Weston said it will probably be the same vote. She asked the Council to review the list of questions.

Councilor Garrison asked if names could be removed from the list of questions.

Deputy Mayor Carrier asked for the City Manager to discreetly ask these questions.

Councilor Crago said he didn't have a problem with the City Manager looking over the questions and dealing with these questions.

Councilor Cheney said she had a problem with that. She wanted this resolution passed, get the questions answered, and put this to bed.

Mayor Weston asked the City Manager what he would ask.

City Manager Joyal said he would just take out the names. He said he would send the letter out tomorrow, and they would receive the answer in five days as required by 91-A.

Councilor Cheney moved to take out Allan Krans and her name from the list of questions; seconded by Councilor Crago.

Roll Call Vote: 6/0.

Mayor Weston agreed with Councilor Garrison to strike #8; seconded by Councilor Crago.

Roll Call Vote: 6/0.

Mayor Weston asked for a vote on the amended resolution.

Roll Call Vote: 5/1; Passed. Councilor Garrison was opposed.



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C. ORDINANCES IN 1ST READING

1. CHAPTER 74 – CEMETERIES (TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 8, 2013) SPONSORED BY COUNCILOR CHENEY

Councilor Cheney moved to refer to a public hearing on January 8, 2013; seconded by Councilor Crago.
Vote: 6/0.

14. COUNCIL CORRESPONDENCE

- A. Letter from Megan Miller, dated November 21, 2013**
- B. Notice of Public Hearing from the Town of Deerfield**
- C. Letter from Xfinity, dated November 6, 2013**
- D. School Board Report**

Deputy Mayor Carrier moved to place correspondence on file; seconded by Councilor Crago.
Vote: 6/0.

15. COUNCIL MATTERS OF INTEREST

Councilor Crago spoke to three issues. He spoke about tabling the CIP instead of killing. He said he embraces the Police Station and a Parking Garage that didn't cost the taxpayers. He said he felt he was blindsided with the combined project. He spoke about the Ethics Commission makeup and how it is supposed to have an ex-Councilor or ex-School Board member. He spoke about the Dover Housing Authority being listed on the City's website as a Board/Commission. He moved that it be removed from the website; seconded by Councilor Cheney.

Mayor Weston said they would have to suspend the rules to vote on this, but she said they have to state where to move it to.

City Manager Joyal said this is a kneejerk reaction. He said it's where it is because of customer service. He said it is appointed by a City official and therefore it is a City Board.

Deputy Mayor Carrier said this was not the time and place to vote on this. He thanked Councilor Crago for bringing it up and they will look into it in the future.

Councilor Crago withdrew his motion; Councilor Cheney withdrew her second.

Councilor Spuler spoke about the CIP and the Police Station/Parking Garage. He said the Robbins Building received the second highest points and is never talked about. He said the School is more important.

Councilor Cheney said she supported tabling the CIP resolutions because she felt it should be an issue with the new Council.

Mayor Weston thanked Councilor Crago and Councilor Spuler for their work on the Council. She asked them to stay involved with the City.



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16. ADJOURNMENT

Deputy Mayor Carrier moved to adjourn; seconded by Councilor Crago.
Vote: 6/0.