



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, May 14, 2014**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor O'Connor led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Weston, Deputy Mayor Carrier, Councilor Cheney, Councilor Gagnon, Councilor Garrison, Councilor Hooper, Councilor McManus, Councilor O'Connor, and Councilor Thibodeaux.

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

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Councilor Hooper moved to add the School Board Report and the Legislative Liaison Report
Deputy Mayor Carrier moved to pull Items 12.A.1. and 13.A.13.

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

Vote: 9/0.

7. PUBLIC HEARINGS

A. CHAPTER 66: OPERATION OF BICYCLES ON SIDEWALKS SPONSORED BY MAYOR WESTON BY REQUEST

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

B. FISCAL YEAR 2015 BUDGET APPROPRIATIONS, FEES AND CAPITAL IMPROVEMENTS PROGRAM (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL) SCHOOL DEPARTMENT BUDGET ONLY SPONSORED BY MAYOR WESTON BY REQUEST

Amanda Russell, 20 Cranbrook Road, School Board Chairperson: She spoke in favor of the School Department budget, and asked for the Council's approval..

Carolyn Mebert, 254 Dover Point Road: She spoke in favor of the School Department budget, but has some reservations. She spoke about the proportion of property taxes that go to education, and felt Dover should support education more.



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Mary Hebbard, 97 Spruce Lane: She said money doesn't solve the problem with the Schools. She wanted to see the portion of the budget for Common Core defunded.

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

C. ACCEPTANCE OF THE ACTION PLAN AND EXPENDITURES FOR FISCAL YEAR 2015 CDBG ENTITLEMENT FUNDS

SPONSORED BY MAYOR WESTON BY REQUEST

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

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 spoke in support of the establishment of Antonia (Toni) Kretsepes Memorial Scholarship Trust Fund. She spoke against the additional \$50,000 for the resolution regarding phase II environmental site assessment on First Street. She spoke about the Legislative Liaison Reports and said the bills brought forth on the reports have already passed, and asked what good that was for the citizens when it's too late to act upon these actions. She asked the Council to require that these reports included prior notice for bills that are important to the citizens of Dover, and for Councilor/State Representative Hooper to indicate how she voted.

Richard Hebbard, 97 Spruce Lane: He spoke about the loss of the Brentwood police officer. He said police officers are trained to stop someone with a bullet. He warned Dover Police Chief never to give a medal to someone for killing a citizen. He felt it was disgraceful.

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

9. CITY MANAGER'S REPORT

City Manager Joyal said he submitted his report in writing. He said a public outreach workshop regarding Downtown Traffic will be held this Thursday, May 15th, 6:00 pm in the McConnell Center, Room 306. He spoke about the climate change presentation on Thursday, May 29th, 2:00 pm in the McConnell Center, Room 305. He spoke about insect and weed control and the concerns about the use of pesticides and herbicides. He said they looked into forming a task force or committee to look into these concerns and come up with alternatives. Unfortunately due to lack of interest the committee was never formed and he asked the facilities and grounds staff, school department, and Purchasing Agenda to review best practices. He said they were following best practices, but did recommend a new product for weed control that didn't affect the bee population.



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Mayor Weston asked the City Manager to address the comment made during Citizen's Forum regarding the proportion for the School Department budget going down. City Manager Joyal said without looking at her computations he feels they might not be including the State adequacy aid. He said the numbers balance out.

Councilor McManus asked if there was an update on the Cochecho Waterfront project. City Manager Joyal said he met with Mr. Dickinson last week. He said the investors are looking at the numbers and he believed they will have more information in three to four weeks.

Councilor Cheney referred to Citizen's Forum comment regarding the percentage of the School Department budget that went towards Common core, and asked what that figure was. City Manager Joyal said he will ask, but wasn't sure that was a straight forward question. He didn't believe it was a line item in the School Department's budget.

Councilor Cheney discussed the change in pesticides and said she does have concerns with the new choice. She said she is concerned about the bees. She asked for something in writing about the new chemicals. She didn't know if they were accepting this with his report. City Manager Joyal said he wasn't asking for their approval. He said in the absence of the committee he was informing the Council of their research and how they have changed their procedure. He said they took this seriously and researched that they were doing things properly and hiring the firms that knew how to apply the products.

Councilor O'Connor referred to the Cochecho Waterfront project and asked if it was one investor involved. City Manager Joyal said it was one company and didn't get into the details. He said the intent of the meeting was to let the investor know the community they were considering investing in. He said he felt the investor thought this was a good plan. Councilor O'Connor said he felt the City needed to look into Plan B or Plan C in case this Plan A doesn't work. City Manager Joyal said the contract with Dickinson is in effect until August and he doesn't want to break up Dickinson's work. Councilor O'Connor said he disagreed with that approach and felt plans should be established if this doesn't work out. Councilor Hooper said the Council shouldn't cut Dickinson off at the knees in the middle of his negotiation. She asked if they had other options. City Manager Joyal said they have a contract with Dickinson until August. He said they could have a Non-Public Session to discuss different positions of the Councilors. Councilor Cheney said she supported the Dickinson contract extension until August, and not jeopardizing any negotiations. She felt they should discuss openly with the community with the efforts for developing the waterfront. Mayor Weston said she respectively disagreed. The City has a contract and when other possibilities are discussed the City can be sued for breach of contract. City Manager Joyal again said they needed to schedule a non-public session to discuss this issue. He said they needed to protect the community's interest.



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

Vote: 9/0.

10. APPROVAL OF MINUTES

- A. **April 16, 2014 – Workshop Session**
- B. **April 23, 2014 – Regular Meeting**
- C. **April 23, 2014 – Workshop Session**
- D. **April 30, 2014 – Workshop Session**

Deputy Mayor Carrier moved to approve the minutes; seconded by Councilor O'Connor.

Vote: 9/0.

11. MAYOR'S REPORT

Mayor Weston said she attended the Rotary Club's 90th Anniversary, and listed all the areas where the Rotary Club helps the City. She attended the Seacoast's Aerospace initiative. She attended the New Hampshire at School Network event. Mayor Weston said she attended a large number of ribbon cuttings for new businesses and businesses remaking themselves in Dover. She spoke about going to serve for her first jury duty. She spoke about Dover Clean-Up Day, and thanked all the volunteers, Dover Main Street, and Kiwanis Club.

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

Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

~~1. CHAPTER 66: OPERATION OF BICYCLES ON SIDEWALKS SPONSORED BY MAYOR WESTON BY REQUEST~~

Item was pulled from the agenda.

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS

1. ACCEPTANCE OF THE ACTION PLAN AND EXPENDITURES FOR FISCAL YEAR 2015 CDBG ENTITLEMENT FUNDS SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor O'Connor. Planning and Community Development Director Parker gave an overview of the resolution and program to the Council.



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Councilor McManus asked about helping citizen's more and not businesses that have other options.

Community Development Manager Jones talked about the Community Action Program grants that help low to moderate income people fix their homes.

Roll Call Vote: 9/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **BLOCK PARTY – Florence Street Block Party**
2. **FIREWORKS – City of Dover Recreation Department**
3. **RAFFLE – City of Dover Recreation Department**
4. **RAFFLE – Volunteers for the Dover Dog Park**
5. **ROAD RACE – Garrison School Boot Camp**
6. **TAG – American Legion Post 8 Baseball**
7. **WALK – Dover Area Religious Leaders Association**

8. **RESOLUTION: ESTABLISHMENT OF ANTONIA (TONI) KRETSEPES MEMORIAL SCHOLARSHIP TRUST FUND**
SPONSORED BY MAYOR WESTON BY REQUEST

9. **RESOLUTION: WATER FRANCHISE**
SPONSORED BY MAYOR WESTON BY REQUEST

10. **RESOLUTION: B13075 PHASE II ENVIRONMENTAL SITE ASSESSMENT FIRST STREET ADDITIONAL SCOPE OF WORK**
SPONSORED BY MAYOR WESTON BY REQUEST

11. **RESOLUTION: B14029 PROFESSIONAL MUNICIPAL AUDITING SERVICES**
SPONSORED BY MAYOR WESTON BY REQUEST

12. **RESOLUTION: B14045 ASPHALT TRENCH PATCHING SERVICES**
SPONSORED BY MAYOR WESTON BY REQUEST

- ~~13. RESOLUTION: B14053 HOT BITUMINOUS PAVING – ASPHALT LAID IN PLACE~~
~~SPONSORED BY MAYOR WESTON BY REQUEST~~

Item was pulled from the agenda.

14. **RESOLUTION: PROPERTY & LIABILITY, WORKERS COMPENSATION AND UNEMPLOYMENT INSURANCE**
SPONSORED BY MAYOR WESTON 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
12. Ordinance Committee

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

Mayor Weston asked the Council if they had items they would like pulled for discussion.

Councilor Cheney asked to pull Items 13.A.8. and 13.A.14.

Councilor Hooper asked to pull the School Board Report and the Legislative Liaison Report.

Councilor McManus asked to pull Item 13.A.10.

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

Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of 13.A.8.; seconded by Councilor Cheney.

Councilor Cheney spoke about how wonderful Ms. Kretsepes was. She thanked her family for this scholarship.

Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of 13.A.10.; seconded by Councilor McManus.

Councilor McManus asked if the money was coming from the Orchard Street project.

City Manager said that was correct.

Councilor Cheney asked about the first phase which found out that the project couldn't have an underground garage.

City Manager Joyal said the testing was environmental testing only, which discovered petroleum.

He said phase II is the remediation plan. He said the underground garage is a developer issue.

Councilor Cheney asked about the \$100,000 cap on remediation.

City Manager Joyal said the deal would be cancelled if it costs the City more than \$100,000.

Director Parker gave an overview of the testing and said the total so far is just under \$75,000, and should stay within the \$100,000 budget.

Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of 13.A.14.; seconded by Councilor Cheney.

City Manager Joyal gave an overview of the changes to the Council. He said the City will be saving approximately \$100,000.

Mayor Weston asked is the School Department's savings has been included in the budget.

City Manager Joyal said he didn't know.

Mayor Weston asked the City Manager to find out.

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 O'Connor.
Vote: 9/0.

Councilor Hooper gave an overview of the Legislative Liaison Report to the Council.
Deputy Mayor Carrier moved to accept the Legislative Liaison Report; seconded by Councilor O'Connor.
Vote: 9/0.

B. RESOLUTIONS – None

C. ORDINANCES IN 1ST READING – None

14. COUNCIL CORRESPONDENCE

A. Letter from Councilor McManus

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

B. Notification of Sworn Ethics Complaint from Ethics Subcommittee

Councilor McManus moved to accept the recommendation of the Ethics Subcommittee and place on file; seconded by Councilor O'Connor.
Roll Call Vote: 9/0.

C. Notification of Sworn Ethics Complaint from Ethics Commission (to be removed from the table)

Deputy Mayor Carrier moved to remove from the table; seconded by Councilor O'Connor.
Vote: 9/0.
Councilors McManus, Cheney, and O'Connor recused themselves from the vote.
Councilor Gagnon moved to accept the recommendation of the Ethics Commission and place on file; seconded by Councilor Thibodeaux.
Roll Call Vote: 6/0. Councilors McManus, Cheney, and O'Connor recused.

15. COUNCIL MATTERS OF INTEREST

Councilor O'Connor spoke about Dover Baseball's great season.

16. ADJOURNMENT

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