



**CITY OF DOVER**

## CITY COUNCIL – MINUTES

Meeting Type: **Regular Meeting**  
Meeting Location: **City Hall, Council Chambers**  
Meeting Date: **Wednesday, September 24, 2014**  
Meeting Time: **7:00 pm**

### 1. CALL TO ORDER

### 2. MOMENT OF SILENCE

### 3. PLEDGE OF ALLEGIANCE

Councilor Gagnon 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, and Councilor O'Connor.

**Absent:** 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.

Councilor O'Connor moved to add the Pool Advisory Committee Report.

Councilor Cheney moved to add Item 13.B.5. Council Rule Change.

Deputy Mayor Carrier moved to add the Appointments Committee Report, a Raffle Permit for the Cocheco Valley Humane Society as Item #13.A.8, and a Public Hearing for Chapter 131, and refer to another public hearing on October 8, 2014.

Mayor Weston moved to add the Transportation Advisory Commission Report.

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

Vote: 8/0.

### 7. PUBLIC HEARINGS

#### A. CHAPTER 131 – OFFENSES

SPONSORED BY MAYOR WESTON BY REQUEST

**Mary Hebbard, 97 Spruce Lane:** She discussed why a public hearing shouldn't be held.

Mayor Weston said it was properly posted in the community and added this to the agenda to allow people who saw it to speak, but they were going to have another public hearing on October 8, 2014 because it wasn't properly posted on the agenda.

Ms. Hebbard said she was going to speak on it, but didn't feel it was a legitimate hearing and would speak on it on October 8, 2014.



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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.*

**Jeffrey Brissette, 11 Fieldstone Drive:** He spoke about the problems with the Tolend Road and Watson Road construction projects.

**Donald Medbery, 3 Covered Bridge Lane:** He spoke about the Tolend Road construction project. He talked about the Council not doing their due diligence with checking the numbers on these projects, and not just trusting the City Manager.

**Malone Cloitre, 106 Dover Neck Road, Vice-Chairperson for the Open Lands Committee:** She gave an overview regarding the resolution, Item #13.B.2.

**Mary Hebbard, 97 Spruce Lane:** She spoke against Item #13.A.7, and urged the Council to vote against it. She spoke against Item #13.B.4. and asked for a friendly amendment to keep the Citizen's Forum at the end of the workshop session.

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

### 9. CITY MANAGER'S REPORT

City Manager Joyal said he has submitted his report in writing. He gave an updated on Kelley's Row and Blue Latitudes, and said the parties are trying to set up a meeting to discuss a resolution. He said they are meeting with the employees of these businesses to help them. He said they are working with the restaurants to help them get reopened. He said the Chamber of Commerce is hosting their 5<sup>th</sup> Leadership Academy. He gave an overview to the Council regarding the Tolend Road project and the resolution that has been put in place. He recommended an additional measure to secure the road, which would cost the City an additional \$35,000. He said the total project is still under budget.

The Council discussed the project in depth and Mayor Weston said she felt it should be replaced and not just fixed.

City Manager Joyal suggested the Council have a workshop on this subject.

Councilor Hooper asked the General Legal Counsel to look into the possible outcome of a lawsuit with the contractor.

Mayor Weston added that she would like the General Legal Counsel look into extending the performance bond on this project and if it could be extended.

City Manager Joyal asked for confirmation that the Council wanted him to wait on fixing the road at this point. He did add that the road will probably fail this winter if nothing is done.

City Manager Joyal gave an overview of the pricing on Watson Road. He said the Council shouldn't compare it to Tolend Road.

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

Vote: 8/0.



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### 10. APPROVAL OF MINUTES

- A. September 3, 2014 – Workshop Session**
- B. September 10, 2014 – Regular Meeting**

Deputy Mayor Carrier moved to approve the Minutes; seconded by Councilor O'Connor. Mayor Weston referred to the September 10, 2014 minutes, and said the dedication for the sign for the Dover Middle School should be the Dover Transportation Center. Deputy Mayor Carrier moved to approve the Minutes as amended; seconded by Councilor McManus.  
Vote: 8/0.

### 11. MAYOR'S REPORT

Mayor Weston said Councilor McManus has volunteered to represent the Council for the Dover Downtown TIF Advisory Board, and will be appointed with the approval of the Mayor's Report. She attended the Langdon Place dedication of the Veterans Wall. She said the Governor attended and spoke about the State of the State. She attended the Children's Museum to welcome the new School Superintendent, Dr. Elaine Arbour. Deputy Mayor Carrier moved to accept the Mayor's Report; seconded by Councilor Garrison.  
Vote: 8/0.

### 12. UNFINISHED BUSINESS

#### A. ORDINANCES IN THE 2<sup>nd</sup> READING

##### 1. CHAPTER 131 – OFFENSES

SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved to refer to a public hearing on October 8, 2014; seconded by Councilor McManus.

Vote: 8/0.

#### B. ORDINANCES IN THE 3<sup>rd</sup> READING – None

#### C. RESOLUTIONS – None

### 13. NEW BUSINESS

#### A. CONSENT CALENDAR

- 1. RAFFLE – Cocheco Valley Humane Society**
- 2. RAFFLE – Dover Main Street**
- 3. RAFFLE – Dover Shockwave Robotics**
- 4. RAFFLE – Dover Women's Health PA**



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- 5. RAFFLE – Zebra Crossings**
- 6. RAFFLE & TAG – Dover Disabled Veterans, Chapter #5**
- 7. B14062 – AWARD OF RFP FOR PERFORMANCE APPRAISAL SOFTWARE SPONSORED BY MAYOR WESTON BY REQUEST**
- 8. RAFFLE – Cocheco Valley Humane Society**

### 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
- 13. Police and Parking Facility Building Committee
- 14. Joint Building Committee – Dover High School and Regional CTC

Deputy Mayor Carrier moved for the adoption of the Consent Calendar; seconded by Councilor O'Connor.

Mayor Weston asked the Council if they had items they would like pulled for further discussion. Councilor O'Connor asked to pull Item 13.A.7.

Councilor Hooper asked to pull the School Board Report.

Deputy Mayor Carrier asked to pull the Appointments Committee Report.

Mayor Weston asked to pull the Transportation Advisory Commission Report.

Councilor O'Connor asked to pull the Pool Advisory Committee Report.

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

Vote: 8/0.

Deputy Mayor Carrier moved for the adoption of 13.A.7.; seconded by Councilor O'Connor.

City Manager Joyal gave an overview of the performance evaluation software to the Council.

Councilor McManus said it should be brought forward in next year's budget.

Councilor O'Connor said it was an expensive "want" and not a need.

Councilor Cheney said it shouldn't come out of the contingency fund.

Roll Call Vote: 0/8; Failed.

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: 8/0.



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Deputy Mayor Carrier gave an overview of the Appointments Committee Report and recommended the following Appointments:

**New Appointments:**

Scott MacKenzie – Cemetery Board  
JoAnn Rohde – Cemetery Board  
Tyler Parkhurst – Arena Commission

**Appointments to another Term:**

David Dinzeo – Solid Waste Advisory Commission  
Norm Fracassa – Recreation Advisory Board  
Dennis Munson – Utilities Commission  
Otis Perry – Parking Commission  
Peter Schmidt – Transportation Advisory Commission  
Kimberly Schuman – Arts Commission  
Kirt Schuman – Planning Board

**Reappointed as a Regular Member:**

Elizabeth Goldman - change her status to regular position on Arts Commission.

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

Vote: 7/0. Councilor McManus abstained.

Mayor Weston moved to suspend the rules to discuss 13.B.2. at this point; seconded by Councilor O'Connor.

Roll Call Vote: 8/0.

Deputy Mayor Carrier moved for the adoption of Item 13.B.2.; seconded by Councilor O'Connor.

City Manager Joyal invited Ms. Anna Boudreau, Open Lands Committee Chairperson, to speak to the Council.

Ms. Boudreau gave an overview of the resolution to the Council.

Roll Call Vote: 8/0.

Deputy Mayor Carrier listed the openings on Boards and Commissions.

Mayor Weston gave an oral report on the Transportation Advisory Commission Report to the Council. She said they have received the 75-page Downtown study, and the Transportation Advisory Commission will be having a meeting on October 27, 2014, 6:00 pm in City Hall to have an overview of the report.

Deputy Mayor Carrier moved to accept the Transportation Advisory Commission Report; seconded by Councilor Garrison.

Vote: 8/0.



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Councilor O'Connor gave an oral report on the Pool Advisory Committee to the Council. Deputy Mayor Carrier moved to accept the Pool Advisory Committee; seconded by Councilor Garrison.  
Vote: 8/0.

### **B. RESOLUTIONS**

**1. AUTHORIZATION TO COMMIT FUNDS TO THE NUTRIENT CRITERIA, GREAT BAY ESTUARY COALITION**  
SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Garrison. City Manager Joyal gave an overview of the resolution to the Council. He said it was a shared cost with three communities.  
Roll Call Vote: 8/0.

**2. AUTHORIZATION FOR THE PURCHASE OF A CONSERVATION EASEMENT BY THE CITY OF DOVER CONSERVATION COMMISSION**  
SPONSORED BY COUNCILOR GAGNON

Moved up on the agenda to follow the Appointments Committee Report.

**3. TRANSPORTATION ALTERNATIVE PROGRAM (TAP)**  
SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor O'Connor. Mayor Weston said the Transportation Advisory Commission recommended this resolution.  
Roll Call Vote: 8/0.

**4. 2014-2015 CITY COUNCIL RULES CHANGE – ORDER OF BUSINESS (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL, WITH CITY COUNCIL VOTE OCCURRING ON OCTOBER 8, 2014)**  
SPONSORED BY MAYOR WESTON

Deputy Mayor Carrier moved to refer to a vote on October 8, 2014; seconded by Councilor O'Connor.  
Mayor Weston gave an overview of the Council Rules change to the Council.  
Vote: 8/0.



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**5. 2014-2015 CITY COUNCIL RULES CHANGE – ORDER OF BUSINESS  
(REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL, WITH CITY  
COUNCIL VOTE OCCURRING ON OCTOBER 8, 2014)  
SPONSORED BY COUNCILOR CHENEY**

Councilor Cheney moved to refer to a vote on October 8, 2014; seconded by Councilor McManus.

Councilor Cheney gave an overview of the resolution to the Council. She said they work for the citizens and should be there for them.

Councilor Garrison said he felt this resolution should be voted down to refer to a vote on October 8, 2014. He said this is a conflicting resolution from Item #13.B.4.

Deputy Mayor Carrier talked about how hard the Council works and how he took offense at Councilor Cheney's comments.

Mayor Weston said Councilor Cheney's comments were inappropriate.

Councilor McManus motioned to move the question; seconded by Councilor Garrison.

Roll Call Vote: 6/2; Passed. Councilors Garrison and Hooper were opposed.

Mr. Brissette asked to speak to the Council.

Councilor O'Connor moved to suspend the rules to reopen Citizen's Forum; seconded by Councilor Cheney.

Roll Call Vote: 7/1; Passed. Deputy Mayor Carrier was opposed.

Mayor Weston reopened Citizen's Forum.

**Jeffrey Brissette, 11 Fieldstone Drive:** He spoke about the City Manager's comments regarding the resolution for the Tolend Road project.

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

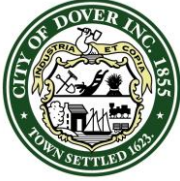
Councilor Garrison moved to suspend the rules to continue past 10:30 pm to complete the agenda; seconded by Councilor Hooper.

Roll Call Vote: 7/0. Councilor Hooper was absent from the Council Chambers.

**6. ADVANCED REFUNDING FOR CITY OF DOVER JUNE 15, 2005 GENERAL  
OBLIGATION BONDS AND AUTHORIZATION TO ISSUE REFUNDING BONDS  
(REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL)  
(TO REFERRED TO A PUBLIC HEARING ON OCTOBER 8, 2014, WITH A CITY  
COUNCIL VOTE TO OCCUR ON OCTOBER 22, 2014)  
SPONSORED BY MAYOR WESTON BY REQUEST**

Deputy Mayor Carrier moved to refer to a public hearing on October 8, 2014; seconded by Councilor Garrison.

Vote: 7/0. Councilor Hooper was absent from the Council Chambers.



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**7. AUTHORIZATION FOR PARTICIPATION IN STATE OF NEW HAMPSHIRE DRINKING WATER STATE REVOLVING LOAN FUND FOR WILLAND POND WATER MAIN IMPROVEMENT FY2014 CIP PROJECT (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL) (TO REFERRED TO A PUBLIC HEARING ON OCTOBER 8, 2014, WITH A CITY COUNCIL VOTE TO OCCUR ON OCTOBER 22, 2014) SPONSORED BY MAYOR WESTON BY REQUEST**

Deputy Mayor Carrier moved to refer to a public hearing on October 8, 2014; seconded by Councilor O'Connor.

Vote: 8/0.

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

**14. COUNCIL CORRESPONDENCE**

**A. Two letters from Councilor Catherine Cheney, dated September 17, 2014.**

Deputy Mayor Carrier moved to place correspondence on file; seconded by Councilor Cheney.

Councilor Cheney moved to add the correspondence from Mr. Brissette; seconded by Councilor O'Connor.

Mayor Weston asked for a vote to place all correspondence on file.

Vote: 8/0.

**15. COUNCIL MATTERS OF INTEREST**

Councilor McManus said that he and the Deputy Mayor will be having an open house at Café on the Corner September 27, 2014, 9:00 to 11:00 am.

Councilor O'Connor reminded the citizens about the Irish Festival.

Mayor Weston talked about the LipSync Contest on November 14, 2014, 6:30 pm at Dover High School.

Mayor Weston said Saturday, November 1, 2014 she will be hosting a Coffee with the Mayor at Café on the Corner, 9:00 to 11:00 am.

**16. ADJOURNMENT**

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

Vote: 8/0.