



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, February 11, 2015**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. ~~MOMENT OF SILENCE~~

3. 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

6. APPROVAL OF AGENDA

Deputy Mayor Carrier moved to add the Joint Building Committee – Dover High School and Regional CTC Report and Dover Main Street Report. He referred to Items 12.A.1., 12.A.2., 12.A.3. and 12.A.4. and minor additions to those ordinances. He referred to Item 12.C.1. and the additional map for background information. He moved to add a letter of correspondence from the Department of Education as Item 14.A.

Councilor Cheney moved to add an Ordinance Committee Report.

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

Vote: 9/0.

7. PUBLIC HEARINGS

A. CHAPTER 166, SECTION 19 – WINTER PARKING BAN ON FIRST STREET SPONSORED BY MAYOR WESTON BY REQUEST

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

B. CHAPTER 166, SECTION 30 – WINTER PARKING CHRONIC OFFENDER SPONSORED BY MAYOR WESTON BY REQUEST

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

C. CHAPTER 166, SECTION 56 – NO PARKING ANYTIME – WOODMAN INSTITUTE SPONSORED BY MAYOR WESTON BY REQUEST

Thomas Hindle, 35 Atkinson Street, Curator for Woodman Institute: He gave an overview of the request for parking spaces for the Woodman Institute.

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



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**D. CHAPTER 166, SECTION 57 – 572 – 574 CENTRAL AVENUE
SPONSORED BY MAYOR WESTON BY REQUEST**

Suzanne Forbes, 11 Hemlock Forest: She requested a 2-hour parking limit in this area.

Michael Russo, 33 Samuel Hanson Avenue: He spoke in favor of the 2-hour parking limit.

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

**E. AMENDMENT TO FISCAL YEAR 2015 FEE SCHEDULE – ON-STREET PARKING
SPACES – CHAPEL STREET AND MAIN STREET (REQUIRES A 2/3 MAJORITY OF
THE CITY COUNCIL)
SPONSORED BY MAYOR WESTON BY REQUEST**

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

**F. AMENDMENT TO FISCAL YEAR 2015 FEE SCHEDULE – UPDATED RESIDENT
PARKING PASS PROGRAM (REQUIRES A 2/3 MAJORITY OF THE CITY COUNCIL)
SPONSORED BY MAYOR WESTON BY REQUEST**

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

**G. REPROGRAM AUTHORIZATION FOR WILLAND POND WATER MAIN
IMPROVEMENT FISCAL YEAR 2014 CAPITAL IMPROVEMENTS PROGRAM (CIP)
PROJECT TO WATER SYSTEM FACILITIES UPGRADE PROJECT AND
AUTHORIZE PARTICIPATION IN DRINKING WATER STATE REVOLVING FUND
(DWSRF) PROGRAM (REQUIRES A 2/3 MAJORITY OF THE CITY COUNCIL)
(CITY COUNCIL VOTE TO OCCUR ON FEBRUARY 25, 2015)
SPONSORED BY MAYOR KAREN WESTON BY REQUEST**

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

**H. ADDITIONAL APPROPRIATION FOR WATER SYSTEM FACILITIES UPGRADE AND
AUTHORIZATION FOR PARTICIPATION IN DRINKING WATER STATE REVOLVING
FUND (DWSRF) PROGRAM (REQUIRES A 2/3 MAJORITY OF THE CITY COUNCIL)
(CITY COUNCIL VOTE TO OCCUR ON FEBRUARY 25, 2015)
SPONSORED BY MAYOR KAREN WESTON BY REQUEST**

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



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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.

Jack Mettee, 56 Rutland Street: He spoke in favor of Item #12.C.1.

Donald Medbery, 3 Covered Bridge Lane: He spoke about the City Manager's wages and his work as City Manager.

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 spoke about the snow removal budget and conditions of the roads and sidewalks.

Deputy Mayor Carrier asked the City Manager to speak to comments regarding the large Fund Balance.

City Manager Joyal gave an overview of the need for the Fund Balance and how it helps the City.

Deputy Mayor Carrier asked about Faces of Dover and the historical markers.

City Manager Joyal gave an overview of the program to the Council.

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

Vote: 9/0.

10. APPROVAL OF MINUTES

A. January 28, 2015

Deputy Mayor Carrier moved to approve the minutes; seconded by Councilor McManus.

Vote: 9/0.

11. MAYOR'S REPORT

Mayor Weston said she went to the Super Bowl. She said she will ask Mr. Kraft to come to Dover with the trophy. She said she had a conference call with area mayors regarding refugees settling in the area and it was agreed that the City was not interested in it. She attended a ribbon cutting for Express MD. She went to the Naval Shipyard where the USS Norfolk is being decommissioned and will work with the City of Dover.

She referred to Councilor Cheney's sponsorship to Housing Amendment 203:8 and asked for clarification from Councilor Cheney.

Councilor Cheney gave an overview of the amendment to the Council. She said it was regarding Manchester and had nothing to do with Dover.



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Councilor McManus said this would affect every Housing Authority in the State, and not just Manchester. He said it doesn't make a distinction. He said there was no reason to support this. Councilor Hooper said she would not support this amendment. Councilor Garrison said he would not support this amendment. He said it would absolutely affect every Housing Authority in the State. Mayor Weston said she didn't see where it's just Manchester. Councilor Cheney said this is only for Manchester and it definitely needed to be fixed. Councilor McManus said there is nothing within the statute to limit it just to Manchester. Mayor Weston said her recommendation would be to not support the amendment. Deputy Mayor Carrier moved to accept the Mayor's Report; seconded by Councilor Garrison. Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 166, SECTION 19 – WINTER PARKING BAN ON FIRST STREET SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor O'Connor. Mayor Weston gave an overview of the ordinance to the Council. Councilor Garrison asked about the need for it to be substituted as a whole. Councilor Cheney talked about the minor correction. Councilor Garrison moved to substitute as a whole; seconded by Councilor Thibodeaux. Vote: 9/0. Mayor Weston asked for a vote on the substituted ordinance. Roll Call Vote: 9/0.

2. CHAPTER 166, SECTION 30 – WINTER PARKING CHRONIC OFFENDER SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Garrison. Councilor Cheney moved to substitute as a whole; seconded by Councilor O'Connor. Vote: 9/0. Mayor Weston asked for a vote on the substituted ordinance. Roll Call Vote: 9/0.

3. CHAPTER 166, SECTION 56 – NO PARKING ANYTIME – WOODMAN INSTITUTE SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Thibodeaux. Councilor Cheney moved to substitute as a whole; seconded by Councilor Garrison. The Council discussed that Summer Street was more sufficient. Mayor Weston said the Transportation Advisory Commission supported this change.



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Councilor McManus moved to table the ordinance to amend it to Summer Street and the need for a second public hearing; seconded by Councilor Garrison.

Motion withdrawn.

City Manager Joyal recommended that it be voted down and another ordinance will be created.

Roll Call Vote: 0/9

4. CHAPTER 166, SECTION 57 – 572 – 574 CENTRAL AVENUE SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor O'Connor.

Councilor Cheney moved to substitute as a whole; seconded by Councilor O'Connor.

Vote: 9/0.

Mayor Weston asked for a vote on the substituted ordinance.

Roll Call Vote: 9/0.

B. ORDINANCES IN THE 3RD READING

1. CHAPTER 5: BOARDS, COMMISSIONS, AND COMMITTEES SECTION 23: DOWNTOWN DOVER TAX INCREMENT FINANCE ADVISORY BOARD AND SECTION 24: WATERFRONT TAX INCREMENT FINANCE ADVISORY BOARD SPONSORED BY MAYOR WESTON BY REQUEST

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

General Legal Counsel Blenkinsop explained why this ordinance was on the agenda and the need to either vote in down or withdraw the ordinance altogether.

Mayor Weston referred to the two separate ordinances on the agenda, and explained that they should vote this ordinance down.

Roll Call Vote: 0/9.

C. RESOLUTIONS

1. ESTABLISHING THE WATERFRONT TAX INCREMENT FINANCE DISTRICT SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor O'Connor.

Councilor Cheney said she wouldn't support this unless it had Dover Business Industrial Development Authority (DBICA) management.

Mayor Weston said DBIDA has a legal opinion that they cannot manage this project.

She said if it was 100% commercial they could manage it, but it is mixed use.

Councilor Cheney said she disagrees with that legal opinion. She said she didn't want the Dover Housing Authority in control of this TIF district.

Mayor Weston said DBIDA voted on not to be involved.

Councilor O'Connor said he wanted to see the legal opinion that was given to DBIDA.

He also was concerned that the Dover Housing Authority would be in control.



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City Manager Joyal said ultimately the waterfront decisions will be brought to the City Council. He said he will get the legal opinion that was given to DBIDA to the Council. He also recommended that the Council have a workshop session regarding this issue. Councilor McManus said he supported the resolution, but questioned why the district was so large.

Assistant Manager Parker gave an overview of the TIF district size.

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

2. AMENDMENT TO FISCAL YEAR 2015 FEE SCHEDULE – ON-STREET PARKING SPACES – CHAPEL STREET AND MAIN STREET (REQUIRES A 2/3 MAJORITY OF THE CITY COUNCIL)

SPONSORED BY MAYOR WESTON BY REQUEST

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

Parking Manager Simons gave an overview of the resolution to the Council.

Mayor Weston said she couldn't support this resolution.

Councilor Garrison moved to change the rate to \$35.00 per month; seconded by Councilor Hooper.

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

Mayor Weston asked for a vote on the amended resolution.

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

3. AMENDMENT TO FISCAL YEAR 2015 FEE SCHEDULE – UPDATED RESIDENT PARKING PASS PROGRAM (REQUIRES A 2/3 MAJORITY OF THE CITY COUNCIL)

SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor O'Connor.

Councilor Cheney moved to have this resolution be referred to a second reading; seconded by Councilor O'Connor.

Vote: 9/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. ROAD RACE – First Parish Church

2. ROAD TOLL – American Cancer Society Relay for Life

3. RESOLUTION: APPROVAL OF UNITY OF THE SEACOAST LEASE, ROOMS 317 AND 321

SPONSORED BY MAYOR WESTON BY REQUEST

4. RESOLUTION: B13075 PHASE II ENVIRONMENTAL SITE ASSESSMENT FIRST STREET – AWARD OF ADDITIONAL SCOPE OF WORK

SPONSORED BY MAYOR WESTON BY REQUEST



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COMMITTEE REPORTS

- | | |
|----------------------------------------|--------------------------------------------------------------------------|
| 1. School Board | 9. Legislative Liaison |
| 2. Planning Board | 10. Pool Advisory Committee |
| 3. Appointments Committee | 11. Parking Commission |
| 4. Recreation Advisory Board | 12. Ordinance Committee |
| 5. McConnell Center Advisory Committee | 13. Police and Parking Facility Building Committee |
| 6. Arts Commission | 14. Joint Building Committee – Dover High School and Regional CTC |
| 7. Solid Waste Advisory Commission | 15. Dover Main Street |
| 8. Transportation Advisory Commission | |

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

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

Deputy Mayor Carrier pulled the Appointments Committee Report, the Joint Building Committee – Dover High School and Regional CTC Report, and the Dover Main Street Report.

Councilor O'Connor pulled the Ordinance Committee Report.

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

Roll Call Vote: 8/0. Councilor Cheney was absent from Council Chambers.

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

Janet Perry - Greater Dover Chamber of Commerce's recommendation – 3 years

Jeff Spires -- Dover Main Street's recommendation – 3 years

Leo Alie – In TIF district member – 3 years

Jeff Roemer – In TIF district member – 2 years

Peg Purcell – Out of district member – 2 years

Dennis Shanahan – Out of district member – 2 years

Mayor Weston asked if they could vote on these appointments.

General Legal Counsel Blenkinsop said they could but they needed to address the staggering of terms.

City Manager Joyal said staggering of terms is addressed under Chapter 5.

Councilor O'Connor moved to accept the Appointments Committee Report; seconded by Councilor Gagnon.

Vote: 8/0. Councilor Cheney was absent from Council Chambers.

Deputy Mayor Carrier listed the current vacancies on boards and commissions.

Councilor Cheney gave an overview of the Ordinance Committee Report to the Council.

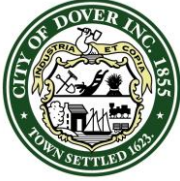
Deputy Mayor Carrier moved to accept the Ordinance Committee Report; seconded by Councilor McManus.

Vote: 9/0.

Deputy Mayor Carrier gave an overview of the Joint Building Committee – Dover High School and Regional CTC Report to the Council.

Deputy Mayor Carrier moved to accept the Joint Building Committee – Dover High School and Regional CTC Report; seconded by Councilor Gagnon.

Vote: 9/0.



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Deputy Mayor Carrier gave an overview of the Dover Main Street Report to the Council.
Deputy Mayor Carrier moved to accept the Dover Main Street Report; seconded by Councilor Thibodeaux.
Vote: 9/0.

B. RESOLUTIONS

1. UNDERWOOD ENGINEERS - TOLEND ROAD PEER REVIEW AND CONSULTING SERVICES FOR POTENTIAL LITIGATION/CLAIMS
SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor O'Connor.
City Manager Joyal gave an overview of the resolution to the Council.
Roll Call Vote: 8/1; passed. Councilor Cheney was opposed.

2. COLLECTIVE BARGAINING AGREEMENT – DOVER POLICE ASSOCIATION (DPA)
SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Thibodeaux.
Roll Call Vote: 9/0.
Mayor Weston gave an overview of the collective bargaining agreement with the citizens.

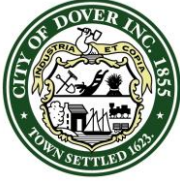
3. ADVANCED REFUNDING FOR CITY OF DOVER JUNE 2006 AND JUNE 2007 GENERAL OBLIGATION BONDS AND AUTHORIZATION TO ISSUE REFUNDING BONDS (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL) (TO BE REFERRED TO A PUBLIC HEARING ON FEBRUARY 25, 2015, WITH A COUNCIL VOTE TO OCCUR ON MARCH 11, 2015)
SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved to refer to a public hearing on February 25, 2015; seconded by Councilor Gagnon.
Vote: 9/0.

C. ORDINANCES IN 1ST READING

1. CHAPTER 5, SECTION 23 – DOWNTOWN DOVER TAX INCREMENT FINANCE ADVISORY BOARD
(TO BE REFERRED TO A PUBLIC HEARING ON FEBRUARY 25, 2015)
SPONSORED BY MAYOR WESTON, DEPUTY MAYOR CARRIER AND COUNCILOR CHENEY

Deputy Mayor Carrier moved to refer to a public hearing on February 25, 2015; seconded by Councilor Cheney.
Councilor Garrison talked about Chapter 5 allows for non-resident appointments if approved by the Council.



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Councilor Garrison moved to strike the last statement that all members shall reside in Dover; seconded by Councilor Thibodeaux.
Vote: 6/3; Passed. Councilors Cheney, Gagnon and O'Connor were opposed.
Councilor Cheney said she felt this wasn't a friendly amendment.
Mayor Weston asked for a vote to refer the amended ordinance to a public hearing on February 25, 2015.
Vote: 9/0.

**2. CHAPTER 5, SECTION 24 – WATERFRONT TAX INCREMENT FINANCE
ADVISORY BOARD
(TO BE REFERRED TO A PUBLIC HEARING ON FEBRUARY 25, 2015)
SPONSORED BY MAYOR WESTON, DEPUTY MAYOR CARRIER AND
COUNCILOR CHENEY**

Deputy Mayor Carrier moved to refer to a public hearing on February 25, 2015; seconded by Councilor Garrison.
Councilor Garrison moved to strike the last statement that all members shall reside in Dover; seconded by Deputy Mayor Carrier.
Vote: 6/3; Passed. Councilors Cheney, Gagnon and O'Connor were opposed.
Mayor Weston asked for a vote to refer the amended ordinance to a public hearing on February 25, 2015.
Vote: 9/0.

**3. CHAPTER 166, SECTION 47 – TOLEND ROAD WEIGHT LIMIT
(TO BE REFERRED TO A PUBLIC HEARING ON FEBRUARY 25, 2015)
SPONSORED BY MAYOR WESTON BY REQUEST**

Deputy Mayor Carrier moved to refer to a public hearing on February 25, 2015; seconded by Councilor O'Connor.
Councilor Gagnon said that will affect trucking and cost of development in the City.
Mayor Weston said they understand that and that is why it's a temporary fix.

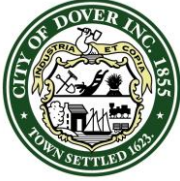
Councilor Garrison moved to suspend the rules to continue the meeting past 10:30 pm to complete the agenda; seconded by Deputy Mayor Carrier.
Roll Call Vote: 9/0.

Mayor Weston asked for a vote to refer the ordinance to a public hearing on February 25, 2015.
Vote: 9/0.

14. COUNCIL CORRESPONDENCE

A. Letter from the Department of Education.

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



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15. COUNCIL MATTERS OF INTEREST

Councilor McManus said he attended Earle Goodwin's funeral. He thanked the several City staff members who also attended.

Councilor Thibodeaux said she will be holding her Coffee with the Councilor this Saturday at 11:00 am at Patty B's.

Councilor O'Connor thanked the Community Services for all their work plowing. He referred to the comments made during Citizen's Forum regarding Underwood Engineering, and said the remarks were reckless and unfounded.

Councilor Gagnon also talked about clearing the roads and helping the families

Mayor Weston asked about fire hydrants.
City Manager Joyal asked residents to shovel them out.

Mayor Weston asked if there was consensus to remove the RSA factor in HB295 right now.

Councilor Garrison spoke about bringing a resolution forward to change the Council Rules to eliminate the need to suspend the rules to continue the meeting past 10:30 pm.

16. ADJOURNMENT

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