

CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, May 27, 2015**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Hooper 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

6. APPROVAL OF AGENDA

Councilor Cheney asked for moved Item #13.B.6. on the agenda to before Item #13.B.5. Deputy Mayor Carrier moved to substitute as a whole Item #13.B.5. He moved to add as Item #13.B.9. – Resolution entitled Fiscal Year 2015 School Additional Appropriation Budget Amendment #2. He moved to add the Police and Parking Facility Building Committee Report. Deputy Mayor Carrier moved to approve the agenda as amended; seconded by Councilor Thibodeaux.

Vote: 9/0.

7. PUBLIC HEARINGS

8. CITIZEN'S FORUM

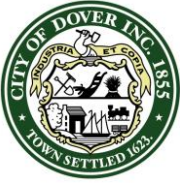
Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

Jeffrey Brissette, 11 Fieldstone Drive: He spoke about the Mayor and City Manager. He said the Mayor is not a leader. He spoke about the Watson Road project.

Michael Russo, 33 Samuel Hanson Drive: He spoke in favor of the tax cap.

William Dodge, 78 Littleworth Road: He spoke in favor of the School Board and the Legal Officer Charter Amendments. He said he believed in the tax cap, but felt it should be voted on in November.

David Scott, 220 Back Road: He thanked Councilors Cheney and McManus for bringing forward the Charter Amendments resolutions. He urged the Council to vote yes to put these on the ballot.



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Theodore Anglace, 23 Wallace Drive: He spoke about the Charter Amendments. He felt they should require the collection of citizen signatures to be put on the ballot.

Mary Hebbard, 97 Spruce Lane: She spoke in favor of the tax cap. She felt the School Board and Legal Officer Charter Amendments should be placed on the ballot.

David Martin, 10 Linda Avenue: He spoke in favor of the Legal Officer and School Board Charter Amendments. He said he was not in favor of overriding the tax cap.

Brian Brobase, 6 Floral Avenue: He felt all three Charter Amendments should be on the ballot.

Phyllis Woods, 1 Berry Street: She spoke in favor of the Council putting the Charter Amendments forward to a public hearing on June 10, 2015.

Dr. Dutkiewicz, 6 Floral Avenue: She spoke about the Charter Amendment resolutions. She said she felt there was interest in the Legal Officer and School Board Charter Amendments resolutions, but said she hasn't heard anything about the tax cap resolution.

Carole Soule McCammon, 49 Ash Street, School Board Member: She spoke against the School Board Charter Amendment. She said the School Board represents the entire school district and not just the Ward they live in.

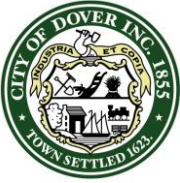
Shellie Lemelin, 9 Western Avenue: She spoke about putting the vocational high school in one of the empty buildings in Dover. She spoke about the taxes and said we all have to pitch in.

James Davis, 5A Hancock Street: He spoke in favor of the School Board and Legal Officer Charter Amendment.

Donald Medbery, 3 Covered Bridge Lane: He thanked everyone for coming to Citizen's Forum. He was opposed to the override of the tax cap. He spoke about the High School and said the City didn't need a new school.

Betsey Andrews Parker, 34 Gladiola Way, School Board Vice-Chairperson: She spoke about the relationship between the School Board and the City Council. She said the School Board members weren't invited to the Council meeting at Riverside Rest Home. She hasn't received any information that the School Board has requested regarding this meeting and who has complained about the School Board. She asked the citizens to come to the School Board if they have a problem with the current At-Large. She also said the tax cap isn't working and the Council hides behind the number created by the tax cap.

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



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9. CITY MANAGER'S REPORT

City Manager Joyal said he submitted his report in writing. He spoke about the Zoning Amendments and the upcoming public hearings.

Councilor Cheney asked about the Long Hill Park rental, and the issue where a dog was hit by a ball,

City Manager Joyal gave an overview of the park's rental and that he would talk with the organizer regarding the complaint.

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

Vote: 9/0.

10. APPROVAL OF MINUTES

- A. May 6, 2015 – Workshop
- B. May 6, 2015 – Special Meeting
- C. May 13, 2015 – Regular Meeting

Councilor McManus referred to the May 13, 2015 meeting minutes, and said during the Council Matters of Interest he misspoke and said *Dare* program when he meant to say Youth to Youth program.

Councilor McManus moved to change Dare to Youth to Youth; seconded by Councilor Thibodeaux.

Vote: 9/0.

Councilor Cheney referred to page 5/8 of the May 13, 2015 minutes, and said she only said it was her Bill, and moved to strike the rest of the sentence; seconded by Councilor Garrison.

Mayor Weston asked for a hand vote to approve the minutes as amended.

Vote: 9/0.

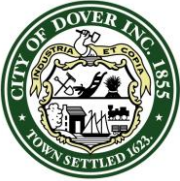
11. MAYOR'S REPORT

Mayor Weston she attended ribbon cuttings and welcomed the new businesses to Dover. She attended the Memorial Day service.

Mayor Weston referred to the Citizen's Forum comments about the Riverside Rest Home meeting asked Councilor Cheney to explain what it was and that to clarify that it wasn't a Council meeting. Councilor Cheney said it was a Reach Out and Speak Out meeting that she held at the Riverside Rest Home. She said she did a press release, posted it at Hannaford, Market Basket and the Dover Public Library, and she mentioned it at City Council meetings. She said it was not a City Council meeting.

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

Vote: 9/0.



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12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

1. **FISCAL YEAR 2015 BUDGET AMENDMENT #1**
(REQUIRES OF 2/3 MAJORITY VOTE OF THE CITY COUNCIL)
SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Thibodeaux.
Mayor Weston gave an overview of the resolution to the Council.
City Manager Joyal clarified the reason behind the vacation buyouts.
Roll Call Vote: 9/0.

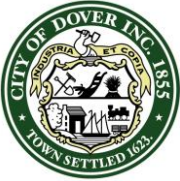
2. **FISCAL YEAR 2015 SCHOOL DEPARTMENT BUDGET AMENDMENT –**
CHANGE IN NON-PROPERTY TAX REVENUE ESTIMATES
(REQUIRES OF 2/3 MAJORITY VOTE OF THE CITY COUNCIL)
SPONSORED BY MAYOR WESTON BY REQUEST

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

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **BLOCK PARTY – Tanglewood Drive**
2. **RAFFLE – Cocheco Valley Humane Society**
3. **TAG – Dover Little Green Cheerleading**
4. **TROJAN UV3000 PLUS LAMPS AND QUARTZ SLEEVES**
SPONSORED BY MAYOR WESTON BY REQUEST
5. **B10033 ADDITIONAL SCOPE OF WORK ON WATSON RD CMA ENGINEERS, INC**
SPONSORED BY MAYOR WESTON BY REQUEST
6. **B15047 HENRY LAW PARK DESIGN SERVICES**
SPONSORED BY MAYOR WESTON BY REQUEST
7. **B15057 HOT BITUMINOUS PAVING –ASPHALT LAID IN PLACE**
SPONSORED BY MAYOR WESTON BY REQUEST



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8. B15058 GRIFFIN WELL RECONDITIONING SPONSORED BY MAYOR WESTON BY REQUEST

COMMITTEE REPORTS

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

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 further discussion. Councilor Thibodeaux asked to pull Item #13.A.4.

Deputy Mayor Carrier asked to pull the Police and Parking Facility Building Committee Report.

Councilor Cheney asked to pull Items #13.A.5. and 13.A.6.

Councilor McManus asked to pull Item #13.A.8.

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 Item #13.A.4.; seconded by Councilor Thibodeaux.

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

Deputy City Manager Steele explained why they had to buy these bulbs to keep the warranty.

Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of Item #13.A.5.; seconded by Councilor Cheney.

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

Roll Call Vote: 9/0.

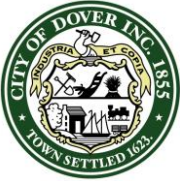
Deputy Mayor Carrier moved for the adoption of Item #13.A.6.; seconded by Councilor Thibodeaux.

Recreation Director Bannon gave an overview of the resolution to the Council.

Roll Call Vote: 9/0.

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

Roll Call Vote: 9/0.



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Deputy Mayor Carrier gave an overview of the Police and Parking Facility Building Committee Report to the Council.

Deputy Mayor Carrier moved to accept the Police and Parking Facility Building Committee Report; seconded by Councilor Gagnon.

Vote: 9/0.

B. RESOLUTIONS

1. RESTORATION OF MERGED LOTS (25 PORTLAND AVENUE)
SPONSORED BY MAYOR WESTON BY REQUEST

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

Vote: 9/0.

2. RESTORATION OF MERGED LOTS (28 ATLANTIC AVENUE)
SPONSORED BY MAYOR WESTON BY REQUEST

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

Vote: 9/0.

**3. COLLECTIVE BARGAINING AGREEMENT FOR THE DOVER MUNICIPAL
EMPLOYEE ASSOCIATION (DMEA)**
SPONSORED BY MAYOR WESTON BY REQUEST

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

Roll Call Vote: 9/0.

4. AMENDMENT TO MERIT PLAN AND CLASSIFICATION PLAN
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 changes to the Merit Plan and Classification Plan.

Councilor Cheney said the resolution stated the amended plan was attached as background, but the plan was not attached.

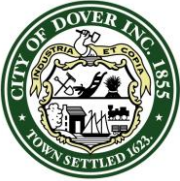
City Manager Joyal said it was his intention to provide the marked up documents. He said the Council has 30 days to approve this resolution.

Councilor Cheney moved to table this resolution to June 10, 2015; seconded by Councilor O'Connor.

Councilor McManus asked for a cumulative total for all the contracts.

City Manager Joyal said he would get that for the Council.

Vote: 6/3; Passed. Deputy Mayor Carrier and Councilors Hooper and Gagnon were opposed.



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Deputy Mayor Carrier moved to refer Item #13.B.6. to a public hearing on June 10, 2015; seconded by Councilor Cheney.

General Legal Counsel gave an overview of the ballot question process to the Council.

Councilor Gagnon started a discussion with the Council and said he agreed with Citizen's Forum comments stating that the citizen's should be getting the questions on the ballot. He spoke about the problems between the City Council and the School Board. He said the School is one system and isn't affected by the wards. He said he would not support this resolution. Councilor Hooper said she agreed with Councilor Gagnon. She said she was upset that the School Board members who spoke during Citizen's Forum felt betrayed by the Council. Deputy Mayor Carrier said he didn't understand why this was brought forward and was very upset about it. He said this came out of the blue and felt there was some sort of agenda behind this.

Councilor McManus said he didn't have a problem with sending this to a public hearing.

Councilor Cheney said the wording can be changed, but asked that it be put to a public hearing.

Councilor O'Connor said it's the citizens of Dover making the decision. He said it was the duty of a Councilor to bring this forward if they are asked to bring it forward.

Councilor Garrison said he doesn't have the sense that the current system isn't working.

Mayor Weston said it was the Council's job to listen and would be a disservice not put it to a public hearing.

Councilor Thibodeaux said the way these resolutions are written is that the Council sees a need, and it's not coming from the public. She talked about rewording this resolution.

Mayor Weston said this is just referring to a public hearing and then they can change the wording.

Deputy Mayor Carrier said his problem with the procedure on how this resolution was brought forward. He said he does want to hear from the public.

Councilor Gagnon said he wasn't going to send the message to the School Board that they were under the thumb of the City Council.

Councilor Cheney said the Council is obligated to bring forward constituents requests. She said she couldn't see why the Council wouldn't refer this to a public hearing.

Mayor Weston asked for an amendment.

Councilor Cheney moved to change the wording to: "the Dover City Council declares a Charter Amendment question..."

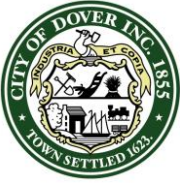
General Legal Counsel Blenkinsop explained why it said declaring a need for the Charter Amendment. He said it was part of the statute and why it was used. He said they can take out the words "a need for", but add "should" to "... be placed before the voters..."

Councilor Cheney agreed and made the motion; seconded by Councilor O'Connor.

Vote: 4/5; Failed. Mayor Weston, Councilors Cheney, McManus and O'Connor voted in favor.

Councilor Garrison said this should go through the petition process.

Vote: 4/5; Failed. Mayor Weston, Councilors Cheney, McManus and O'Connor voted in favor.



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**5. CHARTER AMENDMENT – LEGAL OFFICER
(TO BE REFERRED TO A PUBLIC HEARING ON JUNE 10, 2015)
SPONSORED BY COUNCILOR CHENEY**

Councilor Cheney moved to refer Item #13.B.6. to a public hearing on June 10, 2015; seconded by Councilor O'Connor.

Councilor Cheney referred to the substituted version and gave an overview of the change.

Vote: 4/5; Failed. Mayor Weston, Councilors Cheney, McManus and O'Connor voted in favor.

**6. CHARTER AMENDMENT – SCHOOL BOARD ELECTIONS
(TO BE REFERRED TO A PUBLIC HEARING ON JUNE 10, 2015)
SPONSORED BY COUNCILOR CHENEY**

Moved up on the Agenda following Item #13.B.4.

**7. CHARTER AMENDMENT REGARDING BUDGET ADOPTION PROCEDURE
(TO BE REFERRED TO A PUBLIC HEARING ON JUNE 10, 2015)
SPONSORED BY COUNCILOR McMANUS**

Councilor McManus moved to refer to a public hearing on June 10, 2015; seconded by Councilor Cheney.

Councilor McManus gave an explanation as to why he brought this forward.

Vote: 4/5; Failed. Mayor Weston, Councilors Cheney, McManus and O'Connor voted in favor.

**8. AMENDMENT TO THE FISCAL YEAR 2016 FEE SCHEDULE
(REQUIRES OF 2/3 MAJORITY VOTE OF THE CITY COUNCIL)
(TO BE REFERRED TO A PUBLIC HEARING ON JUNE 10, 2015)
SPONSORED BY MAYOR WESTON BY REQUEST**

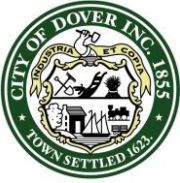
Deputy Mayor Carrier moved to refer to a public hearing on June 10, 2015; seconded by Councilor Garrison.

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

**9. FISCAL YEAR 2015 SCHOOL ADDITIONAL APPROPRIATION BUDGET
AMENDMENT #2 – CHANGE IN NON-PROPERTY TAX REVENUE ESTIMATES
(REQUIRES OF 2/3 MAJORITY VOTE OF THE CITY COUNCIL)
(TO BE REFERRED TO A PUBLIC HEARING ON JUNE 10, 2015)
SPONSORED BY MAYOR WESTON BY REQUEST**

Deputy Mayor Carrier moved to refer to a public hearing on June 10, 2015; seconded by Councilor Hooper.

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



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C. ORDINANCES IN 1ST READING

14. COUNCIL CORRESPONDENCE

- A. Letter from human, dated May 9, 2015.**
- B. Letter from Councilor McManus**

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

15. COUNCIL MATTERS OF INTEREST

Councilor Cheney said the attended the 125th anniversary of the Masonic Lodge.

Councilor O'Connor spoke about the Memorial Day event. He spoke about a meeting scheduled on June 8th regarding the Jenny Thompson Aquatic Center. He spoke about an exhibit at the Children's Museum on June 4th.

Councilor Hooper said it was a fundraiser for the Seed Organization.

Councilor Gagnon said Happy Birthday to his oldest child who turned 5 years old today.

Mayor Weston gave an update on the State adequacy aid.

16. ADJOURNMENT

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