



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, April 12, 2017**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Gasses led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Weston, Deputy Mayor Carrier, Councilor Ciotti, Councilor Gagnon, Councilor Gasses, Councilor O'Connor, Councilor Shanahan, and Councilor Thibodeaux. Councilor Greenshields arrived at 7:03 pm.

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 substitute as a whole Item 12.C.4. He moved to move Item 13.B.1. up on the agenda to follow Item 12.C.6. He moved to add an Appointments Committee Report.

Deputy Mayor moved to approve the Agenda as amended; seconded by Councilor Ciotti.

Vote: 9/0.

7. PUBLIC HEARINGS

A. FISCAL YEAR 2018 BUDGET APPROPRIATIONS, FEES AND CAPITAL IMPROVEMENTS PROGRAM - SCHOOL DEPARTMENT (COUNCIL VOTE TO OCCUR ON MAY 3, 2017.) SPONSORED BY MAYOR WESTON BY REQUEST

Frances Meffen, 16 Benjamin Way, Dover Middle School Councilor: She spoke in support of the School's portion of the Budget.

Siobhan Mehalek, 21 Mathes Hill Drive, Dover Middle School Teacher: She spoke in support of the School's portion of the Budget.

Karen Berg, 303 Back Road, Dover Middle School Teacher: She spoke in support of the School's portion of the Budget.

Anne Michaels, 68 Bellamy Road: She spoke in support of the School's portion of the Budget.

Joel Degenars, 19 Baldwin Way: He spoke in support of the School's portion of the Budget.



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Carolyn Mebert, 254 Dover Point Road, School Board Member: She spoke in support of the School's portion of the Budget.

Keith Holt, 45 Oak Street, School Board Member: He spoke in support of the School's portion of the Budget.

Kathy Morrison, 4 Florence Street, School Board Member: She spoke in support of the School's portion of the Budget.

William Degrandpre, 21 Danielle Lane: He spoke against the School's portion of the Budget, and felt it should be within the tax cap.

Maritza Corriveau, 33 Watson Road: She spoke in support of the School's portion of the Budget.

Patricia Stiles, 5 Pearson Drive, Paraprofessional for Garrison Elementary School: She spoke in support of the School's portion of the Budget.

David Mattingly, 1 Samuel Hanson Avenue: He spoke in support of the School's portion of the Budget.

Mary Hebbard, 97 Spruce Lane: She spoke against the School's portion of the Budget, and felt Council should hold to the tax cap.

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

B. CHAPTER 131 OFFENSES, SECTION 7 – PARK HOURS SPONSORED BY MAYOR WESTON BY REQUEST

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

C. CHAPTER 166 VEHICLES AND TRAFFIC, SECTIONS 16, 17, 18, 30, 37, 38, 56, 57, 59, AND A GENERAL CLEAN-UP/RENUMBERING OF THE CHAPTER SPONSORED BY MAYOR WESTON BY REQUEST

Catherine Cheney, 9 Snow's Court: She referred to Section 18, and suggested that it should read City designated vehicles to include volunteers' vehicles.

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



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D. HENRY LAW AVENUE RECREATION PARKING LOT METER FINE REVENUE AND AMENDMENT TO CITY FEE SCHEDULE

SPONSORED BY MAYOR WESTON BY REQUEST

Suzanne Petersen, 24C Maple Street: She spoke in favor of the resolution and urged the Council to pass it.

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

E. TREE CUTTING ON SCENIC ROAD. ROCHESTER NECK ROAD

SPONSORED BY MAYOR WESTON BY REQUEST

Richard Hebbard, 97 Spruce Lane: He spoke about the criteria of the law and asked the Council to follow the law before any work is done.

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

F. DECLARATION OF EMERGENCY LANE – OLD GARRISON ROAD FROM SPRUCE LANE TO DAVID TUTTLE LANE

SPONSORED BY MAYOR WESTON BY REQUEST

Mary Hebbard, 97 Spruce Lane: She called a point of order, stating that no background information was provided with the resolution for the past two weeks. She asked that staff bring information forward at this point in the meeting so the public can address this evidence.

Councilor O'Connor moved to suspend the rules to allow staff to speak regarding this resolution; seconded by Deputy Mayor Carrier.

Councilor Gasses recused herself from the vote.

Roll Call Vote: 8/0.

City Manager Joyal said the background submitted in the agenda packet was sufficient.

Thomas Allen, 232 Spruce Lane: He spoke in favor of the resolution.

Nancy Oeser, 419 Old Garrison Road: She spoke against the resolution.

Catherine Cheney, 9 Snow's Court: She spoke against the resolution.

John Brough, 240 Old Garrison Road: He asked that he be allowed to fix it or the City should be fixing it.

Mary Hebbard, 97 Spruce Lane: She spoke against the resolution.

Joshua Henry, 283 Old Garrison Road: He said the resident should be able to maintain his own access.



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Richard Hebbard, 97 Spruce Lane: He spoke against the resolution.

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

**G. ESTABLISHMENT OF SCHOOL INSTRUCTIONAL EQUIPMENT CAPITAL RESERVE FUND
SPONSORED BY MAYOR WESTON BY REQUEST**

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

**H. APPROPRIATION FOR FY2018 POINTE PLACE INFRASTRUCTURE
IMPROVEMENTS AND AUTHORIZATION FOR BONDING
(COUNCIL VOTE TO OCCUR ON APRIL 26, 2017.)
SPONSORED BY MAYOR WESTON BY REQUEST**

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

**I. DISSOLUTION OF SCHOOL ALTERNATIVE EDUCATION FUND INTO THE
GENERAL FUND
(COUNCIL VOTE TO OCCUR ON MAY 10, 2017.)
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.*

Catherine Cheney, 9 Snow's Court: She referred to the Emergency Lane resolution and said that the abutters have rights regarding a Class VI road. She said it should be the Fire Department that addresses this issue.

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

Deputy Mayor Carrier said the emails received by the City Council regarding tonight's Public Hearings will be placed on file.



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9. CITY MANAGER'S REPORT

City Manager Joyal said he submitted his report in writing. He said he wished to appoint Attorney Mark Moeller for another term as Commissioner on the Dover Housing Authority. Deputy Mayor Carrier asked for an update on the Central Avenue Bridge. Deputy City Manager Steele gave an overview on the Central Avenue Bridge project to the Council.

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

Vote: 9/0.

10. APPROVAL OF MINUTES

- A. March 15, 2017 – Workshop Session**
- B. March 22, 2017 – Regular Meeting**
- C. March 29, 2017 – Workshop Session**

Deputy Mayor Carrier moved to approve the Minutes; seconded by Councilor Gasses.

Vote: 9/0.

11. MAYOR'S REPORT

Mayor Weston listed the events she attended the past few weeks.

Deputy Mayor Carrier attended several ribbon cuttings as a representative of the City.

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

Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 131 OFFENSES, SECTION 7 – PARK HOURS

SPONSORED BY MAYOR WESTON BY REQUEST

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

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

Roll Call Vote: 9/0.

2. CHAPTER 166 VEHICLES AND TRAFFIC, SECTIONS 16, 17, 18, 30, 37, 38, 56, 57, 59, AND A GENERAL CLEAN-UP/RENUMBERING OF THE CHAPTER

SPONSORED BY MAYOR WESTON BY REQUEST

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

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

Roll Call Vote: 9/0.



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B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

- 1. ADVANCED REFUNDING FOR CITY OF DOVER NOVEMBER 15, 2008 AND APRIL 15, 2010 GENERAL OBLIGATION BONDS AND AUTHORIZATION TO ISSUE REFUNDING BONDS (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL)**
SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Ciotti.
Roll Call Vote: 9/0.

- 2. DOVER LED PUBLIC WORKS LIGHTING UPGRADE (B15021) AND AUTHORIZATION FOR FINANCING (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL)**
SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Ciotti.
Roll Call Vote: 9/0.

- 3. HENRY LAW AVENUE RECREATION PARKING LOT METER FINE REVENUE AND AMENDMENT TO CITY FEE SCHEDULE**
SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Ciotti.
Roll Call Vote: 9/0.

- 4. TREE CUTTING ON SCENIC ROAD: ROCHESTER NECK ROAD AND GLEN HILL ROAD**
SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor O'Connor
General Legal Counsel Blenkinsop gave an overview of the resolution and the Utility Company's responsibilities under state law.
Vote: 9/0.

- 5. DECLARATION OF EMERGENCY LANE – OLD GARRISON ROAD FROM SPRUCE LANE TO DAVID TUTTLE LANE**
SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Gagnon.
Councilor Gasses recused herself from discussion and Council vote.
General Legal Counsel Blenkinsop gave an overview of the resolution, and the difference between a private way and Class VI municipal road.
City Manager Joyal spoke about the role of the Council in declaring an emergency lane.



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Fire Chief Hagman spoke about spoke about prior concerns regarding whether the road was passable for emergency response vehicles. He discussed the need to have this section of Old Garrison Road declared an emergency lane under the statute and the corresponding public benefit of ensuring the road is passable for emergency response vehicles, including fire engines and ambulances, to both abutting private property and surrounding public lands.

Police Chief Colarusso agreed with Chief Hagman. He spoke about his concern that emergency response vehicles could be damaged on this road if not passable and discussed the need to have this section of road declared an emergency lane to keep it passable for emergency response vehicles so they can respond to emergency situations on lands abutting the road.

General Legal Counsel Blenkinsop spoke about the statutory language and the role of the Council in determining the public welfare or safety interest which surpasses or differs from any private benefit to abutters under the emergency lane statute.

Deputy City Manager Steele gave an overview on the condition of the road, the process to repair it, if necessary, in order to keep it passable for emergency response vehicles, the potential costs of repair, and answered Councilor questions.

Councilor Shanahan noted repair to the road would just be to keep it passable for fire and rescue vehicles.

Councilor Gagnon discussed the potential cost of repair to the road if needed.

Vote: 8/0; Passed. Councilor Gasses recused.

The approved resolution number 2017.03.22-028 is incorporated herein by reference.

6. ESTABLISHMENT OF SCHOOL INSTRUCTIONAL EQUIPMENT CAPITAL RESERVE FUND

SPONSORED BY MAYOR WESTON BY REQUEST

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

Vote: 9/0.

Item 13.B.1.

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

Councilor Shanahan recused himself from discussion and Council vote.

Roll Call Vote: 8/0; Passed.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. RAFFLE – Dover Baseball

2. B11001 WWTP DESIGN PHASE ADDITIONAL SCOPE OF WORK WRIGHT-PIERCE CHANGE ORDER #3

SPONSORED BY MAYOR WESTON BY REQUEST



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- 3. B15065 CONSTRUCTION OVERSIGHT SERVICES FOR KEATING & BIRCHWOOD RECONSTRUCTION PROJECT**
SPONSORED BY MAYOR WESTON BY REQUEST
- 4. B16013B DESIGN BUILD OF CUSTOMER SERVICE CENTER**
SPONSORED BY MAYOR WESTON BY REQUEST
- 5. B17038 HOT BITUMINOUS PAVING –ASPHALT LAID IN PLACE**
SPONSORED BY MAYOR WESTON BY REQUEST
- 6. DOVER PUDDING HILL AQUIFER WITH EMERY & GARRETT GROUNDWATER INVESTIGATIONS LLC & UNDERWOOD ENGINEERS**
SPONSORED BY MAYOR WESTON BY REQUEST
- 7. PURCHASE OF DIVING BOARDS**
SPONSORED BY MAYOR WESTON BY REQUEST
- 8. EZRA GREEN’S FARM HOMEOWNERS’ ASSOCIATION TRAIL EASEMENT**
SPONSORED BY MAYOR WESTON BY REQUEST
- 9. ACCEPTANCE OF SIDEWALK EASEMENT. WHITE MOUNTAIN SUBWAY, LLC**
SPONSORED BY MAYOR WESTON BY REQUEST

COMMITTEE REPORTS

- | | |
|--|---|
| 1. School Board | 11. Pool Advisory Committee |
| 2. Planning Board | 12. Recreation Advisory Board |
| 3. Appointments Committee | 13. Solid Waste Advisory Commission |
| 4. Arena Commission | 14. Transportation Advisory Commission |
| 5. Arts Commission | 15. Joint Building Committee – Dover High School and Regional Career Technical Center |
| 6. Legislative Liaison | 16. Joint Building Committee – Garrison Elementary School |
| 7. Library Board of Trustees | 17. Dover Main Street |
| 8. McConnell Center Advisory Committee | |
| 9. Ordinance Committee | |
| 10. Parking Commission | |

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

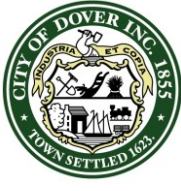
Mayor Weston asked the Council if they had items they would like pulled for further discussion. Councilor Gagnon pulled Item #13.A.5.

Deputy Mayor Carrier pulled the Appointments Committee Report.

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.5.; seconded by Councilor Gagnon.

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Deputy City Manager Steele gave an overview of the resolution to the Council and explained why the amount was less.

Roll Call Vote: 9/0.

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

New Appointments:

Grant Killian – Open Lands Committee

Rick Schnable – Recreation Advisory Board

Deputy Mayor Carrier moved for their appointments; seconded by Councilor Thibodeaux.

Vote: 9/0.

Reappointments:

Lee Skinner – Planning Board

Dorothy Wagner – Library Board of Trustees

Aimee Sanderson – change in status from alternate to regular member on the Recreation Advisory Board

Vote: 9/0.

Deputy Mayor Carrier listed the current openings on Boards/Commissions for the City.

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

Vote: 9/0.

B. RESOLUTIONS

1. COLLECTIVE BARGAINING AGREEMENT - DOVER EDUCATIONAL OFFICE PERSONNEL (DEOP)

SPONSORED BY MAYOR WESTON BY REQUEST

City Council voted to move up on the agenda to follow Item 12.C.6.

2. REPROGRAM UNEXPENDED CIP APPROPRIATIONS AND AWARD OF B17037 BIRCHWOOD AND KEATING RECONSTRUCTION PROJECT (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL) (TO BE REFERRED TO A PUBLIC HEARING ON APRIL 26, 2017, WITH A VOTE TO OCCUR ON MAY 10, 2017.)

SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved to refer to a Public Hearing on April 26, 2017; seconded by Councilor O'Connor.

Vote: 9/0.

C. ORDINANCES IN 1ST READING

14. COUNCIL CORRESPONDENCE

A. Letter from George & Tina Philbrick, dated March 17, 2017.



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Deputy Mayor Carrier moved to place correspondence on file; seconded by Councilor O'Connor. City Manager Joyal gave an overview of the cable franchise contract.
Vote: 9/0.

15. COUNCIL MATTERS OF INTEREST

Deputy Mayor Carrier asked for an update on Nelson Street.
Deputy City Manager Steele gave an update to the Council, and said it should be completed this construction season.

Councilor Ciotti asked about potholes in the City.
Deputy City Manager Steele says crews are working daily on fixing the potholes in the City. He asked for citizens to call Community Services regarding locations for potholes.

Councilor O'Connor talked about the American Red Cross Blood Drive on April 15, 2017. He spoke about his concerns that cars weren't stopping at the Horne Street School crosswalk.

Deputy Mayor Carrier said Dover Baseball opening day is Saturday, April 15, 2017.

16. ADJOURNMENT

Councilor Greenshields moved to adjourn; seconded by Councilor Shanahan.
Vote: 9/0.