

**MINUTES
DOVER CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR COUNCIL MEETING
JANUARY 12, 2005
7:00 P.M.**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Keays led the Pledge of Allegiance.

3. ROLL CALL

Those present: Councilors Perry, Lewis, Trefethen, Colwell-Ellis, DeDe, Mayor Pro-Tem Hindle, Councilors Keays, Mayberry and Mayor Myers. Also Acting City Manager Joyal was present.

4. PROCLAMATIONS/AWARDS

5. CITIZEN'S FORUM

The Mayor opened Citizen's Forum, seeing no one he closed it.

6. PUBLIC HEARINGS

- A. Resolution RE: Acceptance of Quaker Lane, Canney Lane and Overlook Drive as City Streets. Sponsored by Mayor Scott Myers, by Request

The Mayor opened the Public Hearing, seeing no one he closed it.

7. MINUTES

- A. Special Meeting/Workshop – December 1, 2004
- B. Regular Council Meeting – December 8, 2004
- C. Special Meeting – December 20, 2004

Hindle moved seconded by Trefethen to accept with all in favor.

8. REPORTS OF SPECIAL AND STANDING COMMITTEES

- A. Appointments Committee – Councilor Otis Perry **none**
- B. Arena Commission – Councilor Darlene Colwell-Ellis
- C. Arts Commission – Councilor Matt Mayberry

Mayberry stated the next meeting will be held on 2/8/05 at 6 pm in the back of the conference room because they are trying to see if we are finalists for the filming of a motion picture. This could be great news for Dover.

- D. McConnell Center Reuse Committee – Councilor Matt Mayberry
- E. Planning Board– Councilor Dean Trefethen - **Report Submitted**

Trefethen called their attention to the Tolend Road development and the proposed sewer the developer will be building. Also the developer would like to do a land swap with a small one acre parcel of City owned land for another parcel of about 17 acres and this will require council action in the near future.

- F. Cable Franchise Negotiations Committee – Councilor Doug DeDe
- G. School Board Liaison – Councilor Doug DeDe - Report submitted
- H. Solid Waste Advisory Commission – Councilor Otis Perry

Perry stated the Solid Waste Advisory met a month ago and meets again tomorrow evening. He stated we have purchased a Freon gas extracting machine for refrigerators and air conditioners as we do this ourselves at a much lower rate. He noted they are starting the budget cycles again for their review.

I. Transportation Advisory Commission – Councilor Jason Hindle – Report Submitted

Hindle stated he has presented a list of recommendations with regards to the Back Road re-construction project, he is open for comments. Perry asked where we go from here. Hindle believes with the adoption of his report that the recommendations listed that are 1 through 5 will be put into a pipeline to continue with the guidelines. Perry would like to debate these a little bit as he is interested in the striping issue. Hindle says the Planning Department had put together their recommendations with regards to the speed on that road. Perry says so this is the area that has not yet been paved. The second section still needs paving Hindle explained.

The Mayor says by accepting this report these will become effective as he thanked everyone involved in this issue. He too is in support of holding off before striping for the study to be complete. Trefethen is concerned about the timetable here. He is not sure how long it will take to finish this project. He's confused on whether we are waiting to do the finish coat of pavement and then striping. Hindle wants them to look at the study that is being conducted. Keays would like to know from Mike if we have the money to finish this job. Mike explained there was an appropriation made in last year's CIP and we have spent half the money so far. Keays figures come to \$283,000 that has already been spent. Mike is not sure he has the same figures. Keays says there was only \$300,000 allotted for Back Road. The Mayor says there was a letter that was mailed, to him last weekend indicating the \$283,000 that was spent on the project. He is waiting for Mr. Joyal to look over these numbers and get back to him. Joyal will have a full accounting in the next few days. Mike assured Keays there are encumbered CIP monies still available for the rest of this project. DeDe says one of the things that strikes him is the gravel part of the roadway and would it be appropriate to request of the cities legal division an opinion as to the responsibility of any accident that were to happen there and review if in fact the city ignored its own specifications and the local interested residents are concerned that we may have subjected ourselves to some liabilities. Lewis asked about the lines and are they in the center or just along the sides. Has the police department approved this. Hindle confirmed this saying they are part of the study. Mayberry asked Hindle if engineering was OK with the 22 feet. Hindle confirmed this and with regards to the bike path, they were happy to go along with the 22 feet. Perry asked if it is Hindle's intent that the project will be complete except for the final paving of all sections and then the six month period of study goes on. Otherwise it does not seem to him there will be a six month study period. Mayberry asked about the 6 month study and who is going to pay for it and why six months. Hindle says the Planning Board recommendation is for 6 months with all the traffic calming issues. Keays has walked the whole site with his brother a month ago and he noticed the survey stakes and marks on the telephone poles. He asked are we going to have to move them and what about all the stumps are we moving them also. Hindle has walked the road also and we will only have to move about 1 or 2 of the poles, nothing drastic. Trefethen asked if we should separate the reports to vote on them. He feels we should be having a resolution on this. Hindle apologized for having a report instead of a resolution. The Mayor wants to separate this. Joyal says they should just make it clear they are accepting the report. Lewis wants to table it to give the committee more time. Hindle says we have met for four months on this issue. He said they had hours upon hours of debate; you have given us a task and here is the presentation. Mayberry asked if we could toss in the word "whereas" and treat this as a resolution this evening. Perry says that this does not bind us by accepting this report. Mayberry just wants some middle ground. Accept it this month and then come back with a resolution next month. Trefethen understands what Perry is saying but he is not sure how this report is different from any other report. Perry says that is why he raised the issue. He feels Hindle agrees now and will come back with a formal resolution to resolve some of these issues.

J. Joint Building Committee – Councilor Jason Hindle

Hindle says the School Board had a Joint Building Committee meeting last night and they officially dissolved the JBC because their tasks of Horne Street, Dover High School and the first phase of the Garrison School project are now complete.

K. Recreation Advisory Board – Councilor Bob Keays –Report Submitted

L. COAST Bus – Mayor Scott Myers - No report

M. Joint Fiscal Impact Committee – Mayor Scott Myers

Hindle moved seconded by Mayberry to accept reports with all in favor.

9. MAYOR'S REPORT

The Mayor stated during the holidays things were quiet; he wants to go on record wishing Paul Beecher well at his new job in Kingman, AZ and welcomed Mike Joyal as acting City Manager. He reminded

everyone to get out and vote on Tuesday, January 18th at the Charter Commission Election. Hindle moved seconded by Trefethen to accept with all in favor.

10. CITY MANAGER'S REPORT

Mike Joyal took a moment to remember Chris DeWolf, a former Dover firefighter who was killed in an automobile accident this week. He then stated there are a few items on Economic Development; there are three companies interested in Enterprise Park and then some at Crosby Road and then the Cochecho River dredging that will allow us to continue with the Waterfront development. He then thanked all of them for their trust and faith in him as he looks forward to the transition. Hindle moved seconded by Perry to accept with all in favor.

11. UNFINISHED BUSINESS

A. ORDINANCES IN 2ND READING

B. ORDINANCES IN 3RD READING – NONE

C. RESOLUTIONS

1. Resolution RE: Acceptance of Quaker Lane, Canney Lane and Overlook Drive as City Streets. Sponsored by Mayor Scott Myers, by Request

Hindle moved seconded by Trefethen to adopt, motion passed on a roll call vote of 9-0.

2. Resolution RE: Authorization to Pay Legal Invoice. Sponsored by Mayor Scott Myers, by Request. **TO BE REMOVED FROM THE TABLE**

Hindle moved seconded by Perry to remove item from the table with all in favor. Hindle moved seconded by Mayberry to adopt. DeDe has a written statement for the record (see council folder of 1/12/2005).

Mike clarified that these comments are not part of the resolution. Perry too feels the bill was extremely high. He does not subscribe to the idea that there was an adversarial conversation. He feels we do have to pay it. Motion to adopt passed on a roll call vote of 6-3 with Perry, Colwell-Ellis and Keays opposed.

12. NEW BUSINESS

A. CONSENT CALENDAR

1. Raffle Permit – St. Mary Academy
2. Raffle Permit – Riverside Rest Home
3. Raffle Permit – Dover Little Green Cheerleading

Hindle moved seconded by DeDe to grant with all in favor.

B. RESOLUTIONS

1. Resolution RE: Award of Blanket Purchase Order for Miscellaneous Work Boots/Shoes and Fitness Footwear. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Keays to adopt. DeDe stated he is aware of the fact there is a union regulation that allows the purchase of these but is there any kind of control over the employee in place. Joyal assured them there is and he will be happy to explain it to them. Mayberry asked about the fitness footwear, Joyal explained it is a requirement of the fire fighters must remain as it is in their contract. Motion passed on a roll call vote of 9-0.

2. Resolution RE: Award of Purchase Order for Installation of a Handicap Ramp Automated Snow Melt System. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Lewis to adopt. Mayberry asked why we must spend this amount of money on a melting system. Paul Chalue explained why we have to have a melting system. He says this resolution is for the

pumps and heat exchanger that starts when it gets cold enough. This area has to be kept clear because the handicapped use this and it subjects us to a severe liability when not working. Colwell-Ellis asked about the company working on it. Paul Chalue says they are the only one that has access to the controls on the system. Keays asked Paul if this is really a necessity to use \$13,000 – \$15,000 to keep the ramp clear. Paul stated he has no one working tonight to clear the ramp and it is raining ice, he continued most of his employees are out plowing tonight. Lewis says isn't the reason for this is so that a person with a pair of crutches needs to have the pavement continuously clear. Motion passed on a roll call vote of 9-0.

3. Resolution RE: Award of Purchase Order for Professional Design Services for Relocating the Varney Brook Force Main. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Motion passed on a roll call vote of 9-0.

4. Resolution RE: Award of Bid #B05030 Renovations and Upgrades to Charles Street Pump Station. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Trefethen to adopt. Trefethen asked as one of the duties of the waterfront committee, is this going to solve the problems. Joyal says that Charles Street is not the answer to this problem; that would be the Varney Brook Force Main. Motion passed on a roll call vote of 9-0.

5. Resolution RE: Award of Bid #B05033 for Dump Body, snow Plow/Frame and related Equipment. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Trefethen to adopt. Motion passed on a roll call vote of 9-0.

6. Resolution RE: Award of Bid #B05034 for Front End Loader with Snowplow Equipment. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Trefethen to adopt. Mayberry asked about the loader, Joyal says this was on last month's CIP agenda. Keays noticed the loader was a John Deere and he wants to know why we did not get a Case. Joyal says we are trying to standardize the fleet. Motion passed on a roll call vote of 9-0.

7. Resolution RE: Adoption of the City of Dover Hazard Mitigation Plan. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Trefethen asked what hazard are we mitigating. Assistant Chief Ron Clymer from the Fire Department is here to explain that the federal government says if you want to go ahead and develop a plan and that you must have a hazard mitigation plan that will prevent a hazard. They received a grant and the plan was developed almost 2 years ago but it took a long time for the government to get back to them. In the plan they identify a number of issues. He continued with the explanation. DeDe feels this is strange that we must adopt this mitigation plan and is there any financial obligation with this. Joyal says there is no commitment for any expenditure of funds. It will help us with structural improvements in the City. This is a priority list to satisfy the federal government. DeDe asked why does this rise to the level of a formal resolution. Mayberry says he agrees with DeDe this one time. Lewis feels that he talked to someone about this issue today and this is just in anticipation of what might happen in the City and is for the federal government. Mayberry moved to table this item to the February meeting with Trefethen seconding the motion so they can each have a copy of the plan. Clymer will provide them a copy of the plan as soon as possible before they adopt it. Motion passed to table on a vote of 7-2 with Keays and Lewis opposed to tabling.

Hindle moved seconded by Mayberry to suspend the rules to introduce items 12B-8 and 12B-9. Motion passed on a roll call vote of 9-0.

8. Resolution RE: McConnell Center Oversight Committee. Sponsored by Mayor Pro-Tem Jason T Hindle.

Hindle moved seconded by Mayberry to adopt the McConnell Center resolution. Hindle thanked Lewis and the Mayor for their help on this issue. Lewis stated he is happy to support this item. The issue is with the financial record of this project. He asks for one minor change in the now therefore by adding

“management development entity” instead of “governing entity” with Perry seconding the motion. Perry asked if there is a term of office for the committee and are the citizens to be appointed going to be appointed by the appointments committee. Hindle says the term is a term that this council is directing and will end in December of 2005 and if the new council wants them to continue, they can appoint them. And secondly the Mayor will make the recommendations in his report. Motion on the first amendment passed on a vote of 7-2 with Keays and Trefethen opposed to Lewis’s motion. Perry moved to amend the now therefore section by adding “that they be nominated by the Mayor and appointed by the City Council” and also after “facility” “and dissolved by 12/31/2005”. Lewis seconds the motion. Hindle says the incoming council will appoint a follow-up committee to take over. Trefethen feels the purpose is to have the committee to coincide with who is in office at the time and they may not be in agreement with them. Perry says if we wanted to have a committee with a life of its own, we would have to establish it by ordinance. The Mayor is looking for expertise in this committee. Motion on the second amendment passed 6-3 with Mayberry, Keays and Trefethen opposed. Trefethen is opposed to this entire resolution. The Mayor is looking for people to appoint along with a couple of councilors. The main motion passed as amended on a roll call vote of 7-2 with Trefethen and Keays opposed.

9. Resolution RE: Ratification and Confirmation of Adoption of RSA 162-G sponsored by Mayor Scott Myers by request.

Hindle moved seconded by Mayberry to refer to a public hearing on 2/9/2005 with all in favor.

C. ORDINANCES IN 1ST READING

1. Ordinance #01-01/12/2005 – Chapter 166, Vehicles and Traffic, Section 166-50, Schedule C, Stop Intersections, Pleasant View Circle, Hampshire Circle and Mineral Park Drive. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission. ***(To be referred to a public hearing on 02/09/05)***

Hindle moved seconded by Mayberry to refer to a public hearing on 2/9/2005 with all in favor.

2. Ordinance #02-01/12/2005 – Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at any time, Mill Street. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission. ***(To be referred to a public hearing on 02/09/05)***

Hindle moved seconded by Mayberry to refer to a public hearing on 2/9/2005 with all in favor.

3. Ordinance #03-01/12/2005 – Chapter 166, Vehicles and Traffic, Section 166-50, Schedule C, Stop Intersections, Overlook Drive, Quaker Lane, Canney Lane. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission. ***(To be referred to a public hearing on 02/09/05)***

Hindle moved seconded by Mayberry to refer to a public hearing on 2/9/2005 with all in favor.

4. Ordinance #04-01/12/2005 – Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at any Time, Overlook Drive, Quaker Lane and Canney Lane. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission. ***(To be referred to a public hearing on 02/09/05)***

Hindle moved seconded by Perry to refer to a public hearing on 2/9/2005 with all in favor.

D. COUNCIL CORRESPONDENCE

1. Letter of Thanks – Seacoast Grower’s Assoc.
2. Wetlands Application – Mrs. Walter Ham

Hindle moved seconded by Perry to accept and place on file with all in favor.

13. COUNCIL MATTERS OF INTEREST

Lewis stated he has only been on the council three months and he has had a couple of citizen's issues. He made a telephone call to Tom Clark and one of the issues was resolved immediately. Also Dean Peschel helped inform him about the odor issue. He also went to the employee party over the holidays and he is very comfortable with the employees here at the City; he wanted to recognize all of them. Perry says as one of the only councilors left on the council who was on the Council when they hired Paul Beecher, he wanted to recognize him saying one of Beecher's attributes was he allowed his department heads to do their job.

Perry also recognized Hindle for the good job they did on Back Road; he realizes there was confusion during the reports and he will look forward to the resolution next month.

Keays wants to get some of the new sidewalks in the city plowed. He relies on the sidewalks and he knows the answer he will get is going to be shorthanded. He would like a sidewalk plow put out during the day. Joyal says that is a good comment, but we only have a couple of pieces of sidewalk equipment and this is a challenge anyway with the telephone poles. Staff does the best they can.

Trefethen says it has been alluded to on the charter commission in the newspaper and the thought is there is no requirement of the groups to identify themselves. He urged the anonymous groups to identify themselves so people would know who to call to make comment to on their articles. He wished the groups would be a little more forthcoming.

Lewis stated today he took advantage of Joyal's invitation to the council to come to see him on the first and second Wednesday of each month between 12 and 1 PM to speak with him.

Keays stated when he is out walking, he has noted that Sixth Street is a brand new road, and when you are running big 10 wheelers up over that road, he knows the City never weighs a truck, if it lasts another 2 or 3 years, we will be lucky. We spent \$2,000,000 up there a few years ago and they are raising hell up there with the road. He continued we had a problem on Columbus Avenue and we re-did that road at least three times since 1992.

14. ADJOURN

Hindle moved seconded by DeDe with all in favor about 9 pm.

**Judy Gaouette,
City Clerk**