

**MINUTES
DOVER CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR COUNCIL MEETING
JANUARY 14, 2004
7:00 P.M.**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Colwell-Ellis led the Pledge.

3. ROLL CALL

Councilor DeDe, Mayor Pro Tem Hindle, Councilor Keays, Mayor Myers, Councilors Perry, Reese Trefethen and Colwell-Ellis were all present along with City Manager Beecher. Councilor Mayberry was absent.

4. PROCLAMATIONS/AWARDS

5. CITIZEN'S FORUM

John Scruton of 99 Sixth Street is here for the open space issue. This is one of best and slowest ways of curbing growth. If you use open space right, you won't have to continue to build schools. We have just added 20 more classes to the school system; somehow this has to be brought under control. Once you have your open space the lawns grow into forests.

Seeing no one else, the mayor closed citizen's forum.

6. PUBLIC HEARINGS

- A. Resolution RE: Acceptance of the remaining portion of Danielle Lane and Benjamin Way as City Streets. Sponsored by Mayor Scott Myers, by Request. **(See Item 11C-1)**

The Mayor opened the public hearing, seeing no one he closed it.

- B. Resolution RE: Appropriation for FY05 City Capital Improvements Program and Authorization for Bonding. Sponsored by Mayor Scott Myers, by Request. **(PUBLIC HEARING ONLY)**

Councilor Mayberry arrived at 7:15 PM

Joyce Elkouarti, Chair of the OLC, is here to urge them to vote for the one million for open space. The leftover \$600,000 does not go very far, the time to take action is now; she thanked them for their past support.

Jean Briggs, Chair of the Ready To Learn Task Force, is here for the McConnell Center. She stated their decision tonight on the McConnell Center is part of a bigger plan; this will be multi purpose and multi generational, they have submitted a grant to help them. They are in hopes that next January they will come before us with a list of names of occupants.

Liz Dubois is here as a resident and educator in the Dover school system. As an educator she has witnessed what an opportunity the proposed consent for the McConnell Center can be. She realizes the importance of early intervention; children who do not have the benefits of medical care are put at a disadvantage. She encouraged them to vote for this CIP request.

George Niles of 200 Sixth Street stated in the past 15 years there are 8 new roads, he supports the bonding for open space; open space is nice.

Jim Verschuere, the director of the adult learning center, is here tonight for the ready to learn program at the McConnell Center, he urges support of this CIP project.

Wendy Scribner of 130 Henry Law Avenue is here to support the Planning Board's allocation for 1 million for open space.

Donna Leighton of 161 Back River Road is here to urge the City Council to vote for the one million for open space, she read a prepared statement. She feels this resembles the right to speak out for open lands; this is her idea of democracy.

Seeing no one else, the Mayor closed citizen's forum.

7. MINUTES

- A. Regular Council Meeting – December 10, 2003
- B. Organizational Meeting – January 5, 2004

Hindle moved seconded by Perry to accept, all were in favor.

8. REPORTS OF SPECIAL AND STANDING COMMITTEES

- A. Appointments Committee – Councilor Otis Perry

Perry stated they had a quick introductory meeting and reviewed the situation for vacancies on the boards and commissions, there are 3 vacancies: on the Arena, DUC, and Trustee of Trust Fund plus we have several boards we need alternates on. If anyone is interested, they should go to City Clerk's Office for an application. They did have two applications for the OLC and they recommend that Sherri Towle and Kim Kolby be appointed when the council approves the expansion to the committee, Colwell Ellis abstained.

- B. Arena Commission – Councilor Darlene Colwell—Ellis

No meeting to report, it will be the 3rd Tuesday of each month.

- C. Arts Commission – Councilor Matt Mayberry

Mayberry reported that their first meeting will be held the first Thursday of month in February at 5:30 p.m. in the Auditorium.

- D. Planning Board– Councilor Dean Trefethen

No report.

- E. School Board Liaison – Councilor Doug DeDe

Dede stated he witnessed the meeting on TV, and they had dealt with basic organizational matters.

- F. Solid Waste Advisory Commission – Councilor Otis Perry

Perry stated they meet monthly to consider the Solid Waste Program and to discuss trash and recycling items. They met with a Mr. McCann who makes a recycling too available and it is called a recycling wheel. They would like to purchase some and hand them out discretionally. Perry reminded people we do not pick up Christmas trees; you will have to take them to the recycling center. Keays asked are we recycling our own trees or are they going out to contract. Perry says we are partially doing them and some are going out to contract. Keays says we did have a chipper how come we can't do our own trees. Pete says a contractor that has been taking our brush and will be taking the chips free of charge. Is he purchasing the chips; Keays also wondered if this is in Dover. Pete says it is in Lee. Mayberry asked is that person then selling them, Pete says there is not really any value to them.

G. Transportation Advisory Commission – Councilor Jason Hindle

Hindle invited fellow councilors to a meeting in the auditorium on 1/21/04 where Rizzo Associates will be doing a presentation. Also the regular meeting of the TAC will be held on Tuesday night at 7 pm. Keays asked about a study on River Street and when we allocated the money for that do we consider River Street the downtown area, Hindle says it is now part of the downtown.

H. COAST Bus – Council Jerry Reese

No report

Perry says by accepting this report the above mentioned people two will be appointed to the OLC. Hindle moved seconded by Mayberry to accept. All were in favor.

The Mayor then explained each individual councilor will be submitting their committee report electronically.

9. MAYOR'S REPORT

The Mayor thanked everyone for the inaugural ceremony. He stated he met with the Swiftwater Girl Scout troop to donate cookies to the troops overseas. Also on January 28th we will leave an option to go into a meeting to vote on the CIP. He appointed two people to DEDC and reappointed Deb Dineen and Dana Lynch, their term will end 12/31/2006, and by accepting this report these two appointments will be made. Perry moved seconded by Trefethen, all were in favor of the motion.

10. CITY MANAGER'S REPORT

They already have his written report and in addition to that we have had five snow incidents this year and it has cost \$85,000 so far.

Scott McIntire is here to give an overview of the auditors report and financial report. He quickly reviewed what he feels is a clean audit opinion on the City's financial statements and is completely in agreement with the auditing standards in the United States. He highlighted some of the pages, he urged them to read some of the analyses starting on pg 25 thru 27 that are now required of the GAZBY statement # 34 (Governmental Accounting Standards Board) report. He then asked them to focus again on page 28; this is where people will judge the financial position of the City. The fund balance represents about 6 ½% of the entire annual budget. The management letter has three recommendations in the report. Mayberry had a question on page 28 to help him understand the unreserved amount of 7.6 million, in capital projects. Scott says these are many of the grants, revolving accounts and special revenue funds. The 4.1 million are unspent bond proceeds when the City sells bonds this is bond proceeds. Perry asked is there a place to find where that money has been obligated. Scott explained where he would find the answer. Hindle asked from the auditor's standpoint how we are doing at the ice arena with their enterprise funds. Scott is aware of this and for FY03 it still has continued to cause a drain on general fund.

Hindle moved seconded by Mayberry to accept, all were in favor.

Trefethen has a question on the City Manager's report. He noticed a lot of the line items are more than 50 percent spent. The City Manager says this is common for this time of year. All were in favor of accepting the report.

11. UNFINISHED BUSINESS

A. ORDINANCES IN 2ND READING - NONE

B. ORDINANCES IN 3RD READING - NONE

C. RESOLUTIONS

1. Resolution RE: Acceptance of the remaining portion of Danielle Lane and Benjamin Way as City Streets. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Perry to adopt; Trefethen will abstain. Motion passed on a roll call vote of 8-0.

12. NEW BUSINESS

A. CONSENT CALENDAR

1. Raffle Permit – Saint Mary Academy
2. Raffle Permit – Saint Mary Academy
3. Raffle Permit – Riverside Rest Home
4. Tag Permit – Dover Southside Little League
5. Tag Permit – Dover Little Green Cheerleading
6. Parade Permit – Hope Chapel Assembly of God (Gathering in Henry Law Park)

Hindle moved seconded by Colwell-Ellis to grant. Perry moved to remove, Reese will abstain from voting. Mayberry moved seconded by DeDe to grant items 1 -5 with all in favor. On item 6 Perry wonders if the event is open to the public. Gary Bannon says the park remains open, they only are using a portion of it, and they are paying a fee. It is not exclusive; people walking by can join in. Mayberry moved seconded by Hindle 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 Mayberry to adopt. Perry asked what the financial impact is, the City Manager says it is \$1,000 -2,000 per year. Motion passed on a roll call vote of 9-0.

2. Resolution RE: Authorization for the Continued Use of the State of New Hampshire Department of Transportation Fuel Distribution System for City of Dover Vehicular Gasoline/Diesel Fuel Requirements. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Reese to adopt. Perry asked has there been any thought to establishing one of our own. The City manager says we decided after digging up our own on River Street it would be more cost efficient to go up to the State's facility and use that, motion passes 9-0 on roll call vote.

3. Resolution RE: Award of Purchase Order for the Continuation of an Agreement to Supply City Employees with Work Uniform Rental and Cleaning Services. 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 #B04016 for the Installation of an Ultraviolet (UV) Disinfection System at the Wastewater Treatment Facility. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Reese to adopt. Perry wants to know why it is being awarded to the second lowest bidder. The City Manager says they have not had good experiences with the low bidder. Reese asked if this is a replacement. Pete says there is an old consent decree, and it is an upgrade to meet the EPA's permit, they will be changing the type of lights and inspections. It will give up more power and be a different kind of system. DeDe asked if this is a mandated thing, Pete says yes it should be completed by September and we will be reimbursed at 20% by the State. Motion passed on a roll call vote of 9-0.

5. Resolution RE: Award of Purchase Order for a Pick-up Truck Cab and Chassis. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Colwell-Ellis to adopt. Keays asked Pete to tell us what year it is and will it be traded in. Pete explained the old one will be passed down to another department. Keays wants to know how many trucks there are in the sewer department. Perry asked about the \$18,000. Pete says the reason that we are using the same State bid is the \$25,000 is cumulative. Motion passed on roll call vote of 9-0.

6. Resolution RE: Award of Purchase Order for Excess Workers' Compensation and Employer's Liability Insurance Coverage. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Reese to adopt. Mayberry asked can municipalities bundle to get a better rate, the City Manager says we self insure so all we are doing is getting coverage from the leftover of what we do in house. Reese asked about the last whereas based on a payroll of 37 million dollars and is the School Board also on this policy. The City Manager will find this information out for them. Motion passed on a roll call vote 9-0.

7. Resolution RE: Award of Purchase Order for Additional Professional Consulting Services for the Cochecho River Dover Landing Dredge Project. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. The City Manager gave a brief overview saying Geo Insight has been working with the City. A little over a year ago PSNH had been required to clean up the mess they have made in the past, it was most cost effective for PSNH to put their spoils in the same dredge cell as us. As a result of that decision, the EPA felt we should use the same engineer for the contract. The reason we don't have a signed contract as yet is we are waiting for the Army Corp to come up with a set of guidelines. Perry asked if the contract is for design work, the City Manager says it has to do with aspects, and we have already reached an agreement on the number of yards. Keays asked if this is an added cost to the money allocated before. The City Manager says we will be reimbursed by PSNH. Motion passed on a roll call vote of 9-0. The City Manager added John Peltonen will be present to update us in February and he will include this item also.

8. Resolution RE: Award of Bid #B04019 for Waste Water Treatment Plant (WWTP) Outfall Improvements. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Reese to adopt. DeDe asked for an explanation. Pete explained the outfall is somewhat like a pipe with holes and sediment has filled it, the EPA is requiring that we go back and clean it out and add ducts that will prevent sediment from getting in in the future. Motion passed on roll call vote of 9-0.

9. Resolution RE: Formation of a Joint Building Committee for Construction and Renovation at Horne Street School, Dover High School and Garrison School. Sponsored by Mayor Scott Myers.

Myers moved seconded by Reese to adopt. Myers wants to appoint two members from the City side for the new Joint Building Committee. He continued he has discussed this subject with Dot Hooper, chair of the School Board and Marge Fisher and Nick Skaltsis will continue to serve on the school side and he is appointing Mayor Pro Tem Hindle and Earle Goodwin to serve from the City side on this project. DeDe seconded the motion, Hindle will abstain. Motion passed on 8-0 vote.

10. Resolution RE: Fiscal Year 2004 Budget Amendment #3. Sponsored by Mayor Scott Myers. ***(To be referred to a public hearing on 01/28/04)***

Hindle moved seconded by Trefethen to refer to a public hearing. All were in favor of the motion.

11. ***Resolution RE: Discretionary Easement for Public Benefit. Sponsored by Scott Myers by Request.***

Hindle moved to suspend the rules to introduce this item seconded by Mayberry. Motion passed on a roll call vote of 9-0.

Hindle moved seconded by Mayberry to adopt. Mayberry has a question about the 20 year time period as it looks like we are losing 20 years of taxes then it can be passed on to the heirs and developed. The City Manager expects the easement goes with the land, the 20 years is the extent of time that is allowed by law. And it abuts other open space; Mayberry wants the City to have first refusal after the 20 year period. The City Manager will check with Planning and the Open Lands; we would need a separate agreement. Perry asked the tax implications of the easement; the City Manager says it is not

that great. DeDe does not understand the implications of the RSA. DeDe also feels the open lands have a set of criteria to examine a parcel, he would like them to take a look at this, he will not vote in favor of it. Colwell-Ellis asked if the lot abutting it is protected. Mayberry will support this and feels we can work this out in 20 years. Reese made a motion to amend, DeDe seconded the motion and would like this referred to the Open Lands Committee for a recommendation; Perry is not in support of the amendment because the people making the grant are already on the OLC. DeDe says originally the owner was but that is now not true and he has not been associated with the OLC for two or three years. The City manager wants to move this to the meeting of the 28th. Reese moved to withdraw his amendment, and move it to the 28th, Perry seconded the motion. All were in favor of tabling until the 28th.

C. ORDINANCES IN 1ST READING

1. Ordinance #01-01/14/2004, Chapter 131, Offenses, Section 131-17, Use of tobacco products in Henry Law Skate Park. Sponsored by Councilor Dean Trefethen. ***(To be referred to a public hearing on 02/11/04)***

Hindle moved seconded by Reese to refer to a public hearing, all in favor of the motion.

2. Ordinance #02-01/14/2004, Chapter 109, Fire Prevention and Life Safety, Section 109-29A-Reimbursement Costs Pursuant to RSA 153:A:24, Driving While Intoxicated Accidents and other Criminal Acts. Sponsored by Mayor Scott Myers, by Request. ***(To be referred to a public hearing on 02/11/04)***

Hindle moved seconded by Mayberry to refer to a public hearing, all in favor of the motion.

3. Ordinance #03-01/14/2004, Chapter 109, Fire Prevention and Life Safety, Section 109-33, Public Safety Amplification System Required in Large Facilities. Sponsored by Mayor Scott Myers, by Request. ***(To be referred to a public hearing on 02/11/04)***

Hindle moved seconded by Reese to refer to a public hearing, all in favor of the motion.

4. Ordinance #04-01/14/2004, Chapter 3, Administrative Code, Section 3-59, Recreation Advisory Board, adding Council representative. Sponsored by Mayor Scott Myers. ***(To be referred to a public hearing on 02/11/04)***

Hindle moved seconded by Mayberry to refer to a public hearing, all in favor of the motion.

C. COUNCIL CORRESPONDENCE

12. COUNCIL MATTERS OF INTEREST

Reese asked for input for the ordinances on fire next month. Reese also wants real estate people there; the City Manager will have a representative there. Hindle asked the City Manager and Myers to give details on the retreat on January 24th at the Public Works facility at 9 AM where Gerri King will facilitate. There will be coffee and donuts and lunch will also be provided. Perry has had complaints from Erik Drive residents on that Pump Station; he would like them to take a look at it. Mayberry reminded everyone of the Presidential Primary Election on the 27th and to get out and vote. Keays has something in his mind for about 4 months now; he requested a report on the ice arena and he has never received a report, it is running in the red up there, the City Manager and his Assistant should make it a point to see how it is being run. He wants a report from last May up to the present also on how much has been spent on the ball fields on Garrison Road and how much money is left in the fund and is this money supposed to go for new fields or fields already in existence. The City Manager says a percentage can go to both funds. He and Mayor Nossiff are waiting for this report. The City Manager believes he already gave them this report but he will get him another. Keays cannot decipher the City Manager's report as written. In addition, DeDe explained about voter registration at the polling place

and that those people that are listed as independent can vote in this election. The City Clerk clarified that there isn't any independent party in NH; these people are all undeclared and they can declare a party on election day and vote.

14. ADJOURNMENT

Reese moved seconded by Hindle to adjourn. All were in favor at 8:30 p.m.

Judy Gaouette, City Clerk