

**MINUTES
DOVER CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR COUNCIL MEETING
MARCH 10, 2004**

6:00 P.M.
COUNCIL CHAMBERS

CITY COUNCIL PHOTO WITH THOM HINDLE

PLEASE BE PROMPT

6:30 P.M.
**NON-PUBLIC SESSION
CITY MANAGER'S OFFICE**

The City Council will be meeting in closed session to discuss matters relating to personnel matters.

NOTE: This meeting is not open to the public per RSA 91-A:2 (c).

7:00 P.M.

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**

Hindle led the Pledge of Allegiance.

3. ROLL CALL

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

4. PROCLAMATIONS/AWARDS

5. CITIZEN'S FORUM

Don Medbury of 3 Covered Bridge Lane wants to initiate a discussion regarding Waste Management. He attended a Rochester Planning Board meeting recently to discuss their new contract which will run from 2012-2020. He wants to be on record with the problem of foul odors as they are more prevalent than they wish to acknowledge. The foul odors travel far further than originally thought, two miles was original effected area, now it goes much further. Complaints have fallen on deaf ears, Mike Guilfoy of NHDES claims there is very little smell and says DES receives very few complaints. He has been told there is not much we can do about it. He has told them this is not acceptable. Some people have said they have given up, the officials should wake up and take note there is methane gas and it is released into the atmosphere, since the Rochester facility is located on the northern border, the winds blow and bring these gases to our community. 55% of this is methane and 45% is carbon dioxide and 2% is considered other and it only takes a thimble full to permeate the whole area. He is giving a copy of a report done by Cornell University on sludge to each councilor. He distributed one to each continuing he wants to go on record to all realtors that they are in direct conflict of the realtors code for not disclosing this info to a person purchasing a home here. We are downwind from that facility, we cannot see it but

we sure can smell it. He urged them to participate in the Rochester Planning Board's discussion on this issue.

Ron Huml of 199 Mast Road is here about the school budget, he has been watching their meetings on TV, he was confused so he went and got info from the superintendent today, he explained one of the amounts on the bottom of the page of his handout. His local school property tax is going up 35% this year, but with the state money being returned, it comes out to a 10% increase. He would like their budget presented in two sections with # one being an adequate education and # 2 the school side. This is not anything anyone can afford. We are picking up a lot of the States responsibility. He would like them to take a close look at this.

Jim Verschuren of 102 B Sixth Street is here from the Ready to Learn Task Force on the McConnell resolution. Earle Goodwin and Amy Criswell are here backing him up. He stated they are all committed to making this building the best thing for this City. They received a grant award of \$15,000 to help with hiring a planning consultant to help with some of the upgrades and should have something to them by the end of the year.

Eric Sweetser of 2 Wallingford Street and President of Save Dover is here on three issues. He thanked Chief Plummer for trying to bolster his revenue. Today he had meetings with insurance companies and they do make allotments for emergency response. With regards to DEDC obtaining ownership, it is a good idea but he would like the council to retain the final authority. Also he wants to know what the unforeseen circumstances were with regards to the dredge spoil cells that increased the costs. The Mayor stated this would be addressed under that resolution this evening.

John Scruton of 99 Sixth Street is here in regards to the waterfront. Last week, he kept hearing condos and hotels were to be put on the only green space we have left in Dover. He would like them to get the cars out of there; he also heard the 35 acres would be put on the tax rolls. Every time you put more on the tax rolls the taxes go up. He does not think we should increase the traffic in Dover, there are enough cars now. He would like to see some farmers on the DEDC, we are engaged in sprawl, we have over 200 acres of farmland on Sixth Street he does not call this a success. He feels we need to keep the rural climate of the City. He wants us to stay the way we are. We have everything in the world in this City.

Brian Keegan of 166 Central Ave and of the UNH cycling team is here in support of their resolution on tonight's agenda. He stated they will be holding an eastern championship race here in Dover. There will be 300 racers in the downtown area, there will be spectators and racers to bring money into to the City. They will volunteer to do bike safety presentations if necessary.

Jack Story President of the Greater Dover Chamber of Commerce stated he also wanted to commend the Fire Chief for thinking outside of the box; they are pleased with his initiative and thinking, don't stifle that just because we did not agree with this idea. The Greater Dover Chamber is pleased you have chosen to make the waterfront a priority for this council. As you know the city has spent over 35 million dollars on this project since 1990. He has been involved with the council (in 1990) previously, and he mentioned the waterfront task force and the professional design Charrette. The Chamber is here to have the vision and keep the dream alive. The Chamber would like to create more public access and to return the area to the tax rolls; when they introduced this in 2002 they specified that those designs were to continue earlier design efforts. Until 2002 no one had seen any of these designs as to what the waterfront could become. They have been on display and the response has been over whelming. These designs are simply alternatives. There are 100 acres of park land including the park on the waterfront; they are envisioning the development on the one side of the river. From a developers perspective, there are several issues remaining, he listed some issues. To that end the Chamber's Board of Directors urges the Council to transfer ownership to the DEDC or similar commission, as they feel they will be able to guide the development of this important project. He concluded by thanking them for their commitment in this project.

Kevin Quigley of 8 Woodman Park Drive is here on two issues, He is also concerned with Waste Management and with the noise of them picking up rubbish barrels at 5:30 am as this is a little too early. He has not received good information when he was on the council, it was flawed regarding this issue. Also he is here for the waterfront, he spent the day in Portsmouth recently and they are as excited as we are about this development, he too hopes DEDC is allowed to do this. We will have a park and commercial use down there, keep the dream going.

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

6. PUBLIC HEARINGS

- A. Ordinance #05-01/14/2004, Chapter 166, Vehicles and Traffic, Schedule I: No Parking Any Time, Wildewood Lane. Sponsored by Mayor Pro Tem Jason Hindle. **(SEE ITEM 11A-1)**

Seeing no one, the Mayor closed the public hearing.

7. MINUTES

- A. Special Meeting/Workshop – February 4, 2004
- B. Regular Meeting – February 11, 2004

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

8. REPORTS OF SPECIAL AND STANDING COMMITTEES

- A. Appointments Committee – Councilor Otis Perry - No Report
- B. Arena Commission – Councilor Darlene Colwell-Ellis

Colwell-Ellis stated the staff was excited about changes and progress they are making. They will be going to be expanding the winter session of the adult hockey teams and also a new program called the Winter Learn to Skate program is underway and the monthly revenue for January reached a new amount of \$175,000. The concession stand increased and had a profit for this month, the Seacoast Hockey Tournament will be taking place, the spring and summer ice schedules are being finalized. Also they are working on energy savings. DeDe asked about the marketing endeavors they are working on. She replied they are working on a women's hockey league, and trying to expand with more teams.

Arts Commission – Councilor Matt Mayberry - No report.

- C. Planning Board– Councilor Dean Trefethen (see Council folder of 3-10-2004)

Mayberry asked about the site walk for the potential car wash and when will that happen, Trefethen says the project was tabled last night. He does not have a time line as yet.

- D. School Board Liaison – Councilor Doug DeDe (see Council folder of 3-10-2004)

- E. Solid Waste Advisory Commission – Councilor Otis Perry

As the Solid Waste Advisory meets the day after this regular meeting. He is reporting on the 2/13 meeting where there was a discussion on Christmas trees. He announced the construction and demolition debris scale will be opening on April 6th. Mayberry asked about the poor quality of trash bags, Perry stated he will bring this issue up at their meeting. Mayberry asked when is the spring clean up. Perry does not know yet.

- F. Transportation Advisory Commission – Councilor Jason Hindle (see Council folder of 3-10-2004)

He encouraged the UNH cyclists to attend their meetings as they are cognizant of cyclists.

- G. COAST Bus – Councilor Jerry Reese - no report
- H. Joint Building Committee – Councilor Jason Hindle (see Council folder of 3-10-2004)

- I. Joint Fiscal Impact Committee – Mayor Scott Myers (see Council folder of 3-10-2004)
- J.
- K. Recreation Advisory Board – Councilor Bob Keays

Keays attended his first meeting on March 8th at the Butterfield Gym. There were 7 members present. He learned Pepsi Cola will donate 3 score boards and \$500 to have them installed. Gary Bannon's report said they are seeking bids for the concession for the ball fields on Garrison Road and that two of the softball fields will open this spring. Also the improvements to Henry Law Park will be finished this year.

Hindle moved seconded by DeDe to accept; all were in favor.

9. MAYOR'S REPORT

The Mayor stated that he had helped kick off the Dover Reads Program with School Superintendent Armand LaSelva. Matt Mayberry and Jeb Bradley (Congressional member) also attended. He also attended the Dover Recreation Heyliger awards ceremony along with Darlene Colwell-Ellis where they gave out the volunteer of the year awards, it was a great evening to remember. The City Manager and he met with staff at Wentworth Douglass Hospital to discuss behind the scenes activities going on in the community. With the acceptance of the Mayors report, he appointed Jon McCallion to the DEDC.

He also read the list of names (see 3/10/2004 council folder) to be appointed to the Adhoc McConnell Center Committee. He then formally appointed DeDe to the cable renewal committee.

He stated they, went on facility tour a couple of weeks ago, it was a full day and very enlightening. He continued, we have several Dover teams in the finals so get out and support them. Also as Darlene Colwell-Ellis had mentioned we have the Yankee Conference coming to the arena where we will be having over 700 hockey players, coaches, supporters and their families. He urged everyone to come see this for good high school hockey. Mayberry asked about the appointment to the DEDC, what qualifications were you looking for when you appointed Jon. The Mayor explained the willingness to serve and new faces were some of the things he was looking for. Mayberry feels it should have been a downtown business owner. The Mayor continued he was looking for a person with a business background and a variety of views. Hindle moved seconded by Mayberry with all in favor.

10. CITY MANAGER'S REPORT

The City Manager responded to a recent email that came to all of them regarding railroad correspondence but since the gentleman that sent it could not be here this evening, he will cover this next month. Next he usually does not respond to letters to the editor, but in this case he feels it important to respond, this is on the budget and Attorney Wattendorf has received a letter as well as all the rest of them. If the individual had been courteous enough to ask him in person he would have answered it sooner. In answer to accusation point #1, that he has imposed a change to the charter. In Dover we have been operating under the City Manager form of government since 1962 and under the same charter and the manager duties have not changed since then. He continued about point #2, that the City Manager has ignored the existing city charter, as he said before this in not true. He listed all the points in the letter and defended them and gave his interpretation of the charter; he hopes that those who have worked with him over the years know these accusations are not accurate. Also there was another issue raised about how much money the school board has turned back to the City over the years. These are not really accurate numbers so he gave an analysis from the city treasurer, on audited money over the last five years. He explained, the school has turned back \$6,694 to the general fund and the City has turned back 4.4 million dollars over the last five years. He urged them not to be misled by these statements. Mayberry asked will someone be present from the school department during the budget process. The City Manager confirmed this. He asked about the night club safety

violations that he has read about recently, the City Manager explained they try to work out any violations with the building owner before starting the court process.

DeDe asked in regard to the response to the newspaper allegations, can the council do line item reviews. The City Manager confirmed this. Also on the line items in the salary section is there a breakdown in the number of hours on the overtime as well. The City Manager assured him there was. They cannot adjust an individual's salary though. Hindle moved seconded by Perry to accept, all were in favor.

11. UNFINISHED BUSINESS

A. ORDINANCES IN 2ND READING

1. Ordinance #05-01/14/2004, Chapter 166, Vehicles and Traffic, Schedule I: No Parking Any Time, Wildewood Lane. Sponsored by Mayor Pro Tem Jason Hindle.

Hindle moved seconded by Mayberry to adopt. Trefethen wants more detail on this item. Hindle says when the design was originally brought to the City, the width of the street was narrower than currently called for in the code from an enforcement matter this makes sense. If someone has a concern from that neighborhood, why is this street narrower than our approved standards. Stancel came forward to answer. Stancel says in the planning process, the developer came up with 24 feet instead of the required 28 feet of roadway. The Planning Department's recommendation to the TAC is to have no parking on only one side. Trefethen feels this is a problem with new streets and in this case of the deal that the developer has made with the City, we need to recognize that this is a problem. The people on these streets should be allowed to have friends over or have a party, etc and when they do this parking ordinance will be a problem. Hindle explained the reasoning that every request has come from neighborhoods and they brought this request back to the TAC for clarification. Nine out of ten times they do agree with planning, but this neighborhood has asked for further restrictions though. DeDe explained that he was at that meeting and what took place that night is what was worked out in a cooperative manner with give and take. Motion to adopt passed on a roll call vote of 8-0.

B. ORDINANCES IN 3RD READING - NONE

C. RESOLUTIONS - NONE

12. NEW BUSINESS

A. CONSENT CALENDAR

1. Tag Permit – Dover Youth Football
2. Tag Permit – Girl Scout Troop 2015
3. Raffle Permit – Greater Dover Chamber of Commerce
4. Parade Permit – Dover Track Boosters
5. Parade Permit – Portsmouth Christian Academy

Hindle moved seconded by DeDe. All were in favor of granting.

B. RESOLUTIONS

1. Resolution RE: Award of Bid #B04024 for Specialty Vehicle Fabrication Services: Police Mobile Command Center. Sponsored by Mayor Scott Myers, by Request

Hindle moved seconded by Mayberry to adopt. DeDe wants to know exactly what we are putting on these vehicles. The Police Chief says this is being purchased with homeland security money; this will be a mobile command unit and it is fully reimbursed. Motion passed on a roll call vote of 8-0.

2. Resolution RE: Award of Purchase Order for Specialized Police Crime Analysis Computer Software. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. DeDe asked is this homeland money; the Chief explained it is not. This allows us to do computer analyses; they found this money in savings in their

accounts. Motion passed on a roll call vote of 8-0.

3. Resolution RE: Appropriation of Funds for the Sixth Street New Water Main Installation Project. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Motion passed on a roll call vote of 8-0.

4. Resolution RE: Award of Purchase Change Orders (3) for Additional Dredge Cell Design, Construction Oversight and Administration Services. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Dean Peschel came forward explaining the change order was in three pieces. He addressed them in reverse order saying last May the previous Council hired GEO insight for a specific scope of work so the Council was asked if the City could do this. GEO insight was limited because we did not know if we were ready to do the construction. Item #3, the larger number is for an engineering oversight costs once the cell is starting to be filled up, the cell is constructed with 80%. DeDe asked on #3 would it be appropriate to substitute the word "management" for oversight. Dean says this is what the managers do during the construction process. Now DeDe understands. Perry asks is this because the dredge is going to take longer than we thought. Dean says the actual construction didn't begin until October, so they were a month behind schedule already so they decided to wait to put in the liner in the spring. The cell will be done in July and will be filled during two dredge seasons. Then it has to just sit for a while. Mayberry asks about our final costs, Dean says these costs are part of the overall costs of the cell and will be reimbursed to the City thru the tipping fee. Dean continued about item #1, The Leak Detection System, when originally designed it was not included, then came item #2, this came up when the State of NH required this, the engineers were designing this and it went out to bid in the mean time the State was looking at it and the state had required this. It was an interactive process and they have been very helpful in working with us. Motion passed on a roll call vote of 8-0.

5. Resolution RE: Creation of An Ad Hoc Committee to Explore the Reuse of McConnell Center as a Multi-Tenanted Community Resource Center. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. The Mayor stated the committee will have a comprehensive plan by the end of 2004. Trefethen feels we may have a slight conflict with the CIP as we said we were going to do this towards the end of the year instead of in January. The City Manager feels it can happen simultaneously with the Planning staff working on it. There will be structural things for us to take care of. Motion passed on a vote of 1 -7, Keays opposed.

6. Resolution RE: Transfer of City-owned Cocheco River Waterfront Property to the Dover Economic Development Corporation. Sponsored by Mayor Scott Myers.

Hindle moved seconded by Mayberry to adopt. The Mayor explained his resolution. He gave a brief history of what the involvement of the DEDC has had to date in the development. He referred to the 1996 Waterfront Charrette; he would also like a copy of this put on the City website. He feels if another council was to come in and change the direction from here, a developer is not going to be interested in dealing with the City. This will be a risk we take if the City maintains ownership. He listed off some of the items in the Charrette. He mentioned the Pacific Mills Predevelopment Master Plan that was started in 1984, 20 years ago, and still goes along with those guidelines. If we do not transfer the ownership, maybe they can still have the lead roll in this. He does not feel the Council would have the time to devote to this on a day to day basis. He does not want to weaken the process but he would agree to this. We need to trust the process then vote it with a straight up or down vote. This is an important step and he feels it is an important discussion. He would like to move it to a workshop session on 3/31. DeDe says the issue of transferring the ownership to a single entity for the purpose of negotiating on a day to day basis is very valid. By the same token while the transfer is being made, the language here talks about in the third line in the 'now therefore' section for developing this sight. He feels the openness of the park on this sight should include the sight in its entirety and the third point is the fact of words describing the impervious surfaces, as one of the agonies that the City went through on zoning issues. He continued on

with his views. This effort is going to be enjoyed by and impacts the entire City. So neighborhood impact is important but needs to be defined for a wide segment of the City.

Keays has something that has been bothering him, we have a home that sits in the middle of this area belonging to the McCoole's and it is right in the center of this land, he does not want this home to ever be destroyed. He has had the opportunity to be inside it and it used to be a county jail, he does not know how they are going to work around this. He feels this should be preserved. Also with the lift station there he knows for a fact it could drive you right out with the smell in the summer. Will we have to spend another million dollars to get rid of the smell. He is sure that the people that buy this land wouldn't want to smell that. Bob does not know how you are going to over come these problems. The Mayor says as to the McCoole piece of property this certainly has historical significance; if that was to come into city hands, he knows it should be preserved and they will be allowed to maintain their ROW access. Hindle added to his proposal of a workshop on the 31st; he now wants the DEDC and Planning Board members there and also we should open the podium for anyone who would like to speak as well. We can work on a timeframe for speakers. It will be up to this Council to decide and put the shovel in the ground so to speak. He feels the DEDC would be a great organization to take this over. He recommends that people should go the public go to the library to see all the plans that have been proposed, also it should be put in Foster's and on open mic, Mike Pomp's radio show, as well as on the City website so the public can become educated. Myers moved seconded by Mayberry to move to a workshop and public hearing on 3/31, all were in favor.

7. Resolution RE: Award of Purchase Order for Continued Professional Legal Services: Tolend Road Mitigation, Cochecho River Dredge Project, Wastewater Treatment Plant (WWTP) vs. Environmental Protection Agency (EPA). Sponsored by Mayor Scott Myers by Request.

Hindle moved seconded by Perry to adopt. The City Manager wants to take out "vs EPA" out of the title and resolution. This will go into a legal account for those funds. Motion passed on a roll call vote of 8-0.

8. Resolution RE: Closing A Portion of Downtown Dover for the Eastern Collegiate Cycling Conference Championship. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. DeDe wants to know how traffic is going to be directed on this race. The Police Chief explained the simple answer is there is no set route yet; they have not designed an alternate route as yet. It is overtime and the UNH cycling people are paying for it. All were in favor.

9. Resolution RE: Acceptance of the Action Plan and Expenditures for the Fiscal Year 2004 CDBG Entitlement Funds. Sponsored by Mayor Scott Myers, by Request. ***(To be referred to a public hearing on 04/14/04)***

Hindle moved seconded by Perry to refer to a public hearing on 4/14/2004. The Dover Planning Board will be holding a workshop on March 16, 2004, at 7:00 PM in the Council Conference Room, 288 Central Avenue, to discuss the Community Development Block Grant program (CDBG).

Trefethen explained the Planning Board started the process by reviewing the requests and there are always more requests than money available. Motion passed by all on a hand vote.

C. ORDINANCES IN 1ST READING

1. Ordinance #06-03/10/2004, Chapter 166, Vehicles and Traffic, Schedule A: One Way Roadways, Lincoln Street. Sponsored by Mayor Pro Tem Jason Hindle, Transportation Advisory Commission. ***(To Be Referred to a Public Hearing on 04/14/04)***

Hindle moved seconded by Mayberry to refer to a public hearing on 4/14/2004. Motion passed on a vote of 8-0.

2. Ordinance #07-03/10/2004, Chapter 22, Ethics Code, Amend section 22-4, Add Sections 22-13 through 22-18. Sponsored by Councilor Otis E. Perry. ***(To Be Referred to a Public Hearing on 04/14/04)***

Hindle moved seconded by Mayberry to refer to a public hearing on 4/14/2004. Motion passed on a vote of 8-0.

D. COUNCIL CORRESPONDENCE

1. Wetlands Permit Application – The New Meadows

Hindle moved seconded by Mayberry to accept and place on file, all were in favor.

13. COUNCIL MATTERS OF INTEREST

The Mayor thanked everyone on the council who has been submitting their committee reports. He stated he had neglected to mention the Dover's 150th committee and it was decided that Cathy Beaudoin, Jason Hindle, Thom Hindle, Jack Buckley, Gary Bannon, Carol Boc would be the core committee to get things organized.

14. ADJOURNMENT

Hindle moved seconded by Trefethen to adjourn at 8:55 PM, all were in favor.

**Judy Gaouette,
City Clerk**