

FEBRUARY 5, 2003  
6:00 pm  
CONTINUATION  
of  
MINUTES  
DOVER CITY COUNCIL  
REGULAR COUNCIL MEETING  
JANUARY 15, 2003

1. ~~MOMENT OF SILENCE~~

2. ~~PLEDGE OF ALLEGIANCE~~

3.

The Mayor called the meeting to order saying this is a continuation of the last meeting. He also stated we have a resolution on the agenda tonight for the brave astronauts who gave their life this past weekend.

4. ~~ROLL CALL~~

Councilors Hindle, Keays, Mayberry, Quigley, Tweedie, Whitmore, Christenbury, Mayor Nossiff present. Mayor Pro-Tem Dunnington arrived at 6:25 pm.

5. ~~PROCLAMATIONS/AWARDS~~

6. ~~CITIZEN'S FORUM~~

7. ~~PUBLIC HEARINGS~~

A. ~~Ordinance #35-11/13/2002, Chapter 170, Zoning, Various Sections. Sponsored by Councilor Parks Christenbury, Planning Board Representative. (SEE ITEM #11B-2)~~

The Mayor indicated with respect to the wetlands and rezoning that there were several concerns. Stancel and Tom Clark, the building inspector, will work out the amendments and not behind closed doors as David Scott wants to be fully involved, Stancel will have an open door policy. The Mayor continued to explain the way the new zoning amendments would work, saying we will have regulations on how the process will be handled. He stated Whitmore's new amendment to the zoning on agriculture that we passed, could not be done legally, so that is also a work in progress and Stancel's door is still open on this issue as well.

B. Resolution RE: Appropriation for FY04 Capital Improvements Program and Authorization for Bonding. Sponsored by Mayor Alexander G. Nossiff, by Request. **PUBLIC HEARING ONLY**

Hindle stepped in to fill in as Mayor Pro Tem.

The Mayor opened the public hearing.

Wendy Scribner of 130 Henry Law Avenue is the vice chair of open lands. She urged the council to support the Planning Board's recommendation. She explained the benefits of having open lands in the City. She urged them to support the CIP for 2004 and 2006 with open space bonding.

Arthur Mitchell 28 Bellamy Road lives in the house right across from the entrance of Bellamy Park, he is here about the traffic on his road and thought input would be helpful. So far no one has been killed on his road, but the traffic has increased tremendously. The parking in the lot across from him has increased each day as well. He continued to explain all the safety concerns he has along with the accidents that have occurred on that road. So far each time people have been lucky without many

injuries. The police are good at covering the area but they can't be there all the time. He has attended a State of NH traffic calming procedures meeting. He continued to read a prepared statement about all the problems with the high volume of traffic there as well as the commuter traffic, there is a need for attention to the road; he wants them to give this matter their serious concern.

The Mayor responded that Mr. Mitchell should give his concerns to Jason Hindle, chair of the Transportation Advisory Committee.

Dr. Howard Williams of 18 Lisa Beth Circle stated Hindle has been meeting with the neighborhood along with the Planning Department, there have been a lot of traffic changes on his road as people commute from the Rt. 4 light at the end of Back River/Piscataqua Road up thru and cross onto Bellamy Road, there are about 3100 cars thru this area each day, the road has gotten to be a very popular road. The use of this road instead of Dover Point Road is a safety issue and a very serious issue especially in the summer and fall with kids on all the sports fields that are located on the road. There have been many accidents at the intersection of Lisa Beth Circle from people coming over the hill; this is a real safety hazard as a whole. He urged them to give this matter their attention.

Richard Hughes of 51 New Rochester Road, re the FY04 CIP, he urged them to hold the bottom line in each category: city, school, and enterprise funds, etc. He urged them to please take this into consideration when they vote next week. He thanked the council for their marathon meeting on zoning last week.

Jim Oschman of 31 Whittier Street is here in support of the bonding for Open Space, he likes the quality of life here. He urged them to please not dilute the funding. He thanked all involved; this is something that will affect the quality of life of their children and grandchildren for a long time to come.

Peter Schmidt of Fourth Street, and Representative of District 70, Wards one and two in the State Legislature is here to urge support of land preservation. He urged approval of the open space bonding in the CIP. This is a cost that the city must bear in the long term; the Planning Board is doing a great service by this recommendation. He urged them to fund the full 2.5 million dollar recommendation.

Joyce El Kouarti of 120 Bellamy Woods also the chair of Dover Open Lands committee also urged the council to fund the open space bonding request. She too urged them not to dilute the amount. She feels this is an appropriate amount to bond.

Donna Layton of 161 Back River Road came to ask the council to support the bonding as presented by the Planning Board. The Planning Board unanimously voted for the full amount and they did so because they want to protect land and keep taxes down. She was watching a documentary on Teddy Roosevelt last week and he had mentioned that we needed to preserve open space. She urged the council to support this item.

Seeing no one else the Mayor closed the CIP public hearing.

***(SEE ITEM #12D-4 – Signed Petition – Bellamy Road Residents)***

- C. Resolution RE: Fiscal Year Budget Amendment #3. Sponsored by Councilor Parks Christenbury III. ***(SEE ITEM #11A-1)***

Richard Hughes 51 New Rochester Road states unless there has been a change in position by council members, this will be approved easily. What specific account will this be taken from and what effect will it have on the current FY03 budget and/or the fund balance.

Seeing no one else the Mayor closed the public hearing.

- D. Ordinance #37-12/11/2002, Chapter 22, Code of Ethics, Repeal Sections 22-13 through 22-23, Article IV, Complaint Procedure; Sanctions. Sponsored by Councilor Parks Christenbury. (**SEE ITEM #11A-2**)

Seeing no one else the Mayor closed the public hearing.

## 8. MINUTES

- A. Council Workshop Meeting – December 4, 2002
- B. Regular Council Meeting – December 12, 2002
- C. Special Council Meeting – January 6, 2003

Hindle moved seconded by Tweedie to accept, all in favor.

## 9. REPORTS OF SPECIAL AND STANDING COMMITTEES

- A. Transportation Advisory Commission – Councilor Jason Hindle

Hindle stated he will forgo his two reports tonight.

- B. Joint Building Committee (Horne Street School, DHS Mezzanine) – Councilor Jason Hindle
- C. Planning Board – Councilor Parks Christenbury

Christenbury confirmed the Planning Board's door is open and the only issue they had this week is whether McKone Lane is a public way.

- D. Solid Waste Advisory Commission – Councilor Thomas Dunnington

No report.

- E. Arena Commission – Brenda Whitmore

Whitmore says the request for a proposal for a study of the arena will come in and be available by the next meeting. Hindle moved seconded by Tweedie to accept, all in favor.

## 9. MAYOR'S REPORT

There is none.

## 10. CITY MANAGER'S REPORT

The City Manager stated relative to snow removal costs \$196,000 had been budgeted and they have spent to date \$237,000. He also mentioned that one of our mechanics, Mike O'Brien had been called up to service by the reserves today, he wished him well. He then stated that in order to level fund the budget he would have to cut it by 3.7million dollars, 39 positions would be eliminated. This would include six fire fighters that would have to be eliminated and two part time clerical positions. This would result in closing the South End Station for six months of the year. Also the police would have to reduce police patrols by fourteen positions; it would also reduce foot patrol and eliminate the horses. We would loose 1-2 people out of every department if level funding was passed. Thirty nine positions would be eliminated; customer service would take a big hit in city hall. It would reduce the hours of the library. He would also eliminate all outside funding, there would be no money for Main Street, COAST,

the Senior Center, the Arts Festival, etc, and there would be no money for anybody if we were to reduce to level funding. Personal expenses are scheduled to go up; these costs are roughly 72% of our total costs. The Mayor thanked him as well as Christenbury for getting the momentum going in the budget process. Dunnington is here now. Mayberry asked the City Manager for an over view of how our general assistance fund is doing. Beecher says we are going to be over in expenditures by \$80,000 - \$100,000 in human services. By State law we cannot turn anyone away. Mayberry asked about the recent downtown business closings and if business assistance could do anything. The City Manager stated he has a program that we could run a rapid response. We have worked with Moore Business Forms along with other businesses in the past in trying to keep them in Dover. Mayberry also asked if the current military pay program is still in place and should we bring forward a resolution for funding for general assistance. The City Manager stated we would address this issue at a later time along with the snow removal deficit.

Keays asked what is the staffing in the Police Department and the Fire Department. The City Manager said he will provide that information to him.

Whitmore asked if there was a cap on the general assistance fund or are we obligated to spend whatever is needed. The City Manager replied whatever is needed, this is a State law. Tweedie moved seconded by everyone, all in favor.

## **11. UNFINISHED BUSINESS**

### **A. ORDINANCES IN 2<sup>ND</sup> READING**

1. Resolution RE: Fiscal Year Budget Amendment #3. Sponsored by Councilor Parks Christenbury III.

Christenbury moved seconded by Tweedie to adopt. The City Manager commented, we are recognizing an additional \$100,000 from revenue of vehicle registrations and charging it to the school department. Whitmore asked what will Beecher be using the \$100,000 for, will it be used for an arena study. The Mayor says the lines are in the sand on this issue and the school department is running in the surplus right now. Tweedie agrees but he also felt the newspaper article was wrong; there are a lot of accounts in the red. The Mayor says Mr. Lasalva answered two weeks ago that they currently had a surplus. Mayberry asked if we wanted Mr. Skaltsis to speak on this, the Mayor says no, no, Mayberry continued a promise is a promise. Keays says he cannot support this resolution and he really does believe in the schools, why are we going to give them another \$100,000. That is play money for them, with the economy as it is, we should tighten our belts a little bit. Quigley too, is disappointed that the \$100,000 is back in for the City side, the City Manager clarified he was mistaken; it is not on this resolution.

Motion passed on roll call vote of 6-2, Keays and Quigley opposed.

2. Ordinance #37-12/11/2002, Chapter 22, Code of Ethics, Repeal Sections 22-13 through 22-23, Article IV, Complaint Procedure; Sanctions. Sponsored by Councilor Parks Christenbury.

Christenbury moved seconded by Hindle. Christenbury explained the ordinance. That it denied due process, we need to be proactive and not reactive. The approach should be based on education and training. Out of a sow's ear, we are going to make a purse. The Mayor says the board has been a failure. Dunnington also agrees with Christenbury on this issue that we need to find a new method to address this thru education; the Chamber of Commerce is also getting involved. Motion passed on a roll call vote of 8-0.

### **~~B. ORDINANCES IN 3<sup>RD</sup> READING~~**

**1. ~~Review of Zoning Protest Petitions/Correspondence~~**

- ~~A. Nancy K. Quinlan – Amendment #10~~
- ~~B. Nancy K. Quinlan – Amendment #14~~
- ~~C. Nancy K. Quinlan – Amendment #15~~
- ~~D. Marilyn E. Follansbee – RE: Amendment #6~~
- ~~E. Stanley Goldberg – Amendment #13~~
  
- ~~F. PLANNING DEPT. MEMO RE: Proposed Wetlands Ordinance Changes~~
- ~~G. David Scott – Amendment #26~~

- ~~2. Ordinance #35-11/13/2002, Chapter 170, Zoning, Various Sections. Sponsored by Councilor Parks Christenbury, Planning Board Representative.~~

**C. RESOLUTIONS**

**12. NEW BUSINESS**

**A. CONSENT CALENDAR**

1. Raffle Permit – Riverside Rest Home
2. Raffle Permit – Saint Mary Academy

**B. RESOLUTIONS**

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

Dunnington moved seconded by Tweedie and Keays. Motion passed on a roll call vote of 8-0.

2. Resolution RE: Award of Change Purchase Order for Additional Engineering Design Services for the Henry Law Avenue Reconstruction Project. Sponsored by Mayor Alexander G. Nossiff by Request.

Dunnington moved seconded by Mayberry to adopt, motion passed on a roll call vote of 8-0.

3. Resolution RE: Establishing a Municipal Records Committee. Sponsored by Councilor Jason Hindle.

Hindle moved seconded by Tweedie to adopt, motion passed on a roll call vote of 8-0.

4. Resolution RE: Appointments to the Open Land Committee. Sponsored by Councilor Jason Hindle, Chair, Appointments Committee.

Hindle moved seconded by Tweedie to adopt, motion passed on a vote of 8-0.

5. Resolution RE: Authorization to Abandon Franklin Court Right-of-Way and Convey Same to First Savings and Loan Association. Sponsored by Mayor Alexander Nossiff, by Request.

Dunnington moved seconded by Tweedie, Whitmore and Mayberry to adopt, motion passed on a roll call vote of 8-0.

- ~~6. Resolution RE: Acceptance of Wildewood Lane, Boxwood Lane and the Remainder of Cottonwood Drive as City Streets. Sponsored by Mayor Alexander G. Nossiff, by Request. ***(To be referred to a public hearing on 02/12/03)***~~
- ~~7. Resolution RE: Fiscal Year 2003 Budget Amendment #4—Capital Reserves. Sponsored by Mayor Alexander G. Nossiff, by Request. ***(To be referred to a public hearing on 02/12/03)***~~
- ~~8. Resolution RE: Amendment to City Charter—Sections C2-11, Recounts/Contested Elections; C2-13, Display of campaign materials at polling place restricted; C3-3, Selection of Mayor and Mayor Pro Tem; C10-2, Conflicts of Interest. Sponsored by Mayor Alexander G. Nossiff, by Request. ***(To be referred to a public hearing on 02/12/03)***~~
- ~~9. Resolution RE: Amendment to Dover Utility Commission Rules and Regulations—Section 2- Charges and Billings—Mobile Homes. Sponsored by Mayor Alexander G. Nossiff, by Request. ***(To be referred to a public hearing on 02/12/03)***~~

### **C. ORDINANCES IN 1<sup>ST</sup> READING**

1. Ordinance #01-01/15/2003, Chapter 166, Vehicles and Traffic, Section 166-56 and 166-57 – No Parking – St. Thomas Street. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

Hindle moved seconded by Tweedie to refer to a public hearing on February 12<sup>th</sup>, 2003. All in favor.

2. Ordinance #02-01/15/2003, Chapter 166, Vehicles and Traffic, Section 166-56, No Parking at Any Time, Court Street. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

Hindle moved seconded by Tweedie to refer to a public hearing on February 12<sup>th</sup>, 2003. All in favor.

3. Ordinance #03-01/15/2003, Chapter 166, Vehicles and Traffic, Section 166-53, Schedule F, Commercial Vehicle Travel Restricted, exempting School Buses. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

Hindle moved seconded by Tweedie to refer to a public hearing on February 12<sup>th</sup>, 2003. All in favor.

4. Ordinance #04-01/15/2003, Chapter 100, Elections, Adding Section 100-5, Elections Assistants. Sponsored by Councilor Matt Mayberry.

Whitmore moved seconded by Tweedie to suspend the rules to substitute the ordinance as a whole, motion passed on a roll call vote of 8-0. Mayberry moved seconded by Tweedie to refer to a public hearing on February 12<sup>th</sup>, 2003. All in favor.

### **D. COUNCIL CORRESPONDENCE**

1. A T & T Broadband – regarding merger and name change
2. Wetlands Application – Paula Forbes
3. Wetlands Application – Gregg Gentile
4. CIP Petition – Requested Priority Allocation for Improvements to Bellamy Road

Tweedie moved seconded by Hindle to accept and place on file. The City Manager asked them to accept item 12D-1 under protest, Tweedie moved seconded by Hindle. Motion passed by all.

**Resolution RE:** Honoring the Men and Women of Space Mission STS 107 Space Shuttle Columbia. Sponsored by everyone.

Hindle moved seconded by Christenbury to suspend the rules to introduce the Columbia Space Shuttle resolution, all in favor. Hindle moved seconded by Tweedie to adopt, all in favor.

**12 B 10.** Resolution RE: Dover School District Adequacy Grant. Sponsored by Councilors Tweedie, Christenbury, Whitmore, Mayberry and Dunnington.

Tweedie moved to suspend the rules to introduce item 12B-10, seconded by Whitmore. Motion passed on a roll call vote of 8-0. Tweedie moved seconded by Whitmore to adopt, motion passed on a roll call vote of 8-0. Whitmore wants a signed copy of the grant resolution sent to the state delegation as well as the governor.

### **13. COUNCIL MATTERS OF INTEREST**

Tweedie moved seconded by Whitmore on committee assignments, *correction, motion passed on a 7-1 vote, Quigley opposed.*

The Mayor stated Whitmore has worked hard to set up a schedule for the budget, she also wants the workshops broadcast for the public.

Christenbury says during a storm there were freebie papers being distributed on the roadway. He asks staff to contact Fosters to get this issue under control, again he asked Mr. Beecher to take care of this issue so we won't have to do an ordinance.

Mayberry steps back to adopt the budget schedule, Dunnington wondered about any conflicts. The Mayor says everyone will have so many conflicts with this but come if you can, all in favor.

Mayberry mentioned he wants people at the upcoming ribbon cuttings at Holy Rosary Credit Union and AFLAC. Mayberry also reminded everyone there will be an Arts Commission meeting tomorrow at 4:30 pm at the Fire House Restaurant. He continued that he and Whitmore attended the Dover Video Club's film festival for films done by local officials and citizens, it was great.

The Mayor appointed Earle Goodwin to the Building Committee, seconded by Tweedie, all in favor. The Mayor then re-appointed Robert Paolini and George Maglaras to the DEDC on a motion by Hindle seconded by Tweedie, all in favor.

Keays asked Mr. Beecher about the four new police cruisers and why are they sitting over at the community building (Mast Road) for the past four months. Mr. Beecher stated back on September 11<sup>th</sup>, we came to council for replacement vehicles. At that time Captain DeColfmacker had explained that we had to get our order in ahead of time, because it takes a few months to get the vehicles in service, or we were not going to be in the process. Now we are losing another mechanic to the military service, so the process will be delayed even further.

### **14. ADJOURNMENT**

Christenbury moved seconded by all, all in favor.

Judy Gaouette,  
City Clerk