

**MINUTES  
DOVER CITY COUNCIL  
REGULAR COUNCIL MEETING  
FEBRUARY 12, 2003  
CITY COUNCIL CHAMBERS  
7:00 P.M.**

**1. MOMENT OF SILENCE**

**2. PLEDGE OF ALLEGIANCE**

Tweedie led the Pledge of Allegiance.

**3. ROLL CALL**

Councilors Hindle, Keays, Mayberry, Quigley, Tweedie, Whitmore, Christenbury, Mayor Pro-Tem Dunnington and Mayor Nossiff were all present.

**4. PROCLAMATIONS/AWARDS**

The Mayor recognized the Eagle scouts in the audience and read the proclamations for each one, Justin Turgeon and John Michaud. He then read the proclamations for principals, Francis McNally and Dr. John O'Connor.

**5. CITIZEN'S FORUM**

Carl Feren of 56 Wildewood Lane is here to object to the first item, an acceptance of Wildewood Lane as a city street. He has sent letters from his attorney as well as emails to each of the councilors. The street could be accepted with one minor stipulation, he and his wife own 64 acres with a 50 foot right of way to his property line behind Alden Woods. He had given a map of his property to each of the councilors. He then explained the problem about Stabile, the developer, to the council; the abutters at 46 Wildewood Lane were misinformed and thought they needed to give this gentleman a right of way across their property. This is incorrect. There is a mailbox that shows the approximate location of the edge of Wildewood Lane and then a telephone pole that is 9 feet back from the mailbox. He is asking that the mailbox post and a stake fence be moved back in line to where the telephone pole is and in line with the other mailboxes on the street. This is the only condition that he would like addressed before accepting the city street.

Ron Huml of 199 Mast Road is here for the CIP and the amount of retired debt and the amount of money for green space, he asked is this money for a purchase, lease or rent of green space. He then feels the school budget should be submitted in two categories, the first in what is authorized for an adequate education and the second in all the other items. Next, he commented on his social security and military retirement that went up 1.4% this year and his total property tax that has gone up to roughly \$6,000 and this is more than 20% of what he receives in retirement. He recommends a 2 ½ or 3% max, next year he recommends level funding. He continued about when he worked at the hospital. His question is why did we approve union contracts with a 5+% increase. You could reduce all workers by 4 hours per week and not have layoffs. You could have the county run the ambulance service because he says people are tired of scare tactics. He continued, his natural gas went up 284% last year. He is offering a free service to the council for anyone that wants help in going thru the budget.

Doug DeDe of 143 Locust Street is here to address the open space bonding issue on the agenda. He stated many considerations have been addressed. When open space is bonded it is putting a mechanism into place, if there is no bonding in place the city would have to let the developers develop

the piece of land if desired. The bonding issue is a good thing and will in the long run reduce taxes in the City. This has been a very careful deliberate process.

Mr. Glen Jerry of Wallace Drive, stated he was appalled and insulted last Wednesday by the City Manager's statements in the newspaper that threatened us in order to hold the line on spending. He continued that the city manager stated he would have to sacrifice fire and police to hold the line on spending. The city charter puts the issue into the City Manager's hands to take care of the budget; he feels Mr. Beecher is smarter than that; Mr. Beecher has the control, much more so than the council. He listed the charter provisions that Mr. Beecher is in control of. He suggested Whitmore and Tweedie could stop the bleeding of the arena; the citizens have taken the brunt of the tax increase over the last 2 years. The tough decisions are really the City Managers. He wants the council to hold him to this. He will be running in ward 5 in the municipal election this fall.

Tom Fargo, 14 Cobble Hill Drive, Chair of the Conservation Commission, had a map he put up of the two parcels they wish to purchase. He explained one is on Whittier Street and one on the Cocheco River with about ½ mile of frontage along the river. These parcels represent about 25 acres and they were prioritized by the Conservation Commission and Open Lands Committee. He wants to separate this project from other projects like the bonding for open space. The State has created a way for monies to be assessed when land is taken out of agricultural use and put into a fund. We have enough money in the fund to go forward with this project. In addition, the LCHIP matching grant provides for this, he asks that the council allow them to accept this property, the cost is \$340,000. With the grant, this land will remain as open space and undeveloped forever. This property is the next step in protecting land along the "green belt" that is the north portions of the Cocheco River for public access. He urged them to pass the LCHIP resolution.

Dr. Howard Williams of 18 Lisa Beth Circle thanked the council for allowing the citizens of Bellamy Road and Lisa Beth Circle to have their say on Bellamy Road. He feels the plan that has been worked out will go a long way in solving the problem. He urged them to support the funding.

Richard Hughes of 51 New Rochester Road read a prepared statement on the upcoming budget. With all the new expenditures, the tax rate will be around \$4. per thousand. The City Manager has stated he will cut 39 positions if we cut the budget to the current years spending level even though councilors passed resolutions in November to hold the budget in check. He continued about what he has read in the paper regarding labor contracts. The city is trying to advertise for bids for more items to purchase when welfare, fuel and snow removal is out of control. He urged them to hold the line on the CIP. He also urged them to carefully scrutinize any expenditures on the agenda.

Joyce El Kouarti, of 112 Bellamy woods and chair of the Open Lands Committee is here to urge their support in the bonding expenditure of open lands, the property must be an incredibly outstanding property, for them to consider it, she explained the criteria. Of all the items on the CIP, she suggests that open space is the only one with a long term return. They will have taken a giant step towards achieving their primary objective of stabilizing the tax rate with this bonding.

George Niles of 200 Sixth Street supports the bonding of open space in 2004 and 2006.

Irene York of 5 Union Drive is here about a safety issue at Union Drive and Court Street, where there have been several near misses. She continued you cannot see around that corner, this is just waiting for a serious accident to happen; she would like a 4 way stop there. Also the one way sign is down on Union Street so people are going both ways up and down the street. Also she mentioned that the vision coming out of Union Street in either direction is prohibited because of parked cars. The lines could even be redrawn back further. She has a suggestion and that is that the city ask for volunteers to help with the redrawing of lines during the summer months.

Norm Champagne of 13 Church Street says tonight is really about the CIP passage. He was impressed about the Planning Board's meeting on open space, most of the people that spoke said they

came to Dover for the open space because they could not drive their bicycles or walk on trails where they came from. This land on the river is not land that is going to be built on, it would be nice to have trails and picnic areas on the river but if it encourages more people to come to Dover, it is defeating the purpose of bonding the land. Some of the city positions have to go if there is going to be any reduction in the budget. The thing that is going to cure things is we employ too many people, with the total payroll in the city and health insurance; it has become an impossible situation. We just can't get around it, we cannot afford the number of people that we have right now. He knows Tweedie and Whitmore don't like to hear about the arena but we need to have someone take a good look at it and adjust the fees for the ice time. Now that it (the arena) is built, we will have to make the best of it but that does not mean we have to lose money year after year. He cannot afford his taxes anymore. He mentioned campaign promises that had been made to him while they were running their campaigns.

Cheryl Downs of 200 Sixth Street is in support of open lands in Dover, she feels this will help us stabilize the tax rate here in Dover.

Jack Story of 2 Chartergrant Road and President of the Chamber of Commerce thanked the council for changing the zoning, the chamber believes the next step is the bonding of open space to preserve the issue of the flurry of building to the riverfront, he continued to point out how this will benefit Dover in the years to come.

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

## **6. PUBLIC HEARINGS**

- A. 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.

Seeing no one, the Mayor closed the public hearing.

- B. Resolution RE: Fiscal Year 2003 Budget Amendment #4 – Capital Reserves. Sponsored by Mayor Alexander G. Nossiff, by Request.

The City Manager stated staff has pulled this item.

- C. 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.

Glen Jerry commented again, he is concerned about the term "indirect", he has read what the city attorney has said and he understands we are not in compliance with State law but he wonders about a conflict of interest. The Mayor explained we cannot have questions and answers in a public hearing.

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

- D. 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.

Seeing no one, the Mayor closed the public hearing.

- E. 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 Comm.

Seeing no one, the Mayor closed the public hearing.

- F. 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.

Irene York stated on the Court Street issue that it is quite narrow and this would be a good idea.

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

- G. 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.

Seeing no one, the Mayor closed the public hearing.

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

Seeing no one, the Mayor closed the public hearing.

## 7. MINUTES

- A. Regular Council Meeting – January 15, 2003 (Part 1)
- B. Regular Council Meeting (continuation of 01/15/03) – February 5, 2003

Dunnington moved seconded by Mayberry to accept. Quigley stated on item 7B, page 7 and #13, on matters of interest, it was not an all in favor vote, as he was opposed to the committee assignments, the vote should have been 7-1, Quigley opposed. The Clerk will correct this item. All were in favor of motion to accept.

## 8. REPORTS OF SPECIAL AND STANDING COMMITTEES

- A. Transportation Advisory Commission – Councilor Jason Hindle

Hindle stated that the TAC will meet on 2/26 and again on 4/16 at 7pm. They have booked the auditorium for TAC issues in April; any issue pertaining to this item can be addressed at that time.

- B. Joint Building Committee (Horne Street School, DHS Mezzanine) – Councilor Jason Hindle

Hindle stated the next meeting will be held on 2/15.

- C. Planning Board – Councilor Parks Christenbury

Christenbury reported the Planning Board met last night to work on definitions for farming items, which Whitmore had been concerned with on the rezoning, as well as the impact fee schedule. Also they approved the first large piece with an alternative sub-division and over 25 acres of it will be transferred to a nature conservancy. There will be large portions of land that will have green space and this will reduce development by 75%. He hopes this is a sign of developments to come. There will be walking paths and nature trails, Mayberry would like to recommend a guide for the public so that all citizens know that they can have access to the trails in the subdivision.

- D. Solid Waste Advisory Commission – Councilor Thomas Dunnington

Dunnington stated there is no report but there will be a meeting tomorrow night at 6:30 pm and it will be open to the public.

- E. Arena Commission – Councilor Ray Tweedie

Tweedie has good news for once saying a delinquent account has been paid on time, they have looked at a preview of their budget with a restructuring of fees for rental of ice time so they can try and make a profit. They have received nine bids back on having a study to make the facility more profitable.

Christenbury asked what the deficit was for last year, Tweedie says \$197,000 for last year and it was \$600,000 plus in the red for the last fiscal year. Quigley has a question on the electricity in the two arenas; he would like an update on what has been done in this area. Another thing is the shortfall of \$197,000, we are in the most profitable season of the arena, right now, the other issue is what is really causing this deficit, is it the utilities or the operation of the arena. Tweedie can answer the electricity question. They have asked PSNH to come help manage these expenses. We now have an actual track record to go by and the study will help address the operation.

Keays asked what it costs for one hour of skating for a club. Tweedie says there are three sets of numbers: peak, off peak and contract negotiated time; Tweedie explained how some of the ice time was contracted at a lower rate. In the contracts there were no provisions for raising utilities costs, we are not renting ice time at the right rate. Keays wants to know why Rochester has been run in the black for the last 4 years and why we are running in the red. Tweedie says that is part of what we are analyzing. Keays says Rochester just did \$750,000 worth of improvements. Tweedie continues to explain, then Keays wants to know how when Portsmouth gets their arena built and also York is building one, so how are we going to adjust our rates. Tweedie says the study will help us figure this out. Hindle moved seconded by Tweedie with all in favor.

## **9. MAYOR'S REPORT**

He acknowledged Hugh Tuttle's passing, also other recent losses in the sports community, Coach Jack Barron of DHS passed away a couple of weeks ago and most recently, Ken O'Neil who played basketball at NH, he was a top performer in NH. He had had the occasion to attend the calling hours, where he viewed old photos from the 1940's that were on display there that included Mr. O'Neil along with several other recognizable faces. Dunnington moved seconded by Tweedie to accept his report, all in favor.

## **10. CITY MANAGER'S REPORT**

The City Manager is pleased to report that financially through January we received 5.1 million or 70% of non property tax revenue and expended 7.3 million or 62%. Under Economic Development in January we issued 31 building permits, and collected fees of \$24565.

He feels compelled to respond to public comment, and that is no one walks in his shoes and no one seems to know what he does or what he is required to do, he sets the record straight that what people perceive to be his recommended budget, this is not his recommended budget. The council came to him and asked for a level funded budget, the only way he can give them this is by taking what his department heads have requested. The reality is this is not true, the city was over 4 million in the hole when he came here, it is now 4 million to the good, so before you criticize him in the newspaper and up here, he is the only one who knows what is going on, talk to him first. People have no idea what is going on.

The Mayor responded those were good words and he knows this going to be a good budget season. Christenbury asked the City Manager for clear direction on two items; he wants the council to support having the City Manager submit a budget on or before 4/15 that supports last years spending and 3% inflation to go up or down from. Secondly, we should look at every position that opens up, he would like a hiring freeze instituted effective now. He understands that was not the manager's budget in the newspaper; we need to talk about spending with a 3% inflation. The Mayor asked about the hiring freeze and specifically if someone leaves by their own accord or is it any position; this covers replacements as well as new positions. The City Manager says he appreciates this discussion but would like them to accept his report and address this issue later on in the agenda.

Mayberry asked about Paul Street and the bluff area, and if the case has been settled yet, the City Manager says there is an application for a building permit that has been submitted but our attorney has advised us to not issue it until the legal decision has been made. Whitmore apologized to the City Manager for what was in the paper. Tweedie commented in reference to the Paul Street area and he

has a question on costs for this litigation and what we will spend to settle this. Why would we go to a trial. The City Manager says we tried to get a summary judgment and we couldn't. Christenbury interrupted, he does not want to discuss this legal issue any further as he feels we may get into legal improprieties. Tweedie moved seconded by Mayberry to accept with all in favor.

**11. UNFINISHED BUSINESS**  
**A. ORDINANCES IN 2<sup>ND</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, Hindle explained about the handicapped spot that has been requested through this ordinance for the DALC. This spot will be added. Tweedie wants a meeting to look at the Transportation section in the Master Plan. Hindle stated they will take any ideas at the 4/16 meeting on transportation issues and primarily they are going to take the master plan ideas and have the Planning Department do a workshop in the future. Motion passed on a roll call vote of 8-0.

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 adopt. Hindle says as Mrs. York pointed out, about the site issues, this will help the neighborhood. The City Manager will give Mrs. York a paintbrush, Tweedie wants to know where they will paint. Mayberry asked about the consideration for tenants in that area, his concern is there are a lot of parking spaces being taken away. He then asked is there a plan for this commission. Hindle says he can go get the Transportation Master Plan as the TAC is set up thru the master plan so the public can have more input. He does everything that he can along with the City Clerk to notify people. Constituents bring these issues before him and they discuss them in depth at their TAC meetings. He realizes the running joke of parking at the bridge in Newington and/or at Chili's and walking into Dover. Mayberry would like to make a motion to table this ordinance until we can go over the Transportation Master Plan. Whitmore asked about the 110 feet that it indicates in the ordinance. Woody had calculated the distance; she wonders how many parking spaces it represents. Keays asked if this was the whole of Court Street. Stancel says it is roughly 110 ft or 4 or 5 spaces, he added also the master plan does not get into details on spaces on specific streets. Stancel says we do agree with all of the items on tonight's agenda regarding parking. Mayberry says he will give them the benefit of the doubt but he wants them to know this is a major concern. Quigley thinks Hindle does a good job on the TAC. Quigley would like to see what the professionals recommend on each item (resolution), we should vote for this if the professionals say to. Motion passed on a roll call vote of 8-0.

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

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

Mayberry moved seconded by Whitmore to adopt. Quigley has a concern on section B, about any elected official that volunteers, he would like this section eliminated, people don't want to see elected officials in the election place. Quigley makes a motion to amend as such, Keays seconds the motion. Mayberry says we have a serious problem, we do not have enough people to work and it is a long hard day. The Mayor agrees with Quigley, if we do not have enough people to work on election day with 27,000 people in this City, we do have a problem. Mayberry says please vote no on this amendment. Dunnington understands the concern, if you take Quigley's

concerns it seems to him that anybody that supports a candidate that is running should not be working at the polls. He asks, what is the implication. He continued that he took a beating on this last election, as he is self employed and he had to take a day off from work but he enjoyed doing it and he would gladly do it again without compensation. Whitmore agrees 100% with Dunnington. She would gladly do it again for no compensation at all. She feels we have a right and duty if asked. Christenbury says there is a huge problem with the amendment, because ward officials are elected. People made accusations weeks after multiple elections that councilors were working in the ward house. Everyone would be outraged if a councilor was working in a ward that they were running in, he continued if we had nine people to work in each ward, none of them would be working. The Mayor thinks no one intends to impugn the motivations of the good people that volunteered, he feels if you are a city council person and are working on election day that you have the seal of the city. He believes it would be disadvantageous with all of the voters seeing him working at the polls, it implies approval. It raises the issue of the appearance of impropriety, why take this risk. Mayberry gave an example. Tweedie does not think this amendment makes sense. Quigley is the only one in favor of the amendment, all others opposed, and amendment fails. Main motion passed on roll call vote of 7-1, Quigley opposed.

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

1. Ordinance #28-07/10/2002, Chapter 97, Dumping and Rubbish, Section 97-7.1, (Containers). Sponsored by Councilor Tom Dunnington.

Item withdrawn.

## **C. RESOLUTIONS**

1. 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.

Dunnington moved seconded by Christenbury, the Mayor stated he will abstain. Christenbury moved to table seconded by Tweedie until the legal issues are resolved, all in favor.

2. Resolution RE: Fiscal Year 2003 Budget Amendment #4 – Capital Reserves. Sponsored by Mayor Alexander G. Nossiff, by Request.

Item pulled.

3. 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.

Dunnington moved seconded by Tweedie to accept, motion passed on 7-1 roll call vote, Quigley opposed.

4. 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.

Dunnington moved seconded by Tweedie to adopt. Hindle wanted to correct some of the language, Hindle made a motion to amend in three places on this item, changing the word mobile home to manufactured homes and in section 2, item 6, change “shall” to “may”. Tweedie says we should leave the language as mobile home, Christenbury says shall to may is huge. Christenbury wants this sent back to the utilities commission for their review, Dunnington wants the City Attorney to review it. Tweedie moved seconded by Christenbury to send back to the DUC for review, all in favor.

5. Resolution RE: Appropriation for FY04 Capital Improvements Program and Authorization for Bonding. Sponsored by Mayor Alexander G. Nossiff, by Request.

Dunnington moved seconded by Christenbury to take a 3 minute recess.  
The mayor called the meeting back to order.

Christenbury moved to have school items 17 and 18 moved forward. Tweedie wants department heads to come forward for their presentations. Mayberry moved seconded by Whitmore to separate the question. Christenbury moved to divide the question and bring items 17 and 18 to the front of agenda.

Nick Skaltsis, chair of the school board came forward saying he is here with Dr. John O'Connor and Mr. Lasalva asking for a million for the middle school project and \$500,000 for DHS. They will be retiring 1.7 million and they are now looking for 1.5 million. They have an ongoing project at the high school that needs to be completed, he explained the project. He continued part of this request, \$200,000, will go toward furnishing the classrooms at the high school. The middle school was built to accommodate 1200 students but the classroom size was for 1000, currently there are 1150 students at that school today, there were no mistakes made, there were only 10 classrooms per class, they made the school based on the average number of students at that time of 298 students per class. There has been an average increase of 50 students per year.

Tweedie thanked Nick and Dr. O'Connor saying these projects make great sense. He thanked them for coming in under the retired amount. Quigley asked Nick about the other \$300,000 for the high school; Nick says it will go for improvements to the cafeteria, administrative offices, etc. Quigley says we did the offices over 2 years ago. Nick explained where the improvements will be made, and how the rooms will be altered to deal with today's issues. Quigley asked about other parts of the high school, are the locker rooms, gym included in it, Nick stated no, just an update of the bathrooms in that area. Christenbury supports these items as well, he continued just don't name anything else after Earle Goodwin. Keays says he cannot support these items because of the students that come from Barrington, when Nick can show him a contract that will eliminate these students, he will support them. Nick says we have an open ended contract with Barrington with one more year to it. They also have an open ended contract with Nottingham; Nick says there are a total of 500 students, 2/3 of them from Barrington and 1/3 from Nottingham. Mayberry moved to accept items 17 and 18 as presented. The Mayor stated, we are about to fill the glass or we can start at a completely full glass and we can delete from it. Tweedie wants to vote on 17 and 18, and then go in consequential order working our way down the list; discussion ensued about filling the cup. Whitmore asked if it is possible to split out the school department and vote on it separately. The City Manager says no, he continued the final passage has to have a 2/3 vote to pass. The Mayor clarifies we will fill the cup up, and if we have at least 5 votes on an item, we will add this to the cup. Christenbury moved to include **items 17 and 18** in the final package; there are 5 councilors in favor. Motion passed.

Quigley asked how much retired debt is there on the city side; Jeff stated there is 2.4 million on the city side and 1.7 on the school side. Stancel listed the uses of the McConnell Center, **item 1**. He pointed out the building is used quite frequently today. Mayberry commented there will not be any winners or losers and we are on a tight budget tonight and trying hold the line on spending. Hindle asked where are we in the Mr. Lassell study process and how much has been invested so far. Stancel says we have continued to move forward with these projects, he listed several improvements being contemplated. Stancel continued the DALC, SAU offices, Welfare as well as the legal department are already located there. Whitmore says the numbers trouble her, also the lack of an overall plan showing any revenue that would be generated to off set this amount. Stancel stated \$70,000 has already been spent with Mr. Lassell. Whitmore still has concerns and wonders what we are trying to achieve, Stancel feels the document created last April has specific purposes. Tweedie moved to move the \$675,000 to year 2005, Christenbury seconded the motion The Mayor asks if the engineer is only \$70,000, he feels we will need the McConnell Center one day and it is a mistake to completely scrap this project. The City Manager says in the spirit of compromise, we need to protect the building itself from any more deterioration by having funds for the windows, doors. Outside shell improvements are \$225,000. Whitmore stated everyone says we do not need to pass the CIP all tonight; she would like this item identified clearly and then come back to council with accurate numbers. Christenbury says we have a serious situation with the upcoming budget, people are more important than bricks and mortar. There are 6 votes to delete **item 1**.

Lavoie explained **item 2** saying these are rough estimates. Tweedie moved seconded by Christenbury to remove item until we have concrete numbers, Christenbury agrees to remove, Whitmore asked about Siemens, and would he please include the cost benefit and analysis as this will play a significant role. Lavoie says we have to put a heating system in in the spring and summer in order to be ready for the fall months that require heat. Keays asked didn't we have a system put in a few years ago; Lavoie says that was when we installed the electric part of it. Dunnington says this item has to be done; he wants this item left in. His vote is to leave it in place, Tweedie says we need to review it for efficiency, there are 6 votes to remove item.

Stancel explained the concept on **item 3**. The Mayor says we all know the open lands have \$800,000 on hand right now and there has been no acquisition as yet. We have been doing this for 3 years, Open Lands Committee chair, Joyce echoes this, Christenbury speaks as the Planning Board representative, this is an issue that drives you crazy and people have turned this upside down. Christenbury explained how the purchase proceeds; saying we are only authorizing them to negotiate their position and the council makes the final decision. He feels they have made a good case for this item. Christenbury moved to leave the 2.5 million in, Whitmore commends them on the recommendation, she would like to give them 2.5 million but she is moving to 1.5 million. This will give

them a significant bargaining chip, she challenges them to find donations of land, she feels we should form a partnership with homeowners, she would like to have open lands at low cost or no cost to the community. We do not have funds to support maintenance of these lands. Hindle explained, he will support 1 million for open space, but he will be sacrificing a lot of other necessary items. Christenbury states, point of order, the bond council needs exact motions, there is a consensus on 2.5 million, Christenbury, Quigley and Keays in favor, motion fails. Mayberry makes a motion amending it to 1 million, Dunnington comments on the 1 million saying we need to make the commitment to support the concept, we can revisit this later. He wants to make a promise that we can keep, if they come with appropriate lands, we will approve them. Quigley is disappointed we are not doing the 2.5 million. He won't vote for the million, he now wants 1.5 million. Tweedie will support the 1 million as he is looking at the big picture. What we are doing tonight effects Year 2005. He continued, we can spend 6 million and that will have no effect on the tax rate, he is going to ask to have a person from the council on Open Lands in the next month or so. Mayberry says we all have to give and it is painful, he wants to reassure the Open Lands Committee, this is not saying this is final, this will give them some options, he will vote for the 1 million, The Mayor says the Open Lands Committee does have a source of funds that is independent of this item. He explained that every time a person sells a farmland, a portion of the money is put into this fund. The zoning change they just passed and this money work hand in hand, this will be a huge step forward. The vote for 1 million passes with 6 votes.

Quigley moves to leave in **item 4**, Christenbury seconds the motion but it should be coming from the operating budget. Christenbury says we need to think about this, Whitmore wonders if Chief Plummer can explain this item, she asks how many packs. There are 40 says the Chief. Plummer says the price changed yesterday, so we need to purchase within 40 days or it will be \$40,000 more. Plummer continued we have put this off time and again; motion passes to leave in, all in favor.

**Item 5**, Tweedie moves to strike, Hindle seconds, motion passed with 5 in favor.

**Item 6**, Hindle stated this pains him to do this but he recommends \$400,000 Tweedie seconds the motion. He stated we ended up farming a lot of these projects out to outside vendors. Dunnington comments he would like it to stay where it is, past councils have nickel and dimed this account to death. The sensible thing to do is to maintain streets and sidewalks on a yearly basis. We need to keep this process going; discussion ensued about paying cash or bonding this item. Christenbury asks that Hindle withdraw this item and move it to the operating budget. Hopefully some of the rezoning fees will raise some of the revenues to do this. The City Manager commented that staff has tried to transfer this item to the operating budget, but we will not fund this in the operating budget, Jeff commented interest rates are in the 4% range today. The City Manager says we contract everything out, we don't pave streets. It is 10:30 pm, Mayberry moved seconded by Christenbury to suspend rules to finish meeting the meeting, all in favor on a roll call vote. Tweedie continued that we need capital reserve accounts set up. Then we need discipline to not dip into these accounts, Mayberry says he is not a numbers guy but it looks like we still have \$400,000 in unspent funds from this year. The City Manager says these will be spent in the spring when the projects are completed. Whitmore will not support \$400,000; she will support \$300,000 though with a challenge to Pete to get these projects done and on time before snow flies this year. Hindle withdrew the motion. Tweedie moved seconded by Christenbury to remove this item to the operating side, motion passed with at least 5 votes.

**Item 7**, Quigley moved seconded by Christenbury to delete, motion passed with 7 in favor, with a caveat that we look at these items in operating budget.

**Item 8**, Tweedie moved seconded by Christenbury to support, motion passed with 5 votes.

**Item 9**, Tweedie moved seconded by Christenbury to approve this \$100,000. Stancel explains the TIP monies and federal moneys, motion passed with 6 votes.

**Item 10**, Hindle moved to withdraw item, the City Manager asked Pete to explain first, he stated these are EPA requirements and Berry Brook is one of them, the neighborhood has complained as there have been many flooding problems, this is part of the overall drainage system. This item needs to be addressed, Pete continued this is storm water; it can wait a year but must be completed by next year, as it has been federally mandated by 2006.

Quigley wants this item put into the general budget, but the Mayor stated we have no choice on this one, there are 5 votes to leave in **item 11**. Motion to leave in **item 12**, has 5 votes.

**Item 13**, Pete explains they are design funds, the design would be reduced to \$130,000, Whitmore moved to reduce it to 0, motion passed with 6 votes to delete.

**Item 14**, Tweedie moved to delete, Quigley speaks and says we told the people on Henry Law Avenue we would do this. He does not feel it is right to do this to that neighborhood and this should stay in. Mayberry is a proponent of Henry Law Avenue, but he does not think the road is ready for it yet. The master plan is being done, Whitmore says she is one of the constituents that Quigley is talking about, but we have a waterfront project and a dredging project is coming up and, we do not know what the impacts of the development on the waterfront will be and this would be a waste of taxpayer's dollars. This can we wait one year, Hindle agrees, this is an important project that needs to get done. Christenbury says this was recommended by the Planning Board to be moved to year 2006, motion passed with 6 votes to delete.

**Item 15**, Tweedie moved to accept the \$400,000, he says this is in his ward and this is an issue of volume, not speed. Hindle seconds the motion saying as part of why the TAC exists is to work with the neighborhoods to improve the area. He feels safety will improve. Motion passed with 5 votes. Tweedie stated to the Mayor, he feels we should be allowed to speak if we want to as we are spending a lot of taxpayer money this evening.

**Item 16**, Christenbury moved, Pete stated he needs \$55,000 to replace the roof, Quigley moved seconded by Mayberry to fund \$55,000 for the roof. Motion to kill is only 1 vote, there is a motion to approve for \$55,000, Whitmore asked Pete is this a complete roof replacement and is there an asbestos issue or has it even been tested for this. Pete says they could not find any problem associated with asbestos. There are 5 votes in support of the \$55,000.

**Item 17**, school (see above)

**Item 18**, school (see above)

**Item 19**, Pete stated we need this \$100,000 for a property purchase for a new well. Christenbury clarifies that we are moving into the water/sewer bonding section. Jeff stated the water fund is retiring \$636,000 in the water fund in 2004. He continued, the impact on the rate in 2004 for water is 31 cents and 38 cents on sewer. Tweedie moved to item leave in, motion passed with 5 votes.

**Item 20**, Pete says this has been on the docket for the past few years, this treatment plant will be built on property we got thru property from the Ezra Green subdivision, this will enable us to have a well on hand with out going into drought restrictions. Tweedie asked if this did not include equipment, Pete clarified it is pumps, motors, etc. He indicated this is an insurance policy in the event of an emergency. Mayberry stated with the world situation as it is, we cannot put this off. Tweedie moved seconded by Mayberry to approve. The Mayor wants to gamble and put this item off. Mayberry says it only takes one accident, Dunnington agrees saying this is public health issue, motion passed with 6 votes.

**Item 21**, Pete says this is a continuation of the Dover Point sewer construction, Mayberry asked for a consensus motion passed.

**Item 22**, a motion was made and seconded, all in favor.

**Item 23**, is the Route 9 bridge near Dickie Kay on Littleworth, when the State starts the railway bridge, we will have to move our water main that is near there. We may be able to wait until late summer to do this. Mayberry says if this is state mandated, why they are not paying for it, this is an unfunded mandate. Mayberry made a motion to reduce this item to 0; there are only 2 votes for this motion to fund, so item passes.

Tweedie says this item has to be done, motion made and passed with 5 votes for **Item 24**, this is for large pieces of motors in the pump stations that we have packaged together by request of the finance department stated Pete. Whitmore asked why we cannot replace these with funds from the operating budget; Pete again stated finance recommended that we bond the item. Jeff says the recommendations are based on city council policy, motion fails with only 4 votes, Tweedie says the mayor gets to break the tie vote, the Mayor says he is against this item. Motion fails.

**Item 25**, Pete says River Street takes everything and pumps the sewerage for the whole city, Tweedie asks if this is a question of aged equipment. Dunnington says he will sleep better knowing this item is left in, there are 6 votes in favor.

**Item 26**, Tweedie moved seconded by Keays. Keays asks is that a necessary item this year, Pete says yes, that the plant runs 24 hours a day, Keays is still curious about the pipes and why it runs 24 hours. Christenbury says we could have no flushing 10 pm 'til 6 am. Whitmore asks about putting the equipment in the operating budget. There is a tie vote with 4 for, the Mayor votes yes on this item and it passes.

Christenbury moved to accept the entire CIP as amended. The Mayor wants to divide the question. Tweedie seconds Christenbury's motion. Motion to move to approve items with consensus, Jeff stated he has \$8,371,000 in total. For the general fund, there is \$4,971,000 of that \$1,500,000 is for the school and \$3,471,000 for city. The water and sewer portion is \$3,400,000.

Christenbury moved seconded by Quigley on the main motion, main motion passed on a roll call vote of 8-0.

## 12. NEW BUSINESS

### A. CONSENT CALENDAR

1. Tag Permit – Dover Brownie Troop 474
2. Tag Permit – Strafford County Stars Girls Basketball Club
3. Tag Permit - Dover Brownie Troop 251
4. Tag Permit – Dover Southside Little League
5. Tag/Raffle Permit – Dover High School Marketing
6. Tag Permit – Barrington Junior Girl Scout Troop #672

Dunnington moved to grant seconded by Tweedie. All in favor.

**B. RESOLUTIONS**

1. Resolution RE: Award of Purchase Order for Land Acquisition on Blackwater Road. Sponsored by Mayor Alexander G. Nossiff, by Request. **(Contingent upon passage of Item#11C-5 (CIP))**

*Item has been withdrawn.*

2. Resolution RE: Award of Purchase Order for Continued Professional General Legal Consulting Services. Sponsored by Mayor Alexander G. Nossiff by Request.

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

3. Resolution RE: Award of Blanket Purchase Order for Continued Professional Consulting Legal Assistance. Sponsored by Mayor Alexander G. Nossiff, by Request.

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

4. Resolution RE: Award of Bid #B03030 for Infiltration/Inflow Reduction. Sponsored by Sponsored by Mayor Alexander G. Nossiff, by Request.

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

5. Resolution RE: Appropriation of Funds and Award or Purchase Order for New Roots Blower for the Blower Building at the Wastewater Treatment Facility. Sponsored by Mayor Alexander G. Nossiff, by Request.

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

6. Resolution RE: Award of Change Order for Authorization for a New, Demo or Used Roll –off Container Truck Cab, Chassis and Hoist System. Sponsored by Mayor Alexander Nossiff, by Request.

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

7. Resolution RE: To Proceed with Purchase Agreement and to Prepare for Accepting a Land and Community Heritage Investment Program (LCHIP) Grant for the Cassily/Cochecho Park Project. Sponsored by Councilor Brenda Whitmore.

Dunnington moved seconded by Whitmore to adopt.

She commended Tom Fargo for all his work on this project, Tweedie thanked Tom also. Motion passed on a roll call vote of 8-0.

8. Resolution RE: Council Support of moving forward the Dover-Newington Bridge Project on the New Hampshire Department of Transportation Highway Plan. Sponsored by Councilor Matt Mayberry.

Dunnington moved seconded by Mayberry to adopt. Mayberry moved seconded by Tweedie to pull and table until the State delegation could hear about this issue at a workshop meeting. Motion passed by all.

9. Resolution RE: Council Support of Enabling Legislation leading to the elimination of the Dover Point Toll Booth. Sponsored by Councilor Matt Mayberry.

Dunnington moved seconded by Mayberry to adopt. Mayberry moved seconded by Tweedie to pull and table until the State delegation could hear about this issue at a workshop meeting. Motion passed by all.

10. Resolution RE: Review and Recommendation of Programming Policy for Dovertel TV Channel 22. Sponsored by Councilor Matt Mayberry.

Mayberry moved seconded by Tweedie to amend by adding a fourth conditional member to the committee and also to hold off appointing former Mayor Wil Boc and Janet Perry until we get a fourth member. Christenbury says we should vote on these amendments individually. Both motions passed by all.

11. Resolution RE: Acceptance of Donation of Land Located on the Corner of Silver Street and Central Avenue. Sponsored by Mayor Alexander Nossiff, by Request.

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

**C. ORDINANCES IN 1<sup>ST</sup> READING (To be referred to Public Hearing on 03/12/03)**

1. Ordinance #05-02/12/2003, Chapter 170, Zoning, Section 170-6 B, Definitions. Sponsored by Councilor Parks Christenbury, Planning Board Representative.

Christenbury moved to refer to a public hearing on March 12, 2003, seconded by Tweedie. Motion to refer passed on an 8-0 vote.

2. Dunnington moved to suspend the rules to introduce **Ordinance #6-2/12/2003**. Motion passed on a roll call vote of 8-0.

**12 C 2.** Ordinance #06-02/12/2003, Chapter 3, Administrative Code, Section 13-69, Dover Arts Commission. Sponsored by Councilor Matt Mayberry, Dover Arts Commission Chair.

Mayberry moved to refer to a public hearing on March 12, 2003, seconded by Tweedie. Motion to refer passed on an 8-0 vote.

**D. COUNCIL CORRESPONDENCE**

Christenbury moved seconded by all to accept and place letter from Attorney Griffin on file, all in favor.

**13. COUNCIL MATTERS OF INTEREST**

Christenbury moved seconded by Tweedie to direct the City Manager on or about 4/15 to deliver to us a budget with a spending level of 3%, all in favor. Christenbury moved seconded by Tweedie to have any open positions be approved by a simple majority of the city council until further notice, all in favor. The City Manager says we have a full time Firefighter who is retiring that we need to replace, the Mayor asks when, the City Manager says starting next week. Christenbury says obviously the answer is no, Mayberry disagrees saying this is the first priority of the city council to protect life and property. The Mayor feels it is late and wants to take this up at the next meeting, he says it is a lot easier to lose a job that is not here than to eliminate a person employed in a position. Quigley wants all the firefighters on the street and the position filled. If it was only a clerical or public works position; that would be different. The Mayor says we do not have a handle on how that department has grown lately. The Mayor does not want to have to lay that person that will be hired, off; Tweedie feels there is a consensus to resolve this issue now.

Chief Plummer comes forward and Tweedie wants to know the impact if we do not hire someone next week. The Chief says it will cost \$1,000 a week in over time and only half that if we hire someone on

staff, also we have the same amount of firefighters as last year. If we don't fill the position, we would have 3 shifts of 10 and 1 shift of 9. The Mayor reiterates this. The Chief says we would be using all of our staff on a temporarily basis, we are shifting people around currently because we have one person out on workers comp. The Chief continued this will close the fire prevention unit part of the time and eliminate any inspections. The Mayor says in the spirit of cooperation and to avoid layoffs, other communities are making due with less, if we shifted people around, we could do this. The Chief says other communities have more people per shift than we have. Christenbury says we just sent a message to the City Manager, and this is totally inconsistent with our priorities, the Mayor agrees. Discussion ensued. Mayberry states it is also an order of our priorities. The Mayor says in the spirit of what we have done tonight, it is temporary. Christenbury moves the question, Tweedie seconds the motion saying we need a vote; we can roll call it if you want. Motion passed to hire on a roll call vote of 5-3, Hindle, Keays and Christenbury opposed.

Next the Mayor re-appointed Tom Fargo to the Strafford Regional Planning Commission. Christenbury moved, Tweedie seconds the motion, all in favor. Whitmore reminded everyone the first budget workshop is next Wednesday night.

#### **14. ADJOURNMENT**

Tweedie moved seconded by all to adjourn at 12:10 am. All in favor.

**Judy Gaouette, City Clerk**