

MINUTES
SPECIAL MEETING
DOVER CITY COUNCIL
CITY COUNCIL CHAMBERS
MARCH 27, 2003

6:00 PM

SPECIAL MEETING:

The Mayor asked Christenbury to lead us in the Pledge of Allegiance because it is fitting in this time of war and because Christenbury as well as Mayberry are veterans of the service.

1. ROLL CALL

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

2. Paul Street Litigation – revote action of 03/18/2003

The Mayor asked for a general discussion, the City Manager interrupted he would like them to recess to go downstairs.

Tweedie moved seconded by Quigley to recess to a non-public session. Christenbury recommends that Mayor Nossiff does not participate at this executive session because of a serious conflict of interest. Mayor Nossiff agrees stating he did participate in calling this meeting, however he will not vote. Hindle asks if they should come back to this chamber to adjourn. The Mayor says that Mayor Pro Tem Dunnington will fill the duties of Mayor upon their return. Motion passed on a vote of 8-0 at 6:15 pm.

At 7:30 pm Mayor Pro Tem Dunnington called the meeting back to order asking if there are any motions.

Whitmore stated she wanted to reiterate for the record that she does **not** have a conflict of interest. She can't disclose what happened in the meeting downstairs but the record is clear. She continued that she is 675 feet from this property. She will not vote tonight because there was a consensus and there are those that say she has a conflict of interest. She is sad and sorry for the residents of ward two but she can't do any good for the residents.

Dunnington stated we have two options, one is to rescind the action of March 18th and one is to reconsider the vote of March 18th.

Hindle moved seconded by Mayberry to reconsider. Hindle stated when we voted last week on this issue he felt the legal process should run its course and proceed with the litigation.

Tweedie stated under the advice of our attorneys, the motion is to rescind or to reconsider for legal reasons the vote of March 18th. He will vote to reconsider the vote. Christenbury stated point of order, Hindle was not on the prevailing side last week so he cannot make a motion on this. Dunnington asked Christenbury if he would make the motion.

Christenbury stated he will offer the motion because of a number of issues they learned about downstairs that they cannot speak about. This does not mean he will change his vote. Christenbury moved seconded by Mayberry to reconsider the vote of March 18th. Motion passed on a roll call vote of 7-0, Whitmore abstained.

Dunnington stated they will now have a general discussion regarding litigation issues. Christenbury will speak to it. In his three terms on the City Council this is the most disturbing piece of legislation he has had to deal with. He thanked the attorneys and staff for informing them of what the liabilities of the case are and are not. Whatever side prevails, he does not feel it will be over because the other side will lead us into further litigation. He does not believe that the staff has done something improper, but in his opinion something has tainted the process.

Dunnington speaks this has been a very difficult issue' when he voted the first time he let the passions take over, that decision was made from his heart as those people on Paul Street have endured more than they should have. These are good people, it makes him sad, and he is worried about the outcome. He has spent a lot of time the last two days talking to people that he has a lot of respect for on this issue. It saddens him but now he believes at this point he must support continuing the litigation. He feels this is the right decision, he urged the rest of the council to support this also.

Tweedie says he is one of these passionate people; this boils down to the question of right or wrong. He also believes we should move forward with the development as we have other access to that property. He does not however believe we should go thru Paul Street; it will destroy the quality of life for these people. He feels the Council should be proactive and work with these people. He feels this is a housekeeping issue and we will lose anyway. He feels it is wrong to continue this litigation, he continued with his opinions on this issue. He concluded by saying the facts are clear to him, he will vote to stop litigation again. Tweedie moved seconded by Christenbury to reaffirm the vote of March 18th. Quigley wants the question clarified so they will know how to vote. Tweedie wants a vote to continue to be withdrawn. Dunnington states a vote in the affirmation is to keep the vote of March 18th and a vote in the negative will be to reinstate the lawsuit. Motion failed on a roll call vote of 3-4, Christenbury, Mayberry and Tweedie in favor, Whitmore abstained.

Tweedie asked Manager Beecher now that this has failed does that mean we will reinstate the legal suit, the City Manager stated, correct. Tweedie commented it is a sad day for Dover.

3. Paul Street Litigation – The City Council may vote to enter into a non-public session to discuss this matter in accordance with RSA 91-A:3 II(3).
4. Other Business
5. Adjourn

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

Judy Gaouette
CITY CLERK