

**MINUTES  
DOVER CITY COUNCIL  
REGULAR COUNCIL MEETING  
APRIL 9, 2003**

**5:30 p.m.**

**City Manager's Office**

**Non-public Executive Session to meet with Legal Counsel**

*This session was cancelled.*

NOTE: This session is considered a NON-MEETING IN ACCORDANCE WITH RSA: 91-a.

**7:00 p.m.**

**CITY COUNCIL CHAMBERS**

**1. MOMENT OF SILENCE**

The Mayor asked for a moment of silence and collective prayer and thought for the men and women who have given their lives for this country; also he asked us to keep our troops in mind. He continued by naming several local people who have passed away in the past two weeks.

**2. PLEDGE OF ALLEGIANCE**

Councilor Mayberry led the pledge of allegiance.

**3. ROLL CALL**

Those present were Councilors Quigley, Tweedie, Christenbury, Mayor Pro-Tem Dunnington, Councilors Hindle, Keays, Mayberry and Mayor Nossiff. Councilor Whitmore was absent.

**4. PROCLAMATIONS/AWARDS**

Mayberry read the Rally for the support of our Troops Event proclamation to be held Sunday, April 13<sup>th</sup> at 2:00 pm. The Mayor then read the proclamation for the DHS basket ball team; he presented the proclamation to coach Mike Romps. He then read the DHS hockey proclamation; Assistant Coach Billy Morgan accepted this proclamation. Next he read one for the DHS girl's basketball team for their sportsmanship and presented Assistant Coach Casey with the proclamation. He then read a proclamation for DHS girl's basketball star, Seana Boyle proclaiming her 1000 point career. Lastly he read a proclamation for DHS athletic director, Peter Wotton for his winning team.

**5. CITIZEN'S FORUM**

Carl Feren of 56 Wildewood Lane stated he is here for the resolution to accept Wildewood Lane as a street and to express his objection or his acceptance if the problematic neighbor's mail box situation is moved.

Doug Dede of 146 Locust Street is here for the planning–rezoning issue again, the operative word is planning and the overall efforts of those who have put in countless hours of service working on these zoning amendments in planning for the cities future needs. This was passed in January and should not be revisited. This does not do service to those individuals who have tried to serve faithfully to help plan for the future growth of Dover.

Janet Kelly stated she has been a resident for about a year now. She is here for our troops. She wants to put yellow ribbons on all the trees from City Hall to Broadway. She is asking the Council's permission to do this even though she has no one over there in the war; she is an American though and wants to show our troops her support. The Mayor feels this is an excellent idea; he wants her to contact Mayberry. She then wondered if she really had to ask permission to do this, The City Manager stated yes. She said she is going to start right now by putting yellow ribbons on the trees tonight out by City Hall. Mayberry moved seconded by Hindle to allow her to put yellow ribbons on the trees. All were in favor of yellow ribbons.

Glenn Jerry of Wallace Drive is here on rezoning and how people need to look at all the houses that have gone up in his neighborhood in recent years. In light of patriotism, he feels he bought this land and would like to do what he wants with it and not have the council vote to diminish his rights. He listed all the businesses that have pulled out of Dover, he feels no business would want to come to Dover. He then urged them to use their conscience in voting tonight on the rehearing. Then on the issue of the proposed ordinance on the Administrative Code, item 12-C-2 about reducing the amount of spending without council approval from \$25,000 to \$5,000 on purchase orders, he does not feel this will be beneficial. He has more concerns with item 12B-6. He wants them to reconsider the rezoning.

Richard Hughes of 51 New Rochester Rd read a prepared statement on the budget issue. He commended the Planning Department for their recent rezoning efforts; he wants the Paul Street issue deferred until after the budget is adopted so they can have full focus on the budget.

Gregory McKrone of 239 Knox Marsh Road is here speaking on behalf of his mother, Lois McKrone of Knox Marsh Road at the Christmas tree farm, and also Mrs. Courshetti who lives across the street. These acres are about 77% of the area of land the City wants rezoned. He has always lived at Knox Marsh Road his whole life, he continued, we do not own the land, we are only the caretakers of it. He and his family have been selling Xmas trees for over 40 years now. He feels it is reprehensible that he and his mom were not notified of this rezoning. The last thing they want to see are architecturally challenged housing units in the area. He explained about steps his mother has taken to preserve the land in his family. He urged the council to reconsider their vote.

Jack Story, President of the Greater Dover Chamber and of 2 Chargergrant Road is here to urge them to reconfirm their decision to rezone the three parcels: Knox Marsh, Columbus and Littleworth Road area. This will insure there will be land for new commercial industrial opportunities. The recent high pace of residential growth has made it difficult for the council to hold the line on high taxes. Not taking steps now to slow residential growth will saddle Dover's taxpayers with higher and higher taxes. He urged them to reconfirm the original vote.

Vince Kasabian of 76 Columbus Avenue is here again against the rezoning on Columbus Avenue. He would like the council to convince him that high tech is coming to Dover. The challenge he has for them is that they set up a workshop to show him there is that kind of need. On public hearing item #2 of page 3, the map that was sent with the notification letter to him is not legible; the lot numbers cannot be read.

Luke Paradise of Paradise Farm off of Columbus Avenue is here against the rezoning still. He stated he was quiet years ago when rezoning was trying to go thru but not this time. He stated you did not let all his neighbors know about this rezoning. He has a lot of experience in open lands; they mean more to him than anything.

Randy Nyberg of 8 McCarthy Blvd. is near the Columbus Avenue area that is being rezoned. He feels this is a smokescreen to the people on Columbus Avenue and they should wait until there is a full council to vote on this issue.

Brian Stern of 1 Pebble Hill Drive stated it is a pleasure to come before the council. However this council's performance on agricultural issues is not stellar; they are not a friend of agriculture. He would like to the council to incorporate other meeting comments on this issue into this meeting. He continued there were very few points in opposition other than the Dover Chamber and DEDC. In reference to these committees, he was on the open lands committee at the time this passed originally. The amount of acreage referenced by another speaker is not necessary. There appears to be another resolution on the agenda re agriculture to allow agricultural use, that should be passed. Mr. Paradise does not know what he is going to do with his land. Stern is addressing the parcel of Mr. Paradise's land, even though he was not notified of this rehearing. He talks about the 200 foot buffer that is not being rezoned. He commented he owns a lot in this area across the street from Mr. Paradise but he feels Mr. Paradise will disagree with him on this issue. He continued about no options for his family in the future in this area. They did not rezone Tuttle's land and there is no difference between Paradise's land and Tuttle's land. He wants them to wait until the full board is there to vote.

Jerry Towle of 83 Columbus Avenue has lived there since 1985, he has no intention of developing his land and he is in the middle of this area. He would like to be able to pass this land on to his family without a penalty from the rezoning.

Nick Skaltsis of 6 Erik Drive is here representing the Dover School district and the two teacher's contracts on the agenda; he had 3 exhibits (see Council folder of 4/9/2003) that he handed out to everyone. He apologized for not getting the contracts to the council earlier. He explained the handouts to the Council. He feels he has kept his end of the bargain in settling these agreements by bringing contracts to them not to exceed 3%. He asked them to refer to item 'C' saying this is review of a dozen school districts from around the state. These are all higher than what he is proposing. He wants them to focus on what is happening in this state. Nick continued now the employees are paying 10% of their healthcare costs and how if they chose a buyout when married couples both have insurance. He continued on about items they have limited in the contracts such as reimbursements. He is urging them to pass these teacher contracts. There are 300 teachers and almost half of them are beyond the twenty year mark and they will be retiring soon. They dropped one of the steps in the step system, so they are down to 19. It is a convoluted system. He continued explaining tracks in their career; they have it arranged so that every step will be compensated in this new contract. The Mayor wants a special meeting scheduled to discuss these contracts. Tweedie has a question, do we only have bottom line yes or no authority. Nick says they cannot negotiate these contracts. The Mayor asked if anyone wanted a meeting to discuss this contract openly, Mayberry has discussed his issue with LaSelva and Skaltsis, etc. He is now ready to vote. Hindle says this is not the proper place and time to discuss these contracts. Hindle moved seconded by Christenbury on a motion to bring item 12B-4 and 12B-5 forward now for discussion. Tweedie says we must make a decision as these other folks are here on the zoning matter. It was decided they would continue with Citizens Forum for now.

Scott Myers, Chair of the DEDC and of 4 Governor Sawyer Lane is here on the rezoning, these three changes are a part of the entire package that already passed. These amendments are proactive for Dover and in keeping with the City's Master Plan. He continued we have over 10,000 vacant acres and only 250 acres of this is zoned industrial, once they have housing on them, they are gone forever. No one is being forced to move as a result of this rezoning effort. It is only when current use changes that this is addressed. He also shared a map to reference where we are, there is now a new parcel called Emerald Woods on Littleworth Road which is proposing 25 more new housing units. He urged them to look at what is happening just between January and now, he and the DEDC urged them to reconfirm the prior vote.

Dan McCooey of 59 Fieldstone Drive is here as the President of the Dover teacher's union, and the comment on postponing the vote on the contract, he urged them to please act tonight.

Kathi Derby of 141 Henry Law Avenue is here on the rezoning, she is speaking tonight as a private citizen; she wants them to remember these people that have come before them to speak about not changing the use of their land. Also she reminds them how the Chamber wants to curb residential growth except there is seven acres on the Bluff that they are advocating for residential. She is now opposing their rezoning as this is these people's land. How can you say that it is proper for you to listen to the Chamber as you all are chamber members, think about this. How would they feel if their land was affected. She wants them to make sure their decision it is not out weighed by the Chamber or DEDC.

Fran Menez of 9 McCarthy Blvd. understands the City wants to have less housing put up so they are rezoning but nobody that has a house wants a factory in their back yard. He does not understand this thinking.

Eric Sweetser of 2 Wallingford Street is here on behalf of Save Dover tonight. He said Mayberry will remember what he had said from last year, the road to re-election ran thru the Paul Street neighborhood and Hindle will find that out this fall. He reiterated what Kathi Derby has said; this is really their land it does not belong to the DEDC or the Chamber and yet they (the Chamber and DEDC) are telling them what these people want.

Rick Hebbard of 97 Spruce Lane wants to know if any body can spell damn fool-stupid here in town, this does not make a bit of sense to rezone this property out to Columbus Avenue. His hat is off to slowing down residential growth, he mentioned the nearby community's that limit the number of building permits per year. He continued, if you want to address the situation, then limit the number of new housing. They are taking their property and telling residents what they can or cannot do. This is what our forces are fighting for overseas...we need to address the situation for what it stands and it is not rezoning.

Seeing no one else, the Mayor closed Citizens Forum.

## **6. PUBLIC HEARINGS**

- A.** Resolution RE: Acceptance of the Action Plan and Expenditures for the Fiscal Year 2003 CDBG Entitlement Funds. Sponsored by Mayor Alex Nossiff, by Request. **(See Item #11C-1)**

No one

- B.** Rezoning a 77-acre area located along Knox Marsh Rd. from Suburban Multi-residential District (RM-20) to Hotel/Retail District (B-4), said area bounded by the Madbury Town line on the west, the Bellamy River on the south, the railroad tracks on the north, and extending approximately 1,800 feet from the Madbury Town line on the north side of Knox Marsh Rd. and 2,700 feet on the south side. **(See Item 11B-1)**

Christenbury wants to explain from the city attorney's point of view saying the reason we are back here tonight is there is a provision that allows for a petition for a rehearing within 30 days of passage. There are three parcels involved that these re-hearings refer to. And that is this issue may end up in litigation, it has been reviewed by the City Attorney and legal staff, and they have been asked to make clear to the parties; the Mayor has agreed. The main jist of the protest petitions, is certain parties felt they were not notified about the rezoning so any individual that received notice that has new information and we have not heard before is welcome to speak. The council adopted this ordinance back in January; the position of staff and the abundance of meetings that occurred was to err on the side of the public. They are giving the public one more chance to speak. He continued he wanted this stated for the record.

Glen Jerry does not feel that Christenbury cannot tell him he cannot speak. He continued, if they approve the new subdivision that is being proposed at the Planning Board level on Littleworth then the zoning this evening they are discussing is not planning at all as they will be putting industry right in the middle of it. He then mentioned a letter to the editor from out of town. He mentioned Karl Dracot from up north and his tragic actions; they should consider how upset these people in this area are.

Mr. Paradise stated 20 of his neighbors have not been notified of this hearing and they are abutters and they still have not been notified.

Nancy Quinlan is here for the Knox Marsh Road rehearing that she filed the motion for. She feels there were notification problems with these re-hearings as well as the original public hearing. She is concerned with the 77 acres on Knox Marsh Road area. She feels Mrs. Courshetti and Mrs. McKrone were never notified. She continued about the other items on the original rezoning hearing. She does not feel these items were comprehensive in nature other than the wetlands amendment. She understands this area is zoned for multi-family units. They do not want them going in; this is the worst possible scenario to the tax base. She continued about other areas of the City. She feels a better approach is to send this to the Planning Board and have it zoned for R-40. She is also on the Open Lands Committee; strip malls should be discouraged on Route 155. She encouraged them to vote against the rezoning. She understands all the work that has been put in on this, but she wants them to consider each item individually.

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

- C. Rezoning an 8-acre area south of Littleworth Rd., near Old Littleworth Rd., from Low Density Residential District (R-20) to Hotel/Retail District (B-4), said area containing Map H, Lot 29A. **(See Item 11B-1)**

Nancy Quinlan again has a letter from her mother who was not able to be here tonight. (See exhibit in 4/9/2003 council folder). She read her mother's letter opposing the rezoning. Nancy stated her mom's property abuts this parcel as well as her own property. She does not feel this is a piece of land that will have a huge impact on any commercial/industrial development.

- D. Rezoning a 125-acre area west of Columbus Ave., from Rural Residential District (R-40) to Assembly and Office District (I-4) and amending Table I: Principal Uses, Part B to add agriculture uses as permitted uses in this I-4 District. Said area containing the following parcels: Map F, Lots 23B, 24A, 25, and 25A; and the portion of Map F, Lot 2 that is further than 200 feet south of the Tolend Rd. right-of-way. **(See Item 11B-1)**

Mary Kay of 131 Columbus Avenue stated that piece of property was never considered to be rezoned. She continued we are not developers, we do not plan to develop our land, they have almost 50 acres, and her husband has worked hard for this.

Nancy Quinlan again stated she feels that notification was not sufficient. Also the information that the council has received on the amount of growth that has happened shows that residential development is bad which vs. commercial development is good. She does not feel this is necessarily true, she continued on with her ideas of rezoning and about the workshop that did not happen around Christmas. She is concerned about scare tactics. The project that was just approved on Littleworth has no impact on this rezoning.

Kathi Derby again, stating this is about the time that we're going to hear from Christenbury who sits on the Planning Board on the broad sweeping changes that will affect the city. She asked why these residents have to come to them, why can't the Council go to them. Why can't this land be put into an easement. She continued also Christenbury will come up and pull wonderful things out of his hat. She saw him as he went and talked to Stancel in the hallway outside, this really irks her. Is there anything more anyone can say about this, just remember the Planning Board and DEDC do not always know what is in the best interest of these people. She urged them to next time try and work with the neighbors instead of behind their back.

Seeing no one else the Mayor closed the public hearing.

## 7. MINUTES

- A. Special Meeting/Workshop – March 5, 2003
- B. Regular Council Meeting March 12, 2003
- C. Special Meeting – March 27, 2003
- D. Workshop – April 2, 2003

Mayberry moved seconded by Quigley to accept, all in favor.

## 8. REPORTS OF SPECIAL AND STANDING COMMITTEES

- A. Transportation Advisory Commission – Councilor Jason Hindle

Hindle wants to let the public know about the public forum that the TAC will be holding on traffic concerns on 4/16. People can come speak on any city wide Parking and Traffic issues. He stated they are following the City Master Plan. He urged everyone to come out and speak.

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

The JBC met last Thursday and he wanted to update them on the DHS construction project. The outside of the eight classrooms will be complete by May 1<sup>st</sup>. He mentioned Witcher Builders that will be doing the work on the inside of DHS as well. Tweedie asked how they are doing and are they on budget for DHS or not. Hindle says they are on schedule and on budget; the rooms should be ready for the start of school this fall. Keays asked about the brick and if they are going to be matched to the old ones. Hindle says unfortunately they cannot match them as that brick has been discontinued, they will come as close as they can.

- C. Planning Board – Councilor Parks Christenbury

Christenbury feels the most important issue they have been discussing at the last meeting is the Ezra Green drainage problem on Littleworth and the new development right next door to it. This issue has not been resolved and they have two weeks to report back to these neighbors. Call it scare tactics, he calls it reality, we are now involved in a law suit on Route 155 where the developer wants to bring in 300 more units. We could find ourselves within a few months with over a 1000 new units in that area.

- D. Solid Waste Advisory Commission – Councilor Thomas Dunnington - There was no meeting.
- E. Arena Commission – Councilor Ray Tweedie

Tweedie says they met last month with the consultants and staff. They were again here in town yesterday to conduct interviews. Also they have looked at the engineering plans, everything is moving forward. The next is a meeting on the 15<sup>th</sup> of April at the arena. Quigley asked what is the current deficit thru last month. Tweedie does not have the numbers. The City Manager feels it is around 1.2 million in deficit. Tweedie says they are in their peak revenue season; it is very high right now. Quigley asked what the perceived deficit will be this year, the City manager hopes we can maintain it throughout the rest of the year.

Keays says he went to city hall and looked up the figures from 1993 to the present and we are 3.5 million in the red, no way should a business be run like that. Tweedie stated he does not know if Keay's number is accurate but he agreed that is no way to run a business. We need to effect some change right away. Hindle thanked Tweedie for inviting the council to meet with the consultants saying he had a good chance to speak with them. He still has continued discontent with the building. Tweedie is of the opinion that we need to get this fixed and move on.

- F. School Board Liaison – Councilor Brenda Whitmore – No report.

Mayberry asked if we could add COAST, Strafford Regional Planning and the Arts Commission as reports on the agenda next month. Dunnington moved seconded by Tweedie, all in favor.

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

The Mayor congratulated Pete Lavoie's staff on the way they handled problems associated with the tumultuous snow season this winter. He then acknowledged Keays, Dover's greatest sports fan, for attending the Dover games. He congratulated the new business on Glenwood Avenue. The owner pointed out how impressed he was with the Dover Planning Department as well as Beth Thompson and how the parking issue was resolved for them and that we did it in a way that will create revenue for the city.

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

The City Manager asked if they would waive the rules for the passage of a raffle permit for an event at the Mills for the Chamber of Commerce. So with the acceptance of his report it would be approved. Tweedie has a second request to go over the unexpended CIP funds at the next available work shop. Christenbury would like to do it on April 23<sup>rd</sup> at 6 pm. Mayberry moved seconded by Quigley to accept and grant, all in favor.

## **11. UNFINISHED BUSINESS**

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

None

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

1. Motion for Rehearing of Ordinance #35-11/13/2002.

Christenbury stated on the advice of counsel he moved to re-affirm the vote taken in January, Tweedie seconds the motion. Christenbury says the most contentious thing you will ever do as a city councilor is dealing with rezoning. There has been a lot of debate about the notification process so it was redone. Tonight he was looking to hear from different people. There is nothing wrong with hearing from the people; he explained that he had left the room to talk to Stancel to make sure everyone had been correctly notified. The staff and City Manager feel comfortable that notification was correct, we know where this is going to go and that is to litigation. He does not know how we can be any more open to this process. Everybody has been allowed to be involved in the one and a half year process and he does not know what else you can do to inform people. The Planning Board struggled with this for months. Everybody that spoke tonight has spoken before. Quite frankly, whenever you deal with rezoning issues, people in that area are not going to be happy with any rezoning. We have heard from everyone on Wallace drive. The 20 residents there produce just slightly over \$100,000 in property taxes. Just the children alone on that street not including the special needs children because we are not allowed to know who they are by law exceed this amount, and the rest of the neighbors have to pick up an extra \$70,000 to make up paying for those children and in addition services must be delivered to that area. You could easily have several 100 more homes in that area of the same type and even without special needs kids; we will need \$700,000 to a million tax dollars more just to cover that neighborhood. Some say just do a moratorium, the fact is; that works for the person that owns the land. We cannot stop and tell people they cannot build any more houses. We have the ability to continue to add schools and service, we cannot afford it but we could do it. He is glad he has heard what they are doing in Maine but this is NH and a different court system. Just like the Planning Board and committees, it was split because NH State law allows one more hearing. He motioned to reaffirm the action taken in January, again. Mayberry wants to split the question. The Mayor says we can if it fails. The Mayor says Mayberry would like the council to vote this down so then they can take 3 separate votes. The Mayor wants to defer to Christenbury as he

wants to vote on reaffirming. Tweedie has a question regarding the agricultural area with regards to folks that want to split their land for family members down the road. Stancel stated the rules currently stand that if you met the minimum lot size, you can go to the zoning board. Tweedie asked if you have 30 acres and want to subdivide to build a house, would that be allowed? Stancel says it would be on a case by case basis, but you would have to show a hardship on the land. The Mayor feels they are not communicating. Discussion ensued about a particular resident in the area; the Mayor asked if Mr. Paradise wants to build a home on a 5 acre parcel, he can build a house if it stays agricultural, Stancel says it is not clear, even today if we would allow a permit. The Mayor is still confused, under the status quo ante, in January an amendment was made that allowed farming. So what is Stancel proposing tonight. Christenbury says we are not proposing a change tonight. The change was made in January, Tweedie's reasoning was could they subdivide under the zoning that was passed in January. The Mayor does not want to jump to conclusions. Now one of these individuals have confirmed and comes to Stancel tomorrow and wants to build a home and sell the lot off to raise some seed capital, will he have problems getting a building permit. The Mayor continues, so in order to get the permit, it will have to demonstrate to him that it is going to be used for agriculture. The applicant would have to certify that there is agriculture going on on the parcel. The Mayor asked will the city continue to monitor their land. Stancel says just like we have to monitor all uses, Stancel says there could be a fine, the City could take them to court, this process could continue forever. Stancel stated as long as the zoning is in place. Motion to reaffirm passed on a roll call vote of 4-3, Keays, Quigley and Mayberry opposed.

### C. RESOLUTIONS

Hindle moved seconded by Dunnington to move to suspend the rules to bring the teacher's contracts forward on the agenda. Motion passed on a roll call vote of 7-0.

Tweedie moved to recess for five minutes, all in favor.

1. Resolution RE: Acceptance of the Action Plan and Expenditures for the Fiscal Year 2003 CDBG Entitlement Funds. Sponsored by Mayor Alex Nossiff, by Request.

Tweedie moved seconded by Christenbury to adopt. Christenbury says this was a tough decision for the Planning Board. Tweedie asked for clarification did we receive less money than last year. Stancel says it has to do with a complicated formula from HUD. Motion passed on a roll call vote of 7- 0.

2. Resolution RE: Amendment to Dover Utility Commission Rules and Regulations – Section 2 – Charges and Billings – Mobile Homes. Sponsored by Mayor Alex Nossiff, by Request.

Tweedie made a motion to table because on page one, section two of the resolution on manufactured and mobile homes, if you look at RSA 674:31 that refers to this and if you look at the definition, it does not delineate the difference between mobile home or modular homes. Based on this if we move forward with this item you could inadvertently put all modular homes into this even though they are not in a park. We could make a mistake here. Christenbury agrees and seconds the motion, all in favor of tabling.

3. Resolution RE: Acceptance of Wildewood Lane, Boxwood Lane and the Remainder of Cottonwood Drive as City Streets. Sponsored by Councilor Parks Christenbury. ***(Needs to be removed from the table)***

Christenbury moved seconded by Tweedie to remove from table all in favor. Christenbury moved seconded by Tweedie to adopt. Christenbury explains saying it is the concensus of city staff. The Mayor has a conflict with this, both staff and legal counsel concurred this was not an issue. Tweedie asks a question, is this an issue between the two neighbors now. The City Manager states this is correct.

Tweedie says we already have the deposit. Motion to adopt passed on a roll call vote of 5-2, Keays and Quigley opposed.

## 12. NEW BUSINESS

### A. CONSENT CALENDAR

1. Raffle Permit – American Legion Post 8
2. Tag Permit – Great Bay Figure Skating Club
3. Tag Permit – HOPE Worldwide New England
4. Tag Permit – Dover Baseball Inc.
5. Parade Permit – Dover Cooperative Ministries
6. Parade Permit – March of Dimes – NH Chapter
7. Raffle Permit – St. Joseph Church
8. Road Toll – Dover Main Street Program

Mayberry moved seconded by Quigley to accept. Motion to accept passed by all.

### B. RESOLUTIONS

1. Resolution RE: Award of Purchase Order for Continued SCADA Engineering Services and System Enhancements. Sponsored by Mayor Alexander G. Nossiff, by Request.

Tweedie moved seconded by Mayberry to adopt. Motion passed on a roll call vote of 7-0.

2. Resolution RE: Appointments Committee Recommendations to Various City Boards and Commissions. Sponsored by Councilor Parks Christenbury, Councilor Raymond Tweedie, and Councilor Brenda Whitmore.

Christenbury moved seconded by Tweedie to appoint. All in favor.

3. Resolution RE: Amendment to 2003 Council Rules and Regulations. Sponsored by Councilor Parks Christenbury.

Christenbury explains if the council goes thru and approves the \$25,000 to \$5,000 ordinance this will make us need to meet much more often. He will move to table this item until then; Mayberry as co-sponsor disagrees, saying we want as much citizen comment as possible. We cannot make intelligent decisions if we work until midnight or so. We have a lot of items coming forward; we can cancel the meeting if we have nothing to talk about. Quigley says if we need another meeting we can call it, he will not support this. The reason why we changed it is some people have a conflict on the second Wednesday night. Dunnington says if they approve this, then the people in ward six won't be represented, he does not feel we need an extra meeting each month. Dunnington says what we need is meetings that stay on track. He would like to see us be more efficient. If we need an extra meeting, we should call another meeting. Tweedie supports this resolution, this will allow us to follow up with staff and get the work and issues done. It will allow people come out and speak to it, so he disagrees with Dunnington. Christenbury says this reminds him the longer the meeting the closer we are to election time, one of the problems is whenever we meet we spend money. If we don't pass some other items tonight then we won't need this resolution. Motion failed on a roll call vote of 2-5, Tweedie and Mayberry in favor.

***Mayberry moved seconded by Tweedie to suspend the rules to go past 10:30 pm. Motion passed on a roll call vote of 6-1, Quigley opposed.***

4. Resolution RE: Collective Bargaining Agreement between the Dover School Board and the Dover Teachers Union. Sponsored by Mayor Alexander G. Nossiff, by Request.

Tweedie moved seconded by Hindle to adopt. Keays made a statement that he did not receive a copy of this contract until 3 minutes to 7 this evening. He does not feel it is fair to the citizens of Dover that they vote on it tonight as he has not had time to review it.

Christenbury is going to keep his campaign promise by developing a relationship with the school board, even though they have disagreements with the School Board, he feels they have developed a relationship this year based on trust. Skaltsis and he talk almost every day so he is up to speed on the contract. By speaking to the School Board chair, he had tasked them to coming in with a budget under 3% and they have done it. During numerous public forums recently, they have made changes and they did not close Dunaway Field and stop football to do it. We have a School Board that listened to the council coming in. He trusts the School Board and teachers in this system, he is proud to support the contract. Tweedie has three points, we have bottom line authority only, and in that all you have to do is look at the facts in exhibit "C" and you can see Dover is one of the cheapest areas. Thirdly is trust, he trusts the School Board. They are at 2.98%; he supports these contracts and supports their efforts. The Mayor says he and Tweedie almost never agree and we definitely don't agree tonight. We do not turn a blind eye to contracts. We look for visibility and have discussions for the benefit of people at home. He knows in 23 years as a lawyer, you try and limit the unquantifiable and this is health care costs. GE and General Motors have gone to court with regards to retirees and these issues and they were successful. He continues on numbers, he has never been in favor of layoffs, this year we will have layoffs. Are we trading diamonds for dust? Or apples for apples, a better approach would be to limit the unquantifiable. He feels Keays has the right to see this contract. Teachers could be paid more and limit the unknown healthcare costs by more cost sharing with them. He does not begrudge the bottom line wage increases though if there was deeper participation with the health care costs.

Dunnington says with all due respect we are not elected to negotiate the teacher's contract. We told the School Board if they came in with a budget with 3% or less we would support it, they have done this. The Mayor does not recall this consensus. Quigley is in favor, he feels this is a good contract, Keays has nothing against the School department but he was elected by ward one citizens and he will not vote for any increases whatsoever. Quigley says this is give and take, this makes sense to him, and we only have bottom line authority. What he has seen is teachers leaving for better pay in other towns. We can put this behind us for three years and go on. Mayberry will support both contracts because the residents elected him to represent them; it was each of our responsibility to get the information ahead of time. This is the first year we have not had to send the teachers to arbitration. Christenbury said we chose not to have the chair of the School Board to an executive session when the document became public on Monday night. Anybody that wanted to watch the meeting on Monday night could have, Christenbury explained the situation for everyone, and you do not discuss teacher's contracts in executive session. Each councilor has had a couple of days to get information. Quigley has a question regarding Christenbury's statement. When is it a public document. Christenbury says as soon as the School Board voted, it was public. The Mayor still says higher wages are quantifiable and predictable. Main motion passed on a roll call vote of 6-1, Keays opposed.

5. Resolution RE: Collective Bargaining Agreement between the Dover School Board and the Dover Educational Office Personnel. Sponsored by Mayor Alexander G. Nossiff, by Request.

Dunnington moved seconded by Tweedie to adopt. Motion passed on a roll call vote of 6-1, Keays opposed.

6. Resolution RE: Award of Bid #B03051 for Construction Equipment Rental Rates. Sponsored by Mayor Alexander G. Nossiff, by Request.

Tweedie moved seconded by Mayberry to adopt. Motion passed on a roll call vote of 7-0.

7. Resolution RE: Award of Purchase Order for Continued use of the State of New Hampshire Department of Transportation Fueling Depot for Gasoline and Diesel Fuel. Sponsored by Mayor Alexander G. Nossiff, by Request.

Tweedie moved seconded by Mayberry to adopt. Motion passed on a roll call vote of 7-0.

8. Resolution RE: Monthly Itemized Report. Sponsored by Councilor Raymond Tweedie and Councilor Parks Christenbury.

Tweedie moved seconded by Christenbury to adopt. Tweedie says this is to look at the finer details of financial transactions. Christenbury is also in favor of this. This will only allow those that are interested to read the report. Quigley says he brought this up before over a year ago and Tweedie told him it was micro-managing, so now he will not vote for it. He now feels it should be the City manager's judgment. Dunnington agrees with Quigley, he feels that he does not want to micro-manage. He sees this as more paperwork that we don't need, we need to focus on the major issues. Tweedie says no where in this resolution does it say you have to read this. At the end of the day, he does not question Manager Beecher, it simply says when its time to budget again we could reprogram our priorities.

The City Manager says to clear up a few issues; the only transfers he can make without council approval are in the same department that is the only instance where he can transfer. Between departments, he cannot transfer without council approval. In reality you will not see more than two inter-department transfers per year. Hindle would like to compromise, the City Manager already gives us a report every month maybe it could be added to the manager's monthly report we already get, Christenbury agrees saying how do you set policy if you don't know what is going on. There is a motion to direct the City Manager to put this info in the monthly report, the Manager says he does not need a directive, he will just do it. Then Tweedie withdraws the item from the table.

9. Resolution RE: Feasibility Report and Strategy for implementation of on-line Payment System for various City Services. Sponsored by Councilor Matt Mayberry.

Mayberry moved seconded by Tweedie to adopt. He stated this will enable us to go more paperless. Tweedie hopes the City Manager does not perceive this to be micro-management; but he feels this should happen. Mayberry pointed out two things quickly; you can still walk into city hall and make purchases if you want instead of using the phone or the internet. Motion passed on a roll call vote of 9-0.

10. Resolution RE: Transfer of Appropriations for Various Capital Projects. Sponsored by Mayor Alexander G. Nossiff by Request.

Tweedie moved seconded by Hindle to table until a workshop is held. All in favor.

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

1. Ordinance #07-04/09/2003, Chapter 170, Zoning, Section 170-12, Applicability of Table of Use Regulations, Table I, Part B, Agricultural Uses. Sponsored by Councilor Parks Christenbury, Planning Board Representative. **(To be referred to Public Hearing on 05/14/03)**

Christenbury moved seconded by Tweedie to refer to a public hearing on 5/14/2003. All in favor.

2. Ordinance #08-04/09/2003, Chapter 3, Administrative code, Section 39, Approval of Purchases by the City Council. Sponsored by Councilor Brenda Whitmore, Councilor Raymond Tweedie, Councilor Matt Mayberry and Councilor Parks Christenbury. **(To be referred to Public Hearing on 05/14/03)**

Tweedie moved seconded by Christenbury to refer to a public hearing on 5/14/2003. All in favor.

**D. COUNCIL CORRESPONDENCE**

1. Wetlands Application – Andre and Karen Beaupre
2. Wetlands Application – Public Service of New Hampshire
3. Wetlands Application – State of New Hampshire Dept. of Transportation
4. Letter – Comcast

Tweedie moved seconded by Mayberry to accept and place on file items 12D1-3. Tweedie moved seconded by Mayberry to accept item 12D-4 under protest, motion passed with all in favor.

**13. COUNCIL MATTERS OF INTEREST**

Mayberry thanked Hindle for inviting people to the DHS dinner and put in a plug for the rally on Sunday 4/13/2003. Last week he was approached by the Strafford County Homemakers, he would like to make a small one time donation to get them thru this year. Mayberry moved to donate \$2500. Christenbury wants to see a resolution to this effect.

**14. ADJOURNMENT**

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

**Judy Gaouette,  
City Clerk**