

**MINUTES
DOVER CITY COUNCIL
CITY COUNCIL CHAMBERS
SPECIAL COUNCIL MEETING
JULY 30, 2003*
7:00 PM**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Dunnington led the Pledge of Allegiance.

3. ROLL CALL

Those present: Mayor Pro-Tem Dunnington, Councilors Hindle, Keays, Mayberry and Christenbury. Those absent: Mayor Nossiff and Councilor Quigley.

4. PROCLAMATIONS/AWARDS

There were none.

5. CITIZEN'S FORUM

Nick Skaltsis of 6 Erik Drive is here as Chair of School Board and has a handout. He mentioned tonight's headlines in Foster's that he is in. He pointed out the positive things happening in the school district, he commented on the resolution that is before them tonight saying it is a request for them to appropriate the state adequacy funds grant. If you recall they passed a budget with a million and a half cut in anticipation of State adequacy funds, bringing it down from 6.3 million to 5 million. HB608 went thru the legislature for 5 months and was finally approved a short time ago and provides the City of Dover an adequacy grant increase of \$438,000. It brings our adequacy down to 5.6 million; next year it will drop another million, this is a one time grant; they want part of the money to defray the 2005 budget. Also there is an item on the agenda about parking on the Bellamy lot at DHS, he explained this ordinance as well as the resolution that goes with it. This will permit control of the parking lot to the school and finally the district books are closed for the year and they are returning \$91,980 back to the City they had a \$10,000 surplus. He is also looking to know if we are having a Joint Fiscal Committee meeting before September 1st. The council needs some representatives appointed before they hold this meeting. They have approved their CIP improvement budget. Christenbury has a question, he intends to support the money from the state but the taxpayers and council must make it clear this is not going to be a fixed item in next year's budget. Such as the \$100,000 on the books they intend to spend; he will be looking for this. Nick says they created a \$438,000 line item for their approval. The public will view the \$438,000; they know the money will not re-occur. The School Board is now working on the 2005 budget already. A lot of line items took very large hits; they know they can only spend this money on hard goods, items that cannot be replaced.

Rick Hebbard of 97 Spruce Lane is curious if anyone remembers Harlan Tuttle. He lived up the street from him, he has had to have a tracheotomy as he hit a cable and almost took his head off. He has a problem with the ball fields on Mast Road; there is still a cable there and he has talked to Doug Steele about it. The only entrance to the field is thru this cable, he almost cut it down tonight but someone told him not to. He wants a proper gate put up there; he respectfully asks that they take it down.

Mary Hebbard of 97 Spruce Lane says tonight on the agenda is the Cocheco River dredge facility, she has some questions, things like where the 1.470 million will come from and has the contract been awarded yet and do we even know how much the project is going to cost. One of things that she was concerned with is do we have any projections on how long it will last and what do we do if this fails. She suggests that they table this until the answers are there. She now does not have a councilor, she was comfortable with Whitmore on this issue but now she is no longer there.

6. PUBLIC HEARINGS

- A. Ordinance #10-06/11/03, Chapter 79, City Property, Section 11-K, Disposing of Tax-Deeded and City Owned Real Estate. Sponsored by Mayor Alex Nossiff. **(See Item #11A-1)**

Jim Shulte stated his attorney's office is on Central Avenue and he wants them to support this ordinance. These amendments address a way that is not appropriate for deeding property with regards to the bidding process. Secondly, this amendment would allow the City more control over who would be receiving property and allows the City to have appropriate persons and better control for the City as well as more flexibility in that situation. This is also subject to council approval. He has a client with a concern about a specific area and also the small parcels of land adjacent to Spur Road but in the area of this neighborhood he explained the current width. When presented to Planning Board the proposal was that the land be deeded to abutting property owners. This has already been approved by the Planning Board. This is an instance where bidding is not appropriate; it could not be conveyed to anyone except by way of boundary line by owner. It is an appropriate use of the land and will be put it back on the tax rolls. He asked them to approve the ordinance and approve the amendments to the resolution.

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

Hindle motioned to suspend the rules seconded by Christenbury. Hindle says we need to declare two vacancies in Ward 2 and Ward 4, the applicants will be voted on at the second regular meeting that is in September. He wants a vote to show there are two vacancies and a motion to direct the Clerk and City Manager to post it in the newspaper and in September meet in this chamber at 6 pm and have the applicants tell us why they wish to serve. Christenbury declared Ward 2 and Ward 4 vacant. All were in favor. Mayberry would like to amend this to include applications already on file. Christenbury moved to accept all applications on file until closing of declaration. The filing period will be starting Monday, all were in favor of motion.

7. MINUTES

- A. Special Meeting/Workshop June 4, 2003
B. Regular Council Meeting – June 11, 2003
C. Special Council Meeting – July 1, 2003

Hindle moved seconded by Mayberry to accept. All were in favor.

8. REPORTS OF SPECIAL AND STANDING COMMITTEES

A. Transportation Advisory Commission – Councilor Jason Hindle

Hindle combined his reports saying the TAC met last month and discussed the possibility of a website for the TAC to review items also they have on the agenda a resolution to accept a study for parking and traffic. Secondly, the JBC met last night and both the DHS and DMS are on schedule and should be ready for September's school opening. Keays asked Hindle about the heating of the sidewalk at DMS so kids won't slip and slide, what is the cost of this, he wondered about the cost, Hindle says about \$25,000. Hindle says they looked at different alternatives and this is a hazardous situation to the students as well as to the staff. These doors are used daily; Hindle says there is enough in the contingency to complete this project. Keays says he used to walk two miles to school each day, and last year was a tough winter and you won't see that again for maybe 25 more years. He feels this is waste of money.

B. Joint Building Committee) – Councilor Jason Hindle

C. Planning Board – Councilor Parks Christenbury

Christenbury says the Planning Board continued to be very busy with two major issues, they gave approval to a new Temple Israel right behind Chief Fenniman's house. The other issue is Woodland Road development the in the Governor Sawyer Lane area and was approved with 28 spots, the neighbors are happy. There are still some major issues coming before the board, because some of the rezoning did not pass, there will be more projects coming before us.

D. Appointments Committee – Councilor Parks Christenbury

Christenbury defers to item 12 B-10.

E. Solid Waste Advisory Commission – Councilor Thomas Dunnington

No report

F. Arena Commission –

G. School Board Liaison –

H. Arts Commission – Councilor Matt Mayberry

Matt state he was not in attendance at the meeting. Christenbury says there is a question of a private company representing the committee, also there are no minutes on file. He asked staff to contact the chair and have the minutes filed. Mayberry stated he will look into it and get the issue corrected. Mayberry will have an email update by tomorrow.

I. Cable Channel Policy Review Committee – Council Matt Mayberry

Mayberry says they met last night with a lively discussion and have brought back on focus the channel 22 policy on government access. The question now is public access vs. educational access. They will meet again on Tuesday 8/12/2003 at 7 PM in the City Manager's office.

J. Strafford Regional Planning Commission – Councilor Kevin Quigley

No report.

K. COAST Bus – Councilor Mayberry

Mayberry stated he did not attend the COAST meeting.

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

9. MAYOR'S REPORT

No report.

10. CITY MANAGER'S REPORT

Mike Joyal stated that Paul Beecher had provided the monthly report for them. He then mentioned a resolution amending contracts as the city is entering into a plan at the arena. They are also looking at their rate increases along with the new energy management programs at the facility. They have been meeting with vendors and are making several changes, also there is the HVAC units which they are working on adjusting to address the energy situation at the arena. They are working on developing new programs, things to do with advertising revenues, also management is being re-structured and they are working with staff to re-align staff responsibilities and as of today they have finished meeting with the major user groups and are asking them to be able to amend their agreements to raise the rates so we can address the revenue side of this issue.

Christenbury says Rick Hebbard brings up a very good issue about the safety of the cable wire on Mast Road. Bob Keays asked if they are hiring anyone from that consulting firm to oversee the arena. Joyal says they have asked Jim Cain to help over see operations. Keays asks what we are paying him. Joyal stated about \$2,000 per month for his firm. Joyal says they are providing advice also, he is a resource in the interim while we put the management staff back into place. Also Keays wants the minutes of the arena committee meeting. He is also interested to know what it has been costing each month from April to August at the arena. It isn't in the financial report says Joyal. Keays wants a report each month on the arena from now on.

Mayberry moved seconded by Keays, all in favor.

11. UNFINISHED BUSINESS

A. ORDINANCES IN 2ND READING

1. Ordinance #10-06/11/03, Chapter 79, City Property, Section 11-K, Disposing of Tax-Deeded and City Owned Real Estate. Sponsored by Mayor Alex Nossiff. (*Proposed Amendment attached*)

Hindle moved to suspend the rules to substitute a resolution, seconded by Mayberry, motion passed on a roll call vote of 5-0. The Mayor wants background information, then Joyal explained the ordinance. Christenbury moved, and Hindle seconds the motion. The Mayor wants to know what the rush is. He does not understand the controversy. Mayberry agrees with him on the large tracts of land but this is a very small parcel that this ordinance is concerned with. He feels this is a house keeping issue. Dunnington agrees with Mayberry, saying this cleans up the process. These things are fairly limited and the Spur Road area has no value to anyone but the citizens there. Christenbury echoes what the prior two councilors have said. But what is insignificant to him is not to the abutters. He sees this as either way there will be issues to come before this body for debate. He continued staff has dealt with this for years and years. The Mayor has a question to Assistant Joyal and about Attorney Schulte's case that came up a few months ago about a certain historical parcel. Joyal

says yes, the parties would present their case to the administration and then the council would vote on it. The Mayor is concerned with the historic preservation of this particular parcel. Joyal says we will require it to be maintained for preservation also this will be put back on the tax rolls and someone else will have the responsibility to maintain it. Christenbury says in either case the council has the bottom line authority. Motion passed on a roll call vote of 5-0.

B. ORDINANCES IN 3RD READING

1. ~~Ordinance #09/05-14-03, Chapter 166, Vehicles and Traffic, Schedule I, No Parking at Any Time, Alden Woods. Sponsored by Councilor Jason Hindle.~~
(Item withdrawn by sponsor)

C. RESOLUTIONS

1. Resolution RE: Bond Authorization – Construction of Cochecho River Dredge Disposal Facility. Sponsored by Mayor Alexander G. Nossiff by Request.

Hindle moved seconded by Christenbury to table as this items needs a 2/3 majority of the City Council present for voting.

2. Resolution RE: Bond Authorization – City Hall Heating System. Sponsored by Mayor Alexander G. Nossiff by Request.

Christenbury moved to table seconded by Dunnington. All were in favor.

3. Resolution RE: Award of Purchase Order for Continued City Hall Heating System Renovation Work

Mayberry moved to suspend the rules to introduce resolution, seconded by Hindle. Motion passed on a roll call vote of 5-0. Mayberry moved seconded by Hindle to adopt. Mike Joyal explained 6 votes must be present to vote in the affirmative so in the absence of a bond this resolution will appropriate funds from the contingency account to allow the work to proceed on this project. Motion passed on a roll call vote of 5-0.

12. NEW BUSINESS

A. CONSENT CALENDAR

1. ~~Tag Permit – Knights of Columbus, Council #807~~
2. Tag Permit – Seacoast Pop Warner
3. Tag Permit – Dover Youth Football
4. ~~Parade Permit – Cub Scout Pack 172 – Cub Mobile Racing~~
5. Fireworks Permit – Dover Coalition for Youth/Dover Police Department

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

B. RESOLUTIONS

1. Resolution RE: Award of Bid #B03066 for Dover Trash Bags. Sponsored by Mayor Alexander G. Nossiff, by Request.

***Please use agenda items from 07/09/03 - Strikethrough items have been removed - Bold Items are new items for this agenda**

Mayberry moved seconded by Hindle to adopt. Keays is interested to see what it costs to get these trash bags as it's just over \$12. to purchase a package of these bags. The City pays \$102. per 1000, Joyal explained and that it costs the city about 10 cents a bag. Keays has issues with this price as there is quite a profit. Christenbury clarified you are paying for the tipping fee and pick up of the items in the bag. Christenbury continued to explain that bag and tag is barely a break even project. Motion passed on a roll call vote of 5-0.

2. Resolution RE: Award of Purchase Order for a New Dump Truck. Sponsored by Mayor Alexander G. Nossiff, by Request.

Mayberry moved seconded by Keays to adopt.

Hindle asked how old is the truck. Pete Lavoie says this truck was damaged last winter and it is not worth repairing. Christenbury has a concern with where the money is coming from the sale of gravel, will this impact the fields fund. Lavoie says there is 30% of this fund that is allowed for CIP items. And this item won't exceed that amount. Motion passed on a roll call vote of 5-0.

3. Resolution RE: Award of Purchase Order for Temporary Sewer Line Pumping Services – Central Avenue. Sponsored by Mayor Alexander G. Nossiff, by Request.

Mayberry moved seconded by Hindle to adopt. Motion passed on a roll call vote of 5-0.

4. Resolution RE: Award of Purchase Order(s) for Animal Control, Boarding and Protective Custody Sheltering Services. Sponsored by Mayor Alexander G. Nossiff, by Request.

Mayberry moved seconded by Keays to adopt. The Mayor has a question, no he decided he does not. Dunnington is on the Board of Directors so he will abstain. Motion passed on a roll call vote of 4-0.

5. Resolution RE: Award of RFP #B03052 for Downtown/Riverfront Redevelopment Traffic Circulation and Parking Study. Sponsored by Mayor Alexander G. Nossiff, by Request.

Mayberry moved seconded by Hindle to adopt. Keays is befuddled about this study, we do have 4 planners in the office, why do we have to hire a \$25,000 person; this is taxpayer's money. Why can't one of them do this work. Hindle says he shared the chair of the subcommittee and they put the RFP together, he deferred to Joyal and Woody to tell about the \$124,000 grant money that was awarded. The Mayor agrees with Keays. Joyal says there are 2 issues; the scope and magnitude of the study and the Planning staff is not equipped to do this and the second is the activities they are tasked with there wouldn't be time. Woody will speak to the scope of services. Woody stated he is a city planner, he says he could do this study if this was the only task he had, and he would also need \$25-30,000 worth of software. They do not have the equipment or software to do this. Why is it necessary, because of the growth that we see; this will take a comprehensive look at the downtown and how it looks at the river system. What do we need to do with roads, parking, a new bridge, etc. They will evaluate traffic patterns in the downtown core and study current patterns and develop future patterns as well as on street parking and they will be able to change the dynamics of the parking structure in the downtown. He feels this is necessary, this is an important task, and this will give us a comprehensive master plan. The scope of services was an 11 page document, it brought all parties together. Secondly after the RFP was sent out to 13 firms, the committee was never shown the money bags; the committee

chose a list of four firms because we had the \$100,000 from the CIP and because they had the grant, they chose to spend this money; the committee did the very tough work of weeding out to get the best consultant. The Mayor explained his concerns. Woody says whatever consultant is chosen will tell us what they think should go wherever. They will tell us what we need for infrastructure so we will know what to do.

Mayberry asked when will it begin and when will the study be back. Woody says it will start August 1st and be done by the end of June next year. Mayberry asked could they look at the feasibility of a bridge over Washington Street, Woody says yes, Christenbury stated he travels from Cochecho Street to Brentwood each day and it takes him a long time. We have never looked at the traffic flow from this area; this will also address the truck traffic issue. He is usually not in favor of consultants but they will bring in a clean perspective. He commended Hindle's committee, we have no comprehensive plan for the downtown; this is the solution. Hindle asked Woody to explain to the council the exact location of this study. Woody says they will clarify what the Dover downtown really is and they will have a map with a clear definition. Most importantly it includes Dover's arterial's spokes, Keays asked in this study will the people tell us how much traffic is coming from Rochester and from Somersworth instead of using the turnpike, and how can you stop this. You cannot stop this, since he was a kid, they have been doing studies, and nothing will change. Woody tries to answer his questions. Hindle has one more point, during this year long study there will be public input. Motion passed on a roll call vote of 4-1, Keays opposed.

6. Resolution RE: Establishing Rate for Police Services. Sponsored by Mayor Alexander G. Nossiff, by Request.

Mayberry moved seconded by Hindle to adopt. Motion passed on a roll call vote of 5-0.

7. Resolution RE: Assigning the Regulatory Authority of the Bellamy Park Lot to the Dover School District. Sponsored by Mayor Alexander G. Nossiff, by Request.

Mayberry moved seconded by Keays to adopt. Dunnington asked how many spaces in the lot are there. Officer Marn Speidel says 80 or 90 spaces, Dunnington has a problem and wonders if this is realistic as we do not charge other folks to park there at different events. Hindle says it is for this specific time period, during the school year. Keays asked how many lots are reserved for teachers and teacher's aids. Hindle does not know the answer to this. Keays wondered who will get the money from this endeavor. Hindle says the \$100 per student will go back to the school to run the lot. Motion passed on a roll call vote of 5-0.

8. Resolution RE: NH Estuary Grant to Connect Three Failing Septic Systems to Private Sewer line on Spur Road. Sponsored by Mayor Alexander G. Nossiff, by Request.

Mayberry moved seconded by Christenbury to adopt. Motion passed on a roll call vote of 5-0.

9. ~~Resolution RE: House Bill 415 Regarding the Regulation of Firearms on Municipal Property.~~

10. Resolution RE: Appointment Committee Recommendation to Various Boards and Commissions. Sponsored by Councilor Parks Christenbury.

Christenbury moved seconded by Hindle to suspend the rules to substitute an amendment to the resolution. Motion passed on a roll call vote of 5-0. Christenbury moved seconded by Hindle to adopt the resolution. All were in favor.

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11. Resolution RE: Establishing a Charter Commission. Sponsored by Councilor Jason Hindle.

Hindle moved to withdraw saying this would require a special election and there are no funds for this. There may be a loophole to offer the same in the September Primary next year, that way the city will not incur any costs. Item was withdrawn.

12. Resolution RE: Award of Purchase Order for Bituminous Concrete (Asphalt) Laid in Place. Sponsored by Mayor Alex Nossiff, by Request.

Mayberry moved seconded by Christenbury to adopt. Motion passed on a roll call vote of 5-0.

13. **Resolution RE: Authorization for Amending Arena User Agreements and Increase Arena Ice Rental Rates.** Sponsored by Mayor Alex Nossiff, by Request.*

Mayberry moved seconded by Christenbury to adopt. Christenbury and Hindle are impressed with the work that is taking place in the re organization.

Hindle will be keeping a close watch on the Arena for now. Nossiff feels the same way about this consultant; they are tipping their hat to Tweedie and Whitmore, former councilors as they deserve some credit for this change. Mayberry concurs. Keays asked do the out of town skaters pay a users fee up there. The Mayor says no, Keays feels the majority of the users are out of town teams and they should be paying. The Mayor continued to explain how they pay in a tournament, etc. Dunnington is impressed with the users in that they are willing to work with the City to adjust the fees. Motion passed on a roll call vote of 4-1, Keays opposed.

14. **Resolution RE: Authorization for Conveyance of Portions of City Owned Right-of-Way.** Sponsored by Mayor Alex Nossiff, by Request.*

Mayberry moved seconded by Hindle to suspend the rules to bring item **12B-14** forward (right after item 12B-1) so the residents in that area do not have to stay until the end of the meeting. Motion passed on a roll call vote of 5-0. Mayberry moved seconded by Dunnington to adopt. Motion passed on a roll call vote of 5-0.

15. **Resolution RE: Fiscal Year 2004 Budget Amendment #1 – School.** Sponsored by Mayor Alex Nossiff, by Request.

Christenbury moved seconded by Hindle to suspend the rules to introduce item 12B-15. Motion passed on a roll call vote of 5-0. Christenbury moved seconded by Mayberry to refer item to a public hearing on August 13th, all in favor.

C. ORDINANCES IN 1ST READING

1. Ordinance #11-07/09/03, Chapter 137, Political Contributions and Expenditures, Sections 137-2A, 137-2E(1) and 137-4(A). Sponsored by Councilor Jason Hindle. **(To be referred to a public hearing on August 13, 2003)**

Hindle moved seconded by Christenbury to refer this to a public hearing on August 13th, all in favor.

2. Ordinance #12-07/09/03, Chapter 166, Vehicles and Traffic, Sections 166-56, Schedule I, No Parking at Anytime and 166-57, Schedule J, Limited Time Parking,

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Chestnut Street. Sponsored by Councilor Jason Hindle. ***(To be referred to a public hearing on August 13, 2003)***

Hindle moved seconded by Mayberry to refer this to a public hearing on August 13th, all in favor.

3. Ordinance #13-07/09/03, Chapter 166, Vehicles and Traffic, Section 166-18, Parking Lots, Bellamy Road Parking Lot. Sponsored by Councilor Jason Hindle. ***(To be referred to a public hearing on August 13, 2003)***

Hindle moved seconded by Mayberry to refer this to a public hearing on August 13th, all in favor.

D. COUNCIL CORRESPONDENCE

1. Comcast Letter – June 5, 2003
2. Comcast Letter - June 12, 2003

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

13. COUNCIL MATTERS OF INTEREST

There are none.

14. ADJOURNMENT

Christenbury moved seconded by all, all in favor at 9:07 p.m.

Judy Gaouette, City Clerk