

**MINUTES
DOVER CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR COUNCIL MEETING
SEPTEMBER 10, 2003**

6:00 P.M.

A. Interview of Ward 2 and Ward 4 Candidates

The Mayor opened the meeting asking each of the five candidates to come forward and introduce themselves. They each did, the Mayor then asked that they each come forward and give a brief background statement on why they want to be on the City Council.

Dean Trefethen stated he has been on zoning board for 16 years and has served as chair for 6 of those years. He will be trying to create a balance here between commercial and residential growth while he is on the council. He is married with two children and has lived in Dover for 19 yrs.

Hindle asked do you plan if appointed tonight to serve out the two months or are you going to run this fall. He stated he has not made up his mind 100%. Christenbury asked as chair of ZBA you have seen appeals come before you on old zoning as well as new zoning; how do you feel about how zoning is going in Dover. Are we going in the right direction, Dean feels we need to go further. He remembers back 3 or 4 years ago and how parcels were not re-zoned and now the areas are all houses. Mayberry stated thanks for offering to serve, and what is his vision of the waterfront, Dean says we are in a chicken and egg situation, what should come first, private land owners or developers or the other way around. He definitely is in favor of it, but he wants the city to limit its investment to infrastructure improvements, as we need additional access via a new bridge, etc. Mayberry asked does he want more commercial or open space. Dean feels it would be good to have part residential as well as some commercial. He feels there could be an appropriate mix; he says it could be a very nice area. The Mayor asked drawing from what you indicated on rezoning, the people made an argument about their property rights, how do you square that opinion by developing the waterfront, you seem to be sending a message that you want to curb sprawl, is there an inconsistency there. Dean explained about how 33 acres is really not a large parcel of land. The Mayor says he feels Dean would like limited development on the waterfront with some open space. The Mayor likes his analogy of Newburyport's waterfront, The Mayor asked his opinion of a new police station, as he (the Mayor) is not in favor of it. Dean agrees with the Mayor that some of the operations could be moved to the McConnell center to save money.

Ron Huml of 199 Mast Road stated his history is he is 72 years old; he is married for 56 years with the same wife, they have 2 children one lives here in Dover and one in CA. He joined the Navy when he was 16 yrs old, and served for 20 years as budget and accounting analyst. He then became a finance officer at a city owned hospital in Michigan where he worked for 28 yrs. The hospital board was appointed by the city. He does not like debt; he is debt free, he explained his theories on finance, he would like to be on a finance committee. He knows of two people that have had to leave Dover because of high taxes, he feels the priorities are all wrong here, he would look out for the tax payers of Dover. Christenbury says Ward 4 has had the most complaints in the City recently; if appointed how would you quell differences that currently exist in the Spruce Lane area. Ron stated he would go down and listen to their problems. He feels the laws are on this gentleman's side, as you cannot violate the law.

Mayberry asked if appointed, would you be a candidate for the same office in November. Ron says that if his health problems are resolved by then, yes. Mayberry asked about the Arena and if you could fix one thing, what would that be. Ron says the citizens would not like it but he would have to raise the prices more than they are now. He does not feel the problems will be resolved in the near future; he feels the person hired is going in the right direction. He knows the Arena is not a private enterprise but he does not understand how they can overspend and then take it out of the budget somewhere else. The Mayor asked his opinion on the issue of a new police station. Ron says we cannot afford a new one; we need to utilize all the facilities we currently have. Keays says he is a local critic on the arena,

and we were in hock there from 1993 -1999, we seem to have forgotten that debt, and now we have a new arena with new debt. Do you think that an outside consultant will help the City do away with this debt. Ron does not feel you will ever do away with the debt there. And, he was not aware of the past debt that Keays is speaking of. Keays asked him, do you know if they have repaired the roof on it yet.

Paul Barton of 62 Belknap Street in Dover and has lived here 29 years, he used to work at WTSN as an announcer and chief engineer, then he owned his own business and is now at Morris Inc. out of Portland ME where he is serving as a branch manager with their office in Greenland. He has been married for 30 years and they have no children. He has served on the school committee a couple of times, is now looking to get a focus for the City to keep our taxes stable. Dunnington asked is it your intent to file for office. Paul stated that he filed today. Christenbury asked with your background in politics, this council has strived and moved very far ahead with the school board, what would you do to further this relationship to help it remain on an even keel. Paul would continue the dialogue currently going on to work towards the same direction. He has worked on the JBC for the McConnell Center when they were developing the uses of it. Mayberry thanked him for running, and asked his vision for the waterfront. Paul would like to see it developed similar to Newburyport with residential and some light commercial. The Mayor asked the police station question; Paul would like to use the existing police station. Hindle says how would you resolve the issue of your working as a part time dispatcher, Paul stated he would have to end his work there, so if appointed he would be terminated.

Tom Alie of 28 Atlantic Avenue has been a resident for 38 ½ yrs, he has 2 children and was on the school board last year, he feels citizens should step up and serve their community. Christenbury stated he has known him a long time and his family and he has served for years on different boards. What does he see as the most burning issue here; Tom says everyone is complaining about the taxes, he does not know of a way to get them lower, but he feels they should hold the line on spending. Mayberry thanked him for running, and asked do you intend to be a candidate in the fall. Tom says that he would like to think he is, but he is still up in the air. What personal characteristic could he contribute to the city; Tom says by trade he is a financial analyst; he would be a great help during budget season where the numbers make sense to him; he would be able to determine where or where not to make cuts. Dunnington thanked him for running and stated he is not sure if he could accomplish anything in the next 3 months. Tom feels it would help him decide if not this November then maybe in the next election he would want to run. The Mayor asked about the recent rezoning with regards to farming and the citizens that were involved and now we have a waterfront parcel that is city owned and we want to build it up, what is his take on this issue. Tom feels there should be a lot of open space down there as well as some commercial business; he too likened it to the Newburyport waterfront. As far as telling the general public you can't subdivide your property, he does not feel that is right. The Mayor asked about the police station again and constructing a new police station at this time. Tom would be totally against it; but he does like the idea of moving city offices over to the McConnell Center. He feels different offices of the police department could move over there.

Doug Dede of 143 Locust Street stated he has lived here 12 years with his wife and they have never been happier, they were from a little village, Voorheesville, NY, where he served as Deputy Mayor and spent 8 years on the planning board along with assorted other positions. He found it made a far richer experience to volunteer for the community. A little after he moved here they did not know anyone, he then accepted a position on the Conservation Commission, and eventually became chair. He is now vice chair of the Conservation Commission; he is also a Chamber member and has various other involvements with the City. Community service has enriched their lives. They have begun to know a lot more people now, he is also a Rotarian member as well. He does not have specific answers to some of the questions that have been asked tonight. He does not know if he has the ability to make an answer on certain issues. But if they choose him this evening, he will sign up for to run this fall as he had been thinking of running for quite some time.

Mayberry thanked him for running, if we do not choose you, will you file tomorrow, Doug says possibly not. Mayberry asked about the waterfront. Doug says there is room for open space with the Brown Field that currently exist there, it is also right to have residential in the city, the overall life blood of the

city works well to have residents in it. There should also be a mix of residential as well as light commercial. We have room to do both and there is a need for a residential cluster down there. Christenbury appreciates the candor on whether he will run or not. He continued you have been very active in the business community, and you are well aware of the problems here. Christenbury feels Doug has the knowledge to serve on the council. He asked if Doug would explain how you can be an active member of the business community and still support the tax payer. Doug stated he used to own property in a booming community and people were upset that the value of the property was going down because they zoned it industrial. He compared Dover to the prior community; misunderstanding and fear is what people go thru on the rezoning issue. The Mayor asked his view of the police station because he feels the next council will be dealing with a new North End Fire along with a new police station. He asked his opinion of the space in the McConnell Center. The Mayor does not really want to know about the fire station tonight. Doug says if there is a building, and it is serving adequately, then he would not be in favor of a new police station, perhaps some improvements to it could be appropriated.

The Mayor is very impressed with the caliber of all the candidates tonight.

Christenbury moved seconded by Quigley to conduct the balloting, all were in favor.

B. Resolution RE: Council Appointments to Fill Ward 2 and Ward 4 City Council Vacancies. Sponsored by Mayor Alexander Nossiff, by Request.

The City Clerk tallied the votes and announced that Doug Dede and Dean Trefethen were the winners. The Mayor thanked the others for coming forward with a willingness to serve. Christenbury moved seconded by Mayberry to formally accept the votes as cast. Dede received 3 votes, Barton received 2 votes, Alie received 1 vote for Ward 2. Huml received 2 votes and Trefethen received 4 votes for Ward 4. All were in favor of accepting. Christenbury moved seconded by Quigley on a separate vote to accept the results of the ballot. All were in favor.

C. Swearing in of Ward 2 and Ward 4 Councilors

The City Clerk administered the oath of office to Doug Dede, new ward 2 and Dean Trefethen, new ward 4 councilors.

The Mayor declared a 10 minute recess.

7:00 P.M.

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**

Councilor Dede led the Pledge of Allegiance.

- 3. ROLL CALL**

Those present: Councilor Keays, Mayberry, Quigley, Dede, Trefethen, Christenbury, Mayor Pro Tem Dunnington, Hindle and Mayor Nossiff, also City Manager Beecher.

4. PROCLAMATIONS/AWARDS

5. CITIZEN'S FORUM

Alice Briggs of 10 Cote Drive stated she spoke last month regarding the city disposing of parcels of City owned land. She notices tonight that there is a resolution for city owned land on Center Drive. She explained about the open trails and various clubs that she and her husband belong to, etc. She continued walking, jogging and bicycling, are the most affordable forms of exercise. She has always felt that elected officials should work for the common welfare; she urged them to give a lot of thought to the land currently owned by the City. She asked is your decision based on benefiting a few individuals or are you looking out for the common welfare of a large number of the people. She commented on an old article she had read on Dover with mention to road names. She appreciates the time and effort each of the councilors have contributed to represent the citizens of Dover. Christenbury pointed out this item will be referred to a public hearing tonight.

William Colbath is here to ask their help on the Old Garrison Road situation. For a number of years we have been having a blockage at Old Garrison Road. They think they know who the perpetrator is but they know they must catch the person in the act. The person is an abutter to the road and is constantly out and about telling people they cannot go down there. This has been a class six road for hundreds of years. His wife has been thrown off her horse down there and his son has been thrown off his motorcycle with this blockage. The most disturbing thing that brings him to them is he went to see Mr. Hebbard and he says he owns half of Old Garrison Road; that roadway preceded Mr. Hebbard by a number of centuries. It has also been told to people that this is private property, he understands that the City allowed Rick to make a speed bump; well that speed bump is now 3 feet high. Fish and Game owns a large parcel down there and that is the way people would have access to this area. He spoke on behalf of older hunters and how they need to drive up the road to have access. It now appears that the end of Old Garrison Road has been fenced off and access made impossible.

This is city access and city property and this is a two year battle that has been going on. Mr. Hebbard has now taken responsibility for the blockage however, this is still a class six road. He stated that he is following up on his recent email to all of them. The Mayor feels he deserves an answer on this issue, if he is correct it becomes a police matter. The City manager will give an answer now. He confirmed that it is a class six road and this issue will be dealt with.

Roland Belhumeur of 125 Sixth Street thanked the council for referring this resolution to a public hearing. He thanked Mayberry and the Mayor for putting this on the agenda tonight. He feels it is about time the city remembers the Veterans that have served. 23 years ago they got the \$100 credit; that was when John Maglaras was in office and that is currently still in effect. Brother Hofemann got this passed at the state legislature level recently. He hopes they vote in favor of it.

Eric Sweetser of 2 Wallingford Street stated as you know the Paul Street case was decided in the plaintiffs favor; a lot of things have been said that have caused a lot of damage and pain about it. He clarified that the article that was in Fosters recently that stated Tweedie and Whitmore helped him win the case could not be further from the truth. He continued about the private document that was released, then more on the legal opinion and Attorney Battles. The Paul Street case was won because the law was based on law and the facts.

He addressed the veteran's exemption; he read a prepared statement saying he is in support of the military however will the exemption be compounded and also there are no tools that have been put in place in this amendment for the financial part of the exemption that has been worked out. What will be the net impact on the tax payers for the \$200 to \$500 dollar exemption increase. He has several questions with regards to the veterans benefits; we should not ask our less financially capable to support our veterans that are better off financially. As it currently stands, Mayberry and Christenbury would benefit from the exemption. He then commended the Mayor for his help in the witch trial. He also has noticed that you appointed two new councilors, these two were not appointed by the people of ward 2 and ward 4, only by this council.

He feels the Mayor has served the city well, he then gave his personal apology to him.

Charlie Lewis spoke on the veteran's exemptions; he thanked Mayberry and Hoffman as he urged the council to support this resolution.

Ron Riley of 24 Beech Road is here in support of the veteran exemptions, this is important to him, as his job is to work with disabled American vets and this will aid them with resolving some of their problems, he appreciates the support of the council.

Roland Hofemann stated he was a State Representative representing district 69, Wards 5 and 6. He congratulated the new councilors, he is in support of the new exemption; this has been a long time coming. When they originally put in for this, they did not realize it was not authorized by the State. He explained the process of how it had to go all thru the legislature and senate. He said the governor finally signed it recently. He continued the rubber hits the road now, as a country is judged by the way the country treats it veterans. He wanted to come out and give the vets something concrete. He thanked the Mayor and Mayberry for their hard work on this item.

Lawrence Johnson of 53 Hough Street here in Dover, he is also the local commander of the local chapter of DAV. He is here in support of raising the exemption for local vets.

The Mayor recognized the two boy scouts here in the audience asking them to tell us who they are. Wesley Bickford stated he was a member of troop 73 and they are working on their communications badge; Josh Hunt was the other boy.

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

6. PUBLIC HEARINGS

- A. Resolution RE: Acceptance of Sandpiper Drive as a City Street. Sponsored by Mayor Alexander G. Nossiff, by Request. **(SEE ITEM 11C-1)**

The Mayor opened the public hearing, seeing no one wishing to speak he closed the public hearing.

- B. Resolution RE: Increase of Veterans' and Surviving Spouse Tax Credit Levels. Sponsored by Mayor Alexander Nossiff and Councilor Matt Mayberry. **(SEE ITEM 11C-2)**

Roland Hofemann brings up one further point that was brought up by Mr. Sweetser; when there is shooting action they do not ask how much money do you make.

Bunny Belheumer of 125 Sixth Street again thanked Mayberry and the Mayor for bringing this forth tonight.

Peter Schmidt also indicates his support of the bill as well. He encourages and endorses the passage of this item by the city council.

Seeing no one else wishing to speak he closed the public hearing.

- C. Ordinance #14-08/13/2003, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at Any Time and Section 166-57, Schedule J, Limited Time Parking, Kirkland Street. Sponsored by Councilor Jason Hindle. **(SEE ITEM 11A-1)**

The Mayor opened the public hearing, seeing no one wishing to speak he closed the public hearing.

- D. Ordinance #15-08/13/2003, Chapter 109, Fire Prevention and Life Safety, Section 109-23, Administration and Enforcement (fee schedule). Sponsored by Mayor The Mayor Alexander G. Nossiff, by Request. **(SEE ITEM 11A-2)**

The Mayor opened the public hearing, seeing no one wishing to speak he closed the public hearing.

- E. Ordinance #16-08/13/2003, Chapter 109, Fire Prevention and Life Safety, Update references to NFPA 1 Fire Prevention Code. Sponsored by Mayor The Mayor Alexander G. Nossiff, by Request. **(SEE ITEM 11A-3)**

The Mayor opened the public hearing, seeing no one wishing to speak he closed the public hearing.

- F. Ordinance #17-08/13/2003, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking Anytime, Sandpiper Drive. Sponsored by Councilor Jason Hindle. **(SEE ITEM 11A-4)**

The Mayor opened the public hearing, seeing no one wishing to speak he closed the public hearing.

- G. Ordinance #18-08/13/2003, Chapter 170, Zoning, Article VIII, Sections 170-29 through 170-30.4, Extractions Industries. Sponsored by Councilor Parks Christenbury. **(SEE ITEM 11A-5)**

The Mayor opened the public hearing, seeing no one wishing to speak he closed the public hearing.

- H. Ordinance #19-08/13/2003, Chapter 127, Municipal Records. Adding new chapter. Sponsored by Mayor Alex Nossiff, by Request. **(SEE ITEM 11A-6)**

The Mayor opened the public hearing, seeing no one wishing to speak he closed the public hearing.

- I. Ordinance #20-08/13/2003, Chapter 100, Elections, Section 100-6, Board of Supervisors of Elections. Sponsored by Mayor The Mayor Nossiff, by Request. **(SEE ITEM 11A-7)**

The Mayor opened the public hearing, seeing no one wishing to speak he closed the public hearing.

7. MINUTES

- A. Regular Council Meeting – July 30, 2003
- B. Regular Council Meeting – August 13, 2003

Hindle moved seconded by Mayberry to accept, Dede abstained, all others in favor.

8. REPORTS OF SPECIAL AND STANDING COMMITTEES

- A. Transportation Advisory Commission – Councilor Jason Hindle

Hindle stated at the last meeting they met with Rizzo, the consultants that the city hired to do a study. On October 15th they will hold a public hearing to see what citizens would like to see with regards to traffic issues.

- B. Joint Building Committee – Councilor Jason Hindle

Hindle stated they will be meeting next week for the last time and closing the books on the project. Mayberry mentioned that the presentation on “Walkable Communities” by Dan Burden was excellent. The final report will be next month.

C. Planning Board – Councilor Parks Christenbury

Christenbury says they remain very busy with small subdivisions however, one was the approval of a significant building on Webb Place, it will be a beautiful three story building. Contrary to the minority there are still a lot of businesses that want to come to Dover. Secondly is the Westwood Circle alternate design subdivision; he could have put in a 4 unit subdivision but he will be putting a 2 unit with the rest of the area open space. They still have to come up with a final plan as they want to make sure the plan is palatable with the abutters. There has been talk of loopholes, but we just cannot tell people they cannot build.

D. Solid Waste Advisory Commission – Councilor Thomas Dunnington

Dunnington says it was a fairly quiet month; they are exploring other facilities for recycling to see if they can save the taxpayers money, and they are planning a dedication of the new recycle center before snow flies. They are also exploring the possibility of sharing the recycle center with other communities, this would give more support for the center, also Freon tags went into effect in July. Mayberry asked if it can be put up on channel 22 where you can get bags and take the leaves.

E. Arena Commission –

The City Manager wants to indulge the council for Mike Joyal to give an overview of the arena situation as he has been dealing with this exclusively. Joyal explained about the consultant that continues to be available to us. They are busy incorporating the recommendations in the report and they are trying to generate new revenue, they have been revamping the ice schedule and moving in a lot more groups, they are bringing in events, etc. At this point they have been adding the second sheet, as they are entering their busy season. Staff is responding well to all the changes and they are very concerned about seeing the facility turned around.

Christenbury congratulated him on the work that has been done up there; but some of us are still really reluctant about the programs up there. He salutes Mike and the staff for turning this around, but we still have a significant way to go. Keays says it seems like every meeting he is critical of the arena and he asked has the roof been fixed yet, he has asked this question since last March. Mike says they have an appointment next week with a contractor for this purpose. Mike says the snow leaked in last year and the contractor will be back to resolve the issue. Keays wants to know why we have having these problems and why are we still in hock. Now you tell him with the new rescheduling we will gradually come out of hock, he won't live long enough to see it come out of hock, you are doing a disservice to the citizens of Dover by keeping a certain group up there.

The City Manager clarifies we are in hock 2 million; he makes it clear there is not one tax dollar spent on the arena, none. He continued we allowed them to work with losses, he feels the operational losses will come to a close within a couple of years. We will see a major turnaround in a very short period of time. He also feels the arena will be able to pay off their operational debt. Keays says if we don't see that turn around what are you going to do. The Mayor defends Key's theory of some of taxpayer's money. The City Manager says there is a debt owed to the general fund, from the arena fund. The Mayor says technically it is taxpayer money; the City manager disagrees with him.

Christenbury wants to move the agenda along.

F. Arts Commission – Councilor Matt Mayberry

Mayberry stated the Arts Commission wants to invite the public to participate on October 4-8th in the Independent Film Festival and how the film can impact our very lives. This will be held at the Strand Theater. They are working on several issues: an arts laureate and also one of the members, Terry Jones will be bringing solutions to the room across the hall, the auditorium, as it needs a face lift. Trey Aven, one of the new members is also working on a performing arts center.

G. Cable Channel Policy Review Committee – Council Matt Mayberry

The Council will be receiving a resolution next month to augment a governmental /educational access channel. Also they will see local sports, hockey, lacrosse, etc on this channel.

H. Strafford Regional Planning Commission – Councilor Kevin Quigley

There was none.

I. COAST Bus – Councilor Matt Mayberry

Mayberry stated that he was not able to attend the meeting. However Representative Schmidt has a two minute presentation he would like to give. The Mayor granted Peter two minutes to speak. Peter stated they met this week and are predicting a slight loss due to health care costs, there was a presentation by the City of Portsmouth on the parking garage and it was mentioned Dover has a project also. Christenbury moved seconded by Hindle to accept the reports. All were in favor.

9. MAYOR'S REPORT

The Mayor says we have legal counsel here, Christenbury moved to suspend the rules for the legal counsel as well as the veteran's resolution to be moved forward.

Christenbury moved seconded by Hindle to suspend the rules to bring item 11 C-2 forward as well as legal counsel items. Mayberry made it clear you would have had to serve in war time to take the credit for the exemption. And there are a lot of vets that choose *not* to take advantage of it. He and Christenbury do not qualify for it unlike what Sweetser stated earlier. This is a way to thank the people that went to war for us. The Mayor feels Sweetser's questions have been answered. The Mayor knows the impact has been reviewed. Christenbury pointed out that Sweetser displayed his ignorance again on a very important issue. The issue here is the federal government has reneged on a number of promises at the federal level. He feels this is a better way to approach this. These vets have earned this honor; he salutes all those that have worked on this resolution. The total impact is 29 cents per thousand; we are asking the people in this community to share in this.

Christenbury moved seconded by Hindle to accept the Mayor's report, all were in favor.

10. CITY MANAGER'S REPORT

The City manager points out there are three resolutions; 11C6 as well as 12 B -13 and 14 that brings legal counsel here tonight. Christenbury wants the record to reflect this is now under the City manager's report.

Dean Peschel introduced himself. He stated on the matter of the Army Corp of Engineers and the disposal cell and how he had come before them this past May and he is updating them on what they have learned and on how it will be able to be constructed this year. Dean explained the background and stated we had three responders to the bid, H.E. Sargeant was the one that they chose; however they brought all 3 bidders to the second phase to submit final plans and final costs. H.E. Sargeant is one of the premier companies that have built dredge cells on the east coast. We are looking at a \$700,000 contribution for our costs. They have worked very hard over the past 3 months and feel they are successful. He thanked Geo Insight with the legal counsel. He continued, unfortunately at the end of July he got a call from the Corp of Engineers that said they were not sure they would be able to work with the City as well as the contractor. The City has offered to follow their policies or have them be partners with us and show them the open books, everybody would know how much it would cost. The people at PSNH will be dredging the upper harbor in a separate project; this is logical so they are calling Washington to see if this will work. We do not have a signed agreement as yet, either way he feels the City will come out fine financially, if they have underestimated the amount of material in the river. They have asked us to construct a cell for the maximum amount of material to take out. We have come up with a strategy that will estimate volume low and the cost of the cell, there are a number of advantages, we originally expected to be building this fall and the contract specified they would start in

September. Since that time there is a strong possibility that it won't be constructed this dredge window year. They went back to H.E. Sargeant and asked if they would hold their price until next spring, they agreed and he then pointed out more issues, the WWTP needs some work on their outfall pipe that needs dredging; he continued to explain this project.

There is cost savings and the other factor is if they wait until spring, the baseball field may not be able to be used as it will be in conflict as well as the mobilization factor of bringing in their equipment. John Gilbert of Geo Insight got up and stated the contractor also mentioned if they need to do hauling in the spring there would be more traffic. Also the City Manager reminded Dean of the mobilization fee, if we wait until spring there will be an additional 5 or 6 thousand dollars, also the material that the liner is made out of is made of petroleum items so that is another factor. The City Manager thanked him saying we have two alternatives 12 B-13 and 12 B-14, he explained the difference between them is one is to construct in the spring and the other this fall. The City Manager says 12B-13 is a safer route; if we vote #14 there is a risk we may not ever get a contract with the Corp. However item #13 would be safer because we would not be bound by a contractor if the Army Corp does not come thru with a contract; #13 puts the construction off until spring; with #14 we build right now. The City Manager says in either case we will need a 2/3 vote for the bond issue. Christenbury stated he will suspend the rules and bring up item 14 first, as we have already committed ourselves to bring this project to fruition. We need this in place so the next council can move forward. If we move forward tonight it will show the Army Corp we are in good faith. The PSNH portion is a separate portion on the river from the upper part of the river. We would be remiss if we do not go with #14. With #14 our staff will have a significant role in how it is constructed and we control the process vs. if we just hand it off to the federal government; he wants to go with #14. Christenbury says that this will be the legacy of the Mayor's term. Mayberry feels #14 is a good deal. Dunnington feels convinced this is going to happen and is in favor of #14. The timing will be drawn out if we don't support it. Dede asked Dean a question on the Army Corp and are they going in our direction, Dean says it depends on what day you ask me; he says at one meeting they were very specific that they are going to dredge the river. He feels from all indications they will dredge the river. Dede says based on what he has heard from the Conservation Commission, the time is now. Keays is confused about where the disposal cells are going; he thought it was the soccer fields, is that right. Dean says they are not going in Maglaras Park; his point was if we delay construction until spring there will be too much traffic for the kids to play there. Keays continued about the two children that became sick again.

The Mayor feels we have to be leery of the newspaper stories; if this gamble fails how much are we looking at \$2.2 million minus \$600,000. The Mayor says there are two dredges here, the Army Corp starts at George's and continues down the river and the other starts at PSNH and comes back into the in town area. The total the Mayor says would be an \$800,000 boondoggle. Dean feels we have other options with PSNH if the Army Corp said no. Trefethen asked about #13 and the \$35. tipping fee and has the Corp agreed to this. Dean says no, not until the deal is signed. Keays wants to know if we are responsible for any spoils that go down the river. Dean says no, we are responsible for the material that goes into the cell only. Christenbury moved to suspend the rules to bring 11C-6. Hindle seconds the motion. Quigley asked to abstain and he explained his position, saying it is in a gray area he has been told by attorneys; he does not want to jeopardize the dredging of the river by voting on 11B-6 and 12 B-13 and 14 so he will abstain. Christenbury moved to adopt item 11 C-6.

Christenbury moved seconded by Hindle to accept the City Manager's report.

11. UNFINISHED BUSINESS

A. ORDINANCES IN 2ND READING

1. Ordinance #14-08/13/2003, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at Any Time and Section 166-57, Schedule J, Limited Time Parking, Kirkland Street. Sponsored by Councilor Jason Hindle.

Hindle moved seconded by Keays to adopt, motion passed on a roll call vote of 7-0. Christenbury is out of the room.

2. Ordinance #15-08/13/2003, Chapter 109, Fire Prevention and Life Safety, Section 109-23, Administration and Enforcement (fee schedule). Sponsored by Mayor Alexander G. Nossiff, by Request.

Mayberry moved seconded by Hindle to adopt. Dede asked to abstain because he does not understand the issue, Hindle stated point of order why is he not voting. Chief Plummer came forward and explained the ordinance. Motion passed on a roll call vote of 8-0.

3. Ordinance #16-08/13/2003, Chapter 109, Fire Prevention and Life Safety, Update references to NFPA 1 Fire Prevention Code. Sponsored by Mayor Alexander G. Nossiff, by Request.

Chief Plummer explained it is a housekeeping issue and it brings us into compliance with state law. Christenbury wants to take the fees collected by the fire department and use them to offset the fire dept costs. Could we look at different types of funds. The City Manager feels this would be done anyway and the general fund pays these peoples salaries anyway. Dunnington is concerned about the reimbursement cost. The Chief explained the details. Christenbury moved seconded by Hindle to substitute this item as a whole. All were in favor. Christenbury moved seconded by Hindle to adopt. Motion passed on a roll call vote of 8-0.

4. Ordinance #17-08/13/2003, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking Anytime, Sandpiper Drive. Sponsored by Councilor Jason Hindle.

Hindle moved seconded by Christenbury to adopt. Keays asked where Sandpiper is. Trefethen says we don't want parking on both sides of the street because? Pete Lavoie says the street was narrowed down more than normal, and it would restrict passage. Trefethen says when we gave permission for the road, it was addressed at that time; Pete says yes. Motion passed on a roll call vote of 8-0.

5. Ordinance #18-08/13/2003, Chapter 170, Zoning, Article VIII, Sections 170-29 through 170-30.4, Extractions Industries. Sponsored by Councilor Parks Christenbury.

Christenbury moved seconded by Hindle to adopt. He says this has been a lengthy process; this will put our zoning in compliance with state law with regards to extractions. This will line up our Zoning Chapter with Chapter 155 Subdivision Regs. Quigley asked who the pit owners were that were concerned; Christenbury stated in the background it mentions that a planning board member and member of the conservation commission as well as a pit owner all had concerns. Woody came forward saying it was David Cluff, the pit owner for Brox. Dunnington asked if there were any major changes; Woody says it is a complete replacement of the old section on extraction in zoning. Passed on roll vote of 7-0, Keays out of the room.

6. Ordinance #19-08/13/2003, Chapter 127, Municipal Records. Adding new chapter. Sponsored by Mayor Alexander Nossiff, by Request.

Christenbury moved seconded by Mayberry to adopt. Hindle abstained because of his employment at the Woodman Institute. Motion passed on a roll call vote of 7-0, Hindle abstained.

7. Ordinance #20-08/13/2003, Chapter 100, Elections, Section 100-6, Board of Supervisors of Elections. Sponsored by Mayor The Mayor Nossiff, by Request.

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

B. ORDINANCES IN 3RD READING

C. RESOLUTIONS

1. Resolution RE: Acceptance of Sandpiper Drive as a City Street. Sponsored by Mayor Alexander G. Nossiff, by Request.

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

2. Resolution RE: Increase of Veterans' and Surviving Spouse Tax Credit Levels. Sponsored by Mayor Alex Nossiff and Councilor Matt Mayberry.

Christenbury moved seconded by Hindle to suspend the rules to bring this resolution forward, motion passed on a roll call vote of 8-0.

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

3. Resolution RE: Award of Change Purchase Order for Household Hazardous Waste Collection Services. Sponsored by Mayor Alexander G. Nossiff, by Request. **(To be removed from Table)**

Dunnington moved seconded by Hindle to remove from the table, all in favor. Mayberry moved seconded by Hindle to adopt. Christenbury is happy with the way we do this as it is a bill we have to pay. Motion passed on a roll call vote of 8-0.adopt.

4. Resolution RE: Award of Bid #B03067 for Household Hazardous Waste Collection Services. Sponsored by Mayor Alexander G. Nossiff, by Request. **(To be removed from Table)**

Christenbury moved seconded by Hindle to remove from the table, all in favor. Christenbury moved seconded by Mayberry to adopt. Motion passed on a roll call vote of 8-0.adopt.

5. Resolution RE: Appropriation of Funds for Recreational Athletic Field Construction Development. Sponsored by Mayor Alexander G. Nossiff, by Request. **(To be removed from Table)**

Christenbury moved seconded by Hindle to remove from the table, all in favor. Christenbury moved seconded by Hindle to adopt.

The Mayor had some concerns on this item last month on the issue of the contract, and how much they pay the city. He does not want us taken advantage of this by the Durkin Company.

Keays has concerns as well. Pete Lavoie gave us an update on all the fields, he stated it has been taxing our wells by watering the seeding on the new fields. He continued that he may want a new well, the allocations will be back before them for their approval. Mayberry asked for an outline of all the fields being maintained in the near future. Keays asked if they know that at Maglaras Park there is a sprinkler system, Gary Bannon says they are aware of it. Keays says the fields are a disgrace, don't sink all the money in the gravel pit, and when you cut the fields use a weed whacker to cut around the fence to make it look half decent. Motion passed on a roll call vote of 8-0.adopt.

6. Resolution RE: Bond Authorization – Construction of Cochecho River Dredge Disposal Facility. Sponsored by Mayor Alexander G. Nossiff, by Request. **(To be removed from Table, and needs 2/3 full council vote)**

Christenbury moved seconded by Hindle to remove from the table, all in favor. Christenbury moved seconded by Hindle to adopt.

Quigley abstained (see City Managers Report for discussion). Motion passed on a roll call vote of 7-0.

12. NEW BUSINESS

A. CONSENT CALENDAR

1. Raffle Permit – Dover High School Football Booster Club
2. Tag Permit – Sharper Edge Synchronized Skating Team
3. Tag Permit – Dover Youth Football
4. Tag Permit – Maine All Star Cheerleading
5. Parade Permit – Dover Historic Society – Heritage Walk
6. Parade Permit – Dover Little Green Cheerleading and Football– Walkathon

Hindle moved seconded by Christenbury to grant. Keays moved seconded by Christenbury to remove item #4 from the consent calendar. All were in favor of granting items 12A 1-3 and 5 and 6. Keays has a question about #4 and if this is a Maine group. Joyal clarified that there are Dover kids involved. All were in favor of granting #4.

B. RESOLUTIONS

1. Resolution RE: Setting the Voting Hours for the Municipal Election on November 4, 2003. Sponsored by Mayor Alexander G. Nossiff, by Request.

Hindle moved seconded by Mayberry to adopt. Motion passed on a vote of 8-0.

2. Resolution RE: Dover School District Participation on Committees Associated with Cable Contracts and Cable Channel review. Sponsored by Mayor Alexander G. Nossiff, by Request.

Mayberry moved seconded by Hindle and Dunnington to adopt. Motion passed on a vote of 8-0.

3. Resolution RE: Acceptance of NH DES Municipal Storm Sewer Mapping Grant. Sponsored by Mayor Alexander G. Nossiff, by Request.

Mayberry moved seconded by Hindle to adopt. Motion passed on a vote of 8-0.

4. Resolution RE: Discharge of Center Drive. Sponsored by Mayor Pro Tem Tom Dunnington, by Request.

Christenbury moved seconded by Mayberry to refer item to a public hearing on October 8th. All were in favor.

5. Resolution RE: Award of Purchase Order for Chemical Root Control Services. Sponsored by Mayor Alexander G. Nossiff, by Request.

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

6. Resolution RE: Award of Bid #B04007 for Highway Winter Road Salt. Sponsored by Mayor Alexander G. Nossiff, by Request.

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

7. Resolution RE: Award of Purchase Order for Bituminous Cement (Asphalt) Picked up by City Trucks. Sponsored by Mayor Alexander G. Nossiff, by Request.

Hindle moved seconded by Mayberry and Keays to adopt. Motion passed on a roll call vote of 8-0.

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

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

9. Resolution RE: Award of Purchase Order for Professional Legal Consulting Services Relative to Employment Law. Sponsored by Mayor Alexander G. Nossiff, by Request.

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

10. Resolution RE: Award of Purchase Order for a Replacement Heat Exchanger at the Jenny Thompson Pool Mechanical Building. Sponsored by Mayor Alexander G. Nossiff, by Request.

Mayberry moved seconded by Dunnington to adopt.

Dunnington knows the claim has been turned down but he wants to know if it can be challenged. The City Manager says they are still working on it. Mayberry asked how many people are using the pool to require us spending \$15,000 for heating the water. Gary says we had 22000 -28,000 people using the pool during the summer. It allows us to extend our season, during those times we are able to rent the pool, and we had a lot of rainy days this year; it allowed us to maintain the temperature so that the elderly as well as young children would be able to use it. Motion passed on a roll call vote of 7-0, Christenbury out of the room.

11. Resolution RE: Award of Bid #B04002 for Central Avenue Traffic Signals. Sponsored by Mayor Alexander G. Nossiff, by Request.

Dunnington moved seconded by Hindle to substitute as a whole, all were in favor. Hindle moved seconded by Dunnington to adopt. Woody explained this is a part of the TIP project where we receive 80% of the funding from the federal government. Motion passed on a roll call vote of 6-2, Keays and Trefethen opposed.

12. Resolution RE: Award of Bid #B04011 for Sidewalk Improvements. Sponsored by Mayor Alex Nossiff, by Request.

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

13. Resolution RE: Intent to Award a Contract for the Construction of a Dredge Spoils Disposal Cell. Sponsored by Mayor Alex Nossiff, by Request.

Item was pulled.

14. Resolution RE: Award of Bid #B03071 for Dredge Spoil Disposal Cell Construction Sponsored by Mayor Alex Nossiff, by Request.

Christenbury moved seconded by Hindle to suspend the rules to move this item forward to the City Manager's Report. Christenbury moved seconded by Hindle to adopt. Motion passed on a roll call vote of 7-0, Quigley abstained.

15. Resolution RE: Council Appointment to Fill Ward Six (6) Supervisor of the Checklist Vacancy. Sponsored by Mayor Pro Tem Tom Dunnington, Ward 6 City Councilor.

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

C. ORDINANCES IN 1ST READING

1. Ordinance #21-09/10/2003 Chapter 68, Building Construction, Section 68.1, Statutory Authority and Section 68-2, Adoption of Standards. Sponsored by Mayor The Mayor Nossiff, by Request. **(TO BE REFERRED TO PUBLIC HEARING ON 10/08/03)**

Dunnington moved seconded by Mayberry to refer to a public hearing on October 8th, all in favor.

D. COUNCIL CORRESPONDENCE

1. Letter – William M. Lemoi Regarding Comcast
- 2, Minutes – Strafford County Committee on Aging

Dunnington moved seconded by Christenbury to accept and place on file, all in favor.

13. COUNCIL MATTERS OF INTEREST

Christenbury thanked the new members for volunteering. He feels we can get a lot done in the next 3 or 4 months contrary to what someone said at citizen's forum.

Mayberry invited the public to attend a service for the victims of 911 at St. Joseph's Church at 7 pm tomorrow evening. Everyone is invited to participate.

Keays almost forgot about the problem on St. Thomas Street, #39's and 41 sidewalk has not been done, Pete wrote down the problem saying he would take care of it.

The Mayor thanked Pete Lavoie and Doug Steele for responding to some issues lately. He also thanked all five people for stepping forward this evening.

Christenbury reminded everyone to file for office on or before Friday, the 19th of September.

14.

14. ADJOURNMENT

Mayberry moved seconded by Christenbury to adjourn at 9:53pm, all in favor.

**Submitted by
Judy Gaouette,
City Clerk**