

**MINUTES  
DOVER CITY COUNCIL  
CITY COUNCIL CHAMBERS  
REGULAR COUNCIL MEETING  
DECEMBER 10, 2003  
7:00 P.M.**

**1. MOMENT OF SILENCE**

Mayor Nossiff stated condolences go to the Proulx family as they lost a daughter this past week after losing their Dad this year also. Also condolences go to the family of Thomas Wells, a former citizen of the year and long time Dover resident.

**2. PLEDGE OF ALLEGIANCE**

Trefethen led the Pledge of Allegiance.

**3. ROLL CALL**

Those present: Councilors DeDe, Christenbury, Mayor Pro Tem Dunnington, Councilors Hindle, Keys, Mayberry, Quigley, Trefethen and Mayor Nossiff as well as City Manager Beecher.

**4. PROCLAMATIONS/AWARDS**

The Mayor read a proclamation and then presented it to Fire Fighter Engineer Michael Surdokowski who is retiring after 24 years of service.

Next he called on Gary Bannon to receive the Mayor's Award for his choice as the most dedicated employee of the year. Gary came forward and received his award.

Christenbury then read a proclamation to the Maglaras Family in memory of George Maglaras Sr. He explained the history of Captain Maglaras down through the years, Christenbury stated the most significant thing this council has done has been to vote to develop the riverfront, so he chose to honor the memory of George Maglaras Sr. He reminded us of the contributions this family has made over the past 50 years as he read a history of their family. He also mentioned Estelle's contributions to the City as well as Chucky's stint on the Planning Board. He also recognized brother Tim, and then he listed all George's accomplishments as well as the aunt and uncle, Roland Belheumer and his wife. He continued that no family has contributed more to the City. He grew up just down the street from George's family, his father was famous on the river and, it all started with one person, George Sr. He then presented the proclamation to George and his mom, Estelle. George then thanked the Mayor and Council for remembering the vision of his Dad. The Mayor says his Dad was a real sea captain and an environmentalist before anyone knew what those words really meant.

**5. CITIZEN'S FORUM**

Christenbury asked that everyone hold their comments to one minute as this is going to be a very long meeting.

Roland Hofemann of 18 Wellington Avenue is here for the seniors and to convey their message. He mentioned the tax abatements, also the resolution the council passed for seniors to stay in their own senior center. He thanked them for everything they have done, he wished those leaving well. And those staying to keep up the good work.

Joyce EIKouarti of 112 Bellamy Woods is here with her Open Lands Committee hat on, she spoke in favor of the conservation easement land resolution on tonight's agenda and mentioned the criteria page she had passed out (see council folder). She also pointed out on the map where the parcel is located in Dover. She feels the connectivity to another parcel is one of the great things about this. She also mentioned the bonding and hopes they will fund the million dollars in the CIP for Open Space.

Bryan Cahoon of 114 Mast Road is here in favor of the ordinance on drug and alcohol parties. He feels this ordinance is another tool to assist us in keeping our kids safe. He is competing constantly with peer pressures of other kids as well as the alcohol industry with their ads on young impressionable minds. He shared a short story when he was in high school where underage drinking occurred, a friend of his had been drinking and on the way home he hit a family of 5 killing two of the members. He knows the impact that this tragedy has had on his and that family. We need to be sure adults and parents are held accountable. He did not plan to speak this evening but his son asked if he would speak on this ordinance. He was surprised this law did not already exist.

Alice Briggs of Cote Drive stated she noticed there are several items on the agenda for discharging roads. She wants them to check the police blotter because in her neighborhood this issue is not working out very well with what passed 2 months ago. She wants them to look at how many people live on these streets. Because if there are a lot of people on the streets, they will not be able to work together very well.

Nick Skaltsis of 5 Erik Drive is here reflecting on their last meeting he thanked them for their support over the last two years. He stated all of the School Board's requests have been supported by the City Manager over the last 4 years as well. He spoke on the resolutions that pertain to the School Board tonight that he is in support of. He urged them to pass the school part of the CIP as requested; he then mentioned they still have the dilemma of the school library automation. Also the custodian's agreement is on the agenda. (See council folder 12/10/2003). He also thanked the council for the enthusiastic support of a land purchase for the DMS. This purchase did not work out so they will continue to pursue property in this area. The Mayor thanked him and told him what a pleasure it was to work with him also.

Dan Keenan with Dover's Youth to Youth is here in support of the party host ordinance. He read a prepared statement explaining about the land lord issue portion of the ordinance. He stated without the owner's permitting this party to happen, they cannot be responsible. And they could not be charged under this ordinance. He urged the council to support this ordinance.

## **6. PUBLIC HEARINGS**

- A. Resolution RE: Fiscal Year 2004 Budget Amendment #2. Sponsored by Mayor Alexander G. Nossiff, by Request. **(See Item #11C-3)**

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

- B. Resolution RE: The Establishment of a Cemetery Reserve Trust Fund. Sponsored by Mayor Alexander G. Nossiff, by Request. **(See Item #11C-4)**

Otis Perry of 91 Court Street stated he is an alternate member of Cemetery Board and they have worked for 3 months preparing this resolution. He explained the resolution saying they

would like this money to go into a capital reserve fund to be kept until additions are needed to preserve the cemetery. He urged the councils support on this item.

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

- C. Resolution RE: Acceptance of a Portion of Willard Road as a City Street. Sponsored by Mayor Alex G. Nossiff, by Request. **(See Item #11C-5)**

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

- D. Resolution RE: Petition for Discharge – A Portion of Lake Street. Sponsored by Mayor Alexander Nossiff, by Request **(See Item #11C-6)**

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

- E. Resolution RE: Discharge of Unaccepted 380 Feet of Cote Drive. Sponsored by Mayor Pro Tem Dunnington by Request. **(See Item #11C-7)**

Attorney Jim Schulte stated his office is on Central Avenue and he resides on Towle Avenue. He is here tonight for Dr. Dickenson and his wife of Cote Drive as they couldn't be here because of health reasons. He explained the discharge area by pointing out on a map the requested discharge portion. In the 1960s Armand Dimambro acquired a number of lots and because city ordinances had changed that plan was approved by the Planning Board that is important because after 1989, the City's law changed again and the right to development it as a road was lost. The City had the right to give up its right to accept this area that is 380 feet long. The City has a continuing public servitude which means the City could vote to accept it at any time. If the City wants a street there; the City would have to acquire the land and build it. But the City would have to acquire the land or the rights to it if they give up their right. The problem is there is a 50 foot wide street and it is too narrow for the fire trucks and all the delivery trucks need to turn around in private driveways; also the public safety vehicles must drive the whole length of the street. His concern is the potential safety of the residents as there are safety concerns here. If you vote to approve the resolution you will be transferring the rights to the Cote heirs and Mr. Cote deeded it to the City way back when. They did grant an express right of way though; anything you do cannot affect this discharge.

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

- F. Resolution RE: Sale of City Owned Parcel. (Dover Point Road). Sponsored by Mayor The Mayor Nossiff, by Request. **(See Item #11C-8)**

Attorney Jim Schulte is here with another map explaining this area. He stated from back in the mid 1800's there was a building on this parcel that was built in the 1880's and used as a fire house. The parcel next door has a small schoolhouse now belonging to the Knights of Pythias. His client is Roy Josselyn who is seeking to acquire this parcel. His use of it is only what the City would allow any person in this particular zone. He cannot transfer this property to anyone else. It could only be used for a farm stand if he wanted too. Also the City has the right of first refusal on the property. He passed photos of this building around the room; he stated Mr. Jocelyn will take on the burden of preserving the building if this is granted in order to preserve Dover's history while the City has some control over it.

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

**G. Ordinance #22-11/12/2003, Chapter 131, Offenses, Chapter 131-17, Facilitation of a Drug or Under Age Alcohol Party. Sponsored by Councilor Dean Trefethen. (See Item #11A-1)**

Christenbury moved to suspend the rules to move this item's public hearing forward on the agenda.

Kaitlin Reilly of 122 Grove Street stated she is a sophomore at Saint Thomas Aquinas, she explained the history and the process of the ordinance to date. They asked is there a problem here, the answer is yes, she then mentioned the packet of articles that they all would have received previously, (see council folder of 12/10/2003).

Chelsea Perron stated she is also a sophomore at STA and also a member of Youth to Youth. She explained about the supervision that is lacking at party time and that no parent can watch every student at every moment. If this law were to be passed, some people think the parties would just move to the woods, well this is NH and it is pretty cold in the woods. This law will not stop all underage drinking parties, but it will help.

Bill Simons 18 Fieldstone Drive is one of the advisors of the Youth to Youth. He thanked Councilor Trefethen for sponsoring the ordinance and stated the Police Chief is in full support of the ordinance.

Seeing no one else wishing to speak the Mayor closed the Public Hearing.

Trefethen moved seconded by Hindle to adopt the ordinance. Trefethen thanked the students at STA and encouraged everyone to support this ordinance. We are talking about a party here not the occasional glass of wine at Thanksgiving that a kid has with his parents present. There is a lot of underage drinking that is out of control. This is to prevent and remove that sense that it is an OK thing to do. Christenbury says he will support this. The real issue is this is a State Law that no one can drink under age 21. There are very mixed messages that have been sent since the law is you must be 21 so we need to give the police the tools to enforce the law. They are not going to be running around town looking for a kid having a glass of wine with their parents. When we start holding people accountable then things can be enforced. Dunnington feels this really is a start but it will not solve all the problems, parents go away for the weekend and kids have a wild party, he has been a prosecutor for a number of years now and alcohol and kids are a major, major focus of what Police departments do. He gave an example of 11 fatalities in Durham in one year all related to alcohol, he feels this is a start in the right direction.

DeDe stated he had the pleasure of attending the meeting at STA about this issue and has okayed this ordinance with the Police Chief by checking to see if this is a duplication of State law. This ordinance makes it possible to levy a fine; he is in support of the ordinance. Motion to adopt passed on a roll call vote of 8-1.

**H. Resolution RE: Bond Authorization – Purchase of Land for Middle School Recreation. Sponsored by Mayor Alexander G. Nossiff, by Request. (See Item #11C-9)**

Item was withdrawn.

**7. MINUTES**

- A. Council Workshop – November 5, 2003
- B. Regular Council Meeting – November 12, 2003

DeDe moved seconded by Trefethen to accept. All were in favor.

**8. REPORTS OF SPECIAL AND STANDING COMMITTEES**

- A. Transportation Advisory Commission – Councilor Jason Hindle

He will forego his report.

- B. Planning Board – Councilor Parks Christenbury

Christenbury thanked the council for allowing him to serve. He stated the developers are now swarming on Littleworth Road to develop it because the council did not pass a portion of the rezoning that had come before them earlier this year. He said let this be a lesson learned for the next council.

- C. Solid Waste Advisory Commission – Councilor Thomas Dunnington

No report.

- D. Arena Commission – No Report  
E. Arts Commission – Councilor Matt Mayberry

Mayberry will forego his report also.

- F. COAST Bus – Council Matt Mayberry  
G. Strafford Regional Planning Commission – Councilor Kevin Quigley

Dunnington moved seconded by all, all were in favor.

**9. MAYOR'S REPORT**

No report.

**10. CITY MANAGER'S REPORT**

No report.

**11. UNFINISHED BUSINESS**

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

1. Ordinance #22-11/12/2003, Chapter 131, Offenses, Chapter 131-17, Facilitation of a Drug or Under Age Alcohol Party. Sponsored by Councilor Dean Trefethen.

See item 6-G. for actions.

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

**C. RESOLUTIONS**

1. Resolution RE: Appropriation for FY05 Capital Improvements Program and Authorization for Bonding. Sponsored by Mayor Alex G. Nossiff, by Request.

Hindle moved seconded by Mayberry to adopt.

**Then Christenbury moved seconded by Trefethen to suspend the rules to put this item at the end of new business. Motion passed on a roll call vote of 8-0.**

Mayberry moved to adopt seconded by Hindle.

Christenbury doesn't want to address this item like the consent calendar. The Mayor and Keays feel this deserves an entire evening and that this should be approved by the next council. Christenbury

wants to know if can we go past 10:30 pm, that is the first thing to find out, if we can't do it tonight, then we should wait and let the next council handle it next year. If we pass this as is it is 80 cents on the tax rate and if we can't sit here for 4 or 5 hours tonight then this is not fair to the new council. Mayberry feels if we can agree on 20 some items then that leaves very few items to really discuss. DeDe also feels it would be appropriate to end with this but the amount of time this deserves is unavailable tonight. We need to explore the process because there is a significant amount of money to be considered here. Keays made a motion to pass it on to the new City Council. Christenbury seconded the motion to table. Dunnington asks the City Manager what the impact is if we do not address it tonight. Mr. Beecher says the problem is on the school side because of construction issues as well as the library automation; these are time critical projects and will put the school in jeopardy if not addressed tonight. Jeff says they could do the ones they agree on and then bring the rest back in January. The motion to table failed, Christenbury and Keays in favor all others opposed.

Christenbury moved to separate item **#s 14 – 18**, and for anyone who wants to remove any other item. Quigley seconds the motion, all were in favor. Christenbury moved seconded by Hindle to remove item **#s 14 and 17** for discussion, all were in agreement. Christenbury has a problem bonding software. This automation has to occur no matter what even though the school board does not want this bonded in their CIP. We should remove this and pay for this item with the money that was returned from the school board. We should not be placing items without full approval of the school board on the CIP. Trefethen agrees with Christenbury, we have to do this and it must come out of the general fund. DeDe asks is there something that we will loose if we do not bond this. The City Manager would have to come back with a budget amendment in January and then refer it to a public hearing in February so they would loose the \$7,000 in savings by not taking care of this in December, also we would be in peril of having the library shut down. Mayberry says this is not two separate issues, it is ONE library issue. In the long term it could cost us more; he will vote to bond this item. Christenbury says we have the money and if it is that important an issue, then they can take care of this in January. Where in the Master Plan does this item fit, it does not, we need to pony up and pay cash and it can be done, it is a matter of principal. DeDe feels it is also inappropriate as obsolescence occurs too quickly; he would rather not go the bonding route. He does think it requires more work down the road. Christenbury moved seconded by Hindle to remove these items from the CIP, Quigley and Mayberry are opposed.

Christenbury moved seconded by Dunnington to approve items **15, 16 and 18**. Trefethen will support this motion but he wants to be clear about the second phase of the Garrison School; he wants to take a hard look at the second year's expenditure. Christenbury thanked the School Board for taking the time to complete a project and bring it in under budget and under time. Motion passed on roll call vote of 8-0. The City Manager needs an amended resolution to delete the other items. Christenbury motioned for an amended resolution to approve Item #s 15, 16 and 18 and that will be the amended resolution for the CIP. Motion passed on roll call vote of 8-0. DeDe still has questions about the Library funding; Mr. Beecher will find out the answer tomorrow.

On items 11 C-2 and 3 - Christenbury moved seconded by Hindle to move this item to the end also. Motion passed on a roll call vote of 8-0.

2. Resolution RE: Appropriation for FY05 Capital Improvements Program – Reserve Trust Financed Projects. Sponsored by Mayor Alexander G. Nossiff, by Request

Hindle moved seconded by Quigley to adopt, Trefethen will vote no because of item #1. Motion passed on a roll call vote of 7-1, Trefethen opposed.

3. Resolution RE: Fiscal Year 2004 Budget Amendment #2. Sponsored by Mayor Alexander G. Nossiff, by Request.

Mayberry moved seconded by Hindle to adopt. Christenbury says we are going to pay cash for how many cruisers and not have to bond those, he asked will you be amending the CIP. He does not want a double order of cars. DeDe wants to know what we are buying, Keays asked didn't we just buy four

new ones last winter, what are those four cruisers that are waiting to be painted over at Mast Road. Christenbury says they were there from the year before. Motion to adopt passed on a roll call vote of 6-2, Keays and DeDe opposed.

4. Resolution RE: The Establishment of a Cemetery Reserve Trust Fund. Sponsored by Mayor Alexander G. Nossiff, by Request.

Mayberry moved seconded by Hindle to adopt. Mayberry asked for the City Manager's opinion on this resolution. The City Manager supports this because too often we overlook the cemeteries needs for paving roads and acquiring more property out there. Dunnington feels from a financial standpoint this does makes sense to him. This will enable the City to build a fund with non tax dollars. DeDe asked if this will be a trust fund and will it be a recipient of donations. The City Manager says no, we do have trusts for that. Otis Perry agrees if this was tax money but currently it does offset the tax rate at about \$20,000 per year. They have had land for 50 and 75 years but not all the roads necessary to support that expansion. Mayberry asked when was the last time that the fees were updated. Otis Perry says there are fees for labor intensive activities such as digging, monuments, burial, cremation, (whether on a holiday or not), etc and then there is the sale of the asset. That money currently is split in half and half goes into a Perpetual Care Fund and is not available for expansion and then there is the other half that goes into the general fund and basically gets lost to the cemetery and that is the portion this resolution addresses, it is not a lot of money but over 50 years it would add up to a lot. Keays says back in the late 80's the cemetery was expanded, Otis agreed. But new water has not been done all over the area; this money will be set aside for future development of the cemetery. Motion to adopt passed on roll call vote of 8-0.

5. Resolution RE: Acceptance of a Portion of Willard Road as a City Street. Sponsored by Mayor Alexander G. Nossiff, by Request.

The Mayor withdrew his sponsorship of this item. Christenbury moved seconded by Hindle to adopt. Motion passed on a roll call vote of 8-0.

6. Resolution RE: Petition for Discharge – A Portion of Lake Street. Sponsored by Mayor Alexander Nossiff, by Request

Mayberry moved seconded by Trefethen to adopt. Motion passed on roll call vote of 7-1, Quigley opposed.

7. Resolution RE: Discharge of Unaccepted 380 Feet of Cote Drive. Sponsored by Mayor Pro Tem Dunnington by Request.

Dunnington moved seconded by Christenbury to adopt. Christenbury says there are no plans now or in the future to make this a city street. We are having a hard time maintaining the streets and roads we currently have, therefore we cannot do this for one abutter. Let's put closure to this issue. The Mayor, cannot speak on this as he is an abutter. Mayberry disagrees and would like to leave our options open. We do not know what the DOT is going to do on the bridge in the future. He will be voting no on this item. Quigley can't see the City giving up some of their own property, we should have learned from the bluffs. He doesn't see giving it up for this or any other street. He hopes they don't vote to give it up, DeDe asks about the potential for development down the road; it might be possible to develop the rest of it and create a drive through. The City is not at risk to put any additional funds into it, he is not in favor of it. Trefethen says he too has concerns but disagrees with Mayberry on who would foot the bill as we have an unacceptable situation where there is not a proper turn around at the end of the street. He is not comfortable with this. Christenbury clarified we do not own the property here, the abutters have come forward to ask that we discharge it; and it has never been accepted as a city road. The people do not want it as a city road if safety is an issue. Christenbury would have hoped the Fire Chief and Police Chief would have been here to speak on this issue. Also what is the State going to do about the bridges; he can't imagine that Cote Drive is going to be a major thorough fare. We need to respect

these people here. DeDe understands the land is not owned by the City but can the City step in and do something if they want to. He would like to hear the attorney's take on it, the Mayor takes a hand vote to let the attorney speak. Three are in favor, Christenbury, Hindle and DeDe, the rest are opposed. Motion failed, Trefethen clarified this area is all built; what do we want to do with this. Christenbury stated he can't see any intentions that can be foreseen that the City is going to want to go in to develop that road. Quigley says that is only today. Dunnington says the City is not going in to build a road there. Christenbury moved the question. Motion failed on roll call vote of 3-5, DeDe, Keays, Mayberry, Quigley and Trefethen opposed.

8. Resolution RE: Sale of City Owned Parcel. (Dover Point Road). Sponsored by Mayor Alex Nossiff, by Request.

Mayberry moved seconded by Hindle to adopt. DeDe asked about the abutters rights and are there limitations on that; if they have an offer on the purchase price, it has to be offered to the City, Christenbury is confused; it is a piece of City property and for him to authorize selling a piece of City property there must be a compelling issue of how people could bid on this. If the compelling reason is to preserve that property, we should open it up to non profit groups and here we are selling a highly valued piece of property, he feels this should be tabled to the new council. This should be given to everyone to bid on, Dunnington says if we feel it is a significant, valuable, historical piece of property then it would be a mistake to sell it now. But if the purpose is to utilize the property for a farmstand, then we could enter a lease agreement, the Mayor agrees with the two prior Councilors. Uncle Shim had property taken from him in the 70s in urban renewal for a dollar so he knows full well about this, why would we entertain this without taking a site walk, he suggests that the new council take a site walk on any City property that is up for sale, his answer is clearly no, anyone who does not realize the strategic nature of this. Mayberry says we are not maintaining this building, where is the public outcry on this historic building. From his understanding the lot lines will not be erased, he does not need this to augment, we want these buildings but we do not spend the money to take care of them. Mayberry says horse trading goes on all over town here. The Mayor says if this facilitates development down the road, how can we do this to facilitate development on Dover Point. Hindle feels we should table this item to the next council, or until his Dad can speak on it. Christenbury understands but this item needs to be voted up or down; we should vote this down and put closure to this. Mayberry made another pitch for it but he will second Hindle's motion to move it to January. Trefethen, Hindle and Mayberry in favor, the other five were opposed. Christenbury called the question. Motion to adopt failed on a 1-7 roll call vote, Mayberry in favor.

9. Resolution RE: Bond Authorization – Purchase of Land for Middle School Recreation.  
Sponsored by Mayor Alexander G. Nossiff, by Request.

This item was withdrawn.

## **12. NEW BUSINESS**

### **A. CONSENT CALENDAR**

1. Raffle Permit – Cocheco Chapter – the 300 Club
2. Tag Permit – Somersworth Boys Basketball Boosters

Keays moved seconded by DeDe to grant. All were in favor.

### **B. RESOLUTIONS**

1. Resolution RE: Award of Purchase Order for Spur Road Sewer Force Main Extension. Sponsored by Mayor Alexander G. Nossiff, by Request.

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

2. Resolution RE: Award of Purchase Order for Construction Phase Engineering Services for the Wastewater Treatment Facility Outfall Improvements. Sponsored by Mayor Alexander G. Nossiff, by Request.

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

3. Resolution RE: Award of Purchase Order for  $\frac{3}{4}$ " Stone Base Fine Gravel for Bellamy Road Reconstruction. Sponsored by Mayor Alexander G. Nossiff, by Request.

Christenbury moved seconded by Hindle to adopt. DeDe asked where this item is being purchased from, is it Rocky Hill Quarry in Eliot, ME and is the same type of aggregate available on Mast Road. Pete Lavoie says no it is not the same and because of the trucking distance it is quicker to haul the materials from Brocks to Bellamy Road, motion passed on a roll call vote of 8-0.

4. Resolution RE: Award of Blanket Purchase Order for Surplus Tires Collection and Recycling Services. Sponsored by Mayor Alexander G. Nossiff, by Request

DeDe moved seconded by Hindle to adopt. Pete explained about the reclamation fund in the motor vehicle fees. Discussion ensued on the price of this. Motion to adopt passed on a roll call vote of 8-0.

5. Resolution RE: Authorizing Release of Funds from the Conservation Fund for a Conservation Easement by the Dover Conservation Commission. Sponsored by Councilor Parks Christenbury.

DeDe moved seconded by Hindle to adopt. Christenbury stated we are authorizing the development rights and he feels safe in passing this. Motion to adopt passed on a roll call vote of 8-0.

6. Resolution RE: Acceptance of Donation of Land – 1.45 Acres Located on Sixth Street. Sponsored by Mayor Alexander G. Nossiff, by Request.

Mayberry moved seconded by DeDe to adopt. DeDe commented with Dean Peschel in favor it; then he would be in favor of it also. Motion passed on a roll call vote of 7-0, Keays out of the room.

7. Resolution RE: Authorization to Purchase Railroad Right-of-Way from the State of New Hampshire. Sponsored by Mayor Alexander G. Nossiff, by Request.

Dunnington asked to abstain. Christenbury moved seconded by Hindle to adopt. Christenbury commented, he was originally opposed but he agrees with the concept of the walking trail. He spoke for Keays while he is out of the room, we would be remiss if we did not acquire the property now even though he has problems with the bridge. Trefethen is glad this is separated as well, however he will not support this item. DeDe feels as Christenbury does; he feels it is the right thing to purchase it. He is against linkage to any further agreements across the street. Keays says the City is out of course because that bridge is in such poor condition, why would the City want to get involved. He feels we could use the \$650,000 for something better than the bridge. The only one benefiting is the contractor, Christenbury understands Keays and Trefethen but that is not the issue tonight; we may obtain that track but not ever build the trail over the bridge. If we retain the rights of the land we can control it better; this is one separate distinct issue. Keays wants to know why it is one separate issue, when you buy the bridge you buy the land, Christenbury responds, we are not at that point as yet, we need to retain the rights to this property for the future. The bottom line is safety, if the City owns it we could partition it off so no one can get on it. DeDe stated the City had entered into an agreement with the State and there are is a possibility of LCHIP funds along with the rotary in this City has talked about making this a covered bridge. The City has an obligation that they have made with the State and he agrees with Christenbury that this is for future councils to decide. Keays asked who authorized the City to make this deal with the State. The City Manager says this is an ongoing project with the City for 5 years. Keays says if the City gets involved with this and spends \$680,000 on this bridge, it is a mess,

and this is a poor buy for the City of Dover. Motion passed 5-2, Keays and Trefethen opposed, Dunnington abstained.

8. Resolution RE: Collective Bargaining Agreement between the Dover School Board and the American Federation of State, County, and Municipal Employees, Local 2932/Council 93/AFSCME, AFL-CIO. Sponsored by Mayor Alexander G. Nossiff, by Request

Mayberry moved seconded by DeDe to adopt. Motion passed on a roll call vote of 7-0, Christenbury was out of the room.

9. Acceptance of the remaining portion of Danielle Lane and Benjamin Way as City Streets. Sponsored by Mayor Alexander G. Nossiff, by Request. **(TO BE REFERRED TO A PUBLIC HEARING ON 01/14/04)**

Mayberry moved seconded by Hindle to refer to a public hearing in January. Trefethen asked to abstain, all were in favor of moving to a public hearing.

- 12B10** Resolution RE: Award of Purchase Order for the Acquisition of Food Concession Equipment at the Dover Ice Arena. Sponsored by Mayor Alexander G. Nossiff, by Request

Mayberry moved seconded by Quigley to suspend the rules to introduce this item. Motion passed on a roll call vote of 7-0, Christenbury was out of the room. Mayberry moved seconded by Quigley to adopt. Quigley says at that meeting there was no mention of \$10,000; he feels this is disrespectful to Mr. Duston. Quigley said this amount had already been discounted 20%. Trefethen will support the motion that this puts the onus on the concession stand to be successful. DeDe says at the last meeting when it was approved for \$10,000, it was a discussion between Joyal and a person that has worked there for some time. There was no knowledge an agreement had already taken place, it is unfortunate that full disclosure did not take place, tonight's motion corrects a wrong. Christenbury moved to amend based on his interpretation of how this was put together. We are paying for the time and aggravation here, he will not fault anyone, and he does not feel he was misled. He feels the \$15,000 amount is fair to Mr. Duston. Motion passed on a roll call vote of 8-0.

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

**D. COUNCIL CORRESPONDENCE**

1. 3 Letters – Comcast

Christenbury moved seconded by Mayberry to accept these letters under protest, all were in favor.

**13. COUNCIL MATTERS OF INTEREST**

Mayberry gave Christenbury a new orange vest and shirt; it is ugly. Dunnington presented the Mayor his gift and certificate of appreciation for all his time. Christenbury says it has been a pleasure serving with him. They came in friends and are leaving friends; he still feels the waterfront development is the most significant thing they have approved. The dredge cell has been built and is almost completed now; also we did the most significant rezoning of this City recently. Dunnington says this is his last shot and this council has had its ups and downs but he has thoroughly enjoyed this. He grew up in a political family and he wanted to protect his children from what he had to go through as a young child; you learn a great deal from sitting on the City Council. He also appreciates the support from his wife. He also feels Hindle will be Mayor someday and he hopes he can support him in that endeavor. Hindle says it has been an honor to serve with those leaving this evening. He

also thanked Quigley for serving here and on the School Board as well as Dunnington for serving with respect. He then recognized Christenbury as well. He thanked the Mayor and the Mayor thanked him especially as Hindle is the youngest member of the board and he appreciates the service that he has given us. Mayberry thanked all of them for serving with dignity, especially the Mayor that has been beat up more than anyone; he was always fair.

The Mayor then presented Quigley his certificate of appreciation and gift. Quigley says it has been real, and he has learned a lot, the Mayor has taken a beating and did not deserve it. He also complimented Mr. Beecher. He wants the new council to respect the City Manager and not go over his head to the department heads. He mentioned his time on the School Board. He was happy to be a part of this but six years is a long time to sit at these meetings. He always tried to be fair to the constituents that voted him in. He thanked everyone present. The Mayor then read Dunnington's certificate of appreciation and presented his gift to him. Then the Mayor presented Christenbury his certificate and gift for his long standing friend and his ability to speak on the rules in an articulate manner and he knows he cannot stay away so he expects him back sometime.

Christenbury says he has enjoyed working with all of them as well as the School Board, their relationship is so good this time. He feels the personal gain is to develop the repore on the School Board. He takes pride in the fact he that he hired the City Manager and he feels everyone has matured. He will miss working with the City Manager and it has been a pleasure working with the Mayor. He can't think of any Mayor that has been more devoted to the community than this one. The Mayor appreciates all these words, he appreciates the school board as well, he continued what a pleasure it has been for four years; this is the greatest city in the world.

#### **14. ADJOURNMENT**

Christenbury moved seconded by Quigley to adjourn, all in favor at 10:12 p.m.

**Judy Gaouette,  
City Clerk**