

**MINUTES  
DOVER CITY COUNCIL  
REGULAR COUNCIL MEETING  
FEBRUARY 13, 2002  
CITY COUNCIL CHAMBERS  
7:00 P.M.**

**5:30 PM  
CLOSED SESSION  
CITY MANAGER'S OFFICE**

The City Council will be meeting in closed session to discuss matters relating to labor negotiations.

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

**7:00 P.M.**

**1. MOMENT OF SILENCE**

The Mayor asked everyone to join him in a moment of silence.

**2. PLEDGE OF ALLEGIANCE**

Councilor Hindle led the Pledge of Allegiance.

**3. ROLL CALL**

Members Present: Councilors Hindle, Hofemann, Mayor Nossiff, Councilor Quigley, Mayor Pro Tem Taylor, Councilors Tweedie, Whitmore, Christenbury, and Dunnington.

**4. PROCLAMATIONS/AWARDS**

None.

**5. CITIZEN'S FORUM**

The Mayor explained the procedures for citizen's forum.

**Bob Marston** - Supervisor of the Checklist of Ward 4. Mr. Marston urged the passage of the election resolution because he feels it will be a big help to people working at the polls. It is quite a stressful job working at the polls especially when people don't want to follow the rules. He stated, if the city passes this resolution, it will be a great help to the city officials.

**Pat Caron** – Supervisor of the Checklist of Ward 2. Ms. Caron presented testimony; saying election workers are responsible for the election process. Certain unfortunate events occurred at the last election. She read her remarks stating, we all want to put this matter to rest and she is looking to the city council to adopt this resolution. Ms. Caron thanked the sponsors of the resolution. We are all

MINUTES  
DOVER CITY COUNCIL  
FEBRUARY 13, 2002  
PAGE 2

responsible for preserving and protecting the interests of the citizens of Dover. (See 2/13/2002 folder for Ms. Caron's addendum.)

**Phyllis Woods** - State Representative and resident of 1 Barry Street. Ms. Woods is here to discuss and get the Dover delegation and the City Council together so they can all speak about the issues. This never happened with the last council, but she is offering her services again to this council. She needs feedback on local issues tonight. Ms. Woods read a letter to the Mayor and City Council. She feels it would be beneficial to have the citizens and the Dover delegation exchange ideas. She would like to extend an invitation to the council to come to Concord for lunch and a tour of the State House and other places of interest and feels this would be helpful. Ms. Woods stated she has reserved the following dates for them - Friday, March 8 and Friday, March 15, 2002. She asked the City Council to please let her know what dates are convenient for them.

**Gary Gilmore** - a resident of Middle Road. Mr. Gilmore is here wearing two hats. – Chair of the Solid Waste Advisory Committee and Supervisor of the Checklist of Ward 3. First, he urged the council to pass the ordinance on unauthorized collection of leaves. Second, he is a member of the Board of Elections and he urged passage of the resolution 11.B.6.as this is how election officials can do a better job next time.

**Norm Champagne** - 13 Church Street. Mr. Champagne congratulated those that were absolved of any wrong doing by the Attorney General. He feels this is a much bigger thing than people want to make of it. There is so much going on in Dover right now; the riverfront development, new housing, the train station, etc. This is a very interesting time for Dover. The Chamber of Commerce and the City of Dover need to get together. Mr. Champagne would like to see a Welcome Center run by volunteers open at the train station for part of the day. The question is, what do you put there that will pay for the costs. Something needs to be done. As far as the dredging of the river, the last thing this council should do is allow this council to build any single-family homes or multi-family dwelling units on this land. The dredging is a great idea and will not be a cost factor in their budget. Mr. Champagne asked that the dredged spoils be disposed of in a proper manner, though. Someone needs to sure they are taken care of properly. The council has a lot on their plate but he would like the bleeding of red ink at the ice arena to stop. This issue needs to be addressed. He stated this item is his number 1 priority. Also, the police firing range is of great concern. It has been ruined and needs to be fixed without the taxpayers paying for it.

**Joe Twardus** - 64 Tolend Road. Mr. Twardus remarked about the Foster's Daily Democrat. He feels after many years, this is the first time they got it right. He knows the writer who writes the editorials. Anyway this is the first time this man wrote a proper editorial that is in tonight's Foster's. Mr. Twardus wants to speak about the Paul Street area. He knew everyone who lived in every house back along time ago on Henry Law Avenue and Paul Street. But now, new people have moved in. There is now only one he knows real well. There are 6 wards in the City of Dover, he has been voting since 1939 except for when he was overseas. Mr. Twardus feels it has been his duty to vote, ward workers and moderators are to be commended. He was there at Ward 1 and there was a bad incident and the cruiser had to come, but she was the crux of the whole problem, that is of the election problems. He does not feel we need the police department patrolling the elections. Mr. Twardus has something else, he wanted to speak about Henry Law Park; when he was a kid and played ball at the park, Henry Law used to come to the park and participate with the kids and their sports. The property has shrunk in size though. He wants the council to check on the monies of the old covered bridge that was burned down. These bridges are all historical throughout the state, what happened to the rebuilding of the bridge?

**John Scruton**, 99 Sixth Street. Mr. Scruton wants to speak on growth in Dover. We seem to keep growing and his taxes just seem to keep going up. There is commercial growth; we have 4 exits off the

MINUTES  
DOVER CITY COUNCIL  
FEBRUARY 13, 2002  
PAGE 3

Spaulding Turnpike and three industrial parks and taxes still go up. If we do not do something with growth, we are not going to be able to afford to live here any more. Mr. Scruton stated he used to live in Boston in the 1960s, now he lives here and up until the last 10 years this was fine but now there are traffic jams here. Open space is illusive. You don't miss it until it is gone. He continued on a mathematical equation of how much money could be used to buy development rights. He gave a few examples in the Massachusetts area.

**Dick Hughes** - 51 New Rochester Road. Mr. Hughes had a prepared statement congratulating the council on their appointments. He discussed the contracts that were passed by the last council at their last meeting. He stated this council already faces a major financial commitment in their budget. He continued about how it is not necessary to suspend the rules to introduce items. He has concerns over the rising costs of replacement vehicles that are purchased. Mr. Hughes wonders why we buy new and still keep the old vehicles, he urges the City Manager to take a more hands-on approach to the purchase of new vehicles for the city departments. The council is here to do regulatory supervision. Mr. Hughes gave examples of micro managing, but would just like to keep supervisors on their toes.

**Peter Schmidt** - 53 Fourth Street is here to speak on item 11.B.1., the naming of the Dover Middle School to Joseph McConnell. He remembers Joe McConnell's deeds, but he is not in favor of naming the middle school after him because there are numerous individuals that have served in the various wars from the City of Dover. He does not feel it is appropriate to name the Dover Middle School after him. Mr. Schmidt does not feel he should be singled out, as there are so many other deserving individuals. He proposes naming the building after all veterans of Dover such as Veterans' Memorial Building of Dover and not single out just one because he is the most famous.

**Baldwin "Dom" Domingo** – 5 Birch Drive. Mr. Domingo has lived in Dover for the past 35 years and is a sponsor to the former speaker's resolution. He stated, if we look down through history you will see people singled out such as Christa McAuliffe, Alan Shepherd, and others. Mr. Domingo feels this would be quite an honor to name the building after Joseph McConnell. Currently he is trying to get a plaque in the State House to honor Captain McConnell. He feels it would be nice to honor a lot of veterans and he will testify at the next meeting. Nossiff clarified that this resolution would be referred to a public hearing in March. Mr. Domingo says originally he wanted to name this building the Joseph McConnell City Hall.

**John Levasseur** - 27 Birch Drive. Mr. Levasseur is here to speak on the composting at 99 Spruce Lane and pointed out some of the hazards associated with this business. He stated the runoff could take many forms; fertilizer contamination, fecal contamination that is not completely decomposed. He continued to name things that he would question whether the present berm is sufficient to take care of the run off. Obviously, the larger the operation the more possibility of pests. Mr. Levasseur quoted some information from the Organic Gardening Magazine. There was a bumper crop of flies in that neighborhood, he has no way of knowing where they came from, no one wants them flying around the house knowing they just visited the composting pile. This operation requires a real knowledge.

**Bob Latture** – 25 Birch Drive. Mr. Latture explained the reason he wants the leaf ordinance passed tonight. He gave history of the local farmer that chooses to run a compost business, the decision to let him run up and down the street collecting bags of leaves that were out front, he called waste management. He called the Community Services Director and he called the police. They did not respond on the first occasion. Mr. Latture called the local farmer a liar. If this is not stopped, perhaps someone will start a composting business in the City Councilors' neighborhood.

**Kathy Derby** - 141 Henry Law Ave. Ms. Derby is here on behalf of Save Dover. She thanked Councilor Christenbury for the resolution and she feels the resolution is very well intended. She is

speaking about the resolution on Rick Hebbard. There are a number of e-mails they have received but a lot of issues that have not been addressed. Others sided with Mr. Hebbard, but they felt they were threatened by him. Eric Sweetser was not available this evening but he runs a landscaping business and does not feel a good neighbor helping an elderly neighbor would be penalized. Ms. Derby asked, how would we handle complaints, how would we handle evidence and how do we store it? Why should we have an ordinance for just one individual? She urged them to try to find a solution to a neighborhood problem that doesn't negatively impact the rest of the city. Save Dover can not support this and they feel this will serve to diminish volunteerism within the community. This is not going to find peace in a troubled neighborhood. Unfortunately, you cannot legislate common sense.

Seeing no one else, the Mayor closed Citizen's Forum.

## 6. PUBLIC HEARINGS

- A. Resolution RE: Acceptance of Karen's Way and Coderio Drive as City Streets. Sponsored by Mayor Alexander G. Nossiff by Request. **(See Item 10C-1)**

No one.

- B. Resolution RE: Acceptance of Conifer Commons as a City Street. Sponsored by Mayor Alexander G. Nossiff by Request. **(See Item 10C-2)**

No one.

- C. Ordinance #01-01/09/2002, Chapter 97, Dumping and Rubbish Collection, Section 97-16, Yard Waste, Brush and Christmas Trees, Unauthorized Collection prohibited. Sponsored by Councilor Parks Christenbury. **(See Item 10A-1)**

**Edward Koza** - 5 Berkshire Lane. Mr. Koza stated in the year 2000 the City of Dover set up an agreement to collect leaves but in March 2001, this composting let off such a stench to the neighborhood, the neighborhood got together with over 40 residents and the City Council. Unfortunately, confrontations occurred between his group and Mr. Hebbard. The city ceased dumping at the site. In the fall of 2001, residents placed bags of leaves out for city pickup and much to their dismay Rick Hebbard rode through with his tractor and picked up the leaves and added them to his compost pile. This is a simple ordinance; it prevents citizens from picking up unauthorized trash from the neighborhood.

**Norm Champagne** announced that he lives at 13 Church Street and anyone can come to his house and pick up his leaves. He does not feel it is the City Council's place to deal with who picks up leaves. He feels landscapers should be able to pick up leaves. Mr. Champagne stated, to chase people around for picking up leaves is not the way to go about it. The City Council can legislate and regulate what is done with them after they are picked up. That is the problem.

**Jean Strand** - 95 Spruce Lane. Mrs. Strand disagrees with Mr. Champagne; she does not want a tractor picking her leaves up with a homemade forklift, it is very dangerous for the neighborhood children. There is a safety issue here that no one has mentioned. Mrs. Strand and her husband do not want him picking up their leaves.

MINUTES  
DOVER CITY COUNCIL  
FEBRUARY 13, 2002  
PAGE 5

**Sharon Latture** – 25 Birch Drive. Mrs. Latture urged the council to pass this ordinance. She has a right to clean air, they are a neighborhood. This man ripped the leaves out of my hand and gave me a mouthful of his obscenities. She does not want him taking her leaves.

**Attorney Jim Schulte** - 2 Towle Avenue – Mr. Schulte has been a resident for almost 30 years and represents Rick and Mary Hebbard. There is another side of this story concerning leaves last fall. On one occasion last fall a police officer was called away from a house fire. He has some concerns for the necessity of the leaves that are put out and if the people still own the leaves. Mr. Hebbard's understanding is that if this ordinance is passed he will have to get permission to pick up peoples' leaves. Mr. Schulte has concerns about the text of the proposed ordinance. He would like to add an amendment indicating "only the owner is entitled to give permission". Then we need to know what owner. Is the owner the owner of the land, the owner of the trees, etc? He has suggestions and the word owner is ambiguous, whom does it refer to? Secondly, who has the authority to pick up the leaves? The third issue, how do you define curbside? He gave the definition of curbside and in some areas this does not apply. This ordinance does not seem to deal with the issue and will be unenforceable.

**Leonard Lassar** - 7 Berkshire Lane. Mr. Lassar stated that this afternoon he was at the Veteran's Hospital having testing done because of the odor and what it has done to his stomach and throat. When he bought his home in 1972, that farm was not there. His children used to help her (Mr. Hebbard's grandmother) with the household chores. Unless you live there, it is very easy to make a judgement. The smell of that damn farm is so bad; that property deteriorates the whole neighborhood. The closer you live to that farm the more odors you get. Mr. Lassar has been paying taxes since 1953 when he came home from the service. He would never have bought that piece of property if he knew he was going to be suffering like he is.

**Bill Caldwell** - 29 Tanglewood Drive. Mr. Caldwell has a cold and did not want to be here tonight but there have been a lot of misstatements tonight and he wants to clear the air. There has been intimidation and harassment in the neighborhood. The local paper is adding fire to this, along with the city officials, the Public Works Director and the police. Mr. Schulte says there were only 2 complaints but that is a misstatement; there were several calls. What happens is the police come to my house; we could hear the front-end loader over on Birch Drive picking up the leaves. Mr. Caldwell does not feel it was an accident that the Public Works department did not pick up the leaves. He said they need some justice in this city. Mr. Hebbard's animals are free-range chickens; he has steers that he does not keep on his own property. They have pictures of his gate open; a farmer has the right to be the worst possible neighbor? This is Dover not Afghanistan. The police are not doing their job. They want this fixed and they want to live in peace; they want the city council to do the right thing.

**Maria Lyons** - 90 Spruce Lane. Ms. Lyons has been a resident here for 28 years. She stated her parents live there also. Until 10 years ago there was no evidence of a farm. The Hebbard's had steers for pets and named the steers. He has not been a bad neighbor until this composting thing started; it is not fair for people to take a spin through the neighborhood and say they don't smell anything. Ms. Lyons stated this whole thing is not fair, there should be some kind of action taken, everyone in the neighborhood is being intimidated. She is not intimidated, but there are elderly residents in the neighborhood that are. Mr. Schulte was misinformed, The police do nothing.

No one else.

- D. Ordinance #02-01/09/2002, Chapter 3, Administrative Code, Section 3-52, Boards and Commission, adding Section 3-71, Joint Fiscal Committee. Sponsored by Councilor Parks

Christenbury and Councilor Ray Tweedie. **(See Item 10A-2)**

No one.

- E. Ordinance #03-01/09/2002, Chapter 22, Code of Ethics, Repealing Sections 22-13 through Sections 22-23, Article IV, Complaint Procedure; Sanctions. Sponsored by Councilor Parks Christenbury and Councilor Ray Tweedie. **(See Item 10A-3)**

No one.

## **7. MINUTES**

- A. Inauguration Special Meeting – January 7, 2002
- B. Regular Council Meeting – January 9, 2002
- C. Special Meeting – January 26, 2002

Taylor moved to accept, seconded by Quigley. All in favor.

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

- A. Appointments Committee – Councilor Jason Hindle

Hindle has 5 reports to be combined.

- B. Transportation Advisory Commission – Councilor Jason Hindle

Hindle stated the TAC met twice last month (1/16 and 1/30). They discussed the Orchard Street parking lot and there are 25 housekeeping matters and stop signs. Regarding the Orchard Street parking lot, they are forming a subcommittee next month to look at the future of downtown parking.

- C. Alternative School Building Committee – Councilor Jason Hindle

Hindle concluded with the ASBC report. He asked to use the podium. Hindle stated, as you know ladies and gentlemen, the Alternative School Building Committee was formed to oversee the building of the new facility. The facility is completed and now in use. He presented the City of Dover with a huge check in the amount of \$4.00 for a photo opportunity with the Mayor.

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

For the Horne Street School they looked at proposals and gave recommendations. The costs were discussed. The DHS Mezzanine issues will be addressed at a meeting on 2/28. The Committee is taking a cautious approach and will discuss at the second meeting.

See report.

- E. Joseph McConnell Committee – Councilor Jason Hindle

Former Councilor Schmidt commented, now he wants an amendment to take out the word building and put in “the center” for short. He wants the resolution referred to a Public Hearing in March. Hindle

MINUTES  
DOVER CITY COUNCIL  
FEBRUARY 13, 2002  
PAGE 7

stated there was a committee formed and they did not want to spend a lot of money. The Dover Middle School does not have an identity. Next month, he is asking that Joseph McConnell be given proper recognition. As for naming it for veterans, perhaps the land in front of the Dover Middle School or perhaps a park could be named. This would be a nice place for people to have lunch in front of the building.

F. COAST Bus – Councilor Ray Tweedie

Tweedie deferred to Peter Schmidt. The Mayor stated this is one final time Schmidt can present the report. Schmidt thanked them for the opportunity to present the report. The Executive Committee met last Tuesday and the following events occurred: Dana Hilliard from Somersworth joined the board. The most important issue discussed was the contract with the school and COAST has been inked. This is untrue; it has not been approved by COAST, it has not happened as yet. The 3 new busses have arrived and drivers are being trained. Hindle wants to let Peter Schmidt know that the TAC would be having a meeting at the new COAST facility on 3/20 at 7:00 p.m.

Nossiff addressed an amendment to a transportation issue. It was cleared up by Christenbury.

G. Planning Board – Councilor Parks Christenbury

Christenbury stated the Planning Board met twice since their last meeting. Once on 1/26 and the second last night. The PB set their Goals for 2002. Last night, the meeting was on a minor subdivision. They will be scheduling a site walk at 338 Washington Street. The PB would like the city to look at a crumbling wall. Finally, a site walk is scheduled on 3/2 at Thornwood Market; the property has a purchase and sales agreement on it. This property could hold 90 single-family homes. They are looking at making this a Title 8 housing project where 80% of the residents are in the 55-62 year age bracket. This will have little impact on the schools. The William's family should be saluted for doing this.

H. Ethics Board – Councilor Parks Christenbury

Christenbury is continuing to work on this issue. They are taking ideas from the public. They are also getting ideas from Phyllis Woods. In the interim they want to refer the amendment to a public hearing on 3/13 for the amended version. We can not have an Ethics Board that does not meet state law. Christenbury stated he will be removing and substituting this ordinance tonight.

I. School Board Liaison – Kevin Quigley

Quigley stated the School Board has been working on a number of projects, including written policy. Also redistricting K-4 among the 3 elementary schools, Junior ROTC at Dover High School and a 5-year contract with Laidlaw and an arrangement with COAST. These contracts will come before the council in April. This is a multi-year contract. The Mayor asked, is this an emergency? Quigley stated there are time constraints so it has to go on the agenda tonight.

J. Solid Waste Advisory Commission – Councilor Thomas Dunnington

Dunnington says he first joined the SWAC. The last meeting was 1/10 dealing with the removal of leaves. The meeting progressed and got seriously out of hand. After things calmed down, the committee voted unanimously to support it and bring it back to the council. He also mentioned rental units with regards to the trash law. When any new residents come to Dover, maybe letters could be sent to them, but this does not deal with the renters. Most renters have cars. Maybe they could have

the information put on their car regarding putting trash out. Hindle has question about new renters. His concern now is who is ultimately responsible for leftover trash; the renter or the owner of the property. Dunnington will have to report back next month on this issue. Hindle's concern is that a lot of the rental properties in Dover are owned by people who live outside of the city and most do an outstanding job. If a tenant puts the trash out a day early, how can you identify the person who put the trash out? Dunnington says this is a goal of education with reasonable people. Hindle suggests that the city attorney come to a SWAC meeting and put the complete ordinance in the next Community Notes.

K. Dover Arts Commission – Councilor Thomas Dunnington

Dunnington reports with great pleasure this commission is up and running. They have had their first meeting getting to know each other and setting goals for the commission to make the City of Dover an arts friendly place. This is new territory, but they have several items to cover. They will be taking an arts inventory and have a central depository and this will put artists in the area in touch with each other. The city has never taken a position in this area. Another issue is the City Hall Auditorium. The commission feels very, very strongly that the auditorium be used for performances. They would like to put the stage back to what it should be and maximize what we have with private and public funds. They would like to see the city council make a commitment to make this space dedicated to the performing arts. Another issue is the Butterfield Gym. The Chamber of Commerce has taken a position that it will be an arts center; the commission will be looking this over to see if this is feasible and what would we do with the facility. The other thing is becoming more active in bringing the arts into Dover, such as the NH Shakespeare Festival. They have agreed to come to Dover at no cost. The commission also talked about setting up a display of local artists' work in public places, such as stores. You must expose children to the arts at an early age. Dunnington stated Councilor Whitmore came to the meeting with a lot of good ideas. Nossiff agrees we need to find a permanent home for the arts in Dover.

L. Seniors Advisory Committee – Councilor Roland Hofemann

Hofemann reports he has had a busy month visiting various groups and trying to get the big picture. He visited the Dover Senior Center and they were happy to see him. He visited the meeting at Central Towers; he attended a gathering at the Hellenic Center and Strafford County Commission for Aging at the Wentworth Home. Mr. Hofemann stated, all these seniors were up and about and making the best of their time. The people he is most concerned about are the people at the bottom of the scale who are the shut ins. They devised a name that is "don't shut out the shut ins". Mr. Callahan helped think up this name. This committee will operate with volunteers through the police department. The types of persons served, will be those that live alone. They will be contacted by phone at least once a week. The second category is those with disabilities and medical conditions. Procedures will be put in place to eliminate unnecessary calls to the EMTs and ambulance. The details are under development and a springtime startup date is planned. Captain DeColfmacker will be the contact and can be reached at 742-4646. Mr. Hofemann closed by thanking Chief Fenniman for his help and services. Quigley had comments about the senior gathering that occurred yesterday. The 30<sup>th</sup> anniversary of the Senior Center. They have some needs, such as their buildings and they want to take this into consideration. Whitmore also attended. The Mayor pointed out that Hofemann is going to arrange meetings at the Senior Center on Third Street and the first one is 2/22 at 1:30 p.m. for any senior that has concerns.

Dunnington moved to accept the reports, seconded by Whitmore and Quigley. All in favor.

## 9. CITY MANAGER'S REPORT

Joyal stated the City Manager's report is in the packet. The city issued 31 building permits in January with a total construction value of \$1.7 million and \$9,845 in fees for the city. The budget revenues are at 60% and non-property tax revenue is at 59%.

Taylor moved to accept, seconded by Quigley. All in favor.

## **10. UNFINISHED BUSINESS**

The Mayor motioned to take a break. All in favor.

They took a five-minute break.

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

1. Ordinance #01-01/09/2002, Chapter 97, Dumping and Rubbish Collection, Section 97-16, Yard Waste, Brush and Christmas Trees, Unauthorized Collection Prohibited. Sponsored by Councilor Parks Christenbury.

Christenbury moved to adopt, seconded by Quigley. Christenbury says the argument is that we should not legislate common sense. The other issue is who would take these - boy scouts, landscape companies, next door neighbors? This ordinance only says if you don't have permission, then don't go there. Another issue is this is one individual. He can think of the birdman and the sign man. There are instances that we have to legislate for one person. All this says is if you don't have permission, then don't do it. The city attorney was called to the podium. Christenbury asked George Wattendorf if this would stand up in court. Wattendorf brought up the issue of the birdman; there is confusion about how that flies. If there were other people that are being charged relative to the curbside issue, that is throughout our ordinances. He stated we would have to change the code, this would be the common understanding of what curbside is. Christenbury finished that this occurred in case other people might do this also. The code is written to give the officer discretion. Dunnington says it saddens him to have to talk about this, but he feels we are all aware of the situation in that neighborhood, they have already spent a lot of time on the issue and the issue is not going to go away. This deals with a specific circumstance, it is his hope that we will never have to deal with this issue. We can not ignore the problem there; we must do something to make that neighborhood more of a neighborhood. Whitmore mirrors what Dunnington has said, this also saddens her, she will vote in favor of the ordinance. She hopes it empowers the neighbors to have more control over their neighborhood. Whitmore wants them to feel in control. Tweedie feels this ordinance has greater impact. He is sorry it is in his ward, he does not feel legislation is the answer. He encourages everyone to get together as this is not the way to go. Tweedie wants the neighbors to get together and try to work it out. All in favor of 1<sup>st</sup> amendment and 2<sup>nd</sup> amendment. All in favor of both amendments. Main motion to adopt passed on a roll call vote of 8-1. Tweedie opposed.

2. Ordinance #02-01/09/2002, Chapter 3, Administrative Code, Section 3-52, Boards and Commission, adding Section 3-71, Joint Fiscal Committee. Sponsored by Councilor Parks Christenbury and Councilor Ray Tweedie.

Christenbury moved to adopt, seconded by Tweedie. Christenbury explained the ordinance and gave history of this ordinance. They want to give the School Board fairly firm numbers by March, they will also meet in the fall to deal with issues. They will be talking policy on this. This is very experimental. Tweedie reiterated the same. All in favor of the vote to amend to say "twice". Dunnington moved to amend, seconded by Tweedie. All in favor of amendment. Main motion passed on a roll call 9-0.

3. Ordinance #03-01/09/2002, Chapter 22, Code of Ethics, Repealing Sections 22-13 through Sections 22-23, Article IV, Complaint Procedure; Sanctions. Sponsored by Councilor Parks Christenbury and Councilor Ray Tweedie.

Christenbury moved to adopt, seconded by Tweedie. Christenbury moved to substitute with an amended ordinance and form a standing committee of 2 members of council and 2 members of the school board and someone else. Taylor asked if it was a substitution in its entirety. Christenbury stated yes, it is. Dunnington asked if there was a process for an appellate court. George Wattendorf says this is a preliminary proposal. Taylor has a question about the amendment. Instead of moving to adopt can we change it to move to refer to a public hearing? Christenbury wants to move to substitute and refer to a public hearing in April. He addressed Dunnington's concerns stating the appeals process is through superior court. Wattendorf explained. Whitmore seconds the motion. All in favor. Wattendorf urges them to make a separate motion to form a standing committee to work on it and make a report to the council. Christenbury moved to form a committee of 2 councilors and 2 school board members. Christenbury stated he and Tweedie will be the Councilors and the School Board Chair will be contacted for their 2 members, seconded by Tweedie. All in favor.

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

**C. RESOLUTIONS**

1. Resolution RE: Acceptance of Karen's Way and Coderio Drive as City Streets. Sponsored by Mayor Alexander G. Nossiff by Request.

Taylor moved to adopt, seconded by Hindle. Hindle says the TAC is looking at every street that comes in and as part of the housekeeping ordinances next month, these streets will be addressed. Motion passed on roll call vote of 9-0.

2. Resolution RE: Acceptance of Conifer Commons as a City Street. Sponsored by Mayor Alexander G. Nossiff by Request.

Taylor moved to adopt, seconded by Whitmore. Motion passed on a roll call vote of 9-0.

**11. NEW BUSINESS**

**A. CONSENT CALENDAR**

1. Tag Permit – Dover Girl Scouts Troop 491
2. Tag Permit – Dover Southside Little League
3. Tag Permit – Dover Northside Baseball
4. Tag Permit – Strafford County Stars Girls Basketball Club
5. Tag Permit – Girl Scout Troop 2600
6. Tag Permit – Girl Scout Troop 2086
7. Raffle Permit – American Legion Auxiliary – Post 8

Taylor moved to grant, seconded by Hindle. All in favor.

**B. RESOLUTIONS**

MINUTES  
DOVER CITY COUNCIL  
FEBRUARY 13, 2002  
PAGE 11

1. Resolution RE: Renaming the Former Middle School. Sponsored by Councilor Jason Hindle.

Hindle moved to refer to a public hearing on 3/13, seconded by Taylor. All in favor.

2. Resolution RE: Award of Purchase Order for Low Carbon Wood Ash. Sponsored by Mayor Alexander G. Nossiff by Request.

Christenbury moved to adopt, seconded by Taylor. Motion passed on a roll call vote of 9-0.

3. Resolution RE: Authorization of Charter Commission. Sponsored by Councilor Kevin Quigley.

Quigley moved to adopt, seconded by Hindle. Quigley deferred to Wattendorf. Wattendorf clarified the ordinance. He has been keeping a list of housekeeping items that need to be addressed such as elections, ethics, etc. Dunnington has a concern that we make these changes and to authorize a company to make changes. Christenbury moved to table, seconded by Taylor. All in favor.

4. Resolution RE: Bargaining Agreement Between the City of Dover and the DPA Local #466. Sponsored by Mayor Alex Nossiff, by Request.

Taylor moved to refer to a public hearing on 3/6, seconded by Hindle. Christenbury concurs with the caveat that the city administration releases this to public dissemination in the next couple of days.

5. Resolution RE: Appointments Committee Recommendations to Various Boards and Commissions. Sponsored by Councilor Jason Hindle, Councilor Parks Christenbury and Councilor Kevin Quigley.

Hindle moved to substitute as a whole to use the revised resolution, seconded by Tweedie. He read the ordinance and urged people to contact the City Clerk and put the current openings on our website. All in favor.

6. Resolution RE: Conduct of Election Recommendations. Sponsored by Councilor Brenda Whitmore, Councilor Raymond Tweedie, and Councilor Tom Dunnington.

Whitmore moved to adopt, seconded by Tweedie. Whitmore explained the resolution. Whitmore moved to amend to remove the presence of police, seconded by Tweedie and Christenbury. Hofemann will not vote for this resolution, as he will assume guilt the way it is written. Also, the 2<sup>nd</sup> paragraph, "where elections are conducted by state and local law". Taylor wonders if there is any fiscal impact to implement this. Mike Joyal clarified the costs. All in favor of the amendment. Christenbury says they are hard working people. People change the way we have to do business. We need to go back and look at the basics. He understands Hofemann's concerns. He will await the Attorney General's written report. Christenbury stated, these election workers spoke eloquently tonight and we need to put this behind us. Dunnington is supporting this, as it will give guidance to people at the polls. This is common sense. He feels it is a positive thing. Tweedie says he is proud to sponsor this resolution, as this will educate people and we should take advantage and do do this. Quigley says that we just got a report from the Attorney General and he wants to table this. He won't vote in favor of it. Quigley moved to table, seconded by Taylor. Quigley, Dunnington, Hofemann and Taylor in favor. Motion to table did not pass. Hofemann wants to be on record and is not criticizing the people, just the wording of the resolution. Wattendorf clarified this will come back before them in code format and the

advantage will be that they won't have to go to the voters each time a change needs to be made to election items. Quigley thanks Wattendorf for clarifying he would like to see this come up in April.

The Mayor asks Wattendorf if there are any conflicts and if any councilors vote on this in terms of the AG report in the newspaper this evening. Quigley made another motion to table, seconded by Taylor, Quigley, Hofemann and the Mayor. Motion fails. The Mayor moved to reconsider the motion. Motion passed on a roll call vote of 8-1. Hofemann opposed. The Mayor changed his mind after the roll call vote and moved to rescind the vote, Taylor seconded. Motion to rescind passed on a roll call vote of 8-1. Hofemann opposed. Second motion to adopt passed on a roll call vote of 6-2. Hofemann and Quigley opposed. Nossiff abstained.

7. Resolution RE: Award of Change Order for a Drain Pump Upgrade to the Jenny Thompson Pool Filtration System Project. Sponsored by Mayor Alex Nossiff, by Request.

Taylor moved to adopt, seconded by Tweedie. Motion passed on a roll call vote of 9-0.

8. Resolution RE: Award of Purchase Order for a Replacement Centrifugal Pump at the Varney Brook Pump Station. Sponsored by Mayor Alex Nossiff, by Request.

Taylor moved to adopt, seconded by Tweedie. Motion passed on a roll call vote of 9-0.

9. Resolution RE: Award of Purchase Order for Additional Bituminous Cement/Asphalt Paving Activity. Sponsored by Mayor Alex Nossiff, by Request.

Taylor moved to adopt, seconded by Christenbury. Pete Lavoie clarified this resolution. Motion passed on a roll call vote of 9-0.

10. Resolution RE: Acceptance of Cherrywood Drive, Ironwood Lane and a part of Cottonwood Drive as city streets. Sponsored by Councilor Parks Christenbury.

Christenbury moved to refer to a public hearing of 3/13, seconded by Tweedie. All in favor.

**Taylor moved to suspend the rules to introduce item 11.B.11., seconded by Tweedie. Motion passed on a roll call vote of 9-0.**

11. Resolution RE: Multi-Year School Bus Contract Proposal. Sponsored by Mayor Alex Nossiff, by Request.

Christenbury moved to adopt, seconded by Quigley. Motion passed on a roll call vote of 9-0.

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

1. Ordinance #04-02/13/2002, Chapter 3, Administrative Code, Section 3-60A, Dover Arena Commission, Council representative. Sponsored by Councilor Jason Hindle.

Hindle moved to refer to a public hearing on 3/13, seconded by Tweedie. All in favor.

2. Ordinance #15-02/13/2002, Chapter 166, Vehicles and Traffic, Section 166-30, Schedule A, Parking Violation Schedule. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

MINUTES  
DOVER CITY COUNCIL  
FEBRUARY 13, 2002  
PAGE 13

Hindle moved to refer to a public hearing on 3/13, seconded by Tweedie. All in favor.

3. Ordinance #06-02/13/2002, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking Any Time, repeal section of Locust Street. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

Hindle moved to refer to a public hearing on 3/13, seconded by Tweedie. All in favor.

4. Ordinance #07-02/13/2002, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking Any Time, Lincoln Street. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

Taylor moved to refer to a public hearing on 3/13, seconded by Christenbury and Hindle. All in favor.

5. Ordinance #08-02/13/2002, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking Any Time, South Pine Street. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

Taylor moved to refer to a public hearing on 3/13, seconded by Christenbury and Hindle. All in favor.

6. Ordinance #09-02/13/2002, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking Any Time, Richmond Street. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

Taylor moved to refer to a public hearing on 3/13, seconded by Christenbury and Hindle. All in favor.

7. Ordinance #10-02/13/2002, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking Any Time, Dover Street. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

Taylor moved to refer to a public hearing on 3/13, seconded by Christenbury and Hindle. All in favor.

8. Ordinance #11-02/13/2002, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking Any time, Section of Court Street. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

Taylor moved to refer to a public hearing on 3/13, seconded by Christenbury and Hindle. All in favor.

9. Ordinance #12-02/13/2002, Chapter 166, Vehicles and Traffic, Sections 166-56, Schedule I No Parking Any Time, and Section 166-57, Schedule J, Limited Time Parking, Section of Henry Law Avenue. Sponsored by Councilor Jason Hindle, Transportation Advisory Commission.

Taylor moved to refer to a public hearing on 3/13, seconded by Christenbury and Hindle. All in favor.

10. Ordinance # 13-02/13/2002, Chapter 131, Offenses, Section 131-9, Motor Vehicles on School Property and Park Grounds. Sponsored by Councilor Jason Hindle.

Taylor moved to refer to a public hearing on 3/13, seconded by Christenbury and Hindle. All in favor.

11. Ordinance #14-02/13/2002, Chapter 89, Dogs, Section 89-5, Replacement of lost license tag; and Section 89-6, Penalty for Unlicensed Dogs. Sponsored by Mayor Alexander G. Nossiff by Request.

Taylor moved to refer to a public hearing on 3/13, seconded by Christenbury and Hindle. All in favor.

#### **D. COUNCIL CORRESPONDENCE**

1. Wetlands Application – Dennis Ciotti
2. Wetlands Application – Andre and Karen Beaupre

Hindle moved to accept and place on file, seconded by Tweedie. All in favor.

#### **12. MAYOR'S REPORT**

The Mayor stated he was privileged to appoint Debra Dineen to DEDA, also Quigley to be the liaison to the Arena Commission. The Mayor also appointed Taylor, Christenbury and himself to the Joint Fiscal Committee. All in favor.

#### **13. COUNCIL MATTERS OF INTEREST**

Quigley stated first, he wants a report on a monthly basis from the City Manager. He wants a spreadsheet showing balance / transfers to see what the spending is. Also, last month he wanted all minutes on contract discussions released, they got a legal opinion. So now, he asks that they be released and the 3 previous contracts. Ciendella said it is okay, now he wants it done. The Mayor says this is not an emergency, so let's get a resolution together for March.

Christenbury says the DEDC gave a recommendation of the feasibility of the aquarium. Let's try to find a better place, such as near the turnpike. The door is not shut on them. It was a pleasure having the city attorney here. He wants this to continue. He wants him at all future meetings.

Hindle thanked Nick Skaltsis and Marg Fisher for being on the ASC and also thanked past Mayor Wil Boc for putting him on the Alternative School Committee. The open house event is on 3/2 from 10 a.m. – 2 p.m. The Mayor asked the City Clerk to put the Seniors' meeting on Channel 22.

#### **14. ADJOURNMENT**

Quigley moved to adjourn at 10:40 p.m., seconded by all. All in favor.

Judy Gaouette  
City Clerk