

**MINUTES
DOVER CITY COUNCIL
REGULAR COUNCIL MEETING
JULY 10, 2002
CITY COUNCIL CHAMBERS**

**CLOSED SESSION
CITY MANAGER'S OFFICE
6:30 P.M.**

The City Council will be meeting in closed session to discuss matters relating to legal issues.

Cancelled as the matter has been settled.

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

7:00 P.M.

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

Dunnington led the pledge.

3. ROLL CALL

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

4. PROCLAMATIONS/AWARDS

The Mayor read a goodbye proclamation for Chief Bibber. He also read a few of the letters that were sent to him from the classroom of Michael Romps a teacher at the Horne Street School. The students were concerned with trash and littering in the City. The students stated they felt safe in Dover and liked living here. Two other students were concerned with the cigarette butts in cemetery. The Mayor stated he and others city officials would look into these matters.

5. CITIZEN'S FORUM

Bill Caldwell - 29 Tanglewood Drive. Mr. Caldwell read a letter for Jan Bickford of Tanglewood Drive who was afraid to read the letter herself. The letter stated that Mr. Hebbard had a delivery truck parking at 5 a.m. and waking neighbors up. The Bickfords went to complain and nothing is being done. Mr. Caldwell went on to explain his problem on the composting issue. He named the different people in the neighborhood that have different health problems and there has been no action taken by the city at all. More and more people are getting sick. This person breaks laws almost daily; several households were awoken up on Sunday morning at 5 a.m. The police were called and the people were told they could not do anything. The neighbors want to know why the Chief of Police has no rules for the Hebbards. He could go on for hours about the composting issue. He feels if Pete Bouchard were still the public works director, the problem would be taken care of by now. The people in this neighborhood are looking for a few good men to run for city council. He then thanked the Mayor for trying to hold down their taxes. He wants Nossiff to keep up the good work.

Dawn Duffy - 163 Silver Street is here regarding McIntosh College concerns that she and her husband have. She wonders why this has not come before the planning board for their change of use in the area. She did some research today in city hall and found several letters from McIntosh but nothing that the city has done. This was before 180 calls to the police department and before the neighbors had to put up signs to stay off their property. Mrs. Duffy asks them to keep the residents of Dover in mind and not just the officials from McIntosh College.

Ron Huml - 99 Mast Road. Mr. Huml thanked Mike Joyal and the City Clerk for the information on the union contract. He commented on the figures in the contract and his question is how are we going to pay for this? Will we have to increase taxes over the next few years or what?

The Mayor answered Mr. Caldwell, stating that the composting issue is in the works and a solution should be forthcoming. Also, to Mrs. Duffy, the McIntosh issue is being looked at very carefully.

Chief Bibber of 1 Whittier Falls Way thanked the council for their support. The council has always backed him up. He thanked each and every one of the people here. He will be around a little bit longer. He is practicing being a citizen that can speak at citizens' forum. He thanked every one again.

Ryan Crosby - Three Rivers Farm Road spoke on Councilor Hofemann's tenure. He is glad this councilor is there for the senior citizens. He wants Hofemann to recognize people of all ages. He is one of his constituents, too. Mr. Crosby addressed resolution 11.B.1. on term limits. He wants the councilors to vote for this resolution and resolution 10.B.2. Election Chapter; this makes sense. He urged the council to vote for this resolution, too. He then spoke about the use of city hall. He is deeply disturbed about the uses of city hall. He named several candidates that have been turned down for their requests to use city hall, but Governor Shaheen was allowed to use it. He is in favor of this resolution. That's all for him.

Norm Champagne of 13 Church Street has recently learned that the fund balance of the city is a very important thing to have. The previous council had taken a million and a half out of it last year. There is no charter election question to protect the fund balance because big spenders want to spend it. He feels this is plain wrong to do this just to keep the taxes down. He is told that it is too late to get something on the charter amendment that will protect the fund balance. He feels there is still an opportunity for this council to do some sort of resolution to protect the fund balance and only use it for emergencies. He would like it to show that the fund balance would be used only if there was irreparable harm to the city. Then he won't feel so bad about paying the large tax bill increase he just received. He would appreciate this if we could put an end to this sort of use of the fund balance.

Richard Hughes of 51 New Rochester Road. Mr. Hughes commented on the charter changes. He would like term limits as well as staggered terms abolished. He read a prepared statement. It has been many years since the council has done a line by line budget. He continued reading his prepared statement about Mr. Beecher. Then he addressed the train station and the article in tonight's Foster's. He is upset that Mr. Beecher did not follow the RFP procedure about getting a tenant at the train station. Mr. Hughes talked about the Hampton Shuttle Company and now the C&J proposal. He is also concerned there is a strain on the current parking places at the station. He is not a member of the train station committee but he says the train committee members deserved better than they just got from the city.

Jack Krumm of 2 Whittier Street. Mr. Krumm thanked Councilor Hofemann for representing him. Mr. Krumm stated, he is a very liberal person and he was not going to vote for Hofemann. He wished Councilor Hofemann very well. As you get into the trouble you have outlined here tonight, you can look at a lot of symptoms, but the root cause here is we are not being intelligent about zoning here in our town. As citizens we need to stand up and take a look at zoning here in Dover. He pointed out their responsibility for the explosive growth that has occurred here. The second thing, it will astound him if we can get the zoning passed here. He commends the Mayor that he is being like a lightning rod by

being leary of using email for the official business of this city. He stated, in this chamber there was a surprise announcement of a vote of no confidence in the superintendent. He paid for the ballots, since there was no money. An astounding thing happened with the school board, they all had prepared speeches, then there was a proclamation. He feels there was a lot of coordination with email going on. Mr. Krumm read the following sentence. Openness and the conduct of business are essential to a democratic society. This is part of the New Hampshire RSA 91.A.1.and 91.A.2. Mr. Krumm thinks when you have a number of people bouncing emails around here and when the vote is 7-0; this is not in the democratic interest. It is good to see debate. People that get as close to the truth as the Mayor does are like a lightening rod. A 7-0 vote does not give him, the common citizen, a lot of confidence in the democratic process. He has a policy for official business that he observes in his own career. He urged them to think about the message that is sent to the people with these emails that are doing the people's business. He wished the Mayor well in his search for truth.

The Mayor stated he stands by his concerns that he has raised in the aftermath of the situation being raised. He wants an expert attorney to come in and explain the case. Mr. Krumm wants the legislative history examined on this issue.

Eric Sweetser of 2 Wallingford Street. Mr. Sweetser stated Whitmore's cast on her arm shows up beautifully on TV. He told of the cast off of the Save Dover armada. This is to promote awareness of the need for a boat launch in Dover. Secondly, he supports Christenbury's and Tweedie's revisions to the Ethics Board.

Seeing no one else, the Mayor closed Citizens' Forum.

6. PUBLIC HEARINGS

- A. Resolution RE: PSNH LED Traffic Light Purchase Agreement and Authorization of Debt. Sponsored by Mayor Alexander Nossiff, by Request. **(See Item 10C-1)**

No one

- B. Resolution RE: Collective Bargaining Agreement between the City of Dover and the DMEA (Dover Municipal Employees Association). Sponsored by Mayor Alexander G. Nossiff by Request. **(See Item 10C-2)**

No one

- c. Resolution RE: Charter Amendment. Sponsored by Mayor Alexander Nossiff. **(See Item 10C-3)**

No one

- D. Ordinance #20-06/12/2002, Chapter 166, Vehicles and Traffic, Section 166-48, Schedule A, One-way Roadways, St. Thomas Street. Sponsored by Councilor Jason Hindle, Chairman, Traffic Advisory Commission. **(See Item 10A-1)**

No one

- E. Ordinance #21-06/12/2002, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at Any Time – Broadway. Sponsored by Councilor Jason Hindle, Chairman, Traffic Advisory Commission. **(See Item 10A-2)**

No one

- F. Ordinance #22-06/12/2002, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at Any Time – Shaw's Lane. Sponsored by Councilor Jason Hindle, Chairman, Traffic Advisory Commission. **(See Item 10A-3)**

No one

- G. Ordinance #23-06/12/2002, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at Any Time – Henry Law Avenue, and Section 166-57 Schedule J, Limited Time Parking – repeal Henry Law Avenue. Sponsored by Councilor Jason Hindle, Chairman, Traffic Advisory Commission. **(See Item 10A-4)**

No one

- H. Ordinance #24-06/12/2002, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at Any Time – Dover Street. Sponsored by Councilor Jason Hindle, Chairman, Traffic Advisory Commission. **(See Item 10A-5)**

No one

- I. Ordinance #25-06/12/2002, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at Any Time – Arch Street. Sponsored by Councilor Jason Hindle, Chairman, Traffic Advisory Commission. **(See Item 10A-6)**

No one

7. MINUTES

None.

8. REPORTS OF SPECIAL AND STANDING COMMITTEES

- A. Transportation Advisory Commission – Councilor Jason Hindle

Hindle took a couple of minutes this evening to tell of a year or so ago the issue with the Orchard Street parking lot and the fees. He gave the history of this. The committee thought they should take a look at all municipal lots and it became a global issue. Hindle asked that a subcommittee be formed after that. The subcommittee was formed with Linda Hagen, Jack Buckley and Jack Story along with Dick Dolbec who is here this evening and who was chair of this committee. The committee asked for an extension and was granted it. He continued about the permit needs of the downtown area, as these items are critical to the downtown area. He introduced Dick Dolbec to speak.

Dick Dolbec says they had 7 meetings with cooperation of police and planning department. Toward the end of their work they realized they still had some problems that they had no answers for including the lower square. If the council wants the city to go forward and have a vital downtown, something has to be done. The committee's conclusive recommendation was to extend the subcommittee for another 6 months. They found that members on the rest of the committee had gained a lot of knowledge. We need to enhance the committee with business owners, representatives from the police department and the planning department. Business owners, property owners, employees, and visitors should be surveyed for their needs. Mr. Dolbec explained the issues. We have inadequate signage, among other things. He asked for their assistance and a little bit of financial help. He stated the newspaper did not give a full account, they did however work very hard in all of their meetings.

Hindle continued, stating the task was from the master plan of two years ago to bring a planning perspective, as well as, providing an inventory of downtown parking places. This is what the committee is asking for. The extensions to bring the matter to an essential body to clean up and provide some assistance to the downtown area. One issue is signage and a second is the winter parking ban. The committee found with the current parking ban, one has to be off the streets whether in a lot or wherever. There have been numerous occasions when community services had to clean the streets. One recommendation will be to have a snow emergency ban for the City of Dover.

The Mayor does not feel this is relative here and Tweedie would like this scheduled for a workshop, Christenbury seconds this issue and mentions the 7th of August as a possible date for the Hebbards and the downtown parking matter.

Hindle will have the people for the TAC here. Whitmore wants the police, planning or building inspector, and City Manager represented at the workshop for the composting issue. Also, they want a representative from Ciandella's office to be here as well.

The next meeting is tomorrow night.

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

C. COAST Bus – Councilor Ray Tweedie

None.

D. Planning Board – Councilor Parks Christenbury

Christenbury stated the planning board had a couple of lot line adjustments. He mentioned Mr. Krumm's issue. The Planning Board has been divided into four groups to address the issue of growth here in Dover. They will be having some workshops to discuss the rezoning on July 23 at 7 p.m. An informal hearing will be held, then they will schedule a public hearing on these items. It takes a 2/3rds vote to overturn the planning board. Christenbury stated, the only way to change the growth pattern here in Dover, is we must change the zoning laws. Those proposals will be coming in September.

E. School Board Liaison – Kevin Quigley

None

F. Solid Waste Advisory Commission – Councilor Thomas Dunnington

None. They are meeting tomorrow night.

G. Seniors Advisory Committee – Councilor Roland Hofemann

Hofemann has coordinated with the people at Central Towers, Waldron Towers, etc. He attended a senior luncheon in Somersworth, an AARP installation of new officers, the graduation at Dover High School and the Adult Education. He also attended a flag burning ceremony at the Elks Club, a ribbon cutting at Ocean Bank, an open house at the Wentworth Home and a meeting on aging with the Strafford County Committee on Aging. They had a presentation and the program is called "Project access" that provides assistance for people coming from nursing homes into housing. This program ends in December. Rental assistance is available. To find out about it call him. Mr. Hofemann stated he took care of various constituents concerns, potholes, speed bumps, and stoplights. He went on to address the gentleman that felt he was only representing seniors. Lastly, there was a lawn planted on

Strafford Road and the city dug it up a few years ago for water lines. The grass is finally growing back. Christenbury asked if he sold the van.

H. Arena Commission – Brenda Whitmore

The next meeting is 7/16 at 7 p.m. Right now there is money in excess of \$30,000 in gross revenue. They are working hard to develop programs. They are working to fill these programs to capacity to generate revenue. She will report at the next meeting.

Taylor moved to accept reports, seconded by Tweedie. All in favor.

9. CITY MANAGER'S REPORT

Mike Joyal has two items to note. The finance staff is working diligently to close accounts for end of year. Also, the Berry Brook lining project. They need to bring in an outside consulting firm and we were not able to present a resolution in time, and they need to proceed with a firm at the lowest quote for a short time. The total cost is \$125,000 over 4 or 5 months. They will do a purchase order for a smaller amount. Tweedie wants to know what a small amount is. Joyal says upwards of \$20,000. Tweedie wants to know what the harm is in waiting until August to start the project. Joyal deferred to Pete Lavoie who explained this is a very important project and must be started now. He explained the delay in the bid process. Joyal asked him to speak to the harm in delaying the project. Lavoie says it is a long project and important to get it done in the summer time.

Hindle stated his public disappointment in the train station proposals. He feels there was a lack of communications with regards to the Hampton shuttle, he is disappointed in the City Manager. He feels this was a closed back room deal. He hopes that in the coming days and weeks we can take a look at the whole picture. Dunnington is also concerned; he echoed Hindle's concerns. He asked the City Manager's office for a specific answer as to how this occurred and if we have to put something in place to prevent it from happening again. Whitmore spoke of working for a public institution. She too wants a fair RFP process. What services are provided back to the city after reviewing the information? She urges that the process be started over for a level playing field. Christenbury wants the City Manager to know there is a consensus for the two to be reviewed again. He had no idea what was going on with this. He feels we need a communication system so they can answer the people. They need to be kept abreast of the process.

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

10. UNFINISHED BUSINESS

A. ORDINANCES IN 2ND READING

1. Ordinance #20-06/12/2002, Chapter 166, Vehicles and Traffic, Section 166-48, Schedule A, One-way Roadways, St. Thomas Street. Sponsored by Councilor Jason Hindle, Chairman, Traffic Advisory Commission.

Hindle moved to adopt, seconded by Tweedie. Hindle stated due to the court moving in September, there are some concerns with the flow of traffic on that street. This ordinance will redirect the traffic coming from Locust Street to Belknap Street; then it will be one way. Motion passed on a roll call vote of 8-0.

2. Ordinance #21-06/12/2002, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at Any Time – Broadway. Sponsored by Councilor Jason Hindle, Chairman, Traffic Advisory Commission.

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

3. Ordinance #22-06/12/2002, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at Any Time – Shaw's Lane. Sponsored by Councilor Jason Hindle, Chairman, Traffic Advisory Commission.

Hindle moved to adopt, seconded by Tweedie. Tweedie thanked Hindle for addressing this issue. He wants Shaw's Lane addressed also for the ball fields parking and potential crosswalk on the other side so children can get safely out. Motion passed on a roll call vote of 8-0.

4. Ordinance #23-06/12/2002, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at Any Time – Henry Law Avenue, and Section 166-57 Schedule J, Limited Time Parking – repeal Henry Law Avenue. Sponsored by Councilor Jason Hindle, Chairman, Traffic Advisory Commission

Hindle moved to adopt, seconded by Tweedie. Hindle explained the ordinance and reminded constituents watching that residents of Central Towers will be part of this project. For the time being, this will alleviate the issue. He wants the no parking signs taken down tomorrow. Motion passed on a roll call vote of 8-0.

5. Ordinance #24-06/12/2002, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at Any Time – Dover Street. Sponsored by Councilor Jason Hindle, Chairman, Traffic Advisory Commission.

Hindle moved to adopt, seconded by Tweedie. Taylor has had a call from Dover Street and the issue of off street parking. Residents can not get into their parking places because of large tractor-trailer trucks that park there during the day. Hindle will continue to contact the police on this issue. Motion passed on a roll call vote of 8-0.

6. Ordinance #25-06/12/2002, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking at Any Time – Arch Street. Sponsored by Councilor Jason Hindle, Chairman, Traffic Advisory Commission.

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

B. ORDINANCES IN 3RD READING

1. 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.

WITHDRAWN.

2. Ordinance #17-03/13/2002, Chapter 100, Elections, Adding New Chapter. Sponsored by Councilor Brenda Whitmore, Councilor Raymond Tweedie and Councilor Thomas Dunnington Jr.

Whitmore moved to adopt, seconded by Tweedie. Tweedie defended the ordinance. It says the citizens are ready to move forward with the election process, this will clarify things and he will support

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this. Hofemann moved to amend Chapter 100.5. He is concerned about penalties. If we look at this objectively a person could be fined up to a \$1000.00 to change wording to: "Any person convicted of willful violations of Chapter 100.4.B. & C. may be subject to a fine of not more than \$200.00" seconded by Quigley for discussion purposes.

Dunnington clarifies; the whole purpose is to only give guidelines. This is discretionary. If there were true criminal conduct, the police would be involved. These are simply guidelines for us to go by. The Mayor has concerns also about Chapter 100.5 and whether it is a misdemeanor or a violation. This contemplates the Dover District Court. Dunnington says this is not different than any other part of the code. The Mayor's question is still not answered. If it is not stated, it is a violation; this bothers Nossiff. He does not want Chapter 2 of the last election investigation. As Hofemann pointed out, there was no tape, before we take any action again, if it is not broke, don't fix it. Before we start adding anything, this needs to be clarified. Christenbury clarifies stating a local legislative body can not pass a misdemeanor charge. We do not have the authority to pass misdemeanor or criminal, only violations. Secondly, it has been through the city attorney and he has approved it. There is a huge body of law on this. This goes to the Dover District Court and he will not support this amendment. You must leave the discretion to the judge. We have a tough enough time with the ward workers; they want clear guidance. This is the tool they need to run the election. They view it as not supporting the people that have to run the elections. We need to put it to bed. He feels the legal issues are clear.

Tweedie also will not support the amendment. He stated if you break the rule you may be subject to a fine. Hofemann for a second time, this does not only concern candidates as well as voters. He stated he stepped out of line to scratch his back on a post and was in violation. Whitmore will not support the amendment either. This is a tool to provide clear guidance to not only the candidates but also the voters. This will give the City Clerk and her election staff the authority to run the election in a consistent, organized manner. Nossiff stated he has high respect for Dunnington, his understanding of State Law in Chapter 100.2. is intending this to be in conjunction with state law. He is worried that we are creating violations of ordinances that may be in violation of state and may be overlapping. Dunnington clarifies we have no affect on state law and you can not send anyone to jail under this code. Motion to amend failed 1-7. Hofemann is the only one in favor of the amendment. Tweedie says they have been working with Attorney Wattendorf for quite some time. It was not fun to call yourself a city councilor for a few months after the election.

Dunnington stated we've all had this to review for five months and this will help fix some problems. Hindle says we have failed to do something to educate citizens on election issues. When he worked in Ward 5, as his grandmother did, he worked long and hard under the poll workers guidance.

Christenbury adds that he would like to see if someone does file a complaint. He would like the penalties for false complaints stated. He will support the resolution stating when someone makes a complaint they will need a written response on the complaint. Christenbury wants those persons advised. And finally to echo Tweedie and everyone else, he will vote for this to put this to bed.

Quigley feels there needs to be some type of amendment to this resolution. That the person filing the complaint is signing under penalty of perjury. Quigley moves to add that any person filing a complaint under this ordinance and in the event that the complaint is frivolous, you are committing perjury. Hofemann seconds the amendment. Tweedie has a question about a false claim that is made is that not already law, isn't that perjury? Dunnington says yes, there is a part of the criminal code. Tweedie will not support this. Christenbury comments and feels the obvious intent is to instruct staff to put this in the form. They will realize they are making a formal complaint. He will support the council consensus.

Motion to amend fails on a roll call vote of 3-5. Hofemann, Quigley, and Taylor in favor.

Main motion passed on a roll call vote of 6-2. Hofemann and Quigley opposed.

C. RESOLUTIONS

1. Resolution RE: PSNH LED Traffic Light Purchase Agreement and Authorization of Debt. Sponsored by Mayor Alexander Nossiff, by Request.

Taylor moved to adopt, seconded by Tweedie. Motion passed on a roll call vote of 8-0.

2. Resolution RE: Collective Bargaining Agreement between the City of Dover and the DMEA (Dover Municipal Employees Association). Sponsored by Mayor Alexander G. Nossiff by Request.

Taylor moved to adopt, seconded by Tweedie. Motion passed on a roll call vote of 7-1. Hofemann opposed.

3. Resolution RE: Charter Amendment. Sponsored by Mayor Alexander Nossiff.

Taylor moved to adopt, seconded by Tweedie. Motion passed on a roll call vote of 8-0.

11. NEW BUSINESS

A. CONSENT CALENDAR

1. Tag Permit – Dover High School Football Booster Club
2. Tag Permit – NHA All Stars Cheerleading
3. Parade (Bike Tour) Permit – National Multiple Sclerosis Society, Central N.E. Chapter
4. Resolution RE: Street Closing for Apple Harvest Festival. Sponsored by Mayor Alexander Nossiff by Request.

Taylor moved to grant A.1. through A.3. and pass A.4., seconded by Tweedie. All in favor.

B. RESOLUTIONS

1. Resolution RE: Amendments to City Charter Sections C3-4, and C4-4, Entitled “Qualifications of Council Members” and “Qualifications of (School Board) Members” – to Repeal Term Limits. Sponsored by Mayor Alexander G. Nossiff and Mayor Pro Tem Kathleen Taylor.

Taylor moved to refer to a Public Hearing on 8/14/2002, seconded by Tweedie. All in favor.

2. Resolution RE: Award of Purchase Order for Tree Removal, Pruning and Trimming Services. Sponsored by Mayor Alexander G. Nossiff by Request.

Taylor moved to adopt, seconded by Tweedie. Motion passed on a roll call vote of 8-0.

3. Resolution RE: Award of Bid #B02076 for Primary Clarifier Collection System Upgrade. Sponsored by Mayor Alexander G. Nossiff by Request.

Taylor moved to adopt, seconded by Tweedie. Motion passed on a roll call vote of 8-0.

4. Resolution RE: Award of Bid #B03002 for Bituminous Cement. Sponsored by Mayor Alexander G. Nossiff, by Request.

Taylor moved to adopt, seconded by Tweedie and Dunnington. Motion passed on a roll call vote of 8-0.

5. Resolution RE: Award of Change Purchase Order for Additional Crack Sealing Services. Sponsored by Mayor Alexander Nossiff, by Request.

Taylor moved to adopt, seconded by Tweedie. The Mayor has concerns about change orders. Mike Joyal explains. Tweedie clarified the contractor won't have to go through the bidding process again. Motion passed on a roll call vote of 8-0.

6. Resolution RE: Award of Blanket Purchase Order to SUR Construction Co. for Construction Equipment Rental Rates, as needed. Sponsored by Mayor Alexander Nossiff, by Request.

Taylor moved to adopt, seconded by Tweedie. Taylor asked if he would call another contractor if there were a lower bid? Mike Joyal asked Pete Lavoie to speak to this. Lavoie says yes. Lavoie says they compared the size of the equipment and the fees. Whitmore is concerned about the way the resolution was presented; there is no competitive bid in front of her. She needs clarification on how the contractor was able to come in after the bid was closed. Lavoie explained that as long as the prices are comparable they would accept the bid. Rather than call another contractor, they use that contractor. Whitmore asked if the results of the previous bids were public and were they available? Tweedie is of the opinion that Lavoie will call around. He feels Lavoie has been doing this longer than he (Tweedie) has been alive. Joyal explains this is a contractor in addition to the people already working on the project. Christenbury explained Lavoie goes out to bid with these bid lists, the more people we can call on the better. SUR has a major contract in Dover, so it only makes sense to utilize the firm onsite. He will agree with Whitmore because of knowing what Lavoie is up against tonight, but he will support this. Whitmore asked if we have blanket purchase order for the rental equipment.

Motion passed on a roll call vote of 7-0. Quigley abstained.

7. Resolution RE: Award of Purchase Order for Professional Legal Services – Cocheco River Dredge Project. Sponsored by Mayor Alexander Nossiff, by Request.

Taylor moved to adopt, seconded by Tweedie. Tweedie has question about the Fiscal Year (FY) 02 and FY03 budget. Where is money coming from? Joyal says these are funds allocated in FY00. The authorization was from the CIP. Tweedie asked why did we bond these out? Joyal explained this was funded as one big project.

Motion passed on a roll call vote of 7-0. Whitmore abstained.

C. ORDINANCES IN 1ST READING

1. Ordinance #26-07/19/2002, Chapter 79, City Property, Section 79-12, Use of City Property (City Hall Building). Sponsored by Councilor Brenda Whitmore.

Whitmore moved to refer to a Public Hearing on 8/14/2002, seconded by Tweedie. All in favor.

2. Ordinance #27-07/10/2002, Chapter 133, Peddlers and Vendors, Section 133-7, Exemptions (religious organizations). Sponsored by Mayor Alex Nossiff.

Taylor moved to refer to a Public Hearing on 8/14/2002, seconded by Tweedie. All in favor.

3. Ordinance #28-07/10/2002, Chapter 97, Dumping and Rubbish, Section 97-7.1, (Containers). Sponsored by Councilor Tom Dunnington.

Dunnington moved to refer to a Public Hearing on 8/14/2002, seconded by Tweedie. All in favor. (Dunnington will not be at this meeting.)

D. COUNCIL CORRESPONDENCE

1. Wetlands Application – Strafford County
2. Wetlands Application – Bayside Development Co., Inc.

Taylor moved to accept and place on file, seconded by Quigley. All in favor.

12. MAYOR'S REPORT

Nossiff briefly addressed the budget process. He was disappointed in the result of it, but it was handled professionally. He made a statement for those people who are frustrated that more could have been done; you are not alone. The poll conducted by the local newspaper showed overwhelmingly that the vast majority of the citizens feel that more could and should have been done to curtail the growth of the budget. There were no cuts and there were spending increases across the board. He received a telephone call from a gentleman whose health insurance costs had spiraled. Nossiff assured him that we fought a good fight. In the past, change orders were handed out by prior councils like candy. This council has pulled together like no other council. He feels they are moving in the right direction.

13. COUNCIL MATTERS OF INTEREST

Christenbury commented to Chief Bibber on the lawn chair issue of when he first started with the fire department. They had very diverse ideas on how to run a fire department, but they have always remained friends. On the boat launch that Eric Sweetser brought up, this is at the forefront of the plans for development. Finally, as for how we can make the budget process better here, there are three major departments we can address; the community service, police, and fire departments. They want to split the council into thirds for each third to sturdy one of these departments. By splitting the council up into teams we will increase our knowledge for next year's approach.

Tweedie wants this passed on to the police chief. He has received complaints that from Garrison that it has turned into a used car lot. He would like the vehicles removed. They are causing a safety hazard. Whitmore puts on record she will endorse and work very hard to work on the boat launch. Second, she hopes it is clear that this council is going to work with the City Manager, school board, and school department when they get their direction on what it is they (the council) will be looking for next year.

Dunnington gave Chief Bibber credit for building the great fire department. Hindle says we have heard from the public on the openness of city government. As we went along, he felt he needed to make some sort of statement regarding staggered terms and term limits. He wants to make people aware there is a process on sending items out to the ballot. They must be sent out to the Secretary of State for his approval. He was not given any guidance from the State on the wording of the resolution. The costs of elections and whether we keep staggered terms or not. He has researched Portsmouth's system and we should debate the issue. They have had their system for 30 – 40 years and they do not ever need to hold a special election. Everyone is voted at large, the highest vote getter is appointed Mayor, seconded highest Mayor Pro Tem, and so on. He hopes, depending on what happens in November, that the council would like to discuss it and debate it.

14. ADJOURNMENT

Quigley moved to adjourn, seconded by all. All in favor. 9:52 p.m.

**Judy Gaouette,
City Clerk**