

**MINUTES
DOVER CITY COUNCIL
REGULAR COUNCIL MEETING
DECEMBER 11, 2002
CITY COUNCIL CHAMBERS
7:00 P.M.**

1. MOMENT OF SILENCE

The Mayor asked for a moment of silence.

2. PLEDGE OF ALLEGIANCE

Whitmore led the Pledge of Allegiance.

3. ROLL CALL

Those present: Councilor Whitmore, Christenbury, Dunnington, Hindle, Mayor Nossiff, Councilor Quigley, and Tweedie. Councilor Hofemann and Mayor Pro Tem Taylor were absent.

4. PROCLAMATIONS/AWARDS

The Mayor started off with by reading a proclamation for Ken Osborn and the DHS football team, for the good sportsmanship of the team. He presented the proclamation to the team, while Hiroko of Fosters took a picture of all of them. Next he read a certificate of appreciation for Sam Allen for his dedicated service to the City of Dover while serving on the Arena Commission.

5. CITIZEN'S FORUM

Christenbury clarified the Zoning public hearing notice problem saying what they say tonight will be on the record for the rezoning issue.

The mayor stated he wanted to answer a question asked by a citizen at an earlier meeting regarding the Hebbard Farm matter and a State law that the citizens had uncovered that they though was applicable. He explained that the question was that since the statute seemed to provide discretion to hold a public hearing on a change of use or alleged change of use at the Hebbard Farm and juxtaposed with the matter of Motiva which was the expansion of the Siver Street Texaco Station to add a Dunkin Donuts and a car wash, and why the Motiva issue had a public hearing but the Hebbard Farm issue did not. The Mayor stated the answer is contained in a letter sent to the citizen which basically explained that it was an exercise of discretion as it wasn't clear that there was an actual change of use at the farm.

Don Cichon, a resident of Ward-5 and chair of Ethics Board, is here to speak on the Ethics Board proposed ordinance that is on the agenda tonight. He continued, the Ethics Board is not dead, he pointed out how he feels we should go on this issue. He explained that he and Christenbury had some discussions in January of 2002 on what direction the Ethics Board should take. The upshot of that meeting was that more research needed to be done. One indication was there was a proposal to abolish the board and Christenbury then pulled it. He has not heard from Mr. Christenbury again and he has now received several complaints and questions from citizens about their procedures here in Dover. He continued there are two issues, we have 5 board members that have been adopted by the city council over the past couple of years. They are now down to two members, he and Bob Ross who is here tonight. Since he started getting these requests a couple of months ago, he checked with the City Manager who had checked with the city council who responded there is no interest in an Ethics Board and a citizen could file a grievance in superior court. He was surprised at their answer, he was also shocked to see this item on the agenda as he felt that an alternative structure was supposed to have been put into place. He urged them to remove this resolution so as to not give the council even less credibility than they already have. He hopes that in any discussion of this issue, the council will keep in mind the merits of this board. There is a difference between legality and ethics and other people share this thought. Superior Court is for legal issues not moral issues.

Ed Koza of 5 Berkshire Lane has a question for the Mayor, the Mayor deferred to Pete Lavoie. On the south side of town, his neighbors have called city hall time and again, and they were told

the leaves would be picked up on their regular trash day. The last snow storm the leaves are now in the road, after calling several times nothing has happened with the picking up of these leaves, he listed all the streets in his neighborhood that still have leaves all over the place, someone needs to be called on the carpet.

Matt Mayberry of 410 Dover Point Road wants to talk about the continuing death of the council in Dover. He spoke on the election workers who served on election day and have been reprimanded ever since. He thanked the councilors that had stepped forward to give their time, as Nick Skaltsis said "no good deed shall go unpunished". He does not blame the citizens at all; he has volunteered himself at elections. He went on about citizen common sense and Bob Keays less than good judgment on this issue. He wanted to explain this as a regular citizen before he takes office in January.

Richard Hughes, of 51 New Rochester Road has a few comments. He is here to express his appreciation for Kathy Taylor and Roland Hofemann, when he campaigned for council, he said he would vote to hold down taxes and he has though he has been chastised for this. Secondly he did not want to have to speak on the train station again, but he is here to do that, he visited the station tonight and there is no sign that the station is about to open for business on the 15th of December. He has checked the C&J website and that has no mention of opening the station. This weekend will mark one year since the train service has begun, there are current discussions on the senior liaison, go to the train station and see how many seniors are standing out in the cold. He is asking the Mayor to ask the City Manager what is the delay in the opening of the train station. He then wished the staff and Manager a happy holiday.

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

6. PUBLIC HEARINGS

- A. Resolution RE: Naming of Dover Recycling Center. Sponsored by Councilor Thomas Dunnington. (**See Item 10C-1**)

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

- B. Resolution RE: Reprogramming Federal Fiscal Year 2002 CDBG Funds from the McConnell Center to Woodman Park School. Sponsored by Mayor Alexander Nossiff, by Request. (**See Item 10C-2**)

Joe Cooper, the business manager for school department spoke saying he is aware of the project change on the elevator from the McConnell Center to the WPS. He explained the situation and the reason for the change. They will see the School Board come back for funds for the McConnell Center. He is in support of the change to use the money now for WPS.

Dennis Bentley, principal of WPS would like to paint flesh and humanity on this issue. As the Council is aware, WPS is going to have issues on updating the building, this would be a major improvement as far as updating the elevator, this would help with the non-ambulatory students using the elevator. He feels we owe this service to these children. He feels this elevator should be put in the school with the 470 kids and not the school that is not being used as a school currently.

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

- C. Ordinance #34-11/13/2002, Chapter 166, Vehicles and Traffic, Section 166-50, Schedule C, Stop Intersections, New Bellamy Lane. Sponsored by Council Jason Hindle, Transportation Advisory Commission. (**See Item 10A-1**)

Seeing no one, the Mayor closed the public hearing.

- D. Ordinance #35-11/13/2002, Chapter 170, Zoning, Various Sections. Sponsored by Councilor Parks Christenbury, Planning Board Representative. **(See Item 10A-2)**

The Mayor explained they would take comments this evening as well as at the next regular meeting.

Marilyn Follansbee of 25 Dover Point Road is here to discuss the proposal near Thornwood Market. She attended the Planning Board meetings, at that time she told the board the neighborhood feelings. She cannot understand why this area needs to be rezoned even though people say it is a commercial area, the people who live there don't feel like it is. She walked the area today and calculated how much area there is here. She explained how Thornwood had gone out of business, she does not think a large grocery store would get the business it needs to sustain a business. She does not like to see empty businesses in the area. She would like the state to reduce the price of the tolls on the highways and maybe that would reduce the traffic on Dover Point Road. She is not sure what the zoning is at the cemetery but they give her no problems. There are 8 parcels on her side of the road. She would advise any homeowner to withhold their personal permission for a variance of any kind. She would like to see the area from Thornwood Market to Dover Auto to remain unchanged. She concluded that she will be there in January to speak also.

Mrs. Tony Kretsepes of 15 Dover Point Road agrees with everything that Marilyn says about the zoning changes. She stated she has seen many changes in Dover in the 40 years she has lived here but feels blessed to live in a community that is active and has history. She stated that the City of Dover Master Plan talks about maintaining open views, historical districts and green spaces. The proposed zoning changes can impact all 3. Uncontrolled growth results in irreversible changes that can destroy the community we now have. Urban sprawl is an ever-present force that wants to connect Portsmouth to Dover with a corridor lined with stalled traffic, stagnant and polluted air, and inevitable decay. The construction along Dover Point Road is just a small example of the agony that comes with zoning changes. These changes brings hidden tax liability that will gradually force residents to sell their homes. She stated she is not ready to sell her home yet. Please resist the pressure to change too quickly.

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

- E. Ordinance #36-11/13/2002, Chapter 143, Scenic Roads, Section 143-4, Violations and Penalties. Sponsored by Councilor Parks Christenbury, Planning Board Representative. **(See Item 10A-3)**

Seeing no one, the Mayor closed the public hearing.

7. **MINUTES**

- A. Regular Council Meeting – November 13, 2002

Hindle moved seconded by Tweedie, all in favor.

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

- A. Transportation Advisory Commission – Councilor Jason Hindle

Hindle reported that the TAC will meet next Wednesday night to discuss a sidewalk policy.

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

Hindle stated the JBC will meet tomorrow night in the school superintendent's office, he thanked the other councilor for attending the Horne Street School dedication ceremony tonight.

C. Planning Board – Councilor Parks Christenbury

Christenbury says the Planning Board continues to be very busy. They heard about two projects that will provide green space. One was for Portsmouth Christian Academy, the gentlemen who is developing the area is only going to put 7 houses there instead of a trailer park with many, many lots. There will be walk ways on the river as well. Jenness Properties is the developer and the Planning Board has accepted a conditional presentation. The other one is on Gulf Road past Three Rivers Farm, they have come forward with a subdivision proposal for only three homes and lots of green space for the public. Staff has worked very closely with both of these developers, also tonight we must determine when the upcoming council meeting will be in January to hold the zoning public hearing. Another issue is the CIP where they basically left most items in tack, the Planning Board feels they need to move the 2.5 million to be put in the 2004 CIP. Two items were removed. First two of the items the Fire Department had asked for which were the self-contained breathing apparatus and the ambulance were removed because they aren't in the Master Plan and they feel that tools and supplies should come from the operating budget. The other project removed was the reconstruction of Henry Law Ave. They felt the reconstruction of Henry Law Avenue is not ready to take place, there is a very serious concern that this may conflict with construction that is to come in that area.

C. Solid Waste Advisory Commission – Councilor Thomas Dunnington

There was no report.

D. Seniors Advisory Committee – Councilor Roland Hofemann

Quigley wanted to talk to this since Hofemann is not here. Last week Hofemann had coordinated with the Fire Department to fix the Senior Center by having them fix the ceiling tiles there, etc. He feels that both the Fire Department and Roland Hofemann should be recognized for this project

E. Arena Commission – Brenda Whitmore

Whitmore has a bad cold so the report will be brief, the next meeting will be December 17th. She stated Sam Allen has stepped down, she wished him well. She says the city staff is working on a proposal and she put to rest the rumor that the study will cost \$100,000. she received the last draft of the ways in which this arena can be a success in Dover.

Dunnington moved to accept the committee reports, seconded by Tweedie. All in favor.

9. **CITY MANAGER'S REPORT**

The City Manager reviewed the economic figures for the month of November (See report in 12/11/02 folder). He asked Mr. Hughes to call him in the morning for a definite answer on when the train station will open. He then introduced Scott McIntire, the city auditor is here to speak on the audit for fy 6/30/20002, (see meeting folder of 12/11/2002). He spoke on the booklets that were handed out earlier and went on to explain the numbers. He continued to explain the procedures for the audit. He commented on the arena funding stating that they should consider using the reserve fund to bring the Arena Fund up to the break-even point.

(Taylor and Hofemann are now present at 8:10 pm.)

He then gave his recommendations for the city's finances. He asked for questions. The Mayor says at least we have no Enron issues here.

Whitmore asked about page 20 and 21 as the deficit of the arena was reported to be \$600,000 but this says \$944,236 in the advance to other funds for Arena and asked how this is reconciled. Scott explained that the \$944,236 on pages 20 and 21 is the negative cash position of the Arena at year-end and when he refers to the Arena Fund having a deficit of \$600,000 (see page 32) it is the total fund equity which is in the negative. The reserve for advances on the general fund balance sheet has \$944,000 set aside as it is designed to match the negative amount in the Arena Fund.

Mr. Beecher commented on Councilor Whitmore's reference to \$100,000 stating that if the Council approves this funding, 60,000 to 70,000 would have to be spent on the Human Services Department.

Taylor moved to accept the Manager's report, seconded by Tweedie. All in favor.

10. UNFINISHED BUSINESS

A. ORDINANCES IN 2ND READING

1. Ordinance #34-11/13/2002, Chapter 166, Vehicles and Traffic, Section 166-50, Schedule C, Stop Intersections, New Bellamy Lane. Sponsored by Council Jason Hindle, Transportation Advisory Commission.

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

2. Ordinance #35-11/13/2002, Chapter 170, Zoning, Various Sections. Sponsored by Councilor Parks Christenbury, Planning Board Representative.

Christenbury moved to a public hearing and a possible vote in January, Tweedie seconds the motion. All in favor.

3. Ordinance #36-11/13/2002, Chapter 143, Scenic Roads, Section 143-4, Violations and Penalties. Sponsored by Councilor Parks Christenbury, Planning Board Representative.

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

B. ORDINANCES IN 3RD READING

C. RESOLUTIONS

1. Resolution RE: Naming of Dover Recycling Center. Sponsored by Councilor Thomas Dunnington.

Dunnington moved seconded by Tweedie and everyone to adopt. Dunnington explained some of Earle's accomplishments. He continued that Earle was the inspiration for the move of the recycling center. When you think of garbage, think of Earle. Motion passed on a roll call vote of 8-0. The mayor presented the signed resolution to Earle. Earle thanked the Solid Waste Commission and the councilors, as well as the citizens of Dover for being the best recyclers in the state.

2. Resolution RE: Reprogramming Federal Fiscal Year 2002 CDBG Funds from the McConnell Center to Woodman Park School. Sponsored by Mayor Alexander Nossiff, by Request.

Hindle moved seconded by Tweedie to adopt. Hindle spoke on the issue. Motion passed on roll call vote of 8-0.

3. Resolution RE: Increase of the Property Tax Exemptions Levels and Criteria for Elderly, Blind and Disabled. Sponsored by Councilors Whitmore, Tweedie, Christenbury, Hindle, Dunnington, Hofemann and Taylor.

Whitmore moved seconded by Tweedie to adopt. Whitmore explained the resolution. Hofemann stated he is elated that the concerns of the seniors are being addressed. This will enable the seniors to stay in their own homes, he would like this item reviewed each year. This is a good day for the seniors

in Dover. Tweedie has a few comments; this is only a \$1.82 on the tax rate to help your neighbors. We are a leader in the state as far as giving a break to the seniors. The Mayor stated this is the proudest and finest moment for this council as we have come to collectively to adopt this. Motion passed roll call vote of 8-0.

11. NEW BUSINESS

A. CONSENT CALENDAR

1. Raffle Permit – Cocheco Chapter, American Diabetes Association
2. Raffle Permit – Great Bay Figure Skating Club
3. Tag Permit – Teen Challenge New England
4. Tag Permit – Dover Brownie Troop #251

Taylor moved seconded by Whitmore to grant. Whitmore stated she was comparing the Teen Challenge with the last agenda; she wants this item pulled until they can determine what the discrepancies are about on this one. All in favor and all in favor of Items 10-A 1, 2 and 4.

B. RESOLUTIONS

1. Resolution RE: Award of Purchase Order for a Continued Specialized Police Computer Software Maintenance Service. Sponsored by Mayor Alexander G. Nossiff, by Request.

Taylor moved seconded by Tweedie to adopt. Tweedie asked if this will be the last payment to this company as he notices there is a balance left in this account but we have already made one payment before this. Mr. Beecher stated this is the last payment. Motion passed on a roll call vote of 8-0.

2. Resolution RE: Authorization to Purchase a Used Roll-off Container Truck Cab and Chassis. Sponsored by Mayor Alexander G. Nossiff by Request.

Taylor moved seconded by Tweedie to adopt. Tweedie has a question on funding, should this be from the operating fund or the reserve fund. Jeff Harrington explained the difference between the accounts. Taylor asked what is to become of the existing old truck. Mr. Beecher is going to take it to the dump, she says that is fine as long as it does not go home with someone. Quigley asked where we are buying it from and how old is it and do we have warranties. Pete explains the authorization tonight is just to purchase one, he says they need money in hand to bid on this truck, motion passed on roll call vote of 8-0.

3. Resolution RE: Award of Request for Proposal #B03012 and Purchase Order for Engineering Services for Wastewater Treatment Plant Outfall Improvements. Sponsored by Mayor Alexander G. Nossiff by Request.

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

4. Resolution RE: Award of Bid #B03023 for Excess Workers' Compensation and Employer's Liability Insurance Coverage. Sponsored by Mayor Alexander G. Nossiff, by Request.

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

5. Resolution RE: Adoption of Standard Operating Procedures for Snow Removal and Ice Control. Sponsored by Mayor Alexander Nossiff, by Request.

Taylor moved seconded by Tweedie to adopt. Dunnington asked why the City Council must approve this. This is the procedure that we follow stated the City Manager. Motion passed on a roll call vote of 8-0.

6. Resolution RE: Appropriation for FY04 Capital Improvements Program and Authorization for Bonding. Sponsored by Mayor Alexander G. Nossiff, by Request.

Taylor moved seconded by Christenbury and Tweedie to substitute as a whole. Motion passed by all. Taylor moved seconded by Christenbury to move to a public hearing in January. All in favor.

7. Resolution RE: Appropriation for FY04 Capital Improvements Program – Non-Debt Financed Projects. Sponsored by Mayor Alexander G. Nossiff, by Request.

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

8. Resolution RE: Award of Bid #B03028 for a Front-end Loader with Snow Plow Equipment. Sponsored by Mayor Alexander G. Nossiff, by Request.

Taylor moved seconded by Tweedie to adopt. Motion passed on a roll call vote of 8-0. The City Manager clarified this must come back before the council for the actual purchase.

9. Resolution RE: Dissolving Proposed Charter Commission for 2003. Sponsored by Councilor Parks Christenbury.

Christenbury moved seconded by Tweedie to adopt. Hofemann will not vote for this, as he feels 10 years have passed since the last charter commission and he feels we should review it now. Quigley clarified that the article in tonight's paper was inaccurate. He wishes there was a more professional courtesy offered to him. He feels he was blind sided, there is no discussion here on the floor, and this is not the only time this has happened with a resolution. Christenbury says the simple matter is, he is familiar with the Charter Commission rules. The problem is time, this is time intensive, we have committed ourselves to meet at least once a week on the budget next year, and all of us have other obligations. He does not have the time to devote to this. This commission could go anywhere and every meeting would have to be attended in order to keep track of it. The city attorney has clarified only 3 issues that need to be amended in the Charter. The only question that has come up is should the Mayor have the right to vote, he will work tooth and nail to have that item passed. When you start crowding the ballot with a lot of questions, you lose the public's interest. We are creating a huge body to address something we can do in about 5 minutes at some meeting. He asks that this next election be done without having questions on the ballot. There is a multitude of issues so we should kill this tonight. Whitmore commented when she had originally supported the formation of this commission, she had not studied it thoroughly; the review of the charter we should take very seriously, this is not the time to do it. Tweedie also supports this resolution. Motion passed on a hand vote of 6-2, Hofemann and Quigley opposed.

10. Resolution RE: Naming of Persons to Serve on Charter Commission. Sponsored by Councilor Kevin Quigley. **Item pulled.**
11. Resolution RE: Fiscal Year Budget Amendment #3. sponsored by Councilor Parks Christenbury III.

Christenbury moved seconded by Tweedie to move to a public hearing in January. All in favor.

C. ORDINANCES IN 1ST READING

1. Ordinance #37-12/11/2002, Chapter 22, Code of Ethics, Repeal Sections 22-13 through 22-23, Article IV, Complaint Procedure; Sanctions. Sponsored by Councilor Parks Christenbury.

Christenbury moved seconded by Tweedie to refer to a public hearing in January. All in favor.

D. COUNCIL CORRESPONDENCE

1. Wetlands Application, Constitution Homes, LLC

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

12. MAYOR'S REPORT

The Mayor handed out presents to outgoing Councilor Taylor and Hofemann saying this is a sad night to have to say good-by to both of them. We are all going to miss them and we know they both will be representing us well in Concord. Tweedie also wished them well. Hindle says it has been an honor to work with the both of them in spite of all the differences this year. He wished them well in their new endeavors. Christenbury wished them well in Concord, there are many things they can do for them in Concord. Mr. Beecher says you will see me in Concord on many occasions as president of NHMA. Quigley wished them well in Concord also. Dunnington echoes all this, he says, it has been an interesting year, he appreciated the guidance they have given him. He also thanked Hofemann for bringing to the council something very, very special; his guidance will be missed in this area. He will be missed next year. Whitmore thanked them both for serving the citizens of Dover and for serving this past challenging year. She thanked Hofemann for his enthusiasm and she looks forward to Taylor serving Dover in Concord. The Mayor gave them each a certificate of appreciation from the Council.

Hofemann had his prepared comment for us, he says from the bottom of his heart it has been a pleasure to serve under Mayor Nossiff, the Mayor has been a true friend. Finally he wants them to feel free to call him at any time on State issues. He already has his name on a bill to raise the senior deduction to \$500. he continued, if you love Dover, you are my friend. Taylor thanked all of them for their kind words this evening and she thanked the citizens for the opportunity to serve them at the State along with her daughter, she is thrilled about that.

Tweedie moved seconded by all, all in favor.

13. COUNCIL MATTERS OF INTEREST

Tweedie stated that the leaves on the south side in Ward 4 have still not been collected and he is also anxiously awaiting an update on the train station.

Christenbury proposed that the regular January meeting will be held on Jan 15th, 2003, all in favor.

14. ADJOURNMENT

Tweedie moved seconded all at 9:03 pm, all in favor.

**Judy Gaouette,
City Clerk**