

**MINUTES
REGULAR COUNCIL MEETING
FEBRUARY 14, 2001
DOVER CITY COUNCIL
COUNCIL CHAMBERS
7:00 P.M.**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Dunnington led the Pledge of Allegiance.

3. ROLL CALL

Councilors Dunnington, Hindle, Mayberry, Nossiff, Reese, Schmidt, Andrews Parker and acting Mayor Berry were present. Mayor Boc was absent.

4. MAYOR'S REPORT

Berry reported that the Mayor had, upon acceptance of this report, reappointed Nick Skaltsis and Scott Myers to the Dover Economic Development Commission. On 1/11, the Council joined him in welcoming President Clinton at Pease International Airport, then to Dover where he was given a key to the City. On 1/16, he attended an open house at Dover Adult Education Learning Center. On 1/23 Mayor Boc had read an oath to the students at Garrison School. On 1/30 he had attended the Tri City Council meeting where a brief update on Educational funding was presented. On 1/31 Mayor Boc attended a Rotary Club luncheon and had accepted a check for a new band shell at the Parks and Recreation building. On 2/1 he had attended a ribbon cutting at Simply Gourmet. On 2/18 Berry stated, on behalf of the Mayor, he had opened Pizzeria Uno at the Weeks Crossing. On 1/31, Welch Fluorocarbon, Inc. received the small employer of the year award for MS at the New England Center for supporting an employee in his time of need. Councilor Mayberry stood in for him doing a ribbon cutting at Curves for Women. The Mayor has been asked by the Planning Board to establish a Ball Fields Committee. He appointed Ron Cole, Kevin McEneaney, Anthony McManus, Gil Hartman, Wayne Coolidge, Ed Murphy, and no Councilor volunteered so Mayor Boc will be the Council representative. Berry then read a Certificate of Appreciation from the Mayor and Council for Benjamin Delisle for his service on the Conservation Commission.

He continued: we have a guest this evening, Rick Broussard, editor of NH Magazine. Mr. Broussard gave an award to the City for our progressive environment. They had picked 5 cities with one of them to be named City of the Future - Nashua, Manchester, Portsmouth, Concord and Dover, as they are all aggressively looking to the future, as well as being capable and imaginative. They had picked Manchester as their top choice. He stated Dover is a dark horse and they would love to be proven wrong in 20 years. He presented a plaque to Berry as he read it. Finally they presented a small gift to each Councilor and a bouquet of flowers to the City Clerk.

Schmidt moved, seconded by Mayberry, to accept. All in favor.

5. PUBLIC HEARING

There were none.

6. CITIZEN'S FORUM

Acting Mayor Berry opened Citizen's Forum asking if anyone wished to speak.

Bob Callahan, of 6 Barry Street stated the Portland Street sidewalk is terrible, and you have to walk in the road, as there is too much ice on it. Glenwood Avenue is the same situation. This should be taken care of.

Erik Sweetser, 2 Wallingford St, is affiliated with Save Dover Organization and the Paul Street neighborhood group. He has come before you many times but always to a deaf ear. His group has two types of public pressure on them. They also have legal actions that are pending in Superior Court in Dover, NH. He sent a letter to Stancel and the DEDC telling of public lands and the roadway on Paul Street. The abutters have always owned the land since 1949. This also means the neighbors are not going to allow anything on the Bluff; they have done a title search and have written the Attorney General a letter. He read the letter from the Attorney General to him urging them to proceed with the investigation. The fight is far from over and they will continue this fight to have no development on the Bluff.

Nick Skaltsis, 6 Erik Drive, is here as a publicly elected official. He is a School Board member. He is taking this opportunity to speak on the Ethics Policy. He does not know any of the 5 people on the Ethics Board. He doesn't think he has been a suspect of theirs. He has served in a lot of capacities in the past 28 years. He is here in regard to the changes of the ethics policy. He wondered what is trying to be accomplished in these changes to the Ethics Policy. They seem to want to remove politics from the system. He has looked at this from where he sits and he is concerned with the system they have created and endorsed. They have an unchallenged allegation, then a secret indictment. You don't face your accuser, there is no right of appeal under this system, and the sentencing jury cannot find the person not guilty. There is no court in the country that does not have the power to dismiss a case.

The Ethics Board has no power over the employees of the City. He has made five recommendations, see addendum in council folder of 2/14/01; he went on to explain them. He stated the words in their policy, the appearance of conflict of interest and perception of a conflict is wrong. He gave examples of a conflict of interest as well. The person he referred to is himself, but he feels there is no conflict here. Also, if someone wants to make a complaint against anyone, they (the Ethics Board) should make it in person, the person does not want to hear it on the street or read it in Foster's. He also feels the person should be told what the complaint is, as this is only fair and reasonable. There is no reason he can think of why a case that is heard before the City fathers is not appropriate. Every place else you have the opportunity of a rehearing. He continued to go over his 5 points.

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

7. MINUTES

- A. Regular Council Meeting – December 13, 2000
- B. Regular Council Meeting – January 10, 2001
- C. Council Workshop – January 25, 2001

Mayberry moved, seconded by Hindle. All in favor.

8. REPORTS OF STANDING AND SPECIAL COMMITTEES

A. Planning Board – Councilor Jerry Reese

There was no report.

B. Public Works Building Committee – Councilor Peter Schmidt

Schmidt stated he went to the site this P.M. and was happy to see that the crews were laboring away and contending with the weather. The pole barn is coming extremely well. The foundation is continuing to come along well with the main building. There was a meeting with Horne Construction last Tuesday but he was not able to attend. He called Pete Lavoie to explain. Pete stated they had a brief meeting about the sewer lines being constructed on Mast Road and the grade and which side of the road to put the sewer line on. They also discussed drainage issues. The phone system was reviewed and they will be using Bay Ring along with the rest of the City with all the same telephone numbers as they currently have along with the current radio communications system. Also, they are waiting for steel to arrive next week to start erection of the main building, all foundations are in, and moving on considering the weather.

C. Arena Building Committee – Councilor Matt Mayberry

Mayberry stated they would be holding a public Workshop on February 28th at the Arena. On 2/8 he welcomed a new hockey player that had arrived in Dover. The child's name is Nick Anthony Ralzo, whose parents are friends of his.

D. Coast Bus – Councilor Peter Schmidt

Schmidt reported the Executive Committee had met last week and among the topics discussed was the pending labor union negotiation; this will be between the union and contractor, Seacoast Management. They are considering the legal ramifications of the situation. They purchased 3 new used buses that will arrive this week and will allow them to accommodate handicapped travelers. More new buses have been ordered and will arrive later this year.

E. Solid Waste Advisory Commission – Councilor Thomas Dunnington

Dunnington reported they met on 1/18. The Bag and Tag report for September and November was distributed; the fund balance is continuing to decline. Five hundred (500) new recycling bins have just arrived. Compost bins will be delivered in April. They discussed computer monitors and how they cannot dispose of them without costs. They take TVs but not these monitors and they do not know why as yet. They are looking at maybe charging people that bring them to the recycling center. There is a deficit in the Bag and Tag program and they want the program to be self-supporting so they may have to increase the cost of the bags in the future. Gary Gilmore, State Representative has brought a bill in the Legislature to their attention, that he is sponsoring about a \$2.00 surcharge on trash to support town and city recycling. This would mostly be for other towns as Dover is already up to speed on this issue. They are working with Durham to give them encouragement and advice on starting a Bag and Tag program there. Also they have a questionnaire that will be distributed when people come down to the recycling center and that they will use to get people's feedback on the hours of the center being open, etc. Schmidt asked about Turn Key's taking TV monitors as opposed to not taking computer monitors. He asked about the deficit in the Bag and Tag fund. He recalled last year Jeff Pratt had already indicated that we were headed for a deficit or a declining mode. He wondered if we have finally reached that point. He commented on a

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nearby community that is looking to start a recycling program and looking to Dover for experience and guidance.

F. Elementary Facilities Committee – Councilor Jason Hindle

Hindle stated there would be a meeting held on Thursday, February 22nd at 7p.m. in the Woodman Park School library. They will be discussing the proposed bus loop for that school. This meeting is open to the public and he asked that the Woodman Park Street constituents attend to give them their feedback on this proposal.

G. Alternative School JBC Committee – Councilor Jason Hindle

The Joint Building Committee met on February 13, 2001 at 6 p.m. in the Superintendent's office. He stated this being the first meeting, they convened and elected School Board member Nick Skaltsis as Chair of the committee. They discussed and had an overview of the CDBG funding application in which they have requested \$100,000. They also discussed the design/build proposal that has been sent or given to prospective contractors. A site walk was held on January 25th, which Hindle and Nossiff attended and represented the committee. They are encouraged by the responses they received and expect a wide array of contractors. Proposals are due by 2 p.m. tomorrow, February 15th. The next meeting will occur on February 21st at 6:30 p.m. in the Superintendent's office.

Berry asked about the term "Alternative School" and what it is. Nick Skaltsis, Chair of the Committee came to speak on the subject. Nick says, Alternative Education in Dover has been housed for over a decade in a modular near the high school, but it is really a much larger program than that. It involves 50 students and they are mostly sent out of district. They are there because of discipline and/or behavior reasons. They cannot keep them in the regular school but are required by State and Federal law to keep them in school until they are 18 and sometimes 21 years old. There are 15 of them currently at the old middle school, plus a dozen more at the high school, with 19 currently sent out of the district. The typical average cost of sending them out is \$40,000 with tuition and transportation. The average cost to keep them here is \$15,000 per student. They are looking for opportunities to bring some of these students back. Hindle concluded, speaking for Nossiff and himself by thanking the Mayor for appointing them to this important committee and this important project. Schmidt asked for a target date for completion, Jason stated possibly 1/1/2002.

H. Middle School JBC Committee – Mayor Pro Tem Bob Berry

Berry reported they have had a final meeting of this Dover Middle School building committee. They brought this project in on time and under budget. They only have one final item to resolve and that is the corridor area around the middle school. They have endorsed a firm to move ahead with the traffic flow situation. They had \$99,000 and change left over; and the remaining funds have been turned over to the School Board to be used at their discretion for ball fields. They are moving ahead with the traffic flow and congestion issues, as there are a number of problems in this area. The members of the committee, Bill McCann-Chair, Paul Johnson, Scott Rawding, Joe Covert, Marc Vaillancourt, Doris Grady - Alt, and Bob Berry-Vice Chair have disbanded.

Mayberry moved, seconded by Hindle, to accept reports. All were in favor.

9. CITY MANAGER'S REPORT

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The City Manager has been working to respond to Nossiff's request for a more detailed financial report. They have been working with a software vendor on this. Through 58% of the FY at the end of January, we have collected \$4.9 million in non-tax revenues or roughly 64% and we have expended \$10 million on the city side of the general budget or 61%. Under economic development, we issued 24 building permits and collected \$13,000 in fees for that.

He explained about the fire truck they had received an email about. They had wanted to wait on this issue, but circumstances being what they are and the truck being out of commission, we must proceed. With the acceptance of his report, we will need to notify Smeal that the \$400,000 in funds has been allocated for the purchase. The Dover Brook final allocations are now worked out and they will be able to give the rebates now. Currently there is zero money left in the snow removal budget. So, in response to this, they will have to make an adjustment at the end of the year. Mayberry asked how we are doing on fuel assistance this year. The City Manager stated, the State Utilities Commission has been asked not to bill anybody until May. The adjustment will be nearly on target. Hindle asked about increasing the budget to include televising the School Board budget meetings, as well as, the Planning Board meetings. Berry commented, also, it was always the intention of the City Council to do this. Schmidt asked about the accident with the fire department vehicle. Is it covered by insurance? The City Manager stated, yes, 100%. The City Manager feels we will meet or exceed most of our revenue projections. Berry asked to have Mr. LaSelva's monthly financial statements to be shared with the Council each month as part of the City Manager's report. Andrews Parker asked if the price of the fire pumper includes shipping of the truck. The City Manager says we go pick this vehicle up and drive it back here. Schmidt stated he attended the recent School Board meeting on Monday about traffic congestion and noted the School Board does not have control over it. The City Manager stated we are working with the school staff on this issue. The City Manager urged students to take the bus.

Reese moved, seconded by Andrews Parker, with a motion that with the acceptance of the City Manager's report it will include authorization of the Smeal Fire Pumper as well as approval of the Dover Brook abatements. Motion passed on a roll call vote of 8-0.

10. UNFINISHED BUSINESS:

A. ORDINANCES IN 2ND READING

B. ORDINANCES IN 3RD READING

C. RESOLUTIONS

11. NEW BUSINESS:

A. CONSENT CALENDAR

1. Tag Permit – Strafford County Stars AAU Basketball
2. Tag Permit – Dover Little Green Cheerleading
3. Tag Permit – Dover North Baseball
4. Tag Permit – Brownie Troop 2086
5. Tag Permit – Brownie Troop 798
6. Tag Permit – Swift Water Girl Scout Troop 491
7. Raffle Permit – Strafford County Riverside Rest Home

Mayberry moved, seconded by Reese, to grant the permits. Motion passed on an 8-0 vote.

B. RESOLUTIONS:

1. Resolution RE: Award of Blanket Purchase Order for Miscellaneous Work Boots and Fitness Footwear. Sponsored by Mayor Wil Boc by Request.

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

2. Resolution RE: Award of Blanket Purchase Order for Heating, Ventilation and/or Air Conditioning (HVAC) Maintenance Services, As Needed, at Various City Facilities. Sponsored by Mayor Wil Boc, by Request.

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

3. Resolution RE: Authorizing Willand Pond Deeds to Be Amended. Sponsored by Wil Boc.

Mayberry moved, seconded Hindle, to adopt. Nossiff asked why we have to take this step at this time and why we are giving up this right. The City Manager stated we could change our minds at anytime and use the water. Nossiff stated he has no problem then. Andrews Parker is concerned about whether this will allow development to occur in this area. The City Manager tried to explain about the future development of the area with regard to the idea that Somersworth intends to build a park and also the development at the circle, and they also have an easement from behind Western Auto. Andrews Parker asked if motor boats would still be prohibited from using the pond. The City Manager stated the State regulates that and this resolution will not change it. After further discussion, Nossiff feels on the basis that there are a lot of unanswered questions, he would like to table this resolution until the March meeting.

Nossiff moved, seconded by Hindle, to table until 3/14/01. All were in favor of tabling.

4. Resolution RE: To Limit Wetland Bureau Application Fees for Municipalities. Sponsored by Councilor Matt Mayberry and Councilor Alex Nossiff.

Mayberry moved, seconded by Reese, to adopt. The City Manager stated he had spoken with Senator Wheeler last week and she will sponsor a bill that will limit what any city would have to pay so that they will only be liable for what the State Wetlands would have to pay for a project for the application. This will be about \$10,000. The Council should support this effort. Dunnington stated it makes sense to do this. He asked if the fee is not paid as requested now, will it hold up the whole process? The City Manager stated no.

The motion passed on a vote of 8-0.

5. Resolution RE: Appointments Committee Recommendations to Various City Boards and Commissions. Sponsored by Councilor Jerry Reese, Councilor Bob Berry and Councilor Matt Mayberry.

Reese moved, seconded by Mayberry, to adopt. Reese read all the reappointments. Motion passed with all in favor.

6. Resolution RE: Resident Parking Passes. Sponsored by Councilor Betsey Andrews Parker, Chair, Parking and Traffic Committee.

Mayberry moved, seconded by Hindle, to refer to a Public Hearing on 3/14/01. All in favor.

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7. Resolution RE: Amendment to Arena Improvements Bonding. Sponsored by Councilor Matt Mayberry.

Mayberry moved, seconded by Hindle, to refer to a Public Hearing on 3/14. Andrews Parker asked if they would then be asking for more money for the arena. Motion passed on a 7-1 vote. Andrews Parker opposed.

8. Resolution RE: Award of Purchase Order(s) for Professional Architect/Engineer Consultant(s) Services, as needed, for Various Projects. Sponsored by Mayor Wil Boc, by Request.

Mayberry moved, seconded by Reese, to adopt. Nossiff asked to abstain. Reese asked how much money is involved with these items. The City Manager will provide that information at the next meeting. They will be going thru the normal purchasing procedure, but this will just be a quicker method. He will have Pete Lavoie and Paul Vlasich outline an expenditure memo for project costs. He advised they are simply approving a concept, not funding at this time.

Andrews Parker asked if an additional company comes forward, will they be able to bid? The City Manager states most definitely. She has a concern that they are not using a check and balance process. The City Manager assured her they would observe this. Dunnington has the same concerns as Andrews Parker. He feels the appearance of the Council not having a checks and balance system and he feels controls in the process are missing here. He continues we need to be open with the taxpayers. The City Manager further clarified the resolution. Schmidt doesn't have a problem with the process but he wants to point out he feels a fast track on this issue is the way to go.

Motion to adopt passed on a roll call vote of 6-1, Nossiff abstained and Andrews Parker was opposed.

9. Resolution RE: Council Support of Proposed Legislation to Increase Veteran Tax Credit. Sponsored by Councilor Matt Mayberry.

Mayberry moved, seconded by Reese, to adopt. Mayberry explained the resolution. Nossiff feels there are a lot of veterans in the city. He would prefer to move this to a Public Hearing. If this tied to a need base then he would support it. He moved for a public hearing, there was no second. Berry asked the City Clerk, because of perception, can veterans vote on this. The City Manager stated you don't need to not vote. Schmidt tried to explain that it simply enables the city to grant a credit up to \$400 if the State of New Hampshire passes it. The City Manager would like this moved to the next meeting as he now has questions.

Reese moved to table, seconded by Mayberry. All in favor.

C. ORDINANCES IN THEIR 1ST READING:

1. Ordinance #01-02/14/2001, Chapter 166, Vehicles and Traffic, Section 166-49, Schedule B, Prohibited Turns at Intersections, Boston Harbor Road. Sponsored by Councilor Betsey Andrews Parker, Chairman, Parking and Traffic Committee.

Andrews Parker moved, seconded by Mayberry, to refer to a public hearing on 3/14/2001. All were in favor.

D. COUNCIL CORRESPONDENCE:

1. Wetlands Application – Barbara L. Theodore
2. Wetlands Application – Jason and Barbara Theodore
3. Wetlands Application – Cindy and Donald Stone
4. Wetlands Application – Southwest Partners Realty, LLC
5. Wetlands Application – Mark Powdermaker
6. Wetlands Application – Thomas Parks
7. Wetlands Application – Dan Ayer

Mayberry moved, seconded by Reese, to place on file. All were in favor.

12. COUNCIL MATTERS OF INTEREST

Reese thanked Community Services for removing the 18 inches of snow last week after the storm; they did a great job. Mayberry thanked people at home for watching this show in the middle of the night. He is amazed at the number of people who watch these Council meetings and give feedback. Nossiff extended well wishes to Joe Twardus, a loyal public servant, who is recovering at his family's home after a very serious operation.

Berry thanked everyone for their families that let them out tonight on Valentine's Day. Schmidt went on record about the accident in front of the bank that happened to the unfortunate lady who was hit by a pick-up truck driven by a woman that did not even notice she had hit someone. He wanted the Council on record as sending her best wishes in her recovery. He continued; she was knocked right out of her boots.

13. ADJOURNMENT

Reese moved, seconded by Andrews Parker. Everyone was in favor of adjournment at 8:45 p.m.

JUDY GAQUETTE –
CITY CLERK