

**MINUTES  
REGULAR COUNCIL MEETING  
MAY 9, 2001  
DOVER CITY COUNCIL  
COUNCIL CHAMBERS**

**6:45 P.M.  
NON-PUBLIC SESSION  
CITY MANAGER'S OFFICE**

**1. RE: CONTRACT NEGOTIATIONS**

**7:00 P.M.**

**1. MOMENT OF SILENCE**

**2. PLEDGE OF ALLEGIANCE**

Councilor Schmidt led the Pledge of Allegiance.

**3. ROLL CALL**

Councilors Schmidt, Andrews Parker, Mayor Boc, Councilors Dunnington, Hindle, Mayberry, Nossiff and Reese present. Mayor Pro-Tem Berry absent.

**4. MAYOR'S REPORT**

The Mayor reported that it was his pleasure to read a few proclamations, the first one was for Nursing Home Week. Next he read the Kids Day America Proclamation, then one for Drinking Water Week which he presented to Pete Lavoie, Community Services Director. Pete accepted the proclamation and explained how the toilet in the Water Week display in City Hall demonstrates how much water/sewer is used especially if there is a leak in any of the pipes. The Mayor went on to read a proclamation for the National Association of Letter Carriers Food Drive Day that will be held this Saturday. Next, he recognized that it was Municipal Clerk's Week last week. Mayberry reminded him that it is also National Teacher Awareness Week.

The Mayor stated, Governor Shaheen came to Dover and gave a speech on the Education Funding crisis situation in the State. On 4/20 he attended the Breakfast of Champions sponsored by the Ready to Learn Task Force who provide affordable day care; Governor Shaheen was also in attendance. On 4/21 he opened the Special Olympics Swim meet. On 4/28, he did his impression of Wayne Gretsky and skated around the new ice rink here in Dover. On 5/3 he attended the Dover Middle School's production of Oliver Twist; he thanked Sue Hogdon for all her work involved in putting on this play. On 5/3 he attended the opening ceremony for Southside Little League and on the same day he attended the Kickoff ceremony of the Main Street Clean Up Day event. Reese moved to accept, seconded by Mayberry. All in favor.

Reese moved, seconded by Mayberry, to suspend the rules to move item 11.D.2., letter of recognition for Roland Belhumeur by the Selective Service System. Motion passed on a roll call vote of 8-0. Reese read the letter and the Mayor congratulated "Bunny" again on behalf of the City for this recognition. Bunny says his 50 years of service was done for the City of Dover. Reese then introduced the person that is in training to replace Bunny as the Selective Service representative from this area, Peter Safford.

**5. PUBLIC HEARING**

- A.** Ordinance # 09-04/11/2001. Chapter 166, Vehicles and Traffic, 166-48, Schedule A: One Way Roadways. Spruce Lane. Sponsored by Councilor Betsey Andrews Parker, Chair, Parking and Traffic Committee. **(See Item 10A-1)**

## MINUTES - REGULAR COUNCIL MEETING

MAY 9, 2001

PAGE 2

Bill Caldwell of 29 Tanglewood Drive stated he travels on Spruce Lane each day a total of 8 trips and the traffic is incredible. No one has talked to the residents regarding this. He feels making this one way will make it worse. He hopes this is defeated.

Seeing no one else, the Mayor closed the Public Hearing.

- B.** Ordinance # 10-04-11/2001. Chapter 3, Article IV, Boards and Commissions and Section 3-52 A, Establishment and Section 3-70, Transportation Advisory Commission. Sponsored by Councilor Betsey Andrews Parker. **(See Item 10A-2)**

Seeing no one, the Mayor closed the Public Hearing.

- C.** Resolution RE: Amendment to City Charter Sections C3-3 Entitled "Selection of Mayor and Mayor Pro Tem". Sponsored by Councilor Jason Hindle. **(See Item 10C-1)**

Seeing no one, the Mayor closed the Public Hearing.

- D.** Ordinance #11-04/26/01 – Chapter 66, Bicycles, Skateboards and Scooters, Section 66-3, Operation of Bicycles. Sponsored by Mayor Wil Boc, by Request. **(See Item 10A-3)**

Seeing no one, the Mayor closed the Public Hearing.

## 6. CITIZEN'S FORUM

The Mayor opened the Citizen's Forum.

The City Manager introduced representatives from the State of New Hampshire – Matt Moore and Peter Goodman. They are here to speak regarding the new district court site.

The representatives stated they are here to notify the City of Dover of a change in use of property at the corner of St. Thomas Street and Walnut Street. The State of New Hampshire is proposing to build a new district court at this site for the Dover/Durham area. Also included in the site work is parking for the new facility off St. Thomas Street and they will realign the street. They are working within the deed limits of the old middle school. This building is the same as one being built in Peterborough. It has a brick veneer face and is a two-story building. They showed several views of the building.

They opened the meeting to questions. Schmidt asked if the building in Peterborough is complete. They stated no, it will take eight months. The questions were mainly regarding parking issues and the size of the building. There are 30 spaces and the overflow will go to the library. Dunnington asked how we would enforce the use of these parking spaces for district court only. It will be difficult to enforce. The groundbreaking is expected to be in the fall and construction will take eight months.

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

## 7. MINUTES

- A. Special Meeting/Council Workshop – March 29, 2001
- B. Budget Workshop – April 7, 2001
- C. Regular Council Meeting – April 11, 2001

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

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

### **A. Planning Board – Councilor Jerry Reese**

Reese stated the Planning Board met on May 8. They considered and accepted an application for a conditional use permit for NH Soil Consultant, Inc. located on Gulf Road. They tabled an application for a site plan of land for Wentworth-Douglass Hospital.

### **B. Appointments Committee – Councilor Jerry Reese**

Reese stated the appointments are on the agenda tonight, see 11.B.15.

### **C. Public Works Building Committee – Councilor Peter Schmidt**

Schmidt stated work continues at the public works site. The sand and salt shed foundation is under way. The pole barn has three sides complete. The main building has partial walls, there are pictures in Foster's. Things are coming along very well. Everyone has been very cooperative on the project. There is a good team that is working on it. September is still the projected completion date.

### **D. Arena Building Committee – Councilor Matt Mayberry**

Mayberry stated, at the end of April the Arena held their open house in conjunction with the Home Show. He encouraged citizens to stop in to see the Arena. Renovations are under way for the Foster Arena. They are on schedule and on budget.

### **E. COAST Bus – Councilor Peter Schmidt**

Schmidt stated the COAST Executive Committee met on Tuesday. Things are proceeding as expected. They received three new buses from Youngstown, Ohio. Schmidt expressed COAST's gratitude to the City of Dover for their support of COAST. They are slightly ahead, but they are not supposed to make money. The Portsmouth trolley will be in operation at the end of May.

Mayberry asked for an update on COAST creating shelters. Schmidt says they are looking at upgrading shelters in each separate community.

Reese asked about the hospital route design. Schmidt stated they are working with the hospital on the new design. Forty-foot buses are somewhat of a problem, so they have not worked out the details. Hindle stated he had a constituent ask if COAST sets up the designated stops. Schmidt stated yes and the Police and Planning Board also have a say as far as safety concerns.

### **F. Solid Waste Advisory Commission – Councilor Thomas Dunnington**

Dunnington stated the Solid Waste Commission met on 5/19. They accepted Earle Goodwin's resignation. They discussed the increase in the price of bags. He encouraged citizens to contact the commission. This increase is needed to cover costs. This is a per bag increase.

Mayberry asked how we are doing on the expanded Saturday hours for the recycling center. Dunnington stated it is discussed at every meeting. It is a cost question. The Mayor comments, every Saturday and Sunday the place is "mobbed". It has become a safety issue because it is so crowded. We need to stretch out the hours to spread out the number of people there at the same time. We provide services and closing early is not a good service. We need to get volunteers. The Mayor volunteered for the first Saturday. There are people that need to do community service.

Dunnington stated they have a liability concern. He will bring it back to the commission a little more forcefully.

Schmidt says, along those lines can we try one more hour? Also, he would like to follow up on putting garbage bags out the night before. Birds and animals know what bag has the food in it. Hindle further states bags are left out a week or two weeks before. He feels we have absentee landlords and it's really bad. Reese asked about additional hours during the week at the recycling center. He was down there and the bins were all full today.

Mayberry stated he does not feel we should be legislating common sense. There was a discussion on educating the public on what is trash and when trash should be put out. Also, additional recycling hours during the week. Mayberry suggested a public awareness campaign.

#### G. Elementary Facilities Committee – Councilor Jason Hindle

Hindle stated they will meet next Thursday at 7:00 p.m. in the Superintendent of School's Office. They will discuss the Woodman Park bus loop issue.

#### H. Alternative School Joint Building Committee – Councilor Jason Hindle

Hindle stated they have a tentative plan for the alternative school. He stated, we are looking at a 7,395 square foot facility. Hindle explained, in detail, the handout of the floor plan. They will probably break ground the first week of June and be able to use the facility in December.

Hindle stated the front of the building will face Alumni Drive. They are also working on a plan and reviewing current parking spaces. There may be additional spaces with this plan. Schmidt asked if these are tentative plans. Hindle says they are 99.9% sure of the plans.

Discussion ensued about the square footage of the building with brick on the front. Schmidt asked Hindle to restate the cost. Hindle stated this is \$200,000+ for the site work.

#### I. Ball Fields Committee – Mayor Wil Boc

Gary Bannon attended for the Mayor. They met on 5/3 and 5/4. Gary discussed the ball fields and their construction. There will be five fields on the site at the Shaw's Lane property. They are moving along with the process.

#### J. North End Fire Station Building Committee – Councilor Andrews Parker

Andrews Parker stated they met on 5/3. The site is directly across from the Northeast Credit Union on Indian Brook Drive. Letters will be sent to the top three firms for site design/construction by the end of the week.

Reese moved to accept the reports, seconded by Nossiff. All in favor.

## 9. CITY MANAGER'S REPORT

The City Manager reported on the budget through April for non-property tax revenue, we collected \$6.3 million or 82%; on the expenditure side we spent \$13.9 million or 84%, which is on target. For economic development, we issued 51 building permits with a construction value of \$3.4 million and \$17,000 in fees.

There was a sewer main break on Dover Point Road and unbudgeted emergency repairs were \$5,200.

The Dover Police received accreditation last month from the law enforcement agency for 439 standards.

The City Manager announced the bond rate has been updated. This is the result of a lot of work and is great news for the City of Dover.

# MINUTES - REGULAR COUNCIL MEETING

MAY 9, 2001

PAGE 5

Reese asked about the status of the Sixth Street construction. The City Manager stated they expect it to take another three months. There are drainage issues. This includes the bridge work, as well.

Hindle asked the status of the train station. The City Manager stated they expect to begin the first of June. Steve Stancel states July is a realistic start up date for the train.

Mayberry asks for a stop sign on Henry Law Avenue at Maglaras Park. Andrews Parker asked if this was a Parking and Traffic issue. It should be brought up to that committee.

Reese moved to accept the City Manager's Report, seconded by Andrews Parker. All in favor.

## 10. UNFINISHED BUSINESS:

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

1. Ordinance # 09-04/11/2001. Chapter 166, Vehicles and Traffic, 166-48, Schedule A: One Way Roadways. Spruce Lane. Sponsored by Councilor Betsey Andrews Parker, Chair, Parking and Traffic Committee.

Andrews Parker moved to adopt, seconded by Mayberry. Andrews Parker explained the problem. There have been some near misses and making the slip lane one way should eliminate this. Mayberry asked about the Foster's box in the middle of the road. Paul Chalue stated the sign post will be moved and the newspaper box with it. Schmidt says Mr. Caldwell indicates there was no neighborhood input. Andrews Parker states we did have input for the solution and feels it is necessary to pass this ordinance. Motion passed on a roll call vote of 8-0.

2. Ordinance # 10-04-11/2001. Chapter 3, Article IV, Boards and Commissions and Section 3-52 A, Establishment and Section 3-70, Transportation Advisory Commission. Sponsored by Councilor Betsey Andrews Parker.

Andrews Parker moved to adopt, seconded by Mayberry and Hindle. Mayberry moved to amend Section 3-70.B. section 2 – delete the last six words, seconded by Reese. All in favor of the amendment. Motion, as amended, passed on a roll call vote of 8-0.

3. Ordinance #11-04/26/01 – Chapter 66, Bicycles, Skateboards and Scooters, Section 66-3, Operation of Bicycles. Sponsored by Mayor Wil Boc, by Request.

Reese moved to adopt, seconded by Mayberry. To substitute as a whole. All in favor. Motion passed on a roll call vote of 8-0.

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

1. Ordinance #03-03/14/2001, Chapter 170, Zoning, Section 170-28.4, Scenic Road Overlay District. Sponsored by Councilor Jerry Reese, Planning Board Representative.

Reese moved to refer back to the Planning Board for clarification and recommendation, seconded by Mayberry and Schmidt. Schmidt comments on Old Garrison Road's beauty and how it has been marred. Motion to refer back passed on a roll call vote of 8-0.

### C. RESOLUTIONS

1. Resolution RE: Amendment to City Charter Section C3-3 Entitled "Selection of Mayor and Mayor Pro Tem". Sponsored by Councilor Jason Hindle.

Reese moved to withdraw from the table, seconded by Schmidt. All in favor. Hindle moved to refer to a 3<sup>rd</sup> reading, seconded by all. All in favor.

## **11. NEW BUSINESS:**

### **A. CONSENT CALENDAR**

1. Parade Permit – Our Lady of the Rosary Council #807, Dover Knights of Columbus
2. Parade Permit – Meg-a-thon

Reese moved to grant, seconded by Schmidt. All in favor.

### **B. RESOLUTIONS:**

1. Resolution RE: Creation of Ad-Hoc Committee to Review and Update Current Ethics Board. Sponsored by Councilor Matt Mayberry.

Mayberry moved to adopt, seconded by Dunnington. Mayberry explained that he is trying to keep politics out of the review. Nossiff has a question and he appreciates Mayberry's motion but we are simply chasing the tail as they have been asked to make recommendations back to the council.

When they come back with their recommendations, we will need to have the City Attorney look at and review our scope of authority. He stated, New Hampshire does not require us to have an Ethics Board. Number one, do we even want such a board? He does not want to spend attorney's fees. Nossiff feels the answer is simple; that alternative is Dover District Court if someone has been violated. Nossiff says we already have a system. All we are doing is shifting the assignment. Do we want such a board or can Attorney Wattendorf do what we are suggesting? Mayberry pointed out that we must move forward in this area. The last time there was an outcry for resolution, we need to discuss this. Do we want an ethics board? Yes or no. We are vulnerable. We have an exposure and it continues to fester. Hindle asks, what will happen to the current ethics board under this board? Mayberry says there are two open seats currently and it is strictly an advisory board and they do a great job. Hindle asked, would it be helpful to suspend their actions while this is going on?

Mayberry wants the City Manager's opinion. The City Manager feels Nossiff is on point on this one, the original concept was a good one, and you can't legislate ethics. On the basic question, do we need an Ethics Board? Violations by the City Council would be very apparent and it is a matter of public record. The idea is honorable, but do we need it? The City Manager suggests, do not pass this resolution but create one to disband the board. Mayberry feels that is fine. The Mayor disagrees with Nossiff and the City Manager. The Mayor says the previous process was flawed. The Ethics Board took ethics complaints away from the City Council. What we do with a complaint is the question. Past councils handled the complaint themselves and it depended on who the complaint was against as to whether it was founded or not. History teaches us there were politics behind the complaint and their outcome. He feels it serves as protection for the council, and the current board was created for this reason and served that purpose. The Mayor feels Mayberry's resolution is a good one. The Ethics Board is just holding off as they feel they will be annihilated; he is in support of the resolution.

Dunnington asked how the Ethics Board came about. He agrees with Mayor Boc and would like to take a look at the whole process and have people on board who are experienced. If we don't, we will be having this issue again in six months. Hindle stated that the current Ethics Board has only three members left. Hindle feels the Ethics Board should be suspended. The Mayor says an ordinance change would be required.

Schmidt commends Mayberry for working on this resolution. He is reluctant to throw out the Ethics Board. This proposal is a good one and this is an attempt to see if we can improve the Ethics Board.

MINUTES - REGULAR COUNCIL MEETING  
MAY 9, 2001  
PAGE 7

Andrews Parker will vote for the amendment. She feels we had some outstanding people on the committee and we do need a wide range of people to serve on this board. Nossiff stated he will go along with the will of the council. He feels this is insulting to the Ethics Board Committee. He doesn't feel there is any will of the council to abolish the board. He would like Mayberry's resolution tabled. Motion passed on a roll call vote of 8-0.

2. Resolution RE: Collective Bargaining Agreement Between the Dover School Board and the American Federation of State, County and Municipal Employees (AFSCME) Local #2932. Sponsored by Mayor Wil Boc, by Request.

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

3. Resolution RE: Award of Bid # B01029 for Miscellaneous Sewer/Drain Supplies. Sponsored by Mayor Wil Boc, by Request.

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

4. Resolution RE: Award of Bid #B01035 for Construction Equipment Rental Rates. Sponsored by Mayor Wil Boc, by Request.

Reese moved to adopt, seconded by Hindle. Reese asked, how long will these rates hold for, will it be through snow season? The City Manager says we will have a specific one for the snow. Motion passed on a roll call vote of 8-0.

5. Resolution RE: Award of Bid #B01037 for Sidewalk Improvements. Sponsored by Mayor Wil Boc, by Request.

Reese moved to adopt, seconded by Mayberry. Mayberry asks, when do we start. Pete Lavoie says, in one month. Reese asks, will these be done this construction season? Pete Lavoie says we may lag over until next spring. Mayor Boc asked to abstain as he has a conflict regarding one of the bidders. Motion passed on a roll call vote of 7-0. The Mayor abstained.

6. Resolution RE: Award of Bid #B01038 for Bituminous Cement (Asphalt). Sponsored by Mayor Wil Boc, by request.

Reese moved to adopt, seconded by Mayberry. The City Manager stated the cost per ton has gone up. Motion passed on a roll call vote of 8-0.

7. Resolution RE: Award of Bid #B01042 for Combination Sewer Cleaner. (***Bid results to be distributed separately***). Sponsored by Mayor Wil Boc, by request.

Reese moved to adopt, seconded by Mayberry. Reese asked, when can we expect delivery? Pete Lavoie stated in 3 months. Motion passed on a roll call vote of 8-0.

8. Resolution RE: Award of Change Order for New York Street Reconstruction – Walkway and Stair Adjustments. Sponsored by Mayor Wil Boc, by request.

Reese moved to adopt, seconded by Hindle. Andrews Parker asked how could they not realize the walkway and stairs didn't line up? The City Manager stated that they did not catch this until after the fact. The engineer has been notified of the error. Mayor Boc abstained due to a conflict. Motion passed on a roll call vote of 7-0. The Mayor abstained.

MINUTES - REGULAR COUNCIL MEETING

MAY 9, 2001

PAGE 8

9. Resolution RE: Award of Bid #B01041 for Unscreened Loam. Sponsored by Mayor Wil Boc, by Request.

Reese moved to adopt, seconded by Mayberry. Motion passed on a roll call vote of 7-0. Andrews Parker out of the room.

10. Resolution RE: Award of Purchase Order for Radio Frequency Operated Mobile Water Meter Reader. Sponsored by Mayor Wil Boc, by Request.

Reese moved to adopt, seconded by Mayberry. Reese asked, is there a schedule for meters to be changed over? Pete Lavoie stated they are going neighborhood by neighborhood except when there is a real estate transaction; then it is updated at that time. Motion passed on a roll call vote of 7-0. Nossiff out of the room.

11. Resolution RE: Award of Purchase Order for Engineering Design Services for Inflow and Infiltration Remediation Activity. Sponsored by Mayor Wil Boc, by Request.

Reese moved to adopt, seconded by Hindle. Motion passed on a roll call vote of 7-0. Nossiff out of the room.

12. Resolution RE: Award of Purchase Order for Master Plan Design of Shaw's Lane Ballfields. Sponsored by Mayor Wil Boc, by Request.

Reese moved to adopt, seconded by Mayberry. Mayberry reminded the neighbors that this design and the number of ball fields will be determined. Motion passed on a roll call vote of 8-0.

13. Resolution RE: Award of Purchase Order for Professional Geotechnical Engineering Consulting Services. Sponsored by Mayor Wil Boc, by Request.

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

14. Resolution RE: Award of Purchase Orders for Professional Engineering Consulting Services for Several FY 02 CIP Projects. Sponsored by Mayor Wil Boc, by Request. (***Bid results to be distributed separately***)

Reese moved to adopt, seconded by Mayberry. Nossiff asked to abstain. The City Manager added, there were actually four projects in this request including the Mill Street project and Berry Brook with an additional \$15,000, Dover Point with an additional \$5,000 and the Columbus Avenue reconstruction project.

Mayberry asked, when is Henry Law Avenue construction coming before us? Pete Lavoie answered, soon. Motion passed on a roll call vote of 7-0. Nossiff abstained.

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

Reese moved to adopt, seconded by Mayberry. The Appointments committee met on 4/26 and interviewed applicants and made their recommendations and appointments. Motion passed on a vote of 8-0.

16. Resolution RE: Fiscal Year 2002 Budget Appropriations, Property Taxes and Fees. Sponsored by Mayor Wil Boc, by Request.

Reese moved to refer to public hearings on May 23 for the school portion and May 24 for the city portion of the budget, seconded by Mayberry. All in favor.

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

1. Ordinance # 12-05/09/2001, Chapter 79, Disposal of Surplus Property, Section F, City of Dover Library Material. Sponsored by Councilor Jason Hindle.

Reese moved to refer to a public hearing on June 13, seconded by Hindle. All in favor.

2. Ordinance #14-05/09/2001, Chapter 74, Cemeteries, Section 74-9, Violations and Penalties. Sponsored by Councilor Jason Hindle.

Reese moved to refer to a public hearing on June 13, seconded by Hindle. All in favor.

3. Ordinance #13-05//09/2001, Chapter 3, Section 3-60, Dover Arena Commission, Membership term of office. Sponsored by Councilor Jerry Reese and Councilor Matt Mayberry.

Reese moved to refer to a public hearing on June 13, seconded by Mayberry. All in favor.

4. Ordinance #15-05/09/2001, Chapter 3, Article IV, Board and Commissions, Section 3-52 (C), term of appointments. Sponsored by Councilor Jerry Reese and Councilor Matt Mayberry.

Reese moved to refer to a public hearing on June 13, seconded by Mayberry. All in favor.

### **D. COUNCIL CORRESPONDENCE**

1. Wetlands Application – Laurice Lynn
2. Letter of Recognition - Roland Belhumeur by the Selective Service System

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

## **12. COUNCIL MATTERS OF INTEREST**

The Mayor commended Reese for a job well done as Mayor Pro-Tem on a very hard agenda.

Hindle sent condolences to the family of Pete Bouchard saying he will remember him fondly. He went on to mention the piece of original 1888 pipe Pete had given to his father when it had burst in a water main break years ago.

Reese stated he was reminded by the New York Street construction resolution of the WWTP vibration issue. The City Manager stated he would send an update in the morning.

Andrews Parker stated at the last meeting we approved funds for the Wall that Heals; they are now looking for volunteers to help during the event. This is a very important event for the community.

MINUTES - REGULAR COUNCIL MEETING

MAY 9, 2001

PAGE 10

Mayberry reiterated the Saturday's Postal Employees Stamp Out Hunger Program saying the food goes to a local food bank. The food stays local.

Schmidt tells a Pete Bouchard story. Pete Bouchard couldn't resist getting down in the hole himself to make sure the job was done and done right. He too extended his condolences to the family.

**13. ADJOURNMENT**

Dunnington moved to adjourn, seconded by all. All in favor.

JUDY GAQUETTE - CITY CLERK