

**MINUTES
REGULAR COUNCIL MEETING
AUGUST 8, 2001
DOVER CITY COUNCIL
COUNCIL CHAMBERS
7:00 P.M.**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Nossiff led the Pledge of Allegiance.

3. ROLL CALL

Members Present: Councilors Nossiff, Reese, Schmidt, Berry, Boc, Dunnington and Hindle.
Members Absent: Councilors Andrews Parker and Mayberry.

4. MAYOR'S REPORT

Mayor Boc stated he attended a meeting of the Licensing Board on 07/20/01, which was held to hear an appeal on a decision to deny a taxi driver application. He stated that because the person did not appear, the denial was upheld by the Licensing Board. Also on 07/20/01, he attended a ribbon cutting for a new business called Noesis, Inc. on Central Avenue. He attended the reopening of the Herbal Path on 07/24/01 and welcomed boys and girls basketball players visiting from Poland on 07/26/01. He appeared on Open Mic on 07/26/01 from Harvey's Bakery and answered citizen questions. He stated that on August 7, 2001 he attended a hearing at Strafford County Probate Court along with the City Manager and City Attorney to request an extension on the trust agreement for the Old Middle School in order to develop a plan for reuse. Next, he discussed the City Manager's evaluation, which was conducted by the City Council in a non-public session on July 26th. He read an excerpt from the report (see meeting folder) and stated the City Manager received an "excellent" overall performance rating by improving his communication with the Council and representing the city in a professional manner. It was noted that the City Manager should become more visible to the public and more assertive in keeping the Council focused on accomplishing its goals. He stated that the City Manager requested that he receive no salary increase this year. Finally, the Mayor concluded his report by stating that the Saturday recycling hours will be extended beginning August 11th through October 27th and the hours it will be open are 8:00 – 5:00 p.m.

Berry moved to accept the Mayor's report, seconded by Reese. Motion passed 7-0.

5. PUBLIC HEARING

- A.** Ordinance # 20-07/18/2001, Chapter 166, Vehicles and Traffic, Schedule I, No Parking Anytime, Hanson Street. Sponsored by Councilor Jason Hindle, Parking and Traffic Committee. **(See Item 10A-1)**

The Mayor opened the public hearing asking, if anyone wished to speak. Seeing no one, the Mayor closed the public hearing.

6. CITIZEN'S FORUM

Leonard Lassar, 7 Birkshire Lane – stated that about 6 or 7 years ago he and Mr. Reese went down this road before regarding bag and tag. He was assured a few years ago that if you put your bag in a rubbish can, it does not have to be tied. (Reese confirmed this statement.) He continued by stating we have a limit of 35 pounds per bag, which he puts out every couple of months when it is full. He stated that

MINUTES - REGULAR COUNCIL MEETING

August, 8 2001

PAGE 2

it is not possible for a rubbish man to pick this up with one hand, but it can certainly be done with both hands. He put his rubbish out last Friday, the man came and looked at it, and didn't pick it up. He then called the City Manager's office on Monday morning and Mr. Beecher told him to throw it in the City dumpster at city hall, which he did. He feels that if he can lift the can and carry it to the curb, then the person paid to haul it away should be able to do the same. He wants the solid waste committee to go back to their original intent. (The mayor said, so noted.)

Brenda Whitmore, 145 Henry Law Avenue, stated she is speaking for the members of Ward 3. She stated she is confused. She commented that a redistricting committee meeting was held last Thursday, August 2nd, and met for only 40 minutes. The committee did not have any idea what they were redistricting. By the numbers, the plan works, but she feels there are other options and they should be laid on the table. She wants us to consider Ward Five in the changes. She concluded by stating it is clear that the committee's work is not done.

Phil Morrisette, 3 Columbus Ave, stating he is speaking on several issues. First, he presented a petition with 256 names on it from the Dover Senior Center stating they want to remain at the current location (See meeting folder). He continued by stating that parking at the Senior Center is adequate and not a problem. He was watching the meeting the other night and heard they want to take the senior center down to create parking for that area, but stated they are happy where they are and would like every one to come to the center to see what they have to offer.

Next he stated the tax rate is climbing way too fast. People just cannot keep having their tax bill increased year after year! Two dollars per thousand is a lot of money. The CIP is something new to him because they did not have this when he was on the council. He stated he feels this is an aggressive wish list and the Council needs to pay attention when they review this. He also feels growth in this city has become a burden to everyone and there should be a moratorium because the more houses you build, the more it costs. We need to afford what we have. Schools are another big item. He continued that 5th graders should not be in with 8th graders. The police department is looking for a new place, but he does not feel the old middle school is the place for them. Also, he stated the fire department needs a place on the north end, but money is a problem. He feels that the location owned by the city at upper 6th street, would be good. The new court is coming and it's a done deal but again there is no parking for it. Parking is a big problem when you create these kinds of buildings. The old middle school would be a good kindergarten and preschool, but feels the trouble is, there is no parking. The recreation center he has heard is going to become an art center, but feels the youngsters in the city need a gym and wonders where the city is going to pick up another gym. He concluded by stating he wants them to put more thought into these general ideas because the public has to pay the bill.

Nick Skaltsis, 6 Erik Drive – stated the School Board has 2 resolutions on the agenda and he is looking for their vote on #1, and, on the budget amendment, they would like the effective date of the presentation amended. (The mayor responded, that one would be withdrawn.) Nick says they need to know where they are going before October.

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

7. MINUTES

- A. Regular Meeting – July 18, 2001
- B. Special Meeting/Workshop – July 26, 2001

Berry moved to accept and place on file, but will abstain from the vote, seconded by Reese.

Schmidt stated he has submitted his edits to the Clerk's office.

Motion to accept and place on file, passed on a 6-0 vote, Berry abstained.

8. REPORTS OF STANDING AND SPECIAL COMMITTEES

MINUTES - REGULAR COUNCIL MEETING

August, 8 2001

PAGE 3

A. Planning Board – Councilor Jerry Reese

Reese stated the Planning Board met on July 24th at which time they approved a lot line adjustment of land for Priscilla Duffy and City of Dover, Assessor' Map 40, Lot 40, zoned R-12, located on Willand Avenue/Old Rochester Road. They also approved an application for a site plan of land for Weeks Restaurant Corporation, Assessor's Map 39, Lots 2, 3, and 3A, zoned B-3, located on Central Avenue/Weeks Lane/Indian Brook Drive. He stated they tabled an application for an Alternative Designs Subdivision (ADS) for Douglas Dodd General Contractor, Inc., Assessor's Map G, Lot 7-1, zoned R-12, located on Washington Street for 24 units. Finally, a discussion and possible vote for Stabile Homes of Dover, located on Tuttle Lane (28 lots) remained tabled.

B. Redistricting Committee – Councilor Jerry Reese

Reese stated the Committee met on August 2, 2001, at which time the committee members, GIS technician and City Clerk reviewed the data based on the 2000 census. He explained that this meeting was not meant to make any final determinations but was for informational purposes. He stated that there is a strict timeline in place, but there is still plenty of opportunity for input and there will be another meeting of the committee before the public hearing. The committee instructed the GIS person to go back with the system and rearrange the ward lines.

Hindle asked that Chris Parker the GIS technician be present at the August 23rd public hearing.

Schmidt thanked Reese for the explanation but stated he is concerned that we have created identification within several of the wards and that he is reluctant to break up existing neighborhoods. He stated he wants more expert staff involved in the meeting.

C. Public Works Building Committee – Councilor Peter Schmidt

Schmidt reported the committee met to discuss mostly very small details. He stated that the bottom line is the new public works facility is very impressive. Every visit shows how much more is done and hopefully will be occupied in about a month and a half.

D. COAST Bus – Councilor Peter Schmidt

Schmidt reported the only real pending matter is the makeup of the new executive committee. He stated they are unveiling new signs for COAST bus very shortly.

E. Solid Waste Advisory Commission – Councilor Thomas Dunnington

Dunnington stated the meeting was held on 7/18 and the next meeting will be on 8/23 and everyone is welcome. The issue of composting leaves was the subject and Mr. Hebbard was present and indicated he had purchased a tub grinder to process the leaves. Dunnington stated a subcommittee was formed to address issues in that area of town. There was also discussion about the position the council took to keep the recycling center open longer and it was estimated the cost would be about \$3000. He stated they will be monitoring how many people go to the recycling center during these new hours.

Schmidt wants to be kept informed about any changes in the leaf situation. If anyone goes to the site from the subcommittee, he wants an immediate report.

Reese stated that Mr. Lassor is absolutely correct that you don't have to tie the bags. Everything has been fine for 11 years until last Friday.

Nossiff commented on the subcommittee that was formed and is concerned with the limited communication that has been going on. He believes it is wise that we should be monitoring this but clarified that this committee does not have any enforcement authority.

F. Elementary Facilities Committee – Councilor Jason Hindle

Hindle stated this committee has not met recently.

G. Alternative School Joint Building Committee – Councilor Jason Hindle

Hindle stated the committee met on August 6th. He stated that to date, \$895.00 has been spent for consultation work by Team Design, and \$87,300 to David R. Witcher Builders for a total of \$88,195.00 thus far, which was appropriated through the CDBG Funding and not the budget appropriation of \$1,000,000. He reported that they are currently reviewing interior colors for tile, rugs, cabinets etc and the only item approved was \$2,000 for air conditioning. He stated they are air conditioning the building in order to be able to extend the use towards other programs during the summer as well as community uses. He stated the School Board would like to utilize the building as a central location for summer programs leaving the other buildings vacant for easier maintenance. He concluded by stating that the next meeting will be held on 09/05/01 at 6:30 p.m. in the Superintendent's Office.

The mayor asked if we are on time and on budget.

Schmidt questioned the amount spent.

Hindle stated yes, we are on time and on budget and clarified the amount spent, for Schmidt, as \$88,195.00. He stated that the target date for opening the building is January 2002.

On another note, Hindle added the Transportation Advisory Committee will hold their next meeting on August 9th.

H. Ball Fields Committee – Mayor Wil Boc

The mayor deferred to Gary Bannon who reported they have not had a meeting for a month or so but updated the Council on the activities at the Swett property.

Schmidt commented how astonished he was that the area has changed so much.

I. North End Fire Station Committee – Councilor Betsey Andrews Parker

No report.

Berry moved to accept the reports, seconded by Dunnington. Motion passed on a 7-0 vote.

9. CITY MANAGER'S REPORT

Mr. Beecher stated that all he has this evening is that the August 30th non-public meeting regarding labor negotiations will be held prior to the regular meeting on September 12th. He stated there will be a Special Meeting and public hearing held on August 23rd regarding re-districting.

Berry asked about financial reports for the month.

Mr. Beecher replied that the person who does that is in the hospital.

Berry moved to accept the City Manager's Report, seconded by Hindle. Motion passed on a 7-0 vote.

10. UNFINISHED BUSINESS:

A. ORDINANCES IN 2ND READING

1. Ordinance # 20-07/18/2001, Chapter 166, Vehicles and Traffic, Schedule I, No Parking Anytime, Hanson Street. Sponsored by Councilor Jason Hindle, Parking and Traffic Committee.

Hindle moved to adopt, seconded by Berry. Motion passed on 7-0 roll call vote.

B. ORDINANCES IN 3RD READING

C. RESOLUTIONS

1. Raffle/Tag Permit – Community Services Department/Recreation Division (**Tabled 07/18/01**)

Berry moved to remove item from the table, seconded by Reese. Motion passed on a 7-0 roll call vote. Berry moved to grant, seconded by Dunnington.

Reese stated that he received an e-mail from Recreation Director Gary Bannon explaining why they have fundraising for the program. He stated that although he understands the reasoning, he is opposed to asking kids who are attending a city run program to be fundraisers. He stated that the parents are paying for the service as well as the taxpayers, and he doesn't feel we should be asking for donations on top of that.

Hindle stated he also is going to vote against this permit.

Mayor Boc stated that he will vote in favor as he feels that the program is offered at a lower cost than other similar programs and that having children raise some of their own funds is a good experience for them.

Dunnington agrees with the Mayor that fundraising helps kids learn the value of money and gives the children a sense of ownership in the program.

Schmidt feels that this is subsidized by the taxpayers and if we don't allow fundraising, it may cost the taxpayers more to operate.

Motion to adopt passed on a 5-2 vote, Reese and Hindle opposed.

11. NEW BUSINESS:

A. CONSENT CALENDAR

1. Raffle Permit – Dover High School Football Booster Club
2. Raffle Permit – Dover High Field Hockey Booster Club
3. Raffle Permit – Sons of the American Legion
4. Tag Permit – Sharper Edge Skating Team
5. Road Toll – Dover Professional Firefighters

Berry moved to adopt, seconded by Hindle. Motion passed on a 7-0 vote.

B. RESOLUTIONS:

1. Resolution RE: Renewal of License Agreement with Tyra, Inc., Successor to S & H Enterprises, Inc. (and Sara David and Henry Sanborn). Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Reese. Motion passed on a 7-0 vote.

2. Resolution RE: Award of Purchase Order for Both Computer Hardware and Software Maintenance Services. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Reese. Motion passed on a 7-0 roll call vote.

3. Resolution RE: Appropriation of Funds for Detention Pond Construction. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Hindle. Motion passed on a 7-0 roll call vote.

4. Resolution RE: Award of Bid #B02004 for a Chevrolet Tahoe/GMC Yukon. Sponsored by Mayor Wil Boc, by Request.

MINUTES - REGULAR COUNCIL MEETING

August, 8 2001

PAGE 6

Berry moved to adopt, seconded by Hindle. Motion passed on a 7-0 roll call vote.

5. Resolution RE: Appropriation of Funds for Maintenance of City Recreational Playing Fields. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Reese. Motion passed on 7-0 roll call vote.

6. Resolution RE: City Manager Enrollment In New Hampshire Retirement System. Sponsored by Mayor Wil Boc.

Berry moved to adopt, seconded by Reese.

Nossiff stated he will support this and feels that this will allow Mr. Beecher to retire in 11 years and is in the best interest of the city. He stated that the city will contribute on his behalf just as it does for the other city employees.

Reese clarified that the City Manager was not added to the New Hampshire retirement system by his own choice. He stated that he chose to participate in a 457 program through the National City Manager's Association instead.

Motion to adopt passed on a 7-0 roll call vote.

7. Resolution RE: Use of Sewer Capital Reserve for WWTP Equipment. Sponsored by Mayor Wil Boc by Request.

Berry moved to adopt, seconded by Reese. Motion passed on a 7-0 roll call vote.

8. Resolution RE: Following of City Financial Policy #10 – Establishing Preliminary Budget for FY03. Sponsored by Councilor Robert Berry and Councilor Betsey Andrews Parker.

Berry requested that this item stay on the table.

Schmidt stated he would like to know if not acting on it tonight will impact the School negatively.

Boc stated that no discussion is allowed on the item as it has not been removed, but stated that the item will be discussed at the next meeting.

9. Resolution RE: Permission to Accept Grant Funding from the Land and Water Conservation Fund Received in Conjunction with City of Somersworth. Sponsored by Mayor Wil Boc, by Request.

Item withdrawn

10. Resolution RE: Award of Purchase Order for Annual Software Maintenance Services. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Hindle.

Reese asked if there has been any further progress in getting the school department on the same financial software as the city. Mr. Beecher stated that this is still being pursued.

Motion passed on a 7-0 roll call vote.

11. Resolution RE: Award of Bid #B02005 for a 2001 Freightliner FC-70 Cab and Chassis. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Hindle. Motion passed on roll call 7-0

MINUTES - REGULAR COUNCIL MEETING

August, 8 2001

PAGE 7

12. Resolution RE: Award of Contract for Wireless Communication Services to a New Vendor. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Reese. Motion passed on 7-0 roll call vote.

13. Resolution RE: Award of Bid #B02003 for Orchard Street Parking Lot and Riverwalk Lighting Fixtures Rewiring. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Hindle. Motion passed on a 7-0 roll call vote.

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

Berry moved to adopt, seconded by Reese.

Dunnington asked for a time line on receiving this report on the Butterfield gymnasium floor. Mr. Beecher explained that the problem is accelerating and needs to be corrected one way or another immediately, and this will give us an idea of the cost and what options we have.

Motion passed on 7-0 roll call vote.

15. Resolution RE: Amendment to City Charter – Section C1-3; Boundaries of Wards. Sponsored by Councilor Jerry Reese, Redistricting Committee Representative.

Berry moved to refer to a public hearing on August 23, 2001, seconded by Reese. Motion passed on a 7-0 vote.

16. Resolution RE: Amendment to City Charter – Sections C2-2; Ward Officers, C3-4 Qualifications of Council Members, and C4-4; Qualifications of members (School Board). Sponsored by Councilor Jerry Reese, Redistricting Committee Representative.

Berry moved to refer to a public hearing on August 23, 2001, seconded by Reese. Motion passed on a 7-0 vote.

17. Resolution RE: Authorization for Dover School Board to Conduct a Study for Potential Kindergarten and Administrative Office Use at the Former Middle School. Sponsored by Councilor Jason Hindle.

Berry moved to suspend the rules to introduce this resolution, seconded by Hindle. Motion passed on a 7-0 roll call vote.

Hindle moved to adopt, seconded by Berry.

Boc moved to amend by adding “at the School Board expense” to the end of the “Now, therefore....” clause, seconded by Berry. Motion to amend passed on a 7-0 vote.

Main motion as amended passed on a 7-0 roll call vote.

C. ORDINANCES IN THEIR 1ST READING:

1. Ordinance #21-08/08/2001, Chapter 166, Vehicles and Traffic, Section 166-48, Schedule A, One-Way Roadways, Woodman Park Access Road. Sponsored by Councilor Jason Hindle, Chair, Transportation Advisory Commission.

Berry moved to refer to a public hearing on August 23, 2001, seconded by Hindle. Motion passed on a 6-0 vote, Nossiff abstained.

MINUTES - REGULAR COUNCIL MEETING

August, 8 2001

PAGE 8

2. Ordinance #22-08/08/2001, Chapter 166, Vehicles and Traffic, Section 166-50, Schedule C, Stop Intersections, Woodman Park School Area. Sponsored by Councilor Jason Hindle, Chair, Transportation Advisory Commission.

Berry moved to refer to a public hearing on August 23, 2001, seconded by Hindle.
Motion passed on a 6-0 vote, Nossiff abstained.

3. Ordinance #23-08/08/2001, Chapter 166, Vehicles and Traffic, Section 166-57, Schedule J: Limited Time Parking. Clifford Street and Towle Avenue. Sponsored by Councilor Jason Hindle, Chair, Transportation Advisory Commission.

Berry moved to refer to a public hearing on August 23, 2001, seconded by Hindle.
Motion passed on a 6-0 vote, Nossiff abstained.

4. Ordinance #24-08/08/2001, Chapter 166, Vehicles and Traffic, Section 166-50, Schedule C, Stop Intersections, Samuel Hanson Avenue and Mulligan Drive. Sponsored by Councilor Jason Hindle, Chair, Transportation Advisory Commission.

Berry moved to refer to a public hearing on September 12, 2001, seconded by Hindle.
Motion passed on a 7-0 vote.

5. Ordinance #22-08/08/2001, Chapter 166, Vehicles and Traffic, Section 166-50, Schedule C, Stop Intersections, Drew Road. Sponsored by Councilor Jason Hindle, Chair, Transportation Advisory Commission.

Berry moved to refer to a public hearing on September 12, 2001, seconded by Hindle.
Motion passed on a 7-0 vote.

D. COUNCIL CORRESPONDENCE:

1. Wetlands Application – Great Bay Properties

Berry moved to accept and place on file, seconded by Nossiff.
Motion passed on a 7-0 vote.

12. COUNCIL MATTERS OF INTEREST

Berry apologized for not throwing out the first pitch at the opening ceremony of the Babe Ruth Tournament held recently at Dunaway Field. He stated he was stuck in traffic and unable to make it in time. He thanked all those who attended the event and feels that this type of activity is good for the city as people use the restaurants, hotels, etc.

Reese thanked Mayor Pro Tem Berry for his kind words at the June meeting when he was sick. He then stated that he is not running for re-election. He concluded by again asking that air conditioning be installed in the Council Chambers.

Nossiff stated he has several issues to discuss. First he stated he received a call from a property owner regarding highway noise and stated that he could barely hear the conversation on the phone due to the noise coming from the Spaulding Turnpike. He stated he would like this type of matter to be taken into account when doing the property tax reassessments. Next, he spoke regarding the automatic reassessments, which are being done to attain a certain level. He stated that it is his understanding that there is a cap of 30% and feels that people don't understand that this is the case. He stated that as a city we should be making people aware of this fact through a mailing and alleviate some of the anxiety that is out there. Third, he suggested approaching Mr. Chinberg to arrange a long term lease in the Clarostat Building for the Arts Center instead of the Butterfield Gym. He stated that the Clarostat building is on the riverwalk and would be a good site. Finally, he stated was reminded by Joe Twardus of the issue regarding adult video and book stores which we dealt with a few years ago across from St. Mary's school.

MINUTES - REGULAR COUNCIL MEETING

August, 8 2001

PAGE 9

He asked that Steve Stancel and Chief Fenniman look at the issue again so that we are not caught guard like is currently happening in North Hampton.

Reese asked about the status of the bandshell. Mr. Beecher stated it is still ongoing and there will be some resolutions regarding the bandshell coming up in September or October.

Dunnington stated that the Rotary Club has set aside the funds and is awaiting a final design.

Nossiff stated that he would like to pass along a constituent suggestion to Councilor Andrews Parker regarding the northend fire station, to approach the City of Somersworth about a joint staffing arrangement as staffing is the most costly aspect of the project.

Schmidt stated he was glad to see Phil Morrissette speaking on the various issues at Citizen's Forum and addressed some of his concerns. He stated that regarding the Senior Center, the Council is still a long way from making any decisions on that issue and it is all still in the concept stage.

13. ADJOURNMENT

Reese moved to adjourn, seconded and passed unanimously.