

**RESCHEDULED**  
(From September 12, 2001)  
**MINUTES**  
**REGULAR COUNCIL MEETING**  
**THURSDAY**  
**SEPTEMBER 20, 2001**  
**DOVER CITY COUNCIL**

**CITY MANAGER'S OFFICE**  
**6:00 PM**

**NON PUBLIC SESSION RE: LABOR ISSUES**

**COUNCIL CHAMBERS**

**7:00 PM**

Mayor Boc explained that the meeting of 9/12/01 was postponed to hold vigil in honor of the September 11, 2001 terrorist attack victims and families. He stated that Councilor Mayberry has authored a resolution in remembrance of this tragedy.

Berry moved to suspend the rules to introduce the Resolution, seconded by Mayberry. Motion passed unanimously.

**Resolution RE: Condolence and Resolve. Sponsored by City Council in its entirety.**

Berry moved to adopt, seconded by Mayberry. Motion passed unanimously.

**1. MOMENT OF SILENCE**

**2. PLEDGE OF ALLEGIANCE**

Schmidt led the Pledge of Allegiance.

**3. ROLL CALL**

Councilors present: Schmidt, Andrews Parker, Berry, Boc, Dunnington, Hindle and Mayberry. Nossiff arrived at: 8:35 p.m. Councilors absent: Reese

**4. MAYOR'S REPORT**

Mayor Boc stated that on August 11, 2001 he attended the Regional Finals of the Cal Ripkin Baseball League. He also volunteered at the recycling center until 5:00 p.m. on Saturday, as he said he would do, and feels that people were glad it was open later especially during leaf season. Next, on September 9, 2001 he attended the Dover youth football opening ceremonies. He explained that many people have commented to him about the overcrowded fields and reminded everyone that the Council has begun to address this by giving \$1,000,000 for field development. Mayor Boc also spoke at 2 vigils in honor of the 09/11/01 terrorist attack; one at Henry Law Park and one at the Fox Run Mall, which were both well attended. He stated he attended the Arena dedication of September 15<sup>th</sup>, and a luncheon at the Firehouse Restaurant with Public Service Company of New Hampshire personnel. He discussed the Open Lands Committee meeting held on September 19<sup>th</sup>, which was an informational meeting broadcast on Channel 22 and was also well attended.

Finally, he recognized Mayor Pro Tem Bob Berry by reading a proclamation declaring 09/21/01 as Bob Berry Day. He explained that Berry's resignation was accepted at the last meeting, and will be effective 10/01/01. Mayor Boc presented Berry with a key to city, gift certificate, plaque, flag and several other tokens.

Councilor Mayberry then read a letter from Congressman John E. Sununu Jr., which stated that a flag will be flown over the capital in Washington D.C. in Berry's honor.

Berry thanked everyone.

Berry moved to accept, seconded by Hindle. Motion passed unanimously.

**5. PUBLIC HEARING**

- A. Resolution RE: In Support of Memorial for Joseph McConnell. Sponsored by Councilor Alex Nossiff and Councilor Jason Hindle.

Mayor Boc opened the public hearing, asking if anyone wished to speak:

**Dom Domingo**, Major (ret) USAF – 4 Birch Drive – spoke in favor of this resolution. He reviewed many of McConnell's accomplishments and feels that something should be in Dover in his honor. He explained that there were some things done in the past but they no longer exist. He stated that Governor Shaheen has signed proclamations to honor 3 war heroes from the area. He explained that originally Pease Air Force Base was supposed to be named McConnell, but there was already one by that name. He concluded by stating that we owe Joseph McConnell a debt of gratitude and introduced family members Eileen and Bob Meserve in the audience.

Seeing no one else wishing to speak, the Mayor closed the public hearing.

- B. 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.

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

- C. 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.

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

- D. 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.

Mayor Boc opened the public hearing asking if anyone wished to speak.

**Cheryl Dwyer**, 7 Towle Ave – stated she is in favor of limited or no parking at that location. She stated that the bus route is working out well, but cars are still currently parking in and blocking her driveway.

Seeing no one else wishing to speak, the Mayor closed the public hearing.

- E. 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.

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

- F. Ordinance #25-08/08/2001, Chapter 166, Vehicles and Traffic, Section 166-50, Schedule C, Stop Intersections, Drew Road. Sponsored by Councilor Jason Hindle, Chair, Transportation Advisory

Commission.

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

## 6. CITIZEN'S FORUM

Mayor Boc opened the Citizens Forum, asking if anyone wished to speak.

**Robert Fisher**, representing Mr. and Mrs. Caldwell and other neighbors of Spruce Lane regarding the neighbors' compost pile. He stated that there are 2 issues to be addressed; first is the compost pile, which seems to be under control now as no more leaves are being brought in but there still is an issue with manure. He feels that there is something to be learned from the recent tragedy, such as love thy neighbor. He stated that he feels the neighbors he is representing are not being treated in a neighborly fashion and are not getting satisfaction from the City with their concerns. He stated that there is a city right of way behind the Hebbard property that has been blocked off with piles but the city has done nothing about it. He stated the 2<sup>nd</sup> issue that has become a problem in the neighborhood is the animals (chickens) are going onto other people's property and eating plants and feels that again, the city is doing nothing about it. He stated that the City Council should not have to micromanage but feels that they should give instructions to city officials to take these complaints seriously. He concluded by stating, that for the record, the neighbors do desire a dialogue with the city; they are satisfied with the current status of the compost pile but want a guarantee that it is permanent; the neighbor and the city will recognize the neighborhood complaints as it was the city's decision to bring the leaves to the property, which created the problem.

**Richard Hughes** 51 New Rochester Road, discussed the school budget surplus, stating that he watched the May 30<sup>th</sup> meeting of the budget adoption and feels that they used fuzzy math. He stated that the City manager worked hard over the years to build a fund balance, and then the council voted to spend 4 times the amount. He stated that the taxpayers won't like the new tax bills and feels that Councilor Mayberry didn't tell people the right thing about using the fund balance. He stated that Mayberry also said that the arena would be done with no more money, but came back for more. He concluded by stating that there is no such thing as a free lunch and urged citizens to make a change at the 11/06/01 municipal election.

**Irene Callaghan**, 6 Barry Street, stated that the Mayor always states the ground rules for people to speak at Citizens Forum regarding no personal attacks and asked if the same rules apply to Councilors. Mayor Boc stated that this one time he will go against the rule and answer the question, stating yes, the same rules apply to the Council.

Seeing no one (else) wishing to speak, the Mayor closed the Citizens Forum.

## 7. MINUTES

- A. Regular Meeting – August 8, 2001
- B. Special Meeting – August 23, 2001

Schmidt stated that he had been unable to review the minutes and asked that the vote to accept be deferred to the next meeting.

Berry moved to defer to next meeting, seconded by Councilor Schmidt,  
Motion passed on a 7-0 vote.

## 8. REPORTS OF STANDING AND SPECIAL COMMITTEES

**A. Planning Board – Councilor Jerry Reese**  
NO REPORT

**B. Public Works Building Committee – Councilor Peter Schmidt**

Schmidt stated the building is almost done and personnel have begun moving in. He stated a dedication ceremony will be held 10/06/01, and thanked council for supporting the project.

**C. COAST Bus – Councilor Peter Schmidt**

Schmidt stated the annual meeting was held on 09/18/01, at which time the sitting board was reelected. He stated they also passed the annual budget. He stated that the other significant news was that all of the requests for proposals were rejected and they may decide to take operations under direct management by Coast instead of private contractor.

Mayberry asked about researching more stops with shelters.

Schmidt stated that funds need to be available, and that if they do that for one community, they have to do it for all of them. He stated they currently provide shelters for larger stops.

**D. Solid Waste Advisory Commission – Councilor Thomas Dunnington**

No report

**E. Elementary Facilities Committee – Councilor Jason Hindle**

Hindle stated the committee has not met, but did report that the bus loop at Woodman Park School has proven successful.

Schmidt asked about the bus loop and if the proposed ordinances will address Mrs. Dwyer's concern about parking near her house. Hindle stated yes, 7 a.m. – 4:00 p.m., during the school day.

Hindle stated a main concern before the bus loop was that teachers were parking on Towle Ave all day but now do not. He stated there is also a different place for parents to park to drop off children. He stated that this is a police issue and perhaps more enforcement officers will be necessary in the future.

Schmidt asked when this goes into effect.

Chalue stated one week after passage the signs will be erected.

**F. Alternative School Joint Building Committee – Councilor Jason Hindle**

Hindle reviewed the capital improvement summary sheet distributed to council (see meeting folder). No report on the ledge yet, but it will be a 5 digit figure.

Boc asked the proposed completion date.

Hindle stated January 1<sup>st</sup>.

Berry commended the hard work of the committee.

**G. Transportation Advisory Commission – Councilor Jason Hindle**

Hindle stated the committee met and discussed Lincoln Street and the drop off concern in front of Dover Adult Learning Center. He stated, at the next meeting the 2 major issues will be school board transportation advisory and advisory committee roles and working together, and 2<sup>nd</sup>, looking at crosswalks in Dover. He stated he has received complaints from the Greek Church on Locust Street as they are the last church to get a crosswalk. He stated that the Master Plan calls for reviewing, adding, deleting crosswalks, within the city.

**H. Ball Fields Committee – Mayor Wil Boc**

Boc deferred to Recreation Director Gary Bannon. Bannon stated the committee has not met recently, but reported that the Shaw's Lane field is still progressing and one multi use field should be ready by spring. He stated that another issue is scheduling the playing fields, as the Maglaras soccer field is not available. He stated they will be having a workshop with the School Department soon.

Berry asked if there will be meeting with residents in that area regarding traffic and parking issues. Bannon stated they are working with consultants for a plan to be ready by early October. He stated they have been handling questions by neighbors on a case by case basis.

Hindle asked if the cost issue has been resolved as to who has to pay, recreation department, school department for the maintenance.

Bannon stated this had been an ongoing issue over the years and works both ways as to whose fields are whose; but all are technically city fields and paid by taxpayers. There are some fees charged for usage by agencies.

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

Andrews Parker stated that the architect presented the plans to the committee and after some revisions it was presented to the neighborhood on 09/18/01 by fire department. She stated 150 letters were sent out, and about 30 people showed up. She stated that it was a positive meeting where residents asked many questions regarding noise, lighting, etc. and feels it went well. The architect will revise plans based on that meeting and bring to the council for the CIP schedule. Mayberry complimented Councilor Andrews Parker, Chief Bibber and the firefighters who answered every question by the residents.

Andrews Parker credited the fire department for doing a great job keeping it an open process.

Berry moved to accept and place the reports on file, seconded by Dunnington. Motion passed unanimously.

#### **9. CITY MANAGER'S REPORT**

Assistant City Manager Mike Joyal stated the city is on schedule financially (See City Manager's report on file in Clerk's Office.)

Andrews Parker asked about 6<sup>th</sup> Street, stating that now that it has been paved will the lips of people's driveways be fixed as it will be bad during snow plowing season and has been a big complaint.

Lavoie stated they will be addressing this on an individual basis.

Mayberry asked about the Henry Law Avenue engineering proposal for redesign.

Lavoie stated that it is high on the agenda but has not been put out to bid yet as there is a lot of things going on right now.

Mayberry asked that letters be sent to Boards and Commissions to have the minutes submitted in a timely manner as he was approached by a constituent regarding that issue. Joyal stated that such a letter and guidelines were sent by the City Clerk a week ago.

Mayberry also asked about an inventory of fields and parks, including the ones that are a part of subdivisions. Joyal stated there is already an inventory listing.

Lavoie stated that regarding sidewalks, they are busy in the Hamilton Street, Belknap Street area and feels that it is going well. He stated that paving of streets is moving along with Locust Street close to final paving. He stated other roads are being base paved and manhole work is being done. He stated they are trying to get the worst sections done this season.

Schmidt stated the residents of Columbus Avenue are concerned with that road and when it will be fixed.

Lavoie is working with a developer of several lots on Columbus Avenue to install a water main to Tolend Road and will incorporate this work with reconstructing Columbus Avenue. He stated it is in very poor condition and there is a wetlands issue, straightening the curve in the road, and it will be a major project and should be done in the spring of next year.

Mayberry complimented Cathy Beaudoin and Richard Bell for their great speeches at the Strafford County Retired Teachers Assoc. meeting.

Berry moved to accept the Manager's report, seconded by Mayberry and Schmidt. Passed 7-0.

#### **10. UNFINISHED BUSINESS:**

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

Hindle moved to adopt, seconded by Mayberry.

Boc explained that when we passed a similar ordinance in front of St. Mary's School, it created a problem and asked if this going to happen here.

Hindle stated no, the bus loop and additional parking has been added to accommodate 100 employees. The original parking lot was built for 1950's staffing levels.

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

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.

Hindle moved to adopt, seconded by Mayberry.

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

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.

Hindle moved to adopt, seconded by Schmidt.

Betsey asked if people who currently park there will be notified.

Hindle stated he is not sure who will still be parking there as teachers have been told not to. He stated he feels school administration has been telling people already.

Andrews Parker wants parking enforcement to issue warnings first before fining.

Dunnington stated that is true of most parking changes that police will warn first.

Motion to adopt passed on a 7-0 vote.

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.

Hindle moved to adopt, seconded by Mayberry.

Maybery asked do they line with a white line at the stop intersections.

Paul Chalue stated no, only at major intersections.

Joyal stated that there would be additional costs and manpower to line all intersections.

Motion to adopt passed on a 7-0 vote.

5. Ordinance #25-08/08/2001, Chapter 166, Vehicles and Traffic, Section 166-50, Schedule C, Stop Intersections, Drew Road. Sponsored by Councilor Jason Hindle, Chair, Transportation Advisory Commission.

Hindle moved to adopt, seconded by Mayberry.

Motion passed on a 7-0 vote.

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

### **C. RESOLUTIONS**

1. Resolution RE: In Support of Memorial for Joseph McConnell. Sponsored by Councilor Alex Nossiff and Councilor Jason Hindle.

Hindle moved, seconded by Mayberry.

Hindle stated this is primarily a statement of support and feels that possibly we could name the building across the street (old middle school). If not the building, then since the School department is thinking about an early learning center there and the Superintendent wants to use a portion of the front lawn of the building for a playground, then the rest could be a park with benches, trees, water fountain, named after McConnell. He stated that those are just some ideas.

Andrews Parker asked if this could come back as a full resolution and be more specific. She suggested forming a committee to come back with proposal.

Hindle stated the general reason it came forward was out of respect to the family of McConnell and war veterans. He feels that by bringing the general resolution we show that we as a city will do something to recognize heroes.

Betsey would like concrete ideas and likes the park idea.

Dunnington agrees we should be more specific.

Dunnington moved to amend by adding "a committee be formed to explore ideas and come back to Council with a specific recommendation", seconded by Andrews Parker.

Motion to amend passed 7-0.

Main motion as amended passed 7-0.

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

Berry moved to remove from table, seconded by Mayberry.

Motion to remove from table passed 7-0.

Andrews Parker moved to withdraw resolution, seconded by Berry.

Andrews Parker stated she is withdrawing this resolution with regret and feels it is a good idea to give people heads up in the budget process and hopes it will be brought back.

Dunnington is concerned with the deadline and will we be able to come up with real figures.

Berry stated that this is being removed because it was coming off as political which wasn't the intention. He stated that it was meant to bring a guideline to the administration and feels the next council should set this as a guideline immediately.

Motion to withdraw passed unanimously.

## **11. NEW BUSINESS:**

### **A. CONSENT CALENDAR**

Berry moved to suspend the rules to add items 11A-10 and 11A-11, seconded by Hindle.

Motion passed on a 7-0 roll call vote.

1. Tag Permit – Knights of Columbus
2. Tag Permit – Dover Little Green Cheerleaders
3. Raffle Permit – Cocheco Valley Humane Society
4. Raffle Permit – Greater Dover Chamber of Commerce
5. Raffle Permit – Dover Elks
6. Parade Permit – UNH Cycling
7. Parade Permit – Langdon Place of Dover
8. Tag Permit – Somersworth/Berwick Youth Hockey
9. Raffle Permit – Great Bay Figure Skating Club
10. Parade Permit – Knights of Columbus
11. Raffle Permit – Dover High School Boosters Club

Berry moved to grant, seconded by Mayberry.

Motion passed on a 7-0 vote.

**B. RESOLUTIONS:**

1. Resolution RE: Amendment to City Hall Auditorium Rental Rate Schedule and Rules and Regulations. Sponsored by Mayor Wil Boc, by Request.

Berry moved to refer to public hearing on 10/10/01, seconded by Hindle.

Motion passed on a 7-0 vote.

2. Resolution RE: Acceptance of Donation of Land by Ezra Green's Farm, LLC. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry.

Joyal explained that this is property being provided to the city as a part of an approval of a subdivision.

Mayberry explained we are accepting 49 acres of land on Littleworth Road, which will be protected as green space.

Motion to adopt passed on a 6-0 roll call vote (Andrews Parker out of room).

3. Resolution RE: Award of Purchase Order for Continued Chemical Root Control Services. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry.

Motion to adopt passed on a 6-0 roll call vote (Andrews Parker out of room).

4. Resolution RE: Award of Purchase Order for Continued Professional General Legal Consulting Services. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry.

Motion to adopt passed on a 6-0 roll call vote (Andrews Parker excused).

5. Resolution RE: Continued Professional Legal Consulting Services Labor and Employment Issues. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry.

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

6. Resolution RE: Award of Purchase Order for Library Computerized/Online Book Catalog Web-Based Enhancement. Sponsored by Mayor Wil Boc, by Request.

Berry moved seconded by Hindle.

Motion passed on a 7-0 roll call vote.

7. Resolution RE: Amendment to Dover Utility Commission Rules and Regulations and Water and Sewer Capital Reserve Funds. Sponsored by Mayor Wil Boc by Request.

Berry moved to adopt, seconded by Hindle.

Joyal explained that this incorporates city financial policy #9 adopted several years ago and increases fees to put money directly into sewer investment funds and water investments fee and capital reserve for future projects in respective utility funds. It will make fees consistent with calculated investments of current users.

Mayberry asked what the current fees are.

Lavoie stated that Sewer is going from \$600 – to \$1,100 and Water from \$500 to \$ 800. He stated the fees have been unchanged since the late 80's.

Mayberry asked if in a new subdivision people would have to pay that, plus to hook up to their own homes. Joyal stated yes.

Andrews parker feels it should be phased in gradually instead.

Mayberry moved to public hearing, seconded by Andrews Parker.

*(Nossiff here at 8:35 p.m).*

Lavoie stated that Councilor Nossiff brought this to his attention that fees needed to be adjusted and explained that Finance Director Jeff Harrington was able to show that the increase is warranted.

Motion to refer to public hearing passed on a 7-0 vote.

Berry suggested recessing at 9:00 p.m. for the President's Address to the Nation on television.

Boc stated that when it comes closer to the time, they will make a decision.

8. Resolution RE: Award of Purchase Order for Extension of Plymovent Vehicle Exhaust Removal System at South End Fire Station. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry.

Motion passed on an 8-0 roll call vote.

9. Resolution RE: Award of Bid #B02002 for Dover Trash Bags. Sponsored by Mayor Wil Boc by Request.

Berry moved to adopt, seconded by Mayberry.

Motion passed on an 8-0 roll call vote.

10. Resolution RE: Appropriation – Tolend Road Landfill Closure. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Hindle.

Motion passed on an 8-0 roll call vote.

11. Resolution RE: Award of Blanket Purchase Order for Continued Professional Consulting Legal Assistance. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Schmidt.

Nossiff stated he is concerned with frequency as this was just voted on several months ago. He stated they appropriated 60,000 and had asked about a ceiling at that time and is uncomfortable with blanket authorizations. He stated that whatever we set the limit at, then that is what it ends up costing. He stated he feels Mr. Peltonen should be at the meeting to answer questions.

Nossiff moved to table, seconded by Hindle.

Motion to table failed 2-6, Hindle and Nossiff in favor.

Hindle would like a copy of the expenditures.

Nossiff would like an update from our staff and the attorney because it is experimental remediation and we are still unsure if it will work and have spent 1.2 million on an experimental project.

Boc stated Peltonen has been working on this for 15 years since the beginning; and the experimental part has just been recently. He stated he feels that staff can update us on the project, without having the attorney paid to do so.

Motion to adopt passed on a 7-1 roll call vote, Nossiff opposed.

**Discussion regarding adjourning for the president's speech or not ensued.**

**Berry moved to recess to watch address, seconded by Hindle.**

**Motion passed unanimously.**

**Meeting resumed at 9:45 p.m.**

12. Resolution RE: Award of RFP#B01054 for Project Management – Professional Services. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Hindle.

Motion passed on an 8-0 roll call vote.

13. Resolution RE: Award of Blanket Purchase Order for Both Children's and Adult Books. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Hindle.

Motion passed on an 8-0 roll call vote.

14. Resolution RE: Award of Bid #B02007 for Highway Winter Road Salt. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry.

Motion to adopt passed on an 8-0 roll call vote.

15. Resolution RE: Authorization to Apply for Bureau of Justice Assistance Block Grant to Purchase Equipment for the Police Department. Sponsored by Mayor William E. Boc, by Request.

Berry moved to adopt, seconded by Mayberry.

Andrews Parker asked if this applies to all upgrades of the mobile data system, and will they not have to come back for rest of system (20%).

Joyal stated this augments donations of supplies for horses, etc.

Andrews Parker stated that this was supposed to be an entirely voluntary program.

Motion to adopt passed on an 8-0 roll call vote.

16. Resolution RE: Appropriation of Funds and Award of Purchase Order for Sixth Street Reconstruction Transportation Improvement Project. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Hindle.

Joyal stated this came in more than expected and the city has to pick up \$12,000.

Motion to adopt passed on an 8-0 roll call vote.

17. Resolution RE: Award of Bid #B02009 for Oak Street Sidewalk Improvements. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry.

Motion passed on an 8-0 roll call vote.

18. Resolution RE: Award of Purchase Order for Tree Removal, Pruning and Trimming Services.  
Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Hindle.  
Motion passed on an 8-0 roll call vote.

19. Resolution RE: Setting Voting Hours for November 6, 2001 Municipal Election. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Hindle.

Boc discussed changing hours to 7:00 a.m., but explained that this is supported by volunteers and it is already a very long day for them.

Hindle discussed presidential elections having longer times because there are more people.

Motion passed on an 8-0 vote.

20. Resolution RE: Award of Purchase Order for Recreation Building – Butterfield Gym Structural Foundation Repair. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry.

Mayberry stated that he was under the impression from a newspaper article that there is \$300,000 in structural damage, so why are we only spending \$75,000 now.

Lavoie stated that this will be the first step to shore up the floor enough to use again.

Mayberry stated that the money is coming from the Cocecho dam retaining wall, and asked if we can live without it.

Lavoie stated yes, that according to Attorney Wattendorf, the lease of the dam falls on the operator and not the city anyway.

Schmidt stated he has read that this is caused by settling of clay under the sub-surfaces of certain parts of the gym, so if we put beams in what are they going to rest on.

Chalue stated that they went 25 feet down and found bedrock so they will be using giant screws through the softsoil to the bedrock to hold them in place.

Hindle stated he has heard that we have been aware of the problem for a year.

Chalue stated the building has been settling over the year, but the cracks were sudden.

Hindle stated that some of recreation services and personnel has moved over to the middle school and asked if we can spend money to upgrade the gym over there to use it more.

Lavoie stated we have spent money on the middle school and resurfaced the floor, but one gym is not enough.

Hindle is concerned that this is a band-aid approach and feels we have a facility across the street that can incorporate many of the needs and allow us to address other issues of using the Butterfield Gym for something else. He stated he will be voting against this.

Mayberry asked with the structural supports in place, is there a guarantee that this will stop the settling and will we be able to go back to the contractor if it does settle again.

Lavoie stated that there will be a warranty for what they install. He explained that once this is done, the rest of the project will be put into the CIP.

Mayberry asked if an analysis has been done to replace the entire building instead of spending \$300,000 to repair as it may be used for some other use in the future.

Chalue stated the engineers felt the building is salvageable and if we don't do the work now, the building could collapse and ruin the pool.

Dunnington stated we are not voting on the ultimate use of the building, but to prevent it from getting worse, and feels it is absolutely necessary.

Motion to adopt passed on a 7-1 roll call vote, Hindle opposed.

21. Resolution RE: Award of Bid #B02013 for Fourth Street Reconstruction. Sponsored by Mayor Wil Boc by Request.

Berry moved to adopt, seconded by Hindle.

Mayberry asked why we don't sink the telephone pole and put the utilities underground while we are ripping up entire streets.

Joyal stated that we have looked at this but there is a question as to who would pay the bill and it would become an enormous expense to the city.

Lavoie explained that from Washington Street Bridge to the Whitmin Laundry center will be done this fall, and from Washington Street Bridge to Chestnut Street in the Spring, and will include water and sewer repairs.

Boc stated we received just one bid and asked if are we sure it is not too high.

Lavoie stated that the staff has reviewed the project and feels the price is comparable.

Dunnington asked if this includes sidewalks. Lavoie stated yes.

Mayberry stated that \$34,000 for this is coming from the Spur Road Sewer Extension and asked if this is jeopardizing that project.

Lavoie explained that paving was involved in the Spur Road project, but the city is going to do it now instead of contracting it out.

Motion to adopt passed on an 8-0 roll call vote.

Berry moved to suspend the rules to introduce Items 11B-22 and 11B-23, seconded by Mayberry.

Motion passed on an 8 -0 roll call vote.

22. Resolution RE: Award of Bid #B02012 for #2 Heating Oil and Diesel Fuel. Sponsored by Mayor Wil Boc by Request.

Berry moved to adopt, seconded by Mayberry.

Motion passed on an 8-0 roll call vote.

23. Resolution RE: Fiscal Year 2002 Budget Amendment #1. Sponsored by Councilor Matt Mayberry.

Berry moved to refer to public hearing on 10/10/01, seconded by Mayberry.

Motion passed on an 8-0 vote.

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

1. Ordinance #26-09/12/2001, Chapter 131, Offenses, Section 131-16, School Truancy. Sponsored by Mayor William Boc, by Request.

Berry moved to refer to a public hearing on 10/10/01, seconded by Mayberry.

Motion passed on an 8-0 vote.

**D. COUNCIL CORRESPONDENCE:**

**12. COUNCIL MATTERS OF INTEREST**

Andrews Parker thanked Berry for his work on the Council. Secondly, she stated that a resident has asked her about getting advanced notice of tax bill amounts so that people have some fair warning as to how much they will owe especially since we have an increase this year.

Berry thanked everyone for working with him and for their professionalism in dealing with various issues and differences. He stated for his last piece of business, he would like that the Hebbard issue be resolved as quickly as possible.

Nossiff thanked Berry for his years of service and for his integrity, honesty and professionalism. Next, he discussed the rules of the Citizen's Forum and stated he feels that it should work both ways and that Councilors should not be allowed to take shots at Citizens either. He stated that some citizens feel they have been tarnished unfairly and specifically mentioned Bob Callahan who, in his opinion, is an upstanding family man. He concluded by stating that he would like to see a spirit of cooperation especially in the upcoming election season.

### **13. ADJOURNMENT**

Schmidt moved to adjourn, seconded and passed unanimously.

Valerie A. French  
Deputy City Clerk