

**MINUTES
REGULAR COUNCIL MEETING
THURSDAY
NOVEMBER 15, 2001
DOVER CITY COUNCIL**

6:30 P.M.

**CITY MANAGER'S OFFICE
NON-PUBLIC SESSION**

RE: LABOR CONTRACTS - Cancelled

7:00 P.M.

COUNCIL CHAMBERS

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Hindle led the Pledge of Allegiance.

3. A. SWEARING IN OF WARD FOUR (4) CITY COUNCILOR

The City Clerk administered the Oath of Office to Raymond Tweedie.

B. ROLL CALL

Members present: Councilor Hindle, Councilor Mayberry, Councilor Nossiff, Mayor Pro Tem Reese, Councilor Schmidt, Councilor Tweedie, Mayor Boc, and Councilor Dunnington.

Councilor Andrews Parker absent.

4. MAYOR'S REPORT

On 10/19 the Mayor attended a licensing board hearing where a taxi driver's denial was heard. He attended the annual meeting of the Chamber of Commerce on 10/24. On 10/30 he did a ribbon cutting and welcomed Applebee's to town, on 11/6 along with other council members, he worked at the polls. The Mayor and Councilor Reese worked at the same polling place. On 11/7 he did a ribbon cutting at Hogan's Flooring, as well as one at Coldwell Banker. With the acceptance of his report, please approve the appointment of Baldwin Domingo, Councilor Hindle and Arlene Meserve to the Joseph McConnell committee.

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

5. PUBLIC HEARING

A. Resolution RE: Fiscal Year 2002 Budget Amendment #1. Sponsored by Councilor Matt Mayberry. (SEE ITEM 10C-1)

The Mayor stated this addresses the addition of two (2) firefighters.

Richard Hughes - 51 New Rochester Road. Mr. Hughes wanted to address the process of this resolution. He stated these funds would increase the operating budget. He has not seen any emergency circumstances that require this be revisited. The City Manager does not support it. One of the hallmarks of the Mayor has been no micro-management. It will be interesting to see how Mayor Boc votes on this resolution tonight. With 46 days left in office, he asked the council to please vote no on this resolution.

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

- B. Ordinance #27-10/10/2001, Chapter 92, Driveways, Section 92-5, Construction Permits. Sponsored by Mayor Wil Boc, by Request. (SEE ITEM 10A-1)**

Seeing no one, the Mayor closed the public hearing

- c. Resolution RE: Recognition of Joseph G. Sawtelle for his dedication and many contributions to the redevelopment of the City of Dover's Downtown Center and the increased economic vitality of the community. Sponsored by Councilor Matt Mayberry. (SEE ITEM 10C-2)**

Seeing no one, the Mayor closed the public hearing

- D. Naming "Sam Allen Meeting Room" at Dover Ice Arena. Sponsored by Councilor Matt Mayberry. (SEE ITEM 10C-3)**

Gary Bannon, Director of Parks and Recreation feels this an appropriate resolution and is a fitting thing because of the amount of time Sam Allen has contributed to this project.

6. CITIZEN'S FORUM

Colonel Gary Cyr is a long-time citizen of Dover and is here tonight in support of item 11.B.6. This resolution addresses the employees in the Military Reserve and National Guard who have been called to active duty to support Operation Enduring Freedom. Several communities across the state have figured out how they can help at this time. Family budgets have been disrupted for these employees that have been called to duty. These other communities are providing differential pay during this time. He feels citizens of this community will stand behind the City Council.

Scott Myers, Chair of DEDC, is here about the two resolutions – 10.C.4. and 10.C.5. that will be presented here tonight. Since the last time he spoke, one of the intended clients has decided they will not be moving here now. He wanted to share this information before they vote tonight. This will allow them the ability to go out and negotiate contracts; they see this as a very positive situation for the city and will help add commercial/industrial to the tax rolls.

Norm Champagne - 13 Church Street has come here tonight to ask the council not to spend any more money, especially on Enterprise Park this evening. The taxpayers of the City of Dover are continuing to pay for tax bonds out there. But that is not what he came here to talk about tonight. He is here about the police shooting range. He watched the Planning Board meeting last evening where it was explained why we have to build a police shooting range, because the gravel has been removed from the area. He came tonight to ask if there is any money left from the sale of gravel that has not been spent, he would like that money put towards a shooting range. Apparently there was a mistake made, but to take and ruin the police shooting range and now to have to spend \$500,000 seems unreasonable. If there is money left it should go to the shooting range. This is something that is absolutely no fault of the police department and this needs to be addressed expeditiously. It is up to this council to return the range to them.

Nick Skaltisis is here to answer any questions on resolution 11.B.11.

Seeing no one, the Mayor closed Citizen Forum.

7. MINUTES

- A. Regular Meeting – October 10, 2001
- B. Special Meeting/Workshop – October 25, 2001

Reese moved to adopt, seconded by Hindle. All in favor.

8. REPORTS OF STANDING AND SPECIAL COMMITTEES

A. Planning Board – Councilor Jerry Reese

No report.

B. Public Works Building Committee – Councilor Peter Schmidt

Schmidt looked for Mr. Goodwin, but he is not here. They have concluded the construction of the public works facility, but the matter of the recycling center is still under discussion and consideration.

C. COAST Bus – Councilor Peter Schmidt

Schmidt reported the Executive Committee of COAST has met again and we are enroute for COAST operations to be handled in house. This will be better for the city. The general expectation is the new buses that have been ordered will be delivered by February, barring any unforeseen problems. Reese asked about COAST and the school bus issue. Schmidt says this was a mutual interest. The School Department and COAST are discussing using COAST to bus the students.

D. Solid Waste Advisory Commission – Councilor Thomas Dunnington

Dunnington reported they met on 11/1. He did not attend, but they discussed the Governor's Recycling Conference. They also discussed the composting issue that has been with us for quite a while. There were some suggestions made regarding composting and there will be some suggestions that will help in the future. The committee is looking at the criteria standard for composting facilities. They want to keep the dialogue going. Pete Lavoie was at the meeting and presented the plan for the proposed recycling center. It will be an acre and a half, as opposed to the current center.

They also brought up the issue of landlords and trash and how they should be dealing with their rental properties. If the problem does not get better in the future, they will try to come up with some other ideas. Hindle says that with the new council coming on board, he would like to come before the next council and talk about a welcome wagon of sorts. Landlords should be well aware of our rules and dog ordinances, so that when renters come into the city, they are aware of our regulations. Dunnington stated the next meeting is December 16 and everyone is welcome. Mayberry says they may want to inform property management companies. Schmidt says we are putting ourselves in jeopardy if we believe that all landlords are informed. We need some sort of mechanism in place, also, if there is a management company involved.

Dunnington feels this is an enforcement nightmare. This becomes a very difficult process. Mayor Boc is criticizing Dunnington's committee. The Mayor asks Dunnington to please bring it up at the December meeting. He wants the recycling center open. He went last Saturday and they once again are closing at 2 p.m. He wants the center open until 5 p.m. until snow flies. Hindle asked, if in the next community news, we could have the trash ordinance printed in the newsletter.

E. Elementary Facilities Committee – Councilor Jason Hindle

Hindle will discuss E., F., and G. together. The Elementary Facilities has been defunct the past few months.

F. Alternative School Joint Building Committee – Councilor Jason Hindle

Hindle stated the Alternative School Joint Building Committee has an address; it is 50 Alumni Drive. They discussed the naming of the facility but the superintendent would like this kept as part of the DHS

community and not be a separate name. They also want the ribbon cutting during school time so students can be involved in the process.

G. Transportation Advisory Commission – Councilor Jason Hindle

Hindle stated they met regarding crosswalk issues and discussed Mill Street. They will have an ordinance to introduce tonight. They will meet on Monday night to discuss the issues of Bellamy Road residents.

H. Ball Fields Committee – Mayor Wil Boc

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

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

9. CITY MANAGER'S REPORT

The City Manager stated, relative to the City budget, through the end of October we are 1/3 through the fiscal year. The City has collected approximately \$ 2.5 million or 30% of property tax revenue. We have expended \$ 5.5 million or 33%; we are roughly on target. We have issued 49 building permits for a construction value of \$ 3.6 million and collected fees in the amount of \$ 20,224.

In other matters, he advised the council of pump problems with Smith Well and that they expended \$11,630 and it has had repairs. Reese moved to accept, seconded by Mayberry. All in favor.

10. UNFINISHED BUSINESS:

A. ORDINANCES IN 2ND READING

1. Ordinance #27-10/10/2001, Chapter 92, Driveways, Section 92-5, Construction Permits. Sponsored by Mayor Wil Boc, by Request.

Reese moved to adopt, seconded by Mayberry. The City Manager explained the ordinance. Dunnington asked if this involves resurfacing any driveway. The City Manager says any resurface or reconstruction. Now it is global. Motion passed on a roll call vote of 7-1. Hindle opposed.

B. ORDINANCES IN 3RD READING

C. RESOLUTIONS

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

Mayberry moved to adopt, seconded by Tweedie. Mayberry offered an amendment reducing the amount to \$50,000, seconded by Tweedie. Mayberry explained the resolution. They have lost some firefighters due to the call up of Army Reserves and the National Guard. This will pay for 2 firefighters from January to June 30, allowing the next council to see if they want to fund this. He knows Councilor Tweedie has done some research on this issue already. Tweedie speaks comparing paying overtime or hiring additional firefighters.

The City Manager does not disagree with the intent. He talks about another firefighter that has been called up, so he would like this addressed under that resolution on the military call up further in the agenda tonight. He does not recommend doing this resolution relative to using \$50,000 to offset the tax rate. He wants to see how costs come in. Mayberry says that is fine; they can take the \$50,000 back. The City Manager reminds them the tax rate has been set. Chief Bibber explains past staffing levels and current staffing levels. The Chief says the national standards call for 4 firefighters per apparatus; they

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have 3. He talks about the numbers of staffing. Mayberry asks if these two additional staff people will help augment the mission set forth for you. Chief Bibber says calls have increased about 10% over the past year.

The Mayor is confused, is this for 2 new or to replace the 2 that have been called up? Dunnington has a question to Tweedie on his numbers. Have you factored in benefits? The Chief has to address this. Nossiff commends Chief Bibber for his candor and says we are going down the slippery slope. We now have the problem of assorted departments having employees called up. This resolution is inappropriate and is not called for. The good Mayor does not even understand the resolution. Nossiff continues, this is a time we cannot afford it. Nossiff says the point being if we are voting this evening. Chief Bibber was not prepared to speak tonight, so he has no figures with him. Mayberry says we are first voting on the amendment reducing the amount to \$50,000 to fund firefighters for 6 months and return \$50,000 to the general fund. Amendment failed on a vote of 3-8. Tweedie, Mayor Boc, and Mayberry in favor. Resolution not amended fails on 3-8 vote. Mayberry, Tweedie and Mayor Boc in favor.

2. Resolution RE: Recognition of Joseph G. Sawtelle for his dedication and many contributions to the redevelopment of the City of Dover's Downtown Center and the increased economic vitality of the community. Sponsored by Councilor Matt Mayberry.

Mayberry moved to adopt, seconded by Hindle. Dunnington says this is a very appropriate resolution. Nossiff agrees. Motion passed on a roll call vote of 8-0.

3. Resolution RE: Naming "Sam Allen Meeting Room" at Dover Ice Arena. Sponsored by Councilor Matt Mayberry.

Mayberry moved to adopt, seconded by Dunnington. We need to thank people while they are still with us. Sam's dedication to the hockey program is second to none. The Mayor also supports this. Hindle speaks in great admiration of Sam Allen. He continued on why he is opposing the resolution this evening. It is not because of what Mr. Allen has done, but he has kept his word with regard to expenditures on that building. Dunnington understands what Hindle is saying but Sam Allen represents what volunteerism and good citizenship is all about. He is all in favor of supporting this. Motion passed on a roll call vote of 7-1. Hindle opposed.

4. Resolution RE: Dover Industrial Development Authority Authorization for Roadway and Utilities Project in Enterprise Park. Sponsored by Wil Boc, by Request.

Reese moved to adopt, seconded by Mayberry. Nossiff has clearance to vote on this tonight. He does have a question about Mr. Champagne's issue tonight though. The City Manager clarifies the issue. Yes, the city is paying for the bonds. Nossiff will be voting in favor of this because it looks like the final investment will return a dividend. Motion passed on a roll call vote of 8-0.

5. Resolution RE: Bond Authorization for Construction of Roadway and Utilities in Enterprise Park. Sponsored by Mayor Wil Boc, by Request.

Reese moved to adopt, seconded by Mayberry and Hindle. Reese says this is the chicken and egg situation so he feels this is the best of the situation. Dunnington asks, are there 3 parcels? The City Manager says the road would open up more parcels. He stated we do have 2 firm letters of intent for next year and he feels the next parcel will not be too long out there without a letter. Tweedie's question is, what is the time frame for letters? The City Manager says the one that withdrew was frustrated and could not wait for this process to take place. We have probably lost a couple of customers due to this. This resolution will expedite the process. Motion passed on a roll call vote of 8-0.

11. NEW BUSINESS:

A. CONSENT CALENDAR

1. Raffle Permit – DHS Girls Basketball Boosters
2. Parade Permit – Greater Dover Chamber of Commerce

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

B. RESOLUTIONS:

1. Resolution RE: Continued Participation in a Multi-Year Rate Guarantee Insurance Program with the New Hampshire Municipal Association – Property Liability Trust. Sponsored by Mayor Wil Boc, by Request.

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

2. Resolution RE: Closing a Portion of Central Avenue for the Annual Holiday Parade. Sponsored by Mayor Wil Boc, by Request.

Reese moved to adopt, seconded by Mayberry. Reese amends to show a rain date of November 26, seconded by Mayberry. All in favor of amendment. All in favor of resolution.

3. Resolution RE: Award of Purchase Order for Six (6) New Accuvote Election Voting Machines. Sponsored by Mayor Wil Boc, by Request.

Reese moved to adopt, seconded by Hindle. Reese comments the current machines have malfunctioned in the past, jams, etc.

Schmidt comments on an error in a prior election when the wrong pen was used and the machines could not read it. The new machines would not be incapacitated by use of incorrect pens.

Motion passed on roll call vote of 8-0.

4. Resolution RE: Disposition of Records. Sponsored by Mayor Wil Boc, by Request.

Reese moved to adopt, seconded by Mayberry. Hindle abstains. The City Manager explains the resolution. Records of historical value will be given to the Woodman Institute. All in favor. Motion passed on a vote of 7-0. Hindle abstains.

5. Resolution RE: Discontinuance of a Portion of Mill Street. Sponsored by Mayor Wil Boc, by Request.

Reese moved to refer to a Public Hearing on 12/12/2001, seconded by Mayberry. All in favor.

6. Resolution RE: Military Reserve and National Guard Members Called to Active Duty. Sponsored by Mayor Wil Boc and Councilor Matt Mayberry.

Mayberry moved to adopt, seconded by Mayor Boc. Hindle wants to be a co-sponsor. The City Manager suggests an amendment. He stated what this does impact is the benefits; he is suggesting that we continue to provide the benefits. The intent of the Mayor was to include benefits also. Mayor Boc moved to amend to add all city benefits, seconded by Mayberry. All in favor of the amendment.

Reese stated this is a wonderful opportunity to support all those people that have been called up. Schmidt wants to know the financial ramifications. The City Manager stated he couldn't provide that because we do not know how long they are called up for. We will have to replace these employees; we can't live without Bruce Woodruff. Schmidt feels this is very open-ended. The City Manager will provide

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the numbers for this fiscal year. The Mayor reminded him the cost can not be that great. The cost is not the issue; they are fighting for freedom. The City Manager says there are 3 employees so far. Nossiff is concerned about the open-ended wording. He feels if the individual voluntarily re-signs up, we do not want this to be covered. Mayberry says we could leave that to the City Manager, as he is the manager. We can not thank these veterans enough for serving. Dunnington supports this resolution; this has minimal financial impact but he would like to be kept advised as we go through this. All councilors want to amend the resolution so they are all sponsors. Main motion passed on a roll call vote of 8-0.

7. Resolution RE: Award of Purchase Order for Locust Street Surface Rehabilitation. Sponsored by Mayor Wil Boc, by Request.

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

8. Resolution RE: Award of Bid #B02025 for Recreational Playing Fields Fencing. Sponsored by Mayor Wil Boc by Request.

Reese moved to adopt, seconded by Hindle. Mayor Boc moved to amend to give the contract to a local vendor and not the low bidder, seconded by Mayberry. Boc feels this is in the best interest of the city. Dunnington asks if we can legally do this. The City Manager says there is a low bidder. Let the record show that Mr. Beecher and the Mayor disagree on this issue. Dunnington feels we should accept the lowest bid, as our obligation is to the taxpayers. Mayberry disagrees; we need to help our local economy. In his mind it is about the money; it symbolizes that the city council stands behind the local businesses than if we lose them off our tax rolls. Reese agrees with Dunnington, but by the same token if this company was to bid in Portsmouth for the job, this sends the wrong message. He will vote for the low bidder. Mayor Boc adds the Dover Company has done a lot of work for us. They have been a good neighbor. Does the name James Michael Curley come to mind, says Dunnington. This is the wrong message to be sending. We should vote for the low bidder tonight. The City Manager says the responsible vote is to vote for the low bidder. Hindle wants to go back to the legal issues. In doing research Mr. Beecher says the city has never won on this issue. We would probably lose the lawsuit. Motion to amend fails. Boc, Mayberry, and Nossiff in favor. The main motion passes on a roll call vote of 5-3; Mayberry, Nossiff, and Boc opposed.

9. Resolution RE: Award of Bid #B02017 for Snow Plowing and Hauling Services. Sponsored by Mayor Wil Boc, by Request.

Reese moved to adopt, seconded by Mayberry and Hindle. Motion passed on a roll call vote of 7-0. Mayor Boc abstains.

10. Resolution RE: Award of Purchase Order for "Muffin Monster" Repairs at the River Street Pump Station. Sponsored by Mayor Wil Boc, by Request.

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

11. Resolution RE: Transfer of Appropriations for High School and Horne Street School. Sponsored by Mayor Wil Boc by Request.

Reese moved to adopt, seconded by Hindle. The City Manager defers to Nick Skaltsis and reminds the council this needs a 2/3 vote for passage. Nick explains the resolution. They are adding 1 field at \$50,000. As they are aware, the school board is on a campaign to raise funds for Woodman Park School (\$500,000). Windows have been replaced and the bus loop is in place, but for water and sewer and heating the school board deferred these other projects. We are looking at a \$6 million project, but not for 3 years. The funds that are left are in the existing FY02 budget. Mayberry has a question, is \$52,116 for a ball field, with our schools in such disrepair, does this resolution appropriate money for ball fields? Nick Skaltsis says we moved 1,100 children for this reason. Nick needs this ball field for physical education. Why should we take the \$52,000 and put it back into the classrooms. Nick says this is a dated wetlands issue here. Mayberry makes an amendment striking the \$52,116 for ball fields and

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putting the money towards infrastructure. There is no second. Reese comments, as a parent who had a child in middle school, there have never been enough ball fields here. What is the status of the boiler renovations at the high school? Reese feels the women have always been shortchanged. Nossiff agrees in principle with what Mayberry just said but in this instance, since there is a problem with wetland permits, if we don't use it we will lose it. But he really agrees with Mayberry. Mayor Boc will vote for this. Mayberry will vote in favor of the resolution. Tweedie feels Nick has made his point, he will vote in favor. Main motion passed on a roll call vote of 8-0.

12. Resolution RE: Award of Purchase Order for Continued Professional Legal Assistance Relative to the Wastewater Treatment Plant Blower Building. Sponsored by Mayor Wil Boc by Request.

Reese moved to adopt, seconded by Mayberry. The City Manager says we need to change the wording to say Pizzagalli Construction instead of Camp Dresser and Mckee. The Mayor says we do not need an amendment for this. The City Manager continued to explain about the lawsuit that was filed against the contractor. Motion passed on roll call vote of 8-0.

13. Resolution RE: Appropriation for FY03 Capital Improvements Program and Authorization for Bonding. Sponsored by Mayor Wil Boc, by Request.

Reese moved to refer to a Public Hearing on 11/29, seconded by Mayberry. All in favor.

14. Resolution RE: FY03 Capital Improvements Program – Reserve Fund Financed. Sponsored by Mayor Wil Boc by Request.

Reese moved to refer to a Public Hearing on 11/29, seconded by Tweedie. All in favor.

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

Mayberry moved to adopt, seconded by Tweedie. Mayberry comments that there are many more openings on boards and commissions, and interested citizens should pick up an application in the City Clerk's office. All in favor.

16. Award of Purchase Order for Sewer-Drain Separation Work. Sponsored by Mayor Wil Boc by Request.

Reese moved to adopt, seconded by Mayberry. Reese asked if any of these funds were from grants. Motion passed on a roll call vote of 8-0.

17. Resolution RE: Award of Purchase Order for Professional Engineering Monitoring Services Relative to Underground Storage Tank Removal and Remediation. Sponsored by Mayor Wil Boc by Request.

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

18. Resolution RE: Transfer of Appropriation for Various Capital Improvements Projects. Sponsored by Mayor Wil Boc, by Request.

Reese moved to adopt, seconded by Mayberry. The Mayor says a 2/3 vote is required for this to pass. Motion passed on a roll call vote of 8-0.

C. ORDINANCES IN THEIR 1ST READING:

Reese moved to suspend the rules to introduce 11.C.1., seconded by Mayberry. Motion passed on a roll call vote of 8-0.

1. Ordinance # 28-11/15/2001 Chapter 166, Vehicles and Traffic, Section 48, Schedule A: One-Way Roadways. Sponsored by Councilor Jason Hindle.

Reese moved to refer to a Public Hearing of 12/12, seconded by Tweedie. All in favor.

D. COUNCIL CORRESPONDENCE:

Benjamin M. West – Letter of Billing Dispute to AT&T Broadband Cable.

Reese moved to accept and place this item on file, seconded by Mayberry. Reese commented the issue has been resolved. All in favor.

12. COUNCIL MATTERS OF INTEREST

Hindle commends the City Clerk's staff for their work on the past election. He stated the staff works very hard for local, state, and federal elections. The Mayor adds, as well as, all the volunteers. We couldn't do it without them. The Mayor congratulated the council elects in the audience.

Schmidt took a moment to say his daughter has just had a healthy, young girl yesterday and her name is Lucy.

13. ADJOURNMENT

Reese moves to adjourn, seconded by Mayberry. All in favor.

Adjourned at 11:10 p.m.

JUDY GAQUETTE - CITY CLERK