

MINUTES
REGULAR COUNCIL MEETING
APRIL 12, 2000
DOVER CITY COUNCIL
COUNCIL CHAMBERS
7:00 P.M.

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Hindle led the Pledge of Allegiance.

3. ROLL CALL

Members Present: Hindle, Mayberry, Nossiff, Schmidt, Berry, Boc and Dunnington.

Members Absent: Reese and Andrews Parker

4. PUBLIC HEARING

A. Ordinance #03-03/08/2000, Chapter 166, Vehicles and Traffic, Section 166-30, First notice of violation, payment schedules; Section 166-31, Subsequent Notice of Violation; Section 166-33, Summons to Court/Towing or Immobilization of motor vehicle for Non-payment of parking fines. Sponsored by Councilor Betsey Andrews Parker, Chair, Parking and Traffic Committee. **(See Item 10A-1)**

Mayor Boc opened the Public Hearing asking if anyone wished to speak. Seeing no one, he closed the Public Hearing.

B. Ordinance #04-03/08/2000, Chapter 3, Administrative Code, Section 3-60(A), Dover Arena Commission, Alternate members. Sponsored by Councilor Jerry Reese, Chair, Appointments Committee. **(See Item 10A-2)**

Mayor Boc opened the Public Hearing asking if anyone wished to speak. Seeing no one, he closed the Public Hearing.

C. Ordinance #05-03/08/2000, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I: No Parking at Any Time, Bellamy Road, Lisa Beth Drive. Sponsored by Councilor Betsey Andrews Parker, Chair, Parking & Traffic Committee. **(See Item 10A-3)**

Mayor Boc opened the Public Hearing asking if anyone wished to speak. Seeing no one, he closed the Public Hearing.

D. Resolution Re: Acceptance of the Consolidated Plan and Action Plan Expenditures for the Fiscal Year 2000 Entitlement Funds of the Community Development Block Grant Program. Sponsored by Mayor Wil Boc, by Request. **(See Item 10C-1)**

Mayor Boc opened the Public Hearing asking if anyone wished to speak. Seeing no one, he closed the Public Hearing.

5. CITIZEN'S FORUM

Mayor Boc opened the Citizen's Forum asking if anyone wished to speak:

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Mike Dalton, 18 Old Littleworth Road – representing the Woodman Park School Playground Committee, thanked the Council for supporting the CDBG funding of \$15,000 for the badly needed playground equipment at Woodman Park School. He stated that the School budget will also be contributing in the next fiscal year and the committee is conducting many fundraising events.

Elaine Case, 1 Cross Street – began by reviewing the background of Camp Sun 'n Fun and the building that was deemed unsuitable for further use. She stated that the Council voted to commit \$90,000 to replace the building, and although she felt that it wasn't going to be enough money, she believed what she had been told by several administrators, that a building would be in place for summer of 2000. She stated that she then began hearing rumors that there would not be a permanent building erected and that Camp Sun 'n Fun would be held at Woodman Park School. She stated that this was unacceptable, as the children are in a school environment 9 months of the year and camp should be held in a camp setting. She also had concerns that the Teen program is held at the school. She stated that the argument has been made that the campers don't spend much time at the camp as they go to Thompson Pool in the afternoon, but that is untrue. She explained that the campers begin their day at 8:30 at Sun 'n Fun and go to the pool 3-4 hours later. She stated she became frustrated with the whole thing and sent letters to other parents of the program to alert them to the situation. She has since learned from Gary Bannon that they are now going to move a modular unit from one of the schools to serve as a "temporary" shelter. She stated that she would like reassurance from the Council that this will indeed be a "temporary" solution and that a permanent structure will be ready for the next camp year.

Kerry Batchelder, Atkinson Street, Camp Sun 'n Fun director – She stated that the Bellamy Park location is conducive to a camp atmosphere, as it allows for nature walks and orienteering. She stated that having a building there allows for arts and crafts activities, indoor bathroom and kitchen facilities, a first aid room and a place to still hold camp when it rains. She stated she will do her best to ensure that the kids have an enjoyable camp experience and asked that the Council do the same by ensuring the temporary building is on site and ready to use by the start of camp, June 26th. She also asked that the Council make it a priority to have a new permanent facility ready for the start of Camp 200, even if it calls for additional funding.

John Scruton, 99 Sixth Street –stated that quite frequently he reads about broadening the tax base, and that the tax base has been broadening since the 70's, but his taxes continue to go up. He stated now we are into bringing in additional commercial and industrial tax base, which will raise taxes and not level them as supported in a recent studies (see handouts). He stated that open space will keep taxes down. He stated that the DEDC is funded at 4.2 million in addition to the Enterprise Fund. He stated if the Conservation Commission were funded with the same amount of time and money, then the city could keep its rural character and he would like to see something on the ballot this fall as to whether we are going to have an industrial or rural community.

William Behrmann, 145 Spur Road – distributed pictures of "Sewer Mountain" stating he was asked by the city what they could do to help him and he feels we do need sewer on Spur Road, but it shouldn't be paid by the residents. He stated, in the past the federal

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government has given money and a section of that area was done, but then the money ran out and Spur Road was taken out of the loop. He stated that if Spur Road had been done at that time it would only have cost the residents \$600 instead of the \$3,000 it will cost now. He stated the trunk line that is extended off the main trunk line that goes into the 5 properties was extended because they didn't come to the edge of Spur Road because of the location of Spur Road. He stated, in 1996 the city told him to contact his 10 neighbors and have them all agree to take back the property so that it would go to the end of Spur Road. He stated he did contact them and 1 ½ years later nothing came together. He stated that he understands that now they are looking into taking it back so he doesn't feel that the trunk line needs to be extended into that area. He stated, if they are going to extend it anyway, then by all means, bring the lateral 40' into his house and hook him up. He stated otherwise he will incur another cost of \$3,000 besides what it will cost to hook up and also whatever it will cost to remove the "mountain" in front of his house. He stated that no one would want to have that in front of their house, but the city told him there would never be a sewer down that road and feels it is extenuating circumstances.

Sareen Sarna (Mrs. John Gesek), 127 Spur Road – stated that most of the residents affected by this proposal are happy with this offer and thanked Dean Peschel for his work in bringing it all together.

Mike Herlihy, 151 Littleworth Road – stated that last year he spoke against the Garrison Woods Development at the Planning Board because there was no proposed public access to Barbados Pond and is pleased to see the proposal on tonight's agenda and feels it is well thought out. He stated he is pleased that activities will be monitored by the NH Fish and Game, Madbury Police and Dover Police.

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

6. MINUTES

A. March 8, 2000 – Regular Meeting

Berry moved to adopt, seconded by Mayberry.

Schmidt stated there are a number of changes to the minutes and asked that we accept the minutes subject to the corrections that he will provide to the Clerk's Office.

Boc stated he assumes that the corrections are typographical and grammatical in nature.

Schmidt stated there are some typographical and grammatical but there are also some names that are badly mangled to the point where no one would know who they are...

Boc asked Schmidt to make a motion to table.

Schmidt moved to table minutes, seconded by Dunnington.
Motion passed on a 7-0 vote.

B. March 22, 2000 – Council Special Meeting/Workshop

Schmidt moved to table minutes, seconded by Dunnington.
Motion passed on a 7-0 vote.

7. MAYOR'S REPORT

Mayor Boc began by reading a Sexual Abuse Awareness proclamation which he presented to Cubby Lirrette. Next, he read the Mayor's Award proclamation which he presented to Mike Pomp and the other members of the Garrison Players. The Garrison Players then performed "Thank You Very Much" for the Council and audience.

Mike Pomp extended an invitation to an open house reception on May 5th from 7-9 at the Cocheco Country Club to thank the City of Dover for their support.

Mayor Boc then stated he would like to appoint Tony McManus to the Strafford Regional Planning Commission and that acceptance of his report will approve this appointment.

He then stated he attended the following events:

On March 8th he met with Dan Frechera(sp) to discuss bicycle safety ideas and issues. He stated that Mr. Frechera has also met with the Parking and Traffic committee to present his ideas.

Next, on March 9th, he attended a ribbon cutting at the newly revised Tiger Mart on the corner of Central Avenue and Locust Street. Also on March 9th he attended a budget workshop with the School Board, who made some very tough decisions and cuts to their budget. He stated Councilor Hindle has attended most of these meetings as well and was in attendance on April 10th when the School Board passed their budget to be presented to the Council on May 1st.

On March 10th he attended Career Day at the alternative school in Portsmouth to discuss being a Mayor as well as an attorney. Also on March 10th he attended the groundbreaking ceremony at McIntosh College for the new culinary school addition.

On March 17th he attended a St. Patrick's Day dinner at the American Legion where he presented proclamations to the American Legion and American Legion Auxiliary.

Also on March 17th he issued a Proclamation to Andrew Sharp for attaining the rank of Eagle Scout.

He then thanked Councilor Nossiff for attending the going away dinner for Lincoln Soldati and presenting a proclamation recognizing his services over the last 18 years as County Attorney.

On March 18th, he attended the Greater Dover Chamber of Commerce dinner and presented a proclamation recognizing their work in the City over the last 80 years.

On March 22nd he met with the Superintendent of Schools to discuss issues pertaining to the Schools and the City.

Mayor Pro Tem Berry reported on the various activities he attended on behalf of the vacationing Mayor, including: March 26th he read a proclamation and attended a flag raising in honor of Greek Independence Day.

March 29th he attended a ribbon cutting at ADI Technologies at a suite in the Mill building. He stated ADI provides professional contracted services throughout the country and currently at Portsmouth Naval Shipyard. He stated the home office personnel were in attendance and were very impressed with what the City of Dover has done to welcome them to the City.

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April 6th, he attended the Adopt a Spot appreciation ceremony to honor those organizations and individuals who provide beautification support to the city.

April 8th he opened the NH Special Olympics at the Dover Indoor Pool and welcomed the athletes and families. He stated that it is wonderful to see these families and children enjoying the City of Dover.

Mayor Boc concluded by inviting the public to attend the upcoming budget workshops and public hearings to give their input.

Berry moved to accept the Mayor's Report and approve the appointment of Tony McManus to the SRPC, seconded by Schmidt. Motion passed on a 7-0 vote.

8. REPORTS OF STANDING AND SPECIAL COMMITTEES

A. Planning Board – Councilor Jerry Reese

Councilor Reese absent – no report.

B. Public Works Building Committee – Councilor Peter Schmidt

Schmidt stated they have begun resuming the meetings as another site has been selected for consideration. He stated they met with Horne Construction this past week and with architects and other members of their team to go into some details for the Mast Road site near Pruven Concrete. He stated that there has been some citizen concern that this site is near some city wells and assured everyone that the committee is mindful of the fact that this site will require a great deal of careful planning and construction to maintain the integrity of the well. He stated he welcomes further participation by the Conservation Commission and the public in this regard.

Berry asked if we will still be coming within budget at that site.

Schmidt stated he feels confident that we can construct a facility within the targeted amount but is not confident that it will be the facility that the city actually needs. He stated the proposal presented to the prior Council a year ago indicated a facility based on the expertise of the consulting firm with a nationwide reputation as well as our own staff requirements for providing city services. He stated their recommendation for a facility came in at 4.3 million. He stated to downsize the facility to meet the 3.7 million budget will require coming back to the City to request adding on to the facility and will ultimately cost more in the long run.

Nossiff stated he appreciates the work undertaken by the Committee but feels that we need to be certain that everything is in place with both of the major construction projects being undertaken by the city, i.e. errors and omissions insurance for all of the outside vendors, etc. He stated that we have been using the same architectural firm for many projects and recommends that there be a clear understanding that change orders will not be handed out like candy to a baby, as has occurred in Massachusetts with the Big Dig project. He concluded by stating that there should also be a clear punch list so that the problems with the last public works project are not repeated.

Schmidt stated he welcomes Councilor Nossiff's participation in the oversight process.

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C. Arena Building Committee – Councilor Matt Mayberry

Mayberry stated the committee has chosen the John B. Sullivan company to be the general contractor for the arena project. He stated that the committee was impressed with this company because they seemed to really want to do this project for the city and had a multitude of personnel on hand to answer any and all questions anyone may have had. He stated he will address more specific issues when the resolution is up for discussion.

D. Parking and Traffic Committee – Councilor Betsey Andrews Parker

Councilor Hindle spoke in the absence of Andrews Parker. Hindle stated the committee met on April 5th, at which time they discussed several issues including the traffic around Fleet Bank and Green Street with 15 residents in attendance. He stated the residents have witnessed several accidents at that site, although the Police Department statistics didn't support this testimony. He stated that the committee is recommending 2 parking spaces in front of the Nynex building to allow for sight distance and to replace the yield sign on Fayette Street with a stop sign. He stated the committee also discussed a request for a crosswalk at Shaw's Lane, increasing Parking Fines and bicycle safety issues with resident Daniel Frechera(sp). He stated that Capt. DeColfmacker informed the committee that the police department does currently have a bicycle safety campaign that includes rewarding children seen wearing bicycle helmets with various coupons to local establishments. He stated that other suggestions included placing bicyclist safety signs around the community for awareness. He stated the next meeting will be in June. He stated the committee will not meet in May but will be attending the Transportation Master Plan meeting on May 3rd.

Mayberry asked if the Master Plan committee will be looking at the feasibility of a parking garage.

Hindle stated, yes they will be and also at forming a downtown parking authority. He stated Bruce Woodruff of the Planning Department has been asked to update the Council on this issue at a future workshop.

Schmidt asked if there is a program in place to educate bicyclists on the rules of the road. Hindle stated the committee didn't speak of that issue specifically, but urged him to attend the transportation master plan meeting for his input.

E. COAST Bus – Councilor Peter Schmidt

Schmidt stated the Coast bus executive committee has met and voted to authorize the purchase of the former C&J terminal and they are currently finalizing the paperwork. He stated the intention is for C&J to continue to use the facility for the maintenance of their fleet on a lease back basis so that a substantial portion of the current property taxes that the city receives from C&J will continue to be received. He stated because of this arrangement, the net loss of taxes to the city will be minimal, even though COAST Bus is a non-taxable entity.

F. Solid Waste Advisory Commission – Councilor Tom Dunnington

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Dunnington stated the committee met on March 23rd and this was his first meeting as the Council representative. He stated that the first part of the meeting was spent judging the Earth Day recycling bumper sticker design contest which was sponsored by the School system. He stated that the winners have been chosen from the many wonderful designs submitted by the school children and will be available for distribution soon. He stated they also discussed the upcoming Hazardous Waste collection day for residents of Dover and Madbury at the recycling center on April 22nd. He stated that the commission wants the public to remember that latex paint is not considered Hazardous Waste and will not be accepted on that day. He stated that these cans should be dried up and disposed of in a regular trash bag.

Next, he stated that Deb Dineen of the Main Street Program gave a presentation on the upcoming Dover Pride Cleanup Day on May 6th. He stated this is the first time for this event and urged the Council and other citizens to participate in this volunteer clean up and beautification activity. He concluded by stating the next meeting will be on April 20th at 6:30 p.m. in the City Manager's Office.

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

9. CITY MANAGER'S REPORT

See financial report in 04/12/00 meeting folder.

Mr. Beecher began by first clarifying that the DEDC does not have a 4.3 million budget as previously stated by Mr. Scruton. He then stated that DEDC appeared before the planning board on 04/11 to seek rezoning of a piece of property on the waterfront area. He stated that Beth Thompson, Economic Development Director, is currently working with a large user to possibly use the last 20 acre site in Enterprise Park.

Next, he discussed the temporary facility for Camp Sun 'n Fun and stated that due to the lack of staffing and the multitude of other projects going on currently, a permanent facility will not be in place for this season but will be for the 2001 season.

Berry congratulated the City Manager on his response to the recent School funding issue and asked him to clarify it for the public.

Mr. Beecher stated the State had agreed last year to begin to pay some of the costs to provide an adequate education as per their definition for all cities and towns in the State. He stated that the last fiscal year, based on the State property tax, which was levied by the State and collected by the City, the schools received approximately 7 million from that. To make up the difference of what the State described as an adequate education, the School Department also received an Adequate Education Grant of 4.9 million, thereby totaling approximately 12 million from the State of New Hampshire for education, all of which went to cover the cost of education. He stated that in addition to that their total budget was over 21 million, so local property taxpayers paid an additional 9 million in taxes to cover school operations. He stated the school also received miscellaneous revenues from outside sources for out of town students and therefore received enough revenue last year to cover the cost of their budget. He stated the overall tax rate did go down in the city as a result of the state funds, but tax rates have a direct relationship to amount of expenditures that both sides expend. He stated the City side tax went up 80 cents and the school side went down 60 cents so there was a net overall decrease. He stated another thing that works to the advantage to the City of Dover is that the tax rate is set when the budget is passed by June

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15th, but the final tax rate is not set until October and therefore between the time the budget is adopted and expenditure rate is set in June, we usually pick up increased assessed value and more often than not, the tax rate that is actually set in October is usually lower than the one in June.

Discussion ensued regarding the upcoming budget workshop schedule.

Mayberry asked for an update on the Cocheco River dredging.

Steve Stancel, Planning Director – stated the Planning staff, along with Senator Bob Smith’s Office, coordinated a meeting to be on March 13th with the regulatory agencies, Senator Bob Smith, and city officials. He stated that at this meeting, Senator Smith pledged his strong support and his confidence in obtaining funding for this project. Councilors Mayberry and Nossiff attended this meeting as well. He stated with assistance of GEO Insight, the Department prepared a notice to abutters to the River Street parcel for the impending filing of an application for waivers to the State for their solid waste rules. He stated these letters were sent by certified mail to the abutters approximately 10 days ago. He stated that the waiver requests will be submitted to the NHDES on 04/13. Dean Peschel and Steve Bird met with the Board of Health of 04/10/00 to explain the project and answer any questions. He stated the Army Corps. of Engineers sent a letter to the Mayor dated 03/22/00 outlining their next steps for the project and expressing concern in meeting the potential schedule of dredging between November 2000 and April 2001, as it may not be feasible to receive state and federal permits by that time. Stancel stated he anticipates having the City’s wetlands application in to the State by early/mid May and that the Army Corps has indicated that they are moving toward the design of the dredge spoil site and awarding a contract in early May with the design completed by mid-July and federal and coastal zone management consistency concurrence in August or September. He stated he is optimistic and we have the full support of our senators and the Governor. Mayberry asked that Executive Councilor Ruth Griffin and State Senator Katie Wheeler be notified when the waiver request are submitted so they can help track this project. Schmidt stated that Senator Gregg’s office has also asked to be kept informed.

Berry moved to accept the Manager’s report, seconded by Schmidt. Motion passed 7-0.

10. UNFINISHED BUSINESS:

A. ORDINANCES IN 2ND READING

1. Ordinance #03-03/08/2000, Chapter 166, Vehicles and Traffic, Section 166-30, First notice of violation, payment schedules; Section 166-31, Subsequent Notice of Violation; Section 166-33, Summons to Court/Towing or Immobilization of motor vehicle for Non-payment of parking fines. Sponsored by Councilor Betsey Andrews Parker, Chair, Parking and Traffic Committee.

Hindle moved to adopt, seconded by Mayberry.

Capt. DeColfmacker explained that the Parking Fine Schedule was last updated in 1988. He stated this ordinance will allow the fees to cover the cost of enforcement and to streamline the process as it eliminates the “second notice”.

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

2. Ordinance #04-03/08/2000, Chapter 3, Administrative Code, Section 3-60(A), Dover Arena Commission, Alternate members. Sponsored by Councilor Jerry Reese, Chair, Appointments Committee.

Berry moved to adopt, seconded by Hindle.

Gary Bannon, Recreation Director – explained that the Arena Commission has only 5 members and they have had a problem with having a quorum at several meetings recently due the members having other commitments. He stated that with the new arena project, it is important to have a quorum of the Arena commission and adding alternate positions will help.

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

3. Ordinance #05-03/08/2000, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I: No Parking at Any Time, Bellamy Road, Lisa Beth Drive. Sponsored by Councilor Betsey Andrews Parker, Chair, Parking and Traffic Committee.

Hindle moved to adopt, seconded by Mayberry.

Motion passed on a 7-0 roll call vote.

B. ORDINANCES IN 3RD READING

C. RESOLUTIONS

1. Resolution Re: Acceptance of the Consolidated Plan and Action Plan Expenditures for the Fiscal Year 2000 Entitlement Funds of the Community Development Block Grant Program. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Hindle.

Mr. Beecher stated that the Planning Board held many public hearings on the CDBG, and feels that the work has already been done for the Council.

Berry stated that although he intends to pass the CDBG as presented, he is concerned with using this funding to relocate the alternative school.

Planning Director, Steve Stancel, stated that this is an eligible use for the funds.

Hindle asked how this actually falls under HUD guidelines.

Stancel stated that more than 51% of the students fall under the low to moderate income level.

Mayberry asked why Developmental Services is not recommended for funding.

Stancel stated that the request was for facility renovation and is not a high priority for the funding.

Nossiff asked about the School Department request for ADA disability access funding of \$50,000 and having the Planning Board deny the funding.

Stancel stated the Planning Board has funded the School Department \$50,000 over the last 3 years for ADA requirements and felt that the money could be used elsewhere this year.

Mayberry asked about the Housing Rehabilitation Revolving Loan Program.

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Stancel explained that this is a program administered by Rick Jones, the CDBG Coordinator, and is a loan at a low interest rate for qualifying homeowners to make repairs to their property for up to \$20,000 and the money is then used for other homeowners use.

Mayberry stated he would hope that those who already are assisted by Section 8 are not eligible for the program.

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

2. Resolution RE: Creation of Special Assessment for the Spur Road Sewer Line Extension.

Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Hindle.

Mayberry moved to amend item #6 by adding "not to exceed" \$3,077.00, seconded by Hindle.

Mayberry stated he has written to every constituent that this directly affects and spoken with every one. He stated some people are quite pleased and others are not, but feels we have to look at the whole picture. He stated that one resounding thought that came across was that they don't want an open-ended budget and having the City coming back with a bill for additional money and want the City to keep to the estimates.

Motion to amend passed on a 7-0 vote.

Berry moved to amend by adding a "#8" to grant an exception to Mr. Behrmann that he not be charged for any hook up associated with the sewer (due to the extreme cost of putting a sewer system on his site), seconded by Mayberry.

Boc stated he feels that the Council should first pass the resolution and let Mr. Behrmann appeal to the DUC and then he can appeal to the Council.

Discussion ensued regarding going to the DUC for a waiver and it was clarified that if the DUC rejects the waiver request then he must go to court to appeal the decision based on the Council finding that it was not handled procedurally correctly. The Council has no authority to overturn a DUC decision based on merit.

Berry asked for Mr. Beecher's opinion so that there are no legal issues.

Mr. Beecher stated that Mr. Behrmann may have more extenuating circumstances than others, but everyone has had to bear their share of the costs in some way or another and urged the Council to vote against this amendment. He stated that if we single out one person to treat specially, he feels that this would invite more legal ramifications that going to the DUC would.

Boc stated that he doesn't mind passing Bob's amendment and then if it turns out that we don't have the authority to do it then fine. He feels that Mr. Behrmann should be given a break as the City didn't treat him well through this process.

Nossiff agrees that there will be other cases that will come forth if we pass this amendment. He stated we should waive all of the people or none.

Dunnington stated he is troubled by the process and feels the city should make it right. He feels that this has been an unusual circumstance.

Boc stated we should vote on it now contingent upon it being cleared by the legal department, George Wattendorf.

Motion to amend passed on a 5-2 vote, Schmidt and Nossiff opposed.

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Mayor Boc clarified that the resolution before the Council now includes an amendment not to exceed \$3,077.00 and also to excludes Mr. Behrmann subject to approval by the legal department.

Mayberry stated that he appreciates everyone's concern and feels it is not his job to spend his constituents money but to save them money. He stated he has written to and spoken to each of the constituents that this affects and discussed numerous situations. He stated when these residents were looking at choosing between a new septic system or paying \$3,000 over a ten year period at 2% interest, the choice is economically pretty good and feels that most people, when faced with that situation, would take it. He stated that anytime we rely on the government to help us help ourselves, it is bad. He stated that we have 2 constituents, one of whom has written to all of us many times and proved some very good points, and another gentlemen who was concerned and we seem to have taken care of that, but the rest of the constituents approve this, they want this and want it under the terms and conditions presented to them. He stated why would we go back to them and say Merry Christmas, it's free when they have already agreed to this. He stated we've looked at grants and lowered the cost. He urged Council approval as he has done his homework.

Schmidt stated he feels we have already changed precedents along the way as we have waived construction costs in the north end as it applied to the one acre upon which the house was built and only extended construction costs to a large piece of property that was to be subdivided. He stated it seems that \$3,077.00 is better than replacing a septic system for \$30,000 but is more than \$600.00. He stated Councilor Mayberry makes the point that we shouldn't wait for government to bail us out, but this money is coming from government grants and feels that in view of future properties that will need to be sewered, and we established a precedent that we are going to nick the residents for the cost, whatever it may be, unsubsidized, and then waive it at a subsequent point for someone else, these people will come back to us.

Schmidt stated if all else fails, he would move to amend to waive all but the \$600.00 connection fee for all the residents on Spur Road and anyone who feels this is a great deal should be free to contribute whatever additional moneys to the city coffers, if they so choose. (not a formal amendment, no second)

Motion as amended passed on a 6-1 roll call vote, Schmidt opposed.

3. Resolution RE: Loan Authorization for Spur Road Sewer Extension. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Hindle.

Motion passed on a 7-0 roll call vote.

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11. NEW BUSINESS:

A. CONSENT CALENDAR

1. Resolution RE: Closing a Portion of Central Avenue for the 57th Annual New Hampshire Soap Box Derby. Sponsored by Mayor Wil Boc, by Request.
2. Tag Permit – Veterans of Foreign Wars Post #752
3. Raffle Permit – Garrison School PTA
4. Parade Permit – The Arthritis Foundation
5. Parade Permit – Options for Women – Pregnancy Help Center and Clinic
6. Road Toll – HOPE Worldwide New England

Berry moved to adopt 11A1 and to grant 11A2-6, seconded by Hindle.
Motion passed on a 7-0 vote.

B. RESOLUTIONS

1. Resolution RE: Establishment of RC Advantage 457(f) Deferred Compensation Plan and Trust. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry.
Motion passed on a 6-0 vote, (Mayberry out of room).

2. 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 Hindle.

Berry stated, for the record, that the amount should read \$50,000 and not \$60,000.000.

Nossiff stated he has seen this come up over the years and would like to know what the end of the line will be, is there a budget and any closure forthcoming.

Mr. Beecher explained that several years ago, Peltonen represented the City of Dover exclusively in our relationship with the PRP group, the EPA and the State relative to the Tolend Road landfill closure. He stated the City has the biggest percentage of responsibility of the cleanup so it was important to be adequately represented. He stated over the course of time, Peltonen has become chairman of the PRP group and the other members agreed to share costs for his services.

Dean Peschel stated we are in the process of doing a bio-remediation pilot project which is trying to change the ultimate closure method for the landfill, which was a cap estimated at \$24 million. He stated if we are successful with the bio-remediation method then it will cost \$8-10 million. He stated the project is going to be in the field for 1 more year followed by 6-9 months of a final report and negotiation with the State and feds to convince them that this is the best method to close the landfill.

Nossiff stated he would still like the attorney to come up with an estimate of what the future legal expenses will be.

Motion to adopt passed on a 6-0 roll call vote, (Mayberry abstained as he was out of the room for discussion.)

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RECESS/RECONVENED

3. Resolution RE: Authorization for the City Manager to Enter into a Joint Agreement with the New Hampshire Department of Transportation for the Construction of a Transportation Improvement Project Authorized in the FY01-06 CIP. Sponsored by Mayor Wil Boc by Request.

Berry moved to adopt, seconded by Hindle.

Mr. Beecher stated that this is regarding the construction of the Broadway/Oak intersection signalization and has been a part of the TIP program since 1977.

Motion passed on a 7-0 roll call vote.

4. Resolution RE: Public Access Lease Agreement for Barbadoes Pond. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry.

Mr. Beecher explained that when the Garrison Woods subdivision was proposed for Littleworth Road, it was required to contribute \$5,000 towards providing alternative access to the pond for fishermen. He stated the long term access is to be gained through the gravel pit, but in the interim, we are allowing access through the City property of the Hughes Well.

Community Services Director, Pete Lavoie, stated he initially was not in favor of allowing this access due to previous problems with illegal dumping and drinking in the area. He reviewed the map outlining the proposed access and explained that the wells are fenced off and locked and that the area will be patrolled by both Dover and Madbury police.

Lt. Cournoyer of NH Fish and Game – explained that a neighborhood meeting was held recently with 11 of the 18 abutters in attendance. He stated initially they were not in favor, but after hearing the proposal, which includes patrolling by Dover, Madbury and NH Fish and Game officials, most were in favor. He continued to explain that the NH Fish and Game can not stock ponds that do not have public access. He stated that the fishing season is from April until October.

Motion passed on a 7-0 roll call vote.

5. Resolution RE: Award of Request for Proposal #B00027 for a Global Positioning System. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry.

Motion passed on a 7-0 roll call vote.

6. Resolution RE: Appropriation for Remediation of Contaminated Soil at Public Works Facility. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry.

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Dunnington asked if this grant is a certainty.

Mr. Beecher replied yes.

Motion passed on a 7-0 roll call vote.

7. Resolution RE: Award of RFQ/RFP #B00026 for Design/Build of an Ice Arena and Multisport Building with Renovations to the Existing Arena. Sponsored by Councilor Matt Mayberry.

Mayberry moved to adopt, seconded by Berry.

Mayberry stated this awards the contract to John B. Sullivan of Bedford, NH.

Berry stated he attended the meeting to meet the John B. Sullivan firm to talk about the issue as the cost in the background is substantially higher than what was projected. He stated that this however will have 2 sheets of ice as well as a multi-sport building, although it will not be equipped. He stated that he feels there will be a fund raising effort to equip the facility for soccer, lacrosse, etc.

Mayberry stated that John B. Sullivan brought their entire building team, including structural engineers, roofing people, ice people, locker people, gravel people etc. to answer any and all questions. He stated the committee explained that there was a budget and they were prepared to show what they could do to get it down to that figure.

Schmidt stated he has been attending as an alternate member and has heard all of the presentations. He stated he echoes the previous 2 councilors' opinion of the contractor selected and feels they demonstrated enthusiasm and compatibility to the city's needs.

Hindle asked what were the original intentions when the original proposal was presented to all of the bidders.

Mayberry stated that the original intention was to have 2 sheets of ice with a multipurpose field. He stated that basically they sent out for the whole package and then found that it came back well beyond the budgeted amount. He stated that this company was willing to work with the figure and give us a facility that we can actually grow into. He stated we are not shortchanging the quality of the building in any way. He stated if we get into public/private partnerships with user groups and corporate partners we will ultimately be the winner and have stayed at our 3.6 million figure. He explained the various steps taken to pare down the facility for further cost savings.

Hindle asked what the current life expectancy will be for this facility as the current facility is 20 years old and has many renovations.

Gary Bannon stated that this facility will be constructed with a different combination of masonry and steel and will make it more structurally durable.

Nossiff commended the Arena Committee in trying to minimize the impact of this project, but he has received more complaints regarding this expenditure than any other issue. He wants to be assured that all building costs are included up front, including bonding.

Mayberry stated that if for some reason additional money is going to be requested, he will be sure to be able to fully explain why.

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Hindle stated that he supports sports, but is not in favor of this expenditure as he has received more negative than positive comments from constituents.

Mayberry explained that this money has already been appropriated and we are now going forward with awarding the contract. He stated that this project will be presented at the upcoming Home Show for the public.

Motion to adopt passed on a 5-2 roll call vote, Hindle and Nossiff opposed.

8. Resolution RE: Award of Purchase Order for Additional Water Meter Acquisition. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry.

Motion passed on a 7-0 roll call vote.

9. Resolution RE: Award of Purchase Order for Architectural/Engineering Services for Recreation Center Renovations. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry.

Boc asked what improvements are being made to Butterfield Gym entrance and are they related to the handicap access?

Bannon stated no, it is not the handicap access. He stated a study was done by engineers several years ago showing that the foundation of the gym couldn't be backfilled against and the entrance to the park has a drainage problem. He stated that are looking to blend the entrance with the Park and also tying together the amphitheater project.

Berry stated that after attending the Special Olympics at the Indoor Pool, he is glad to see the lockers are finally being replaced, as it is long overdue.

10. Resolution RE: Establishment of a Crosswalk on Shaw's Lane. Sponsored by Councilor Betsey Andrews Parker, Chair, Parking and Traffic Committee.

Hindle moved to adopt, seconded by Berry.

Motion passed on a 7-0 vote.

C. ORDINANCES IN THEIR 1ST READING

1. Ordinance #06-04/12/2000, Chapter 89, Dogs, Section 89-3 – Fees. Sponsored by Mayor Wil Boc by Request.

Berry moved to refer to a public hearing on May 10, 2000, seconded by Mayberry.

Motion passed on a 7-0 vote.

2. Ordinance #07-04/12/2000, Chapter 166, Vehicles and Traffic, Section 166-50, Schedule C, Stop Intersections, Fayette Street and Shaws Lane. Sponsored by Councilor Betsey Andrews Parker, Chair, Parking and Traffic Committee.

Berry moved to refer to a public hearing on May 10, 2000, seconded by Mayberry.

Motion passed on a 7-0 vote.

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3. Ordinance #08-04/12/2000, Chapter 166, Vehicles and Traffic, Section 166-50, Schedule D, Yield Intersections, Fayette Street. Sponsored by Councilor Betsey Andrews Parker, Chair, Parking and Traffic Committee.

Berry moved to refer to a public hearing on May 10, 2000, seconded by Mayberry.
Motion passed on a 7-0 vote.

4. Ordinance #09-04/12/2000, Chapter 166, Vehicles and Traffic, Section 166-56, Schedule I, No Parking At Any Time, Washington Street. Sponsored by Councilor Betsey Andrews Parker, Chair, Parking and Traffic Committee.

Berry moved to refer to a public hearing on May 10, 2000, seconded by Mayberry.
Motion passed on a 7-0 vote.

D. COUNCIL CORRESPONDENCE

1. Wetlands Permit Application – Thomas G. Hopper
2. Wetlands Permit Application – Donald A. Fortin
3. Wetlands Permit Application – Ezra Green's Farm LLC
4. Wetlands Permit Application – Advanced Systems in Measurement & Evaluation Inc.
5. Wetlands Permit Application – Northam Builders, Inc.
6. Wetlands Permit Application - Alexis Makris Trust
7. Wetlands Permit Application – Bradshaw C. Branch
8. Wetlands Permit Application – Turgeon Family Limited Partnership
9. Wetlands Permit Application – Richard Goulet

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

12. COUNCIL MATTERS OF INTEREST

Hindle stated he has attended most of the school budget meetings and over the past few months there have been some contentious issues. He urged the Council to put aside any political differences as we go forth in the process and for both sides to come together to outline steps to make education better for our children.

Berry stated he is supportive of the School budget they have brought forth but would hope that they are as forthcoming during the presentation and deliberations. He stated he has had more calls from constituents regarding the dollar impact of this budget than any other over the years, but feels that people should understand that for many years the Council has made significant reductions to the School Board requests. He stated he will wait to pass judgement until he has heard from the public and all of the presentations.

Next, he stated he is concerned with the modular unit at Sun 'n Fun, as it will not have a kitchen or bathroom facility.

Pete Lavoie stated there will be Port-a-potty on site and they will have to work something out for kitchen facilities.

Finally, Berry stated he would like something done about the lighting situation on Alumni Drive as it is very dark on that road and people have a hard time seeing the entrance to the road from Route 108. He stated Alumni Drive is considered a city street and something needs to be done.

Mayberry stated that on March 13th, a constituent of his, Dover Auto World, received the Honda President's Award, given for outstanding customer service and satisfaction.

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Next, he stated on April 7th, he, Councilor Schmidt and Councilor Nossiff attended the DARE graduation ceremony for 300 children at Woodman Park School. He commended the UNH Hockey Program for their participation in the program and event.

On March 21st, he and Councilor Hindle attended the Horne Street Taxpayers Association meeting to hear their opinions on the budget.

Schmidt stated he agrees with Councilor Hindle that the Council and School Board need to work together. Secondly, he is glad that the City Manager has committed to a permanent solution for Camp Sun 'n Fun in 2001 and acknowledged Mrs. Case for her work in following through with the situation and assured those concerned that the Council will continue to monitor the progress.

Boc stated the lights at Alumni Drive have been discussed many times and proposes that the cost be shared between the City and School. He asked Mr. Beecher to come up with a cost for the next meeting.

Next, he stated he would like to see the brush pile hours extended on Saturdays as people need to be able to dispose of the yard waste they work on during the day. He stated that Adopt-a-Spot participants often do their work on Saturdays and then have no way to dispose of the debris. He would like to see it stay open until 5:00 p.m.

13. ADJOURNMENT

Hindle moved to adjourn seconded by Dunnington. Motion passed unanimously.

Valerie A. French
DEPUTY CITY CLERK