

MINUTES
REGULAR COUNCIL MEETING
JULY 12, 2000
DOVER CITY COUNCIL
COUNCIL CHAMBERS
7:00 PM

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Andrews Parker led the Pledge of Allegiance.

3. ROLL CALL

Mayor Pro Tem Berry, (Acting Mayor); Councilors Andrews Parker, Dunnington, Hindle, Mayberry, Nossiff, Reese, and Schmidt present. Mayor Boc absent.

4. MAYOR'S REPORT

5. PUBLIC HEARING

- A. Ordinance #11-06/14/2000, Chapter 163, Trees and Vegetation (Adding new Chapter). Sponsored by Mayor Wil Boc by Request.

Mayor Pro Tem Berry opened the public hearing, seeing no one wishing to speak, he closed the public hearing.

- B. Ordinance #12-06/14/2000, Chapter 131, Offenses, Section 131-11, Public Peace. Sponsored by Councilor Betsey Andrews Parker, by Request.

Mayor Pro-Tem Berry opened the public hearing asking if anyone wished to speak.

Ron Huml of 199 Mast Road lives 120 feet from the intersection and radios vibrate his house frequently; therefore, he is in support of the ordinance.

Terrance Dunn of 15 Lakeview Drive is also in support of the ordinance but he is concerned it is not going quite far enough. He stated Durham has a decimeter that measures sound. It is only directed to people who have amplified systems in their vehicles. Amplifiers are not the only thing offensive; there are motorcycles, screeching brakes, etc.

Ted Ackman of 3 Niles Street concurs with the previous speaker about noise pollution and he also wonders if we are going far enough in curbing noise pollution as a whole, since vehicles violate your sense of peace inside the house.

James Thompson of 530 Sixth Street agrees with the above. He owns an amplifier system and when he drives by people's homes, it is only about a 15 to 20 second annoyance. Also, he does not see how this ordinance would be enforced.

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Dick Dolbec of Sixth Street applauds the folks who put this ordinance forward. Some of the people on his street he can hear for a half mile away. He will be in favor of enforcing this ordinance.

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

6. CITIZEN'S FORUM

Berry opened citizen's forum, asking if anyone wished to speak.

Ron Huml of 199 Mast Road spoke regarding money and funds and the \$400,000 excess school funds. He feels this money should go back to the taxpayers.

Gil Allen of 7 Wallingford Street represents the Paul Street Association. He has not consulted with the Paul Street people today. He's here about the Ethics violation. He stated they are very displeased with the results and they are very concerned about the breach of ethics that is so blatant. They had collectively filed the complaint and today he learned this issue was settled behind closed doors and it appears the council is condoning the action. He has a suggestion that he feels the result should be made public. Also, he thinks it should go back to the Planning Board for a proper vote.

Ted Ackman of Nile Street spoke about back when the City put in the waste water sewer system, they had torn up the Henry Law Avenue area and replaced the sidewalks with petroleum based products before covering it up. He went on to say if anyone other than the government had done this they would be put in jail. He wants the sidewalks on Henry Law Avenue redone completely and without petroleum based products.

Marc Hiller, Chair of the Ethics Board informed the public the board has spent many hours reviewing the complaint. Their findings were submitted to the City Council; therefore, any action that will be taken is up to the City Council. For the record, findings were submitted to each City Councilor. Whatever actions do or do not occur lie with the City Council. Mayberry asked about the procedure. Mr. Hiller stated notification has been sent to the complainants and to the City Council.

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

7. MINUTES

- A. May 31, 2000 – Budget Workshop
- B. June 7, 2000 – Special Council Meeting
- C. June 14, 2000 – Regular Council Meeting

Andrews Parker moved, seconded by Mayberry to accept. Schmidt moved, seconded by Mayberry to accept with corrections as presented. All in favor of accepting minutes as amended.

8. REPORTS OF STANDING AND SPECIAL COMMITTEES

- A. Planning Board – Councilor Jerry Reese

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Reese stated the Planning Board met on Tuesday, July 11.

They considered and accepted an application for a Conditional Use Permit for Thomas Hopper at 19 Landing Way.

C/A an application for a Conditional Use Permit for Robert & Eva Turgeon at 73 Cocheco Street.

C/A an application for a minor subdivision and minor lot line adjustment of land for Albert & Christine Estes on Long Hill Road Ext.

C/A an application for a minor lot line adjustment of land for McEneaney Survey Associates located on Crestview Drive and Glenwood Avenue.

C/A an application for a site plan of land for John B. Sullivan, Jr. Corp., Dover Ice Arena, located at 110 Portland Avenue.

B. Public Works Building Committee – Councilor Peter Schmidt

Schmidt stated the Building Committee meets weekly. The entire project has gone out to bid and we are anticipating bid results by the end of the month, July 26 is the tentative target date. The results will be presented to the council at the next meeting on August 9 for approval. They are waiting for bid results.

C. Arena Building Committee – Councilor Matt Mayberry

Mayberry deferred until the resolutions come forward later on the agenda.

D. COAST Bus – Councilor Peter Schmidt

Schmidt met on Tuesday, July 11 at 9: 00 a.m. with the COAST Bus Executive Board. They have moved into the former C&J facility. Maintenance has been taken over by C&J. C&J is leasing back a portion of the building. They will be discussing the operations of the facility and they will have their annual meeting in September with the election of a new Board of Officers.

COAST is looking at alternative operating concepts.

E. Solid Waste Advisory Commission – Councilor Thomas Dunnington

Dunnington stated the Commission met on June 15.

Jeff Pratt informed them of the closing of the position for a new employee at the recycling center. They are expecting to have someone on board this month. Jeff Pratt will also be retiring. There will be some changes at the recycling center.

They discussed a key video entry for the recycling center at different times when recycling is not open. The cost of the key fee would be sufficient so that not everyone in the city would have a key. This would generate some income and some flexibility. This will be explored over the next few months.

They are proposing hours of operation:

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Tuesday and Thursday 12:00 noon – 5:30 p.m.

Wednesday 8:00 a.m. – 1:00 or 2:00 p.m.

Saturday 8:00 a.m. – 3:00 p.m.

This will depend on their ability to staff the facility and the budget dollars that are available.

There will be a bulky waste collection **either** September 25 through September 29 **or** October 2 through October 6. The dates are not firm yet.

The Commission talked about the Public Works facility. The May 2000 issue of American City and County has a very good article on solid waste and recycling. The top 18 communities are listed and Dover was recognized. Dunnington feels Dover is a trendsetter.

The next meeting will be July 20.

F. Parking and Traffic Committee – Councilor Betsey Andrews Parker

Andrews Parker stated the committee will meet next on July 19 in the City Manager's Office at 6:00 p.m. Items on the agenda are: car stereo speaker noise and additional ordinances with discussion on stop signs.

Berry stated the Public Peace Ordinance (10.A.2.) coming up later in the agenda is being referred to the Parking and Traffic Committee on July 19 and a third reading on August 9. Andrews Parker stated this will also include motorcycle noise.

Andrews Parker moved to accept the reports, seconded by Dunnington. All in favor.

9. CITY MANAGER'S REPORT

Joyal stated the City Manager is ill this evening. He went on to say the City Manager's report had been previously distributed (see City Council folder of 7/12/2000). We will be recognizing \$1,000,000 worth of revenue in excess of what was budgeted. Also, departments were able to turn back approximately \$260,000 in unexpended funds that were not needed for their operations.

As far as construction, we issued 60 permits at \$1.3 million and we have received \$8,460 in fees.

Berry asked about unanticipated revenues and maintaining the fund balance and wondered if that would be a budget amendment. Joyal stated, yes, it would be a budget amendment.

Reese commented on replacing the City Manager's appointment on the Planning Board with someone that would be able to attend the meetings. He stated the seat remains vacant and that a new house bill (legislation) was passed that allows the City Manager to appoint someone. Andrews Parker moved, seconded by Hindle to accept. All in favor.

10. UNFINISHED BUSINESS:

A. ORDINANCES IN 2ND READING

1. Ordinance #11-06/14/2000, Chapter 163, Trees and Vegetation (Adding new Chapter).
Sponsored by Mayor Wil Boc by Request.

Andrews Parker moved, seconded by Hindle to adopt. Mayberry asked a question about cutting a tree on private property and would the owner need to consult with the city arborist.

Ralph Phipps, the city arborist, stated only if the tree is on City owned property. Andrews Parker asked Phipps if the arborist has to notify the neighborhood people before chopping a tree near people's houses in case it has become a favorite or special tree to the neighborhood. Phipps stated the City does not go door to door unless it is a major tree or group of trees and cutting it would severely affect the neighborhood.

Andrews Parker stated the residents of the Long Hill Road area were very upset when the trees were cut down in that area. Phipps stated a big red **X** had been applied to the proposed trees weeks before the City took them down and no one had called or mentioned the trees during that time.

Schmidt asked about the trees on private property and if the trees could be cut down and if big branches that extend over public property can be cut. Phipps stated, yes. Motion to adopt passed on a roll call vote of 8-0.

2. Ordinance #12-06/14/2000, Chapter 131, Offenses, Section 131-11, Public Peace.
Sponsored by Councilor Betsey Andrews Parker, by Request.

Andrews Parker moved, seconded by Mayberry to refer to a third reading on August 9 and the Parking and Traffic Committee on July 19. Dunnington is concerned about the noise from 100 feet away. He feels this will be very difficult to enforce. In Durham they have a meter to measure the sounds but it is too difficult to enforce so they have stopped using the device. Motion passed by all.

B. ORDINANCES IN 3RD READING

There were none.

C. RESOLUTIONS

11. NEW BUSINESS:

A. CONSENT CALENDAR

1. Parade Permit – Knights of Columbus Council 807

Andrews Parker moved, seconded by Hindle and Mayberry to grant and place on file. All in favor.

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B. RESOLUTIONS

1. Resolution RE: Award of Purchase Order for Random Crack Sealing Services. Sponsored by Mayor Wil Boc, by Request.

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

2. Resolution RE: Award of Purchase Order for Snow Plow/Dump Body Equipment and a Sand/Salt Spreader with Liquid Spray System. Sponsored by Mayor Wil Boc, by Request.

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

3. Resolution RE: Award of Purchase Order for Professional Audit Services. Sponsored by Mayor Wil Boc by Request.

Andrews Parker moved, seconded by Hindle and Mayberry, to adopt. Motion passed on a roll call vote of 8-0.

4. Resolution RE: Award of Bid #B00061 for Sidewalk Improvements. Sponsored by Mayor Wil Boc, by Request.

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

5. Resolution RE: Award of RFP #B00054 for Fourth Street Reconstruction Consulting Services. Sponsored by Mayor Wil Boc, by Request.

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

6. Resolution RE: Award of Purchase Order for Six (6) New Police Cruisers. Sponsored by Mayor William E. Boc by Request.

Andrews Parker moved, seconded by Mayberry, to adopt. Mayberry asked about the bid going to Irwin Motors of Laconia. Joyal stated whatever bid is most advantageous to the City is the one they went with. Andrews Parker asked about the cars that are replaced and who get the old cars. Joyal and the Chief explained that the old cars are passed on to departments that can use them and those departments' old cars are then put up for auction if there is anything left of them. Reese asked the Chief where we are in the vehicle replacement program. The Chief stated we will probably only need 4 cars next year and we are right on track with the program. Motion passed on a roll call vote of 8-0.

7. Resolution RE: Award of Purchase Order for a New Dump Truck. Sponsored by Mayor Wil Boc, by Request.

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

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

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

9. Resolution RE: Amendment to Rule 1-10: "Memo" Meters – of the Dover Utilities Commission Rules and Regulations. Sponsored by Councilor Matt Mayberry and Councilor Jason Hindle.

Mayberry moved to refer to a Public Hearing on August 9, seconded by Hindle. All in favor.

10. Resolution RE: Amendment to City Charter Sections C2-1A, C2—2, C3-1 and C4-2 Entitled "Conduct of Elections", "Ward Officers", Membership", and "School Board" to Accomplish Three Year Staggered Terms. Sponsored by Councilor Jason Hindle.

Hindle moved to refer to a Public Hearing on August 9, seconded by Reese. All in favor.

11. Resolution RE: Amendment to City Charter Section C3-6 Entitled "Salaries and Compensation" and Section C4-6 Entitled "Compensation". Sponsored by Councilor Jason Hindle.

Hindle moved to refer to a Public Hearing on August 9, seconded by Mayberry. Motion passed on a vote of 5-3. Dunnington, Schmidt, Reese opposed.

12. Resolution RE: Additional Appropriations for FY01 Capital Improvements Program and Authorization for Bonding. Sponsored by Mayor Wil Boc by Request.

Andrews Parker moved to refer to a Public Hearing on August 9, seconded by Mayberry. All in favor.

13. Resolution RE: Authorization of Issuance of Building Permit on a Class VI Highway. Sponsored by Councilor Wil Boc, by Request.

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

14. Resolution RE: Recognition of an Individual's Contribution to the Growth of Ice Hockey and Honoring His Memory by Ascribing the Name of Charles E. Holt Jr. to the New Ice Surface at the Dover Arena. Sponsored by Councilor Peter Schmidt.

Andrews Parker moved, seconded by Mayberry, to adopt. Schmidt moved to table, no second. Mayberry moved, seconded by Andrews Parker, to go into executive session. Motion passed on a roll call vote of 7-1. Reese opposed. Schmidt moved, seconded by

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Mayberry, to adopt. Motion passed on a vote of 6-2. Hindle and Nossiff opposed.

15. Resolution RE: Recognition of an Individual's Contribution to the Creation of Ice Facilities in Dover and Promoting Their use by Ascribing the Name of Robert H. Foster to the Current Ice Surface at the Dover Arena. Sponsored by Councilor Peter Schmidt.

Schmidt moved, seconded by Mayberry, to adopt. Motion passed on a vote of 6-2. Hindle and Andrews Parker opposed.

C. ORDINANCES IN THEIR 1ST READING

1. Ordinance #13-07/12/2000, Chapter 166, entitled Vehicles and Traffic, Section 166-49, Schedule B, Prohibited Turns at Intersections – New Rochester Road/Willand Avenue. Sponsored by Councilor Betsey Andrews Parker, Chairman, Parking and Traffic Committee.

Andrews Parker moved to refer to a Public Hearing on August 9 and to the Parking and Traffic Committee on July 19 in the City Manager's Office, seconded by Hindle. Motion passed on a vote of 7-1. Reese opposed.

D. COUNCIL CORRESPONDENCE

1. Wetlands Application – Northam Builders, Inc.

Andrews Parker moved, seconded by Mayberry, to place on file. All in favor.

12. COUNCIL MATTERS OF INTEREST

13. ADJOURNMENT

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

JUDY GAQUETTE
CITY CLERK