

**MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 13, 2000
DOVER CITY COUNCIL
COUNCIL CHAMBERS**

6:00 PM

WORKSHOP SESSION RE:

A. PUBLIC WORKS FACILITY RELOCATION

The Mayor turned the meeting over to Mr. Beecher, the City Manager, explained the reason for tonight's workshop and he asked Steve Stancel to further explain the history (see folder for history of the Public Works site selection process). He concluded by saying all of the sites had pros and cons and there is no perfect site. Also, many sites are no longer available. The City Manager went on to speak about Enterprise Park. He asked Paul Vlasich to explain how many areas are currently zoned industrial. Mr. Vlasich introduced Bob Duvall as the consultant on this case.

The Mayor asked about the watershed protection area. Paul Vlasich explained how fast a drop of oil takes to get into a well - 1000 days.

The consultant explained that industrial uses are not incompatible to industrial areas. Thirty percent of all industrial land is within a wellhead area. This is not an unusual situation. He named several industries that are included within the wellhead protection area and they are all permitted by law. He went on to say all considerations have been taken in this area. This land, if in private hands, would be legally okay to develop. A public works facility is a fairly benign use for this land. The EPA has approved this facility for this site. Dunnington asked about any anticipated uses for this site. The consultant mentioned the storage of salt, hazardous waste, and a junkyard. Nossiff asked about the hazardous waste day that includes a transfer station for the area. The City Manager clarified the recycling part has been removed because of funding. The City Manager stated he needs to make a decision and needs their direction tonight. Nossiff prefers to have the whole facility at one site. Dean Peschel tried to clarify this issue for Nossiff.

Hindle says he is confused as we already voted for a particular site and we voted NO. The Mayor clarified we voted on funding, not the site as yet. We have to tell the City Manager where we go from here. Mayberry stated, it was not a vote for the location, but for the funding. Andrews Parker wished the history had been given earlier.

The Mayor asks Dean Peschel about Nossiff's concern of the transfer site. Dean says it has not been considered. He asked about Venture Drive. Dean says that is not in a wellhead site. Andrews Parker asked, when we move the site, how much will we need to invest in this after we move this facility including parking lots, etc.? The City Manager feels this is a difficult question. To do anything other than a park or flowers it would be hard to say how much. He feels it is worth more as a park, but they have not had the opportunity to explore their options.

Mayberry stated any future sale of the Paul Street neighborhood; the funds would be earmarked for the development of the waterfront. The City Manager stated the staff had pondered the 5-4 vote on the site; he does not care where we go, but it must be resolved. Our insurance company

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has given us a list of items to fix at the current place, he does not care if we go to Mast Road the staff also does not care, but sites are being developed and there are not many sites left. Wherever we decide to go, let's just decide.

Earle Goodwin stated that hazardous material has to be removed before this old site is moved. No developers will touch it until then. Nossiff asked if Mast Road is still an active pit. Nossiff wanted to know if we were using the materials from the pit to start this facility. He also asked, does the Venture Drive site have as much room as the Mast Road site?

The consultant says the facility would have a tight fit up there. Nossiff asked again about the State of New Hampshire joining us. The City Manager says they are not interested in using the same salt pile, etc. as the City. Berry thanked the City Manager for holding this. The Mast Road site has been on the list at least 10 years and it keeps coming back. If we don't use this, we should go back to the Planning Board and rezone because we do not know what will go in out here. Mayberry spoke of the public relations learning curve. He would be willing to make room for another councilor if they think they can help move this forward. He wondered if we should review the safety measures that have been included in the proposed plan.

The City Manager would like the council to decide tonight. The Mayor is giving direction to go ahead with the Mast Road site right now. Schmidt pointed out the site approval process was followed very extensively and carefully. They went by the Conservation Commission's recommendations. Nossiff says we still have some confusion and he feels the site in the industrial park is still available. His preference is if the transfer station could be there too, he wants the industrial park for the site. Dunnington appreciated the historical perspective, but he keeps coming back to the Mast Road site. Hindle stated you already know his preference. Berry still likes the Mast Road site. Mayberry says his job on the committee is to build a good facility. He told of the frustrations of the committee and stated, just let us know where. Schmidt says Mast Road. Andrews Parker likes Venture Drive and Sixth Street. The Mayor will introduce another resolution to put it at the Mast Road site; we will need a 5-4 majority vote. Andrews Parker wants a resolution brought up tonight. The Mayor and Council took a 5-minute recess.

7:00 PM

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Nossiff led the Pledge of Allegiance.

3. ROLL CALL

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

4. MAYOR'S REPORT

The Mayor has been very busy, with ribbon cutting services. On 8/17 he attended a BBQ for the Australian people visiting and was honored to welcome them to Dover, on 8/30 he welcomed a farm group from Ohio to the city, on 9/3 he threw the opening football for the Dover Youth Football with approximately 450 youths in attendance. The Mayor played in many golf tournaments this month. He thanked the supporters of the thermal imaging equipment. He read the proclamation for Well Spring Chiropractic. He introduced the Mayor's award to Jenny Thompson. He read the proclamation and gave a little history on Jenny. The Mayor asked Gary Bannon to explain further, about the encouragement and the poster for sale in the City Clerk's Office and also at the Chamber of Commerce. He also stated we would try to plan a holiday parade for her if she can be back here by then. Mayberry moved to accept, seconded by Dunnington. All in favor.

5. PUBLIC HEARING None.

6. CITIZEN'S FORUM

Faye Lewis - 812 Martha's Way. Ms. Lewis spoke regarding the fireworks at Garrison Hill. She is asking to have them put back to the High School as the community can all get together there (see petition).

Nick Skaltsis - 6 Erik Drive. He is a school board member. He stated on Monday night they formed a committee for a permanent place for the Alternative School and now they would like volunteers to meet about twice a week until Thanksgiving. He gave a little history of the alternative school and how important it is to the City. Mr. Skaltsis stated they had looked at temporarily housing the alternative school in the front portion of the old middle school. The offer has been on the floor for them to take over the annex but they have three issues with that including funding. The three issues are:

Educational philosophy (do these students belong in this building?),
What will happen with the rest of the building? (mixed use structure), and
Funding

For those 3 reasons, they want to look at alternative sites as it is a # 1 priority in their CIP. Mr. Skaltsis wants to be sure the council understands the direction they are taking and hopefully, the council will find a permanent solution.

Ken Latchaw - 15 Reyners Brook. Mr. Latchaw is opposed to the proposed noise ordinance. He believes it will be labor intensive and costly to litigate. He also believes the current public peace ordinance is all that is needed. He urged them not to support the ordinance.

Karen Drapaniotis - on behalf of Dover Main Street. She is pleased to promote Jenny. Mrs. Drapaniotis mentioned the posters on sale in the City Clerk's Office.

Gary Bannon stated Jenny's first event is this Saturday. Berry would like the first event to be put on DoverNet.

Mayberry will buy the first 5 banners. The Mayor wants one of the free ones.

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

7. MINUTES

- A. July 12, 2000 Regular Council Meeting
- B. July 26, 2000 Workshop/Special Meeting
- C. July 31, 2000 Special Meeting
- D. August 9, Regular Council Meeting
- E. August 14, 2000 (continuation of) Regular Council Meeting 08/09/2000
- F. August 14, 2000 Special Meeting
- G. August 24, 2000 Special Meeting/Workshop

Berry moved to accept, seconded by Mayberry. Schmidt will submit corrections for F and G, approves A through E. Berry will move for acceptance of A through E, seconded by Mayberry. All in favor. Berry moved that F and G be moved to the 10/11 Regular Council meeting. All in favor.

8. REPORTS OF STANDING AND SPECIAL COMMITTEES

A. Planning Board – Councilor Jerry Reese

The Planning Board met on September 12.

They considered and accepted a minor lot line adjustment on Back River Road for Scott Wentworth, Stephanie Schintzius and Elizabeth Canada Trustee.

B. Public Works Building Committee – Councilor Peter Schmidt

Schmidt stated the Public Works Committee has not met since the last meeting.

C. Arena Building Committee – Councilor Matt Mayberry

Mayberry reported the addition is currently going on at the outdoor pool area. They are taking pledges for funding.

D. COAST Bus – Councilor Peter Schmidt

Schmidt stated COAST has recently purchased several "used" buses and they are being rehabilitated for use. They are also in the process in upgrading their maintenance operation. Mayberry asked if this is also Ride a Bus Week, Schmidt stated it is Tri Transit week saying how COAST is offering reduced fare this week.

E. Solid Waste Advisory Commission – Councilor Thomas Dunnington

Dunnington stated they met 8/17 and reviewed the new proposed recycling center design and they also spent some time discussing trash that has been left on the street for long periods of time. This is a fairly prevalent problem. A wide majority of the problems are in and near apartments. It is an enforcement issue. They want to spend some time educating people. Andrews Parker asked, what happens when a person buys a bulky tag,

do they have to call the City? Dunnington stated, no. He mentioned the bulky waste pickup week is September 25 through September 29. The City Manager clarified about the white appliances stating they do not need a bulky tag, but residents should call for the item to be picked up the first of the month. Schmidt commented on the issue of putting out trash on an earlier day than your pick up day.

F. Parking and Traffic Committee – Councilor Betsey Andrews Parker

Andrews Parker stated they met on 8/16 and resolved a parking issue for a resident. They are working with Mayberry and a downtown business on a loading zone issue and a parking issue. The next meeting is on 9/20. Berry asked about Dover Middle School and a traffic light. A study has indicated a light is necessary. Berry stated a traffic jam would occur unless it is only run for just certain periods a day. Andrews Parker says it is on their agenda she is also looking for additional items for her agenda.

Nossiff asked about the Garrison School site. Reese stated, "I told you so", he argued long and hard for the traffic light. Andrews Parker will go to Nick Skaltsis' meeting if he will go with her. Berry moved to adopt, seconded by Mayberry. All in favor.

9. CITY MANAGER'S REPORT

The City Manager stated the City Budget started July 1, 2000. The city has collected \$1.3 million in general fund non-tax revenues for approximately 18%. The expenditures are \$2.973 million or approximately 23%. They issued 64 building permits in August for \$3.8 million in construction value and collected \$20,730 in fees.

Mayberry asked the City Manager about building permits; do we keep track of new people? Berry moved to accept, seconded by Nossiff. All in favor.

10. UNFINISHED BUSINESS:

A. ORDINANCES IN 2ND READING

B. ORDINANCES IN 3RD 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 adopt, seconded by Hindle. Andrews Parker explained about the second speed bump and a pretty rock that has been agreed to by the residents in the area. The Mayor congratulated her for getting all the diabolically opposed residents together. Schmidt will vote no on this as he considers it a safety issue by allowing this left-hand turn as traffic will back up. He does not feel it is really necessary. In addition the residents have had their Willand Avenue turned into a thoroughfare if we pass this.

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Berry commented on seeing the folks here and he will be pleased to vote for it. Reese feels this is a wonderful compromise and applauds Andrews Parker. Mayberry commented on the compromise and Andrews Parker's negotiating skills. Dunnington stated this is a unique situation and the people affected by this dealt with it and he will vote for this. Andrews Parker thanks staff for helping and making the ordinance work. Schmidt is still opposed.

Motion passed on a roll call vote of 8-1. Schmidt opposed.

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 to adopt, seconded by Mayberry. Andrews Parker explained the enforcement issue on this. She asked Chief Fenniman to answer questions. The Chief gave the history of the proposed ordinance. He explained they had investigated other cities' ordinances pertaining to this issue. He explained the 100 feet and told about going to district court and what the judicial people said. They have worked very hard. This is a policy decision, not an enforcement issue. His friend Mr. Latchaw had already commented on this tonight and said the peace ordinance would not work in this instance.

Berry asked if he borrows the Mayor's convertible and cranks up the stereo in the wind, would he be arrested? The Chief says he would be summoned and fined because we added the enhancement to the ordinance. The ones we are talking about are the speakers that fill the back seat; these are ones we are talking about. This ordinance won't be able to be enforced. Mayberry asked about a pedestrian that may complain that their sense of privacy has been violated; they have to make a determination stated the Chief. In that case, the citizen would have to sign the summons.

Schmidt lives on Fourth Street and has these boomboxes going by his house in the middle of the night. He does not feel this could possibly be safe to drive a vehicle such as this, and feels this is a tremendous annoyance. Dunnington does not like these boomboxes either, but this is an ordinance; that says we do not like this activity, so we will enact an ordinance. He referred to Harleys going up his road; we are on dangerous ground when we do this. It is too narrow and he does not feel we can legislate against this ordinance. He can not support this. Nossiff appreciates the comments; he referred to a letter he received from State Trooper Bill Graham regarding enhanced mufflers and how he has problems getting convictions on the loud mufflers at Hampton Beach.

The Chief commented he takes issue with Trooper Graham and the RSA that says how far you can hear a muffler, he feels it is fairly easy to enforce a loud muffler, second this is a Hampton ordinance and it deals with decibels of the mufflers. The constitutionality is the same, then he takes it to another level and Trooper Graham is all wet. The Chief believes in working with District Court and feels it can be enforced. Nossiff interrupts, in defense of Trooper Graham. The Chief knows him and feels the trooper is referring to the decibel ordinance. The Chief stated we have had four (4) requests from areas around the Seacoast for a copy of this ordinance.

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Mayberry says he has been a victim of this issue. We should look at the enforcement of this. He is against this as he feels this is a personal issue. Andrews Parker explained why she brought this forward.

Berry asked, are hearing-impaired people prevented from getting a driver's license? The Chief stated, no. Andrews Parker stated she has been a victim of the Durham ordinance while in college. She feels there are reasons why the manufacturer puts regular systems in their cars. The fact is, the people are not being responsible while doing this. It is a safety issue. Dunnington totally disagrees; stating cell phones are safety issues, etc. Motion passed on a roll call vote of 5-4. Reese, Berry, Dunnington, and Mayberry opposed.

C. RESOLUTIONS

1. Resolution RE: In Support of Home Rule. Sponsored by Councilor Betsey Andrews Parker.

Andrews Parker moved to adopt, seconded by Mayberry. Mayberry has a question on Home Rule, would it allow towns and municipalities to set some rent controls? The City Manager stated that is a good question. Andrews Parker says if an RSA is already in place, we will not be able to overrule them. Can a town then set some controls and will it supersede this? The City Manager says, yes and will get it clarified? Nossiff will oppose this resolution because he does not feel we have enough to make this operate. He feels we could change things that would not have the support of citizens. Andrews Parker clarified, we are voting on our support of the ballot question in November on question # 1. Motion passed on a roll call vote of 8-1. Nossiff opposed.

11. NEW BUSINESS:

A. CONSENT CALENDAR

Berry moved to suspend the rules to add 11.A.5., seconded by Mayberry and Schmidt. Motion passed on a roll call vote of 9-0.

1. Parade Permit – Diamond's Wedding @ Henry Law Park/Covered Bridge
2. Raffle Permit –Greater Dover Chamber of Commerce
3. Tag Permit – Great Bay Figure Skating Club
4. Tag Permit – Somersworth/Berwick Youth Hockey
5. Raffle Permit – Dover High School Football Boosters Club

Berry moved to adopt, seconded by Mayberry. All in favor.

B. RESOLUTIONS

1. Resolution RE: Award of Purchase Order to Dover Vocational Trust for New Building Construction Services – Bellamy Park. Sponsored by Mayor Wil Boc, by Request

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Berry moved to adopt, seconded by Mayberry. Dunnington asked about the site work and how much will this cost? Gary Bannon says \$8,000 or less. We did most of it in house. Andrews Parker wants to have vinyl siding instead of cedar shingles. She is concerned with the upkeep. Berry does not recommend vinyl because of vandalism, etc. Motion passed on a roll call vote of 9-0.

2. Resolution RE: Award of Purchase Order for Parking Ticket System Computer Software Upgrade. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Hindle. Mayberry has a question on the \$14,000 plus, what do we get for this? The City Manager says it includes a year's worth of maintenance. The Chief says it will allow them to use handheld units on the street and saves a tremendous amount of labor. Motion passed on a roll call vote of 9-0.

3. Resolution RE: Award of Bid #B01002 for Highway Winter Road Salt. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry. Motion passed on a roll call vote of 9-0.

4. Resolution RE: Sale of Surplus City Property on Middle Road. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry. The City Manager recommends this item go to the high bidder for \$3,100.

Nossiff questioned this landlocked property and the assessed value of it. The City Manager clarified the only two people this concerns are the Viels and Johnsons. The Mayor calls Bruce Woodruff as a City employee, not as a bidder on this. Mr. Woodruff stated there are some missing links here, there used to be a house there, the lot could be built on. There was a house there prior to 1964 then the people passed on, then the fire department burned it down. There are deeds missing in the chain of title, but not in anything he has researched. Mayberry abstains because of a client who is interested in the lot. Dunnington asked about the owners. Lynn Dennis is here and represents the Viels telling us there is not direct access to this lot, and there is a dispute between the Viels and the Johnsons regarding the access. The attorney says to build or not is not something her client wants to do. She does not want her client to say they would never seek to build, but they are under no obligation to comply with that. The City Manager pointed out the other alternative is that they do not sell the property. Motion passed on a roll call vote of 5-3. Nossiff, Andrews Parker, and the Mayor opposed. Mayberry abstained.

5. Resolution RE: Award of Bid #B01001 for Spur Road Sewer Project. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry. Dunnington asked about a right of way for abutters. The City Manager says it is not on this end of the road. Motion passed on a roll call vote of 9-0.

6. 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

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Improvement Project Authorized in the FY01-06 CIP. Sponsored by Mayor Wil Boc, by Request.

Berry moved to adopt, seconded by Mayberry. The City Manager asked Bruce Woodruff to explain. The project is located behind the arena and behind the pool. The project avails federal funds.

Motion passed on a roll call vote of 9-0.

C. ORDINANCES IN THEIR 1ST READING

1. Ordinance # 15-09/13/2000, Chapter 9, Budget, Section 9-1, Submission Date. Sponsored by Mayor Pro Tem Robert A. Berry.

Berry moved to refer to a Public Hearing on 10/11, seconded by Hindle.

D. COUNCIL CORRESPONDENCE

12. COUNCIL MATTERS OF INTEREST

The Mayor directs the City Manager to plan the placement of the Public Works facility on the Mast Road site and come back, seconded by Mayberry. Motion passed on a 5-4 vote. Nossiff, Reese, Andrews Parker and Hindle opposed. Reese walks out.

Nossiff expressed his congratulations to the winners at the recent state primary election and recognized the agony of defeat, and how late he was out last night. He was happy about the number of people that turned out yesterday.

The Mayor commented on our poll workers, and thanked them for volunteering. We will have better signage at the next election for Ward 6 which is at a temporary polling place, the Hellenic Center.

The Mayor says we have lost a councilor and he would like to do the City Manager review. Hindle moved to adjourn. There was discussion and they decided to do the evaluation tonight. If we do not do it tonight, we should not put it off. Mayberry is upset and wants to do it tonight. Nossiff prefers the October meeting. The City Manager would like input from all 9 councilors. Maybe they could do a breakfast meeting or lunch. Everyone will be polled.

Hindle moved to adjourn, seconded by Dunnington.

13. ADJOURNMENT

JUDY GAOUETTE
CITY CLERK