

**MINUTES
SPECIAL MEETING/ WORKSHOP
WEDNESDAY
NOVEMBER 29, 2000
DOVER CITY COUNCIL
COUNCIL CHAMBERS
7:00 PM**

SPECIAL COUNCIL MEETING

1. ROLL CALL

Members Present: Andrews Parker, Boc, Dunnington, Hindle, Mayberry, Nossiff, and Schmidt.
Members Absent: Berry and Reese.

2. PUBLIC HEARING:

- A. Resolution RE: Appropriation for FY02 Capital Improvements Program and Authorization for Bonding. Sponsored by Mayor Wil Boc, by Request.

Mayor Boc opened the Public Hearing asking if anyone wished to speak:

Ron Cole, Planning Board Chairman – reviewed the Planning Board recommendations (see 11/29/2000 meeting folder). He explained that after 6-7 hours of review, the Planning Board is recommending a \$1,043,630 reduction in FY2002 and a \$6,155,000 reduction in FY2003. He then stated they recommend removing the \$108,630 from the Community Services portion of T.I.P. as it can be funded from the Transportation Improvement Fund, which was created last year through an added fee attached to car registrations.

Schmidt stated that he would like the TIP reduction clarified by the City Manager, as he had voted in favor of the resolution which added the \$4.50 per car additional fee for this purpose and was surprised to see it still in the CIP.

Beecher stated that there was some question as to whether the fund had been built up enough to be viable, but agrees with the Planning Board recommendation.

Mayberry asked about the \$100,000 left in the Police Department facility for FY2002.

Cole concluded by stating the Planning Board left \$100,000 in FY2002 for design of a Police facility because it is unclear what the use of the Old Middle School will include.

Mayberry then clarified that the Planning Board has also recommended an addition of \$100,000 to Dover High School Renovation.

Cole stated yes.

The Mayor stated that the reason we started the program to add the \$4.50 per vehicle is so that we would not have to bond the TIP funding.

Ray Bardwell, Spur Road – stated he spoke at the Planning Board meeting regarding reinvesting in the road infrastructure and urged the Council not to reduce the Community

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Services portion. He also stated he feels that the former Middle School could be used to temporarily house students from the Horne Street and Garrison elementary schools in order to build second floors to those buildings and not have to find another location for a new school.

Nick Skaltsis, School Board member – stated that the School Department request for an additional \$100,000 is being withdrawn, as the boiler at the high school can actually be repaired for approximately \$30,000 and will be covered by insurance.

Gil Hartman, Recreation Advisory Board member – stated that the Board is asking that the filter system for the outdoor pool be funded, as it cannot be operated properly without it. He then stated that the other high priority is sports playing fields. He explained that the fields we have now are used to capacity and at least 12 more fields are needed just to meet the current demands of the various sports teams.

Wayne Coolidge, member of various boards and committees including Recreation Advisory Board- stated that, as President of Dover Youth Softball, he concurs with the previous speaker that there is an urgent need for playing fields and his league alone needs at least two more fields to meet current demand. He stated he appreciates the Council's efforts in procuring more land for this purpose, but feels more needs to be done. He stated that he has heard that the dredging spoils from the Cocheco River may be deposited at Maglaras Park, which would result in the loss of a field and feels that this is a step backwards. He stated that, as a member of the Dover High School Recreation Advisory Committee, he is aware of Athletic Director Peter Wotton's need for more fields for the high school teams and had put some plans together for a field on the other side of Alumni Drive, with \$160,000 earmarked for that purpose. He stated that half of this money is now going to be used to install the traffic light at the new Middle School. Next, he stated that as a member of the Open Space Needs Committee he has come to realize that this Committee and the Recreation Advisory Board share common goals and feels that the two should work together and combine resources to secure property for playing fields, such as the Robbins property, which is adjacent to Bellamy field. He concluded by stating that making these decisions is not an easy one, but feels playing fields are a win/win situation.

Peter Forsythe, representing Dover Rotary Club – reviewed the background of the proposed Arts Pavillion at Henry Law Park to replace the band shell. Dover Rotary has raised \$60,000 already and is looking to raise another \$60,000 through grants and donations, both corporate and individual in order to accomplish this project. He explained that this project was approved by the Council previously as a part of the locker room renovation; but more money was needed to complete the locker rooms and therefore, the city needed to look for alternative funding and included it as a part of the handicap entrance project at the Butterfield Gym. He stated that in 1996 the Attorney General's Office denied a request to do this renovation. He stated that with the help of Atty. Malcolm MacNeill, that decision has been overturned, although not officially.

Schmidt asked Mr. Forsythe if he could stay for the workshop.

Seeing no one else wishing to speak, the Mayor closed the Public Hearing.

3. OTHER BUSINESS:

- A. RAFFLE PERMIT – American Legion Post #8 Auxiliary**

Boc moved to grant the raffle permit, seconded by Mayberry.
Motion passed on a 7-0 vote.

4. ADJOURN

Mayberry moved to adjourn in to the Workshop Session, seconded by Hindle.
Motion passed unanimously.

WORKSHOP SESSION

DISCUSSION RE:

- A. CODE OF ETHICS w/ Ethics Board members

ITEM WITHDRAWN

- B. OLD JUNIOR HIGH BUILDING REUSE

ITEM WITHDRAWN

- C. TOLEND ROAD LANDFILL

Mr. Beecher stated he asked Attorney John Peltonen to address the Council because some of the Councilors may not be familiar with the history of the Landfill and there will be some decisions that need to be made by the Council in the near future. He explained that Mr. Peltonen has represented the City since being named a Potentially Responsible Party (PRP) by the EPA as a part of the Tolend Road Superfund site.

Mr. Peltonen explained that the Tolend Road Landfill was a traditional type of landfill for that time period, which took all manner of industrial and municipal waste, including chemicals, as a part of the everyday activity. He stated that in the early 80's the EPA listed the landfill as a Superfund site and the City was listed as a PRP along with several local industries, including Textron who, along with the City, shared the major percentage of the cost. He stated that some of the other industries settled up front during initial remediation, which gave the group several million dollars towards the design. He stated in June 1992, all of the PRP's, including the City, signed a Consent Decree which agreed to build the landfill closure cap, leachate collection system, with some pumping and treating of the leachate and chemicals coming off of the landfill, constructing a sewer line running down to the Waste Water Treatment facility for disposal. The estimated cost was \$35 million at first, and then down to \$27 million, of which the city share is 42.8%.

He continued by stating that he has been working with the EPA and NH DES to come up with an alternative remediation treatment to capping the landfill. He stated that capping the landfill would result in unsightly 50' mounds throughout the site, leaving it unusable forever. He explained that they are in the 3rd year of studying the treatment of the chemicals in an aerobic environment, which allows rainwater to percolate through the ground thereby diluting the chemicals and treating them as they come out. He stated that the projected cost of this is \$15 million, but will probably be less in the long run.

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Schmidt asked for clarification as to whether it would cost the City \$15 million, or is it divided among the other PRP's?

Peltonen clarified that the city would be responsible for 42.8% of the \$15 million. He stated that if we had stayed on track with the capping of the landfill, the cost would have been at \$12 million by 1997 and \$12 million more in 1998 (the city liable for 42.8% of that cost). He stated that it has been more economical deferring the cost of the 4.6% superfund rate, as well as the fact that the alternative method will actually get rid of the chemicals eventually rather than containing them. He stated that the problem we have is that we are the first in the country to propose an alternative and it has been 1 ½ years of negotiations with the EPA. He stated that the EPA wants to stay with the "known" remedy, but since we are paying for the study, they have allowed it. He stated the study will cost 3 ½ - 4 million over the 4 year period. He stated that so far the plume hasn't crossed the road, according to the monitors, but all of the homes in that area are on city water. He stated that there are monitors installed at various points which monitor the plume going in and out. He stated that the groundwater moves very slowly in that area, which is good, because it provides time for the chemicals to degrade.

Peltonen stated that the EPA and the State have not bought into this as of yet, although he has been meeting with them at least monthly. He stated they are going to begin a final report in January to build toward consensus for closure by November 2001 to change the Record of Decision issued in 1990. He stated this Record of Decision is the document by which the EPA selects a remedy. He stated that, in order to change a Record of Decision, it takes a minimum of 4 months including public notice and then go to court for approval, and so far the court has been cooperative.

Schmidt stated he toured the site in 1999 and was told there was some possibility of Vice President Gore visiting the site. He asked if there has been any federal and/or State officials that have visited the site or are involved in any way.

Peltonen stated that Gore was unable to visit the site, but Congressman Sununu has seen it several times and that Senator Bob Smith has met with him several times and is very well informed of the situation. He stated Senator Gregg is not as well informed, but feels that Smith is enthused with the project and its innovative technology.

Schmidt stated that John Cavanaugh, who is Judd Gregg's Regional Director, would be the person to contact in order to get him more involved.

Mayberry stated he has actually toured the landfill with John Cavanaugh back when he (Mayberry) worked for Congressman Zeff. He then asked how many acres make up the site and when can it be used again?

Peltonen stated it is 55 acres and can never be used again if it is capped because it would have two impermeable liners and would be too hilly. He stated if they go with the leachate collection system, it is possible that it could be 10 years.

Mayberry asked if we have received the necessary permits/permission for the leachate collection system and asked if we will have to build a sewer system also.

Peltonen stated the leachate collection would be built only if we have to build a cap, but there would also be a sewer line required to run the chemical waste to the WWTP. He stated that no permits are required for the capping as it is part of an EPA superfund remedy. He stated the alternative treatment zone could begin during the construction season of 2002, but feels that is an optimistic goal, as the study hasn't been completed and there is a required waiting period after that. He stated that if the alternative is not approved, then capping would happen in 2002.

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Dunnington asked what are the chances that the alternate plan will be accepted and if it is not, what would be the projected cost of capping now, since it is 10 years later and the amount would be different than originally thought.

Peltonen stated that recently another landfill actually cost less to cap when it was finally done, but is not sure how old their original estimate was, and it was also done during a time when the economy was slower. He stated he feels that the chances are good that they will accept the proposal, because the chemicals have already degraded quite a bit, but the difficulty is proving that they are down to the ethylene, methane, carbon dioxide and water by the time they hit the end of the treatment zone. He stated to do that we have to calculate the degradation rates and because the flow is so slow in some places it is hard to tell which way it is going and makes it hard to determine the flow rate. He stated he would feel more comfortable discussing specifics in a non-public session.

Boc asked, if the contamination heads towards abutters, is that a part of the contingency? Peltonen stated yes, but feels that the contamination that was picked up in the monitoring wells was not solely from the landfill, but also from trench work that was done, as it has come back down again. He stated they have been working with the residents in that area and are monitoring the wells quarterly, although that is not required.

Boc asked how much money is actually in the Tolend Road Landfill Closure account. Finance Director, Jeff Harrington stated approximately \$1 million. Boc explained that in the early '90's the City began funding this account, but it has slowed down. He stated that if the alternate plan is not accepted, the City will have to come up with its share of the money from somewhere.

Beecher stated that is why Mr. Peltonen was invited here tonight, because the Council needs to be aware that this will *have* to be funded in the CIP next year, as well as any operating costs of any treatment, no matter which way we go.

Boc stated he agrees that the federal and state representatives should be brought into the process and has personally spoken with Gov. Bush and Vice President Gore on the issue. He stated that this alternative will save money and clean the site instead of capping it.

Nossiff stated that bio-remediation appears to be the preferable method, but would like to know when this process will end. He stated that by capping the landfill it ends it once and for all.

Peltonen stated the estimate for bio-remediation is \$15 million over 30 years but feels that it will actually be closer to 10 years. He stated it is estimated out over 30 years for actuary purposes and is the most conservative estimate. He concluded by stating he has been told that there would be no extension of the deadline but still feels optimistic that the alternative will be approved.

D. Capital Improvements Program

School Board member Nick Skaltsis explained that the \$100,000 request for the boiler replacement has been removed because the boiler can be repaired and covered under insurance. He stated that they are requesting \$550,000 for Woodman Park School renovations, which have been ongoing with window replacement complete and a bus route design both under the current CIP. He stated this request will go into interior renovations including mechanical replacement parts that are over 50 years old.

Next, he discussed the request for \$500,000 for High School renovation and \$250,000 for the alternative school, as there are ongoing discussions as to where it will be permanently located and whether it will be built on the site of the old alternative school on school grounds. He stated that to refurbish the small portion of a 100 year old building will still cost $\frac{1}{2}$ to $\frac{3}{4}$ million to accomplish and will be divorced from the main campus geographically. He stated that the \$500,000 for the High School would begin substantial interior renovations.

Nossiff asked why is it bad to separate the alternative school from the Dover High School campus?

Skaltsis replied that the philosophy of the alternative school is to return those who can, back to the mainstream. He stated they also use other areas of the school such as the gym, cafeteria and vocational facilities. He stated he would prefer to spend the money for new and not old facilities.

Nossiff stated that he feels that spending the money to improve the old building would go towards helping other areas for other users and would be money better spent.

Skaltsis stated that the original engineering design did include some common area renovations that the School would be responsible for, but feels the compatibility of use issue in the Old Junior High building works both ways. He stated that no formal decision has been made by the School Board and it will be discussed on 12/04/00.

Nossiff asked if a Police Station would be compatible in the same building as the alternative school.

Skaltsis stated no, it is not compatible and also feels that any residential component would not be compatible. He stated that the main issue is to take the at-risk children and give them an opportunity to use the same facilities as the other student body and potentially mainstream those they can.

Nossiff asked if City Offices would conflict.

Nick stated no.

Mayberry stated that he and Councilor Dunnington serve on the Alternative School Advisory Committee and have learned that we currently spend $\frac{1}{2}$ million on outsourcing instruction for some of these students. He stated he feels that by creating a facility that can accommodate all of our students, and possibly others from outside the area, that money would be better spent. He stated that the future use of the Middle School has to come from the Council and feels that we need to make a decision so that the School Board can get on with their life.

Nossiff asked isn't the old middle school big enough to accommodate the alternative school?

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Skaltsis stated that the original design was not, but it can be expanded. He clarified that the amount spent on out of district placement is close to \$600,000, and transportation costs about \$100,000. He stated this is not to say that all of the students would be able to come back to Dover, but there are some options there.

Dunnington stated he is concerned that the old Junior High is “found” space and seems like a simple solution, but it does not address the philosophical needs of these alternative school students to not segregate them from the main student body altogether.

Schmidt asked for clarification regarding bringing outside students to the school.

Skaltsis explained that if we have a facility with staff for 36 students and our own districts requires 29 spaces, it is then possible to bring in students from other districts for tuition to fill in the remaining spots. He stated we currently do not have enough space for our own needs as there are 12 students in the school, but there are other students who should be there as well.

Boc stated that which ever way they go, they will still need the \$250,000.

Skaltsis stated yes, and also the \$500,000 for the High School as well. He stated that the number one priority for the School Board is the Alternative School.

Boc asked what will we get for \$750,000?

Skaltsis gave an example of a free-standing 700,000 sq. ft. building containing 6 classrooms, office space and a project room which would bring it to the \$1 million dollar range on land we currently own. He stated that with this \$750,000 there is also \$97,000 in CDBG funds which was already approved and must be used by June 30, 2001. He stated that would be enough money to renovate the Old Middle School, but if we were to build, then they could go back to CDBG for supplementation. He stated that this use would also allow the State to bond 30%.

Boc asked if they can stay in the old middle school until the new one is built.

Skaltsis stated the City Manager has said that they could stay until at least December 2001, but feels that this issue needs to be resolved permanently for the sake of the kids. He stated they have \$20,000 left from previous CIP funds to begin engineering and planning.

Boc asked, if the \$500,000 is not spent on the Alt School, what will it be used for?

Skaltsis stated originally it was going to be used for interior renovations wing by wing, but there are now mechanical issues to be addressed. He stated he has a report regarding the boilers the Council can review.

Andrews-Parker asked about adding additional parking at the High School as this was addressed by the Parking and Traffic Committee previously and was a big problem.

Skaltsis stated, that if they build on the site of the old alternative school the spaces would have to be replaced, but the administration has stated that there are plenty of spaces available at the Bellamy Lot already. They have put money into making a better pathway over to the High School from the Bellamy Lot.

Nossiff stated he agrees with Councilor Mayberry that the Council needs to decide what to do with the building. He stated he feels it is one of the most beautiful buildings in Dover and that it should remain a school with students. He stated he would like to know why the Alternative School cannot be attached to the High School and also, what is the extent of the interfacing that will occur if it is on the same campus.

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Superintendent of Schools, Armand LaSelva – explained that there is no shop class at the middle school facility and feels that vocational education is the preferred curriculum for these students. He stated it also gives them a sense of belonging and ownership to have a permanent place and feels that the City is looking to use the building for other purposes.

Discussion ensued regarding pros and cons of both options.

Mayor Boc asked Peter Forsythe of Dover Rotary to come to the podium to address the bandshell replacement.

Dunnington asked if the City doesn't make the commitment, will the funds pledged by the club go elsewhere?

Forsythe stated that the Rotary Club cannot do this project by itself, as it is a part of the whole scheme of the riverfront, which the City has already endorsed. He stated he is not here to make the threat of withdrawing the funds but does feel that this needs to go forward.

Dunnington stated that he is also a member of the Rotary Club and knows that the organization has made a significant effort in time and money to get this project done, which benefits the City. He stated for the City to not follow through with this sends the wrong message, as the community puts very little into the arts and feels this should be completed as soon as possible.

Mayberry stated he supports investing in the arts but would like to know how much the bandshell was used.

Forsythe stated he can't speak to previous use, but there is already interest being expressed by the Bell Center, which would like to do the kind of thing done at Prescott Park and would mean multiple performance dates. He stated there have been other various musical groups interested as well and feels the demand is significant.

Mayberry discussed the charette design which was done a few years ago, which called for several different stages at various locations along the riverfront and is concerned that the City will build something now that may become obsolete when the riverfront is developed. He wondered if the Rotary Club would consider waiting a year.

Forsythe stated that the Rotary Club has already waited 5-6 years and feels that there is a need for several types of stage areas. He stated the Rotary isn't interested in competing with the City, and that this particular stage area needs to be done in conjunction with the handicap access/Butterfield Gym entrance project.

Andrews Parker stated she also serves as a Rotary member and feels embarrassed that these private citizens, who love the City of Dover, have taken their time and money to do all of this work to better the City only to have the City Council consider refusing this gift they are offering. This is a mistake. She stated that the City seems to focus on sports but feels there is another whole segment of the population that needs to be considered. She stated she feels that this is the first step toward developing the riverfront.

Discussion ensued regarding the timeliness of the project in relation to the public works facility relocation and riverfront development.

Boc stated that we are replacing something that already existed but had been destroyed and feels it would be a mistake to wait for the riverfront development, as it is unknown when this will happen.

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Mr. Beecher explained that the C.I.P resolution that is in front of the Council can be amended by lowering the total amount. He stated the total amount can not be increased without going back to another public hearing. He stated that line items can be increased, decreased or deleted as long as the total amount is not increased. He stated that he does feel that the Police Department should be moved out of the basement of City Hall, but is not a priority for this year. He stated it needs to be kept on the list and that is why he is glad that the Staggered Terms Charter amendment was passed as it will help with the continuity of CIP issues that tend to get put off and then forgotten.

Community Services Director Pete Lavoie then reviewed the Utilities portion of the CIP document Items #27-38.

Dunnington asked about #32, Radon Removal and is it removing it from the water. Lavoie stated yes.

Mayberry asked about the meter replacement item. Lavoie explained that it is a part of the ongoing meter replacement from manual read to radio read meters.

Nossiff asked about #27 – SCADA remote monitoring and if this will result in the loss of an employee. Lavoie explained that this will free up a person to do more mechanical maintenance rather than having to physically travel to the monitoring site to do a manual reset.

Schmidt clarified #34, Mast Road Sewer Extension, stating that it initially benefits the relocation of the public works facility but will also serve any future development in the area.

Boc addressed item #38, Sewer Pump Station Upgrade – Charles Street stating that if the money for the improvements is not included with this, then spending the money for a study is wasted as it usually gets put off. Beecher stated he agrees with that statement, but the study gives us an idea of what the project will cost.

Mr. Beecher then reviewed his recommendations as follows:

- Item 1 – Cemetery Office and Garage Facility - deferred to 2003
- Item 2 – City Hall Annex Improvements – remove until Lassel money approved to obtain better figures
- Item 3 and 4 – Police Facility Land Acquisition/Police Facility Construction – remove until Middle School use determined
- Item #5 – Fire Pumper Replacement – stay
- Item #6 – Fire Station – North End – reduce by \$50,000
- Item #7 – PW Heavy Equipment Replacement – reduce by \$50,000
- Item # 8 and 9 – Street and Sidewalk Improvements – Councilor Hindle will have recommendations
- Item #10 – Local Share TIP – remove
- Item #11 – Public Works Facility – stay
- Item #12 – Street Sweeper – stay

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Items #13 and 14 – Traffic Lights LED signals and Middle School Traffic Signal – remove

Item #15 – Orchard Street Parking/Riverwalk Lighting – reduce by \$50,000

Item #16 – Baker/Broadway Drainage – deferred to 2003

Item #17 – Fourth Street Reconstruction – reduce to \$1,000,000

Item #18 – Henry Law Avenue Reconstruction – stay – but may change

Item #19 – Athletic Field Development – stay (although property may not be available)

Item #20 – Henry Law/Butterfield Amphitheater – reduce to \$125,000 (won't affect theater)

Item #21 – Thompson Pool Filtration System – Stay

Item #22 – Thompson Pool Enclosure – remove –(may have a private interest)

Item #23 – Indoor Pool Deck Renovations – remove

Item #24 – 26 School Items – no comment

Items #27-38 – keep all but #32 – Radon Removal – remove

Andrews Parker asked why the North End Fire project is being pushed back.

Beecher stated he does not want to guess at a figure and feels we need to wait until a location has been selected to get better numbers to go out to bid.

Andrews Parker stated that she is concerned that the north end is being developed very quickly and does not want the response time to become a problem.

Beecher stated he agrees and feels that next year we will be ready. He discussed the fact that Enterprise Park will be fully occupied by next year which will increase the tax base and add 300 more employees which will help to offset the cost of operating a new fire station.

Boc explained that the resolution will appear on the next agenda (12/13/00) and feels that the best way to deal with it will be line by line amendments.

Dunnington asked Mr. Beecher to clarify what will be removed from #20 as he is reducing it by \$125,000.

Beecher stated that there are still issues with the Trust regarding the renovations and therefore the construction of the handicap access may not be able to happen. He stated the money will remain for the amphitheater.

Hindle moved to adjourn, seconded by Dunnington.

Motion passed unanimously.

Meeting adjourned at 9:30 p.m.

Valerie French
Deputy City Clerk