

MINUTES  
REGULAR COUNCIL MEETING  
APRIL 14, 1999  
DOVER CITY COUNCIL  
COUNCIL CHAMBERS  
7:00 P.M.

## NON-PUBLIC SESSION RE: LABOR CONTRACTS

### REGULAR COUNCIL MEETING

#### 1. MOMENT OF SILENCE

#### 2. PLEDGE OF ALLEGIANCE

Councilor led the pledge of allegiance.

#### 3. ROLL CALL

Members Present: Councilor Berry, Councilor Schmidt, Councilor Johnson, Councilor Landry, Mayor Pro Tem Perry, Councilor Rawding, Councilor Reese, Mayor Wil Boc, and Councilor Wilson.

#### 4. PUBLIC HEARING

- A.** Resolution RE: Acceptance of the Action Plan/Proposed Expenditures for the Fiscal Year 1999 Entitlement Funds of the Community Development Block Grant Program. Sponsored by Mayor Wil Boc, by Request. **(See Item 10C-1)**

The Mayor opened the Public Hearing.

Seeing no speakers, the Mayor closed the Public Hearing on this resolution.

- B.** Resolution RE: Change in "Bag and Tag" Program Prices. Sponsored by Councilor David Landry. **(See Item 10C-2)**

The Mayor opened the Public Hearing.

Seeing no speakers, the Mayor closed the Public Hearing on this resolution.

- C.** Ordinance #05-03/10/99, Chapter 3, Administrative Code, Article IV, Boards and Commissions, Section 3-54, Board of Plumbing Examiners (Repeal in its entirety). Sponsored by Mayor William E. Boc, by Request. **(See Item 10A-1)**

The Mayor opened the Public Hearing.

Seeing no speakers, the Mayor closed the Public Hearing on this resolution.

## 5. CITIZEN'S FORUM

**Erv Sparkman** – 232 Tolend Road – Mr. Sparkman stated he wants to speak on two issues on the agenda.

- 1) 11.B.3., 11.B.4., and 11.B.5. regarding consulting services. Mr. Sparkman stated this represents a large sum of money. He stated this money only produces paper, it doesn't fix the roads. Mr. Sparkman asked if this was really necessary. Don't we have the in-house capability to do this kind of work? Mr. Sparkman stated if we must do it, where is the justification for going with the lowest bidder?
- 2) 11.B.6. - Staggered terms – Mr. Sparkman stated he is opposed to this. He stated this resolution addresses the issue that the council would be more persuasive. Persuasion (of whom?). Mr. Sparkman stated the council has already persuaded the voters to have a map on every hand. The council has the authority to direct the city administration.

Mr. Sparkman stated this proposal will provide greater continuity in the city government and less chance of turnover. He stated this proposal would result in up to three (3) new members each year. Mr. Sparkman stated he does not think this is continuity. It gives the councilor one more year before they can remove him or her. He considers this bad continuity.

Mr. Sparkman stated we should avoid turnover in one year. History has shown this is not likely to happen under the current system of election by wards. He stated he understands there was a reason for this situation happening in 1990. Mr. Sparkman stated the council will stagger. It will be a natural turnover by resigning, deciding not to run for re-election, being voted out or reaching their term limit. There are other negative impacts.

Mr. Sparkman addressed the positive aspect of what the city currently has now. He stated the council is a team (a large team). It takes time and effort for the team to work together effectively. Mr. Sparkman stated every time a new member joins the team, it disrupts the effectiveness of the team and the team building effort must be renewed. He stated we should try to reduce the frequency of turnovers instead of increasing it.

Why fix it if it isn't broke.

**Rosemary Zurawel** – Chairman of the Ethics Committee.

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Mrs. Zurawel has a request of the council. To approve an amendment to the code governing filing a complaint and approving an ethics policy for all elected and appointed officials and employees of the City of Dover.

- 1) For the City of Dover we should adopt the ethics policy
- 2) Authorize the distribution of the ethics policy to elected officials, as well as, to employees
- 3) All department heads distribute policy to all employees and take the committee up on their offer to present a meeting to describe comprehensive policies that should govern us. We would like the council to be prepared to make a decision by the May 12 meeting.

The Mayor clarifies that the board would like to educate everyone.

**Odessa Rahn** – Central Avenue. Ms. Ran stated she is astonished about staggered terms. She stated it is killing democracy in Dover.

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

## 6. MINUTES

- A. March 3, 1999 – Council Workshop
- B. March 10, 1999 – Regular Council Meeting
- C. March 24, 1999 – Council Workshop

Perry moved to adopt the minutes, seconded by Reese. Motion passed on a vote of 8-0.

## 7. MAYOR'S REPORT

The Mayor stated he attended a 75<sup>th</sup> birthday party with Governor Shaheen for Janetos Supermarket. On 3/24 he attended ribbon cuttings for Ideas Beyond the Obvious and the Masiello Group ERA Real Estate.

On 4/3 he had the privilege of welcoming the Special Olympians at the statewide swim meet in Dover.

The Mayor stated he has several letters of appreciation.

The Mayor read a proclamation for the letter carriers' food drive. Saturday, May 8 is National Association of Letter Carriers' Food Drive Day.

The Mayor recognized John Guy for more than 20 years of service with the Dover Housing Authority. He recognized the following members of the Recreation Advisory Board: David Cobban, Marc Perron, Steve George and Ernie Clark.

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The Mayor read a proclamation on sexual assault stating April 1999 is Sexual Assault Awareness month.

The Mayor read a proclamation for James Jalbert, former City Councilor.

Perry moved to accept the Mayor's report, seconded by Reese. All in favor.

## **8. REPORTS OF STANDING AND SPECIAL COMMITTEES**

### **A. Solid Waste Advisory – Councilor David Landry**

Landry stated the committee met on 3/18. He stated one (1) member was removed for non-attendance. Landry stated they heard from the school recycling committee, chaired by Jessie McKone. He stated their next meeting is Thursday, May 13 at 3 p.m. in the Dover City Hall Auditorium

Jessie McKone will approach Trudy McAtavey regarding giving a regular presentation once a month at the School Board Meeting.

Jeff Pratt advised them that American Adaptive Cable is accepting and recycling all computer items. He stated we also accept it at the recycling center.

Landry stated requests for proposals for Solid Waste in Dover are expected to go out in October. He stated they would like the current contract extended.

Landry stated they updated Chapter 97, as well as, the Master Plan. Landry stated they are currently making plans to sell green recycling bins.

The next meeting is on 4/15 at 6 p.m. in the City Manager's Office.

Schmidt asked how much the green bins are. Landry stated \$5.00.

### **B. Planning Board – Councilor Jerry Reese**

Reese stated they met on 3/23.

The Planning Board Considered/Accepted a conditional use permit for – John Chagnon – 45 Boston Harbor Road.

Tabled a major subdivision of land on Watson Road and a site walk will take place there on March 27th.

C/A site review of land for Sam Haddadin on Route 108.

A Public Hearing was held on the following gravel pits on Mast Road, Cold Springs Road, and Glen Hill Road. The requests were approved with conditions. They also tabled the request for off Mast Road.

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The last meeting of April 13<sup>th</sup>, they C/A 14 lots at Three Rivers Farm for Ashton Rollins Trust on Gulf Road.

C/A a minor subdivision for Roger and Joan Boise on Blackwater Road.

C/A a minor subdivision for Megan Martineau – Littleworth Road and Industrial Park Road.

C/A a lot line adjustment for Jonathan & Joyce Cherry and Robert & Joann Rouleau on Back Road.

Accepted and tabled an application for a subdivision regarding Katz with a site walk on Middle Road and Hawthorne Road.

Portsmouth Christian Academy – Garrison Road requested and granted a 30-day extension.

Landry commented that several residents of Bellamy Road called him regarding the pits in the west that were blowing so much dirt.

Reese stated they were looking into this.

C. Joint Building Committee – Councilor W. Scott Rawding.

Rawding stated the JBC met on 4/13 at the Dover High School Library. Ninety-five percent (95%) of the concrete work is complete. What is left is sidewalks.

Ninety percent (90%) of the roof is complete.

Seventy-five percent (75%) of the masonry work is completed. Rawding stated the building is really looking sharp.

Rawding stated there is a ton of wiring between the telephone and computer systems; 50% is complete. Plumbing and sprinklers are 70% complete. There are 100 workers working on the school right now.

Rawding stated the JBC is pleased.

Road construction will progress in the next two (2) weeks. The mechanical work boiler work is 75% complete. The boilers are in place and just need to be connected and tested. The windows have started to be installed.

Rawding stated the inside still has a long way to go.

He stated they discussed the ball fields and fundraising for seating. The JBC authorized \$35K towards seating for the fields.

School construction continues to go well and continues to be on or ahead of schedule and we have some savings in some cases.

Rawding stated the next meeting is on 5/11 at the Dover High School Library at 7 p.m.

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Wilson asked about bridges and plans between Dover High School and Dover Junior High School. So it will be easy to get the children to those fields. He stated he hopes someone is looking into this.

Rawding stated his committee is considering this.

### D. Environmental Concerns Committee – Councilor Paul Johnson

Johnson stated this committee was formed at the last regular meeting of the City Council. They have had three (3) meetings since then.

3/24 and 3/31 – Johnson, Perry, Reese and Dean Peschel as a resource member. They discussed the basic overview trying to bring Tolend Road Landfill to a closure, plus they are working on green space in Dover.

The committee wants to work with the Conservation Commission to encourage citizens to put their property in permanent undeveloped green space.

On 4/7 they met regarding Tolend Road. Focusing on the Biomediation project. It is up for review in November.

Finally, we are planning a site walk for the council and perhaps the Conservation Commission in early May.

### Ad Hoc Electric Partnership Committee – Councilor Otis Perry

The Committee met on 3/22 again. This committee was established early on for generating and supply of electrical power.

They met to pull together a report for the council. New information came up and we are postponing the report for now.

Bob Lewis resigned as Chairman and the committee elected Gary Gilmore to the Chair.

The next meeting is 4/22.

Perry moved to accept the reports, seconded by Berry. All in favor.

## **9. CITY MANAGER'S REPORT**

The City Manager reported on the Budget overview and the new format.

He stated on the revenue side we are at 75% - and have collected 94% of revenue. On expenditures, we are at 72% expenditures are slightly below the 75% level. On

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the Economic Development side for March we issued 39 building permits at \$2.7 million and 14 single family building permits.

Finally, to Councilor Wilson, we will discontinue torching weeds. We will use pesticide concentrating on the downtown area and spreading out from there. They will do it twice.

Berry asked about Claremont and how will it affect the tax rate. The City Manager stated it won't affect the June tax billing.

Berry asked regarding the bond on the middle school.

The City Manager stated they have assured us we are okay.

Perry moved to adopt the report, seconded by Reese. All in favor.

**10. UNFINISHED BUSINESS:**

**A. ORDINANCES IN 2<sup>ND</sup> READING**

1. Ordinance #05-03/10/99, Chapter 3, Administrative Code, Article IV, Boards and Commissions, Section 3-54, Board of Plumbing Examiners (Repeal in its entirety). Sponsored by Mayor William E. Boc, by Request.

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

**B. ORDINANCES IN 3<sup>RD</sup> READING**

None.

**C. RESOLUTIONS**

1. Resolution RE: Acceptance of the Action Plan/Proposed Expenditures for the Fiscal Year 1999 Entitlement Funds of the Community Development Block Grant Program. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Reese.

Landry questioned the City Manager regarding the program administration function. Is it part of the figure?

The City Manager stated, yes. It is 20% and this was verified by Reese. Motion passed on a roll call vote of 8-0.

2. Resolution RE: Change in "Bag and Tag" Program Prices. Sponsored by Councilor David Landry.

Landry moved to adopt, seconded by Reese.

Landry explained. He recommended the tags going to \$3.00 each.

Perry questioned did you consider other uses for the money. Landry stated this was discussed and the new bins were purchased for one thing.

The tipping fee has gone up and they don't know about the new contract.

Perry stated he has concerns about the original setup of Bags and Tags fund.

- 1) they had hoped it was designed so people would reuse and recycle.
- 2) There are only 10 years left for Turnkey Waste Management and we will be looking for a new disposal contract.

Landry commented about the status of the discussion with Waste Management. We don't know if there will be a price increase. We shouldn't assume a price increase. There is competition.

Motion passed on a roll call vote of 7-1. Perry opposed.

## **11. NEW BUSINESS:**

### **A. CONSENT CALENDAR**

1. Resolution RE: Closing a Portion of Central Avenue for the 56<sup>th</sup> Annual New Hampshire SoapBox Derby. Sponsored by Mayor Wil Boc, by Request.
2. Tag Permit – HOPE New England
3. Tag Permit – American Legion Auxiliary
4. Raffle Permit – Main Street Program
5. Parade Permit – Dover Knights of Columbus, Council 807
6. Parade Permit – Dover Track Boosters
7. Parade Permit – Options for Women Pregnancy Help Center
8. Parade Permit – Horne Street School Playground Committee
9. Wetlands Permit - 197 Spur Road, Ray Bardwell

**10. Raffle Permit – American Legion Post #8**

Perry moved to adopt, grant permits, and file wetlands, seconded by Berry.

Wilson moved to move 11.A.9. to 11.B.10.

Motion passed on a roll call vote of 8-0.

**B. RESOLUTIONS**

1. Resolution RE: Award of Bid #B99054 for Nine (9) Notebook Computers. Sponsored by Mayor Wil Boc, by Request.

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

2. Resolution RE: Award of Bid #B99055 for Type III Ambulance. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Reese.

Wilson asked if the intent is to run three (3) ambulances. The City Manager stated we will run two (2), the third will be a standby. Chief Bibber stated it will be housed at the City Barns. The City Manager stated maybe Spur Road.

Reese commented regarding the \$1,490 deduction; what about the performance bond?

Chief Bibber stated we will be getting a demo under warranty for 12 months.

Landry asked about the demo. Does it have a certain number of miles? Is that why it is considered a demo?

Chief Bibber stated we got a better price for the vehicle built as a demo, but it is a brand new vehicle.

Landry questioned, do we not use the other \$20K?

The City Manager clarifies it was not built to our specifications, so there are equipment issues.

Rawding had questions regarding the demo model. Rawding asked about all the codes and is it up to date and what type of additional equipment does it need.

Chief Bibber replied, a stretcher for about \$4K. It is cheaper for the city to buy it ourselves than for it to come equipped with the vehicle.

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Rawding asked is there more equipment needed?

The Chief stated he won't use up the rest of the money. It will be setup exactly as our other ambulances are.

Motion passed on a roll call vote of 8-0.

3. Resolution RE: Award of RFP #B99056 for Consulting Services – New York Street Reconstruction . Sponsored by Mayor Wil Boc, by Request.

Perry moved to amend, seconded by Berry by substituting as a whole. All in favor of the amendment. Motion passed on a roll call vote of 8-0.

The City Manager asked Mike Bobinsky to give an overview.

Mike Bobinsky clarified – about the quality based production time on consulting services. He stated we are looking for a firm that best matches our RFP.

Rawding questioned Mike Bobinsky

1. in this approach, have we ever been sued from this type of approach?  
Mike Bobinsky stated we have not - quite the opposite, in fact.
2. is the New York Street reconstruction fairly close to the low bid?  
SEA is the consultants for Broadway Street. They will provide the broadest level of drainage experience for that project. Some sections are well over 100 years old.

Landry asked if the amount of money originally appropriated are 'X' number of dollars and are these items for engineering design services?

Mike Bobinsky stated, yes, this is the first phase.

Perry questioned about the process. He asked if in the process of calculating, did you consider augmenting city staff to do the work.

Mike Bobinsky stated with the current projects on the plate he felt these projects should be out-processed to do a quality job.

Wilson stated that at the Public Forum, a concerned citizen had asked why we spend these dollars for consulting.

Mike Bobinsky stated this is an excellent question. The Broadway culvert requires real focus. It is a complicated drainage effort and will require some design options. Ultimately, we will be expecting well written specifications for all contractors to bid competitively on the projects. It allows us to bring in public comments and assures us the job will get done.

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Motion passed on a roll call vote of 8-0.

4. Resolution RE: Award of RFP #B99057 for Consulting Services – Broadway Street Railroad Culvert. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Reese.

Reese questioned Mike Bobinsky about Broadway and the money spent two years ago (near Heidelberg Harris and Ham Street).

The City Manager clarifies we have piecemealed this.

Perry moved to amend by substitution as a whole, seconded by Reese. All in favor of the amendment. Motion passed on a roll call vote of 8-0. Main motion passed on a roll call vote of 8-0.

5. Resolution RE: Award of RFP #B99058 for Consulting Services – Sixth Street Reconstruction. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Berry. Perry moved to amend as a whole, seconded by Berry. All in favor of the amendment. Motion passed on a roll call vote of 8-0.

Landry asked if this was Sixth Street to Whittier to Central Avenue.

The City Manager stated, yes, and the utility lines need to be replaced.

Landry asked do you recommend sidewalks on both sides of the street? The City Manager stated it depends on the cost. Landry stated there are a lot of people on that street and the traffic is heavy.

Johnson stated the potholes are great at slowing traffic in that area.

Perry stated he thought the utilities had been done in that area.

Mike Bobinsky stated not all the way down, and not this section.

Perry asked will this be included in the TIP?

Reese asked Mike Bobinsky about the design and option of the owner on Whittier and Sixth; will this take them into account about their sewer line?

The Mayor wants the crest of the hill taken off Sixth Street near Whittier Street.

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Schmidt asked if the intersection is going to be raised? Will this be alleviated by the new design?

Mike Bobinsky stated, yes it will be raised, and these comments will be taken into consideration.

Motion passed on a roll call vote of 8-0.

6. 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 Mayor Wil Boc.

Wilson thanked the Mayor and the City Council for the opportunity to address it here tonight. Wilson stated he finds this a difficult resolution. He stated he is sorry he missed the workshop.

Wilson stated he feels its lacking in important details. He stated if this resolution gets passed and ends up on the ballot and it passes, it will probably be the greatest single loss of freedom that the citizens of Dover have suffered since we sent Charles III packing back to Great Britain.

Wilson stated the citizens voted in term limits a few years ago. He stated one of the strategies hidden in this resolution is to make the term longer – from two (2) years to three (3) years. Wilson stated this distances the city councilors from the voters.

Wilson stated he compares this to a zoning ordinance that recently passed. He stated he feels every citizen in Dover should be aware of this resolution.

The Mayor moved to refer to a Public Hearing on May 12, seconded by Perry. Motion passed on a vote of 7-1. Wilson opposed to referring.

7. Resolution RE: Street Re-naming of the Sixth Street Connector. Sponsored by Mayor Wil Boc by Request.

Perry moved to refer to a Public Hearing on May 12, seconded by Berry. All in favor. Motion passed on a vote of 8-0.

8. Resolution RE: Collective Bargaining Agreement Between the City of Dover and the AFSCME Local #572, AFL-CIO. Sponsored by Mayor Wil Boc, by Request.

Perry withdraws this resolution.

9. Resolution RE: Collective Bargaining Agreement Between the City of Dover and the IAFF, Local #2909, AFL-CIO. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt for three (3) years, seconded by Johnson.

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Rawding stated he feels this has not been adequately discussed. Rawding moved to table this to another workshop, seconded by Wilson. Motion to table fails on a vote of 2-7. Rawding and Wilson in favor.

Landry moved to suspend the rules to go into executive session, seconded by Schmidt.

Motion to suspend the rules passed on a roll call vote of 8-0.

10. Wetlands Permit - 197 Spur Road, Ray Bardwell

Perry moved to accept and place on file, seconded by Berry. Reese corrected the address. Motion passed on a vote of 7-0. Wilson abstained.

**C. ORDINANCES IN THEIR 1<sup>ST</sup> READING**

None

**D. COUNCIL CORRESPONDENCE**

1. Petition of Freedom Ring Communications L.L.C. (d/b/a Bay Ring Communications for Pole Licenses. **(Council Action required)**

Perry moved to refer to the Planning Board for further recommendation to the City Council, seconded by Reese.

Motion passed on a vote of 8-0.

**12. COUNCIL MATTERS OF INTEREST**

Berry thanked Mike Bobinsky for all his time working for the City of Dover.

Berry stated the new Christian Academy is coming and they need sidewalks in the Garrison Road and Spruce Lane area.

Perry is concerned about sidewalks on Summer Street.

The Council will return in 15 minutes.

The Council returns from Executive Session and they will now address Resolution 11.B.9. Collective Bargaining Agreement Between the City of Dover and the IAFF, Local #2909, AFL-CIO. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Johnson.

Motion passed on a roll call vote of 7-1. Wilson opposed.

**13. ADJOURNMENT**

Perry moved to adjourn, seconded by Reese.

JUDY GAQUETTE  
CITY CLERK