

MINUTES
REGULAR COUNCIL MEETING
MAY 12, 1999
DOVER CITY COUNCIL
COUNCIL CHAMBERS

6:00 P.M.

NON-PUBLIC SESSION RE: LABOR CONTRACTS

7:00 P.M.

REGULAR COUNCIL MEETING

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Schmidt led the Pledge of Allegiance.

3. ROLL CALL

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

4. PUBLIC HEARING

- A.** 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, by Request. **(See Item 10C-1)**

The Mayor opened the Public Hearing asking if anyone wished to speak.

Anthony McManus, resident of Dover and practicing Attorney is speaking in favor of the resolution. He can't understand why anyone would be opposed to it. There are several other communities in the State that have adopted this. It takes time to get to know the process and procedures and what the job is and to learn the business and the City is a business. He knows some people like to be able to throw the bums out, but he feels this is not a realistic approach. This resolution makes for an easier transition from Council to Council. He hopes they will adopt it.

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Malcolm McNeill, practicing Attorney and Chair of the Government Affairs Committee of the Greater Dover Chamber of Commerce and Vice Chair of the Greater Dover Chamber of Commerce and they all support this resolution. They feel this proposal is vital to the City; contrary to the comments of some, that it won't end democracy in Dover but will ensure the continuity of government. There is a distinct learning curve upon taking office. This resolution will provide institution and memory at all times. Team dynamics are when 2/3 of the council remains intact. When there's only 1/3 of the council being replaced, issues will be judged on their merits. So every year you could really throw a third of the bums out, he commented, is three years appropriate, three years is the most common term that the surrounding towns currently have. He strongly supports this resolution as the Chair of Government Affairs Committee of the Greater Dover Chamber of Commerce.

Odessa Rahn of 176 Central Avenue, feels this is the greatest attack on her freedoms. She stated she has lived under tyranny and oppression. Ms. Rahn asked who will benefit and who will lose, the Citizens of Dover, that's who will lose!

Erv Sparkman of Tolend Road is speaking on behalf of the Dover Citizens of Responsible Government. This group is opposed, see folder of 5/12/99 for written statement. He went on to explain all the reasons they are opposed to the resolution saying \$5,000, the approximate figure to run a City election could be better spent educating a child in Dover. This is an effort to fix something that is not broke. As a taxpayer he is confused, this just does not make sense to him.

Jeff Hollinger of Back Road has several reservations, he is also opposed to the proposal. He stated he suspects there are motives to this.

Dave , spokesperson and Chair of NH Common Sense Conservatives states his group is opposed as it breaks down continuity. He stated he feels there are higher motives behind this.

Seeing on one else, the Mayor closed the Public Hearing on this issue.

B. Resolution RE: Street Re-Naming of the Sixth Street Connector. Sponsored by Mayor Wil Boc, by Request. (See Item 10C-2)

The Mayor opened the Public Hearing. Seeing on one, the Mayor closed the Public Hearing.

5. **CITIZEN'S FORUM**

Linda Hagan, representing the Dover Main Street Board of Directors, thanked the City Council for their generous support in this program. Ms. Hagan stated it is very exciting for our city to be a part of this.

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Erv Sparkman spoke as a private citizen stating he is favorably impressed with the budget work so far, then he offered a prepared statement, see 5/12/99 folder.

Gary Gilmore of Middle Road, stated he had three points to make:

- 1.] The legislation in the House of Representatives allowing the Mayor to be allowed to vote was his. He wants to give the Mayor the right to vote on all items.
- 2.] National Police Appreciation Month, he noted the fine job done by the Dover Police this week in light of the Dover High School incident.
- 3.] Electrical Partnership Committee was on the agenda this evening but they are finalizing their report still. They had chosen two potential partners and he feels there could be a significant decrease in utility bills. He asked the City Council to schedule a workshop at a future date to discuss the options.

The Mayor closed the Citizen's Forum.

6. MINUTES

- A. April 14, 1999 – Regular Council Meeting
- B. April 17, 1999 – Council Budget Workshop

Perry moved to accept, seconded by Reese. Vote was unanimous.

7. MAYOR'S REPORT

On 4/16 Governor Shaheen and the Mayor attended the Breakfast of Champions at the Wentworth-Douglass Hospital. Dr. Daley was honored for his contributions over the last 16 years in education.

On 4/25 the Mayor attended a dedication ceremony at the Greek Church on Locust Street.

On 4/28 there were four (4) ribbon cutting ceremonies; Carey's Fresh Fish on Portland Ave., trustier Gymnastics and Salon SX are in the Foodee's building, and Intrinsic Designs in the upper square.

On 4/30 he attended the opening ceremonies for WTSN.

On 5/1 he attended the opening ceremonies for Dover Southside Little League, on 5/3 he met with the representatives for the International Letter Carriers, on 5/4 he spoke to a group of students on Student Government Day. The Mayor attended a dinner and addressed the parents of these students. He thanked the Elks for contributing.

On 5/6 he attended the Tri-City Dinner hosted by Rochester to talk about issues that affect our three cities (Dover, Rochester, and Somersworth).

On 5/7 Varney Cleaners, HUB through family support. The Mayor and the City Manager met with a group of businesswomen from the Netherlands and presented them with the keys to the city. On 5/8 he attended Dover Babe Ruth and Dover Youth Softball opening and attended the Dover High School Variety Show.

The Mayor read proclamations for the following:

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National Brain Tumor Foundation, accepted by Sheila Bolsover
City Clerk, accepted by Judy Gaouette, City Clerk
Public Works Department and Drinking Water, accepted by the City Manager.

A letter of recognition was read for the Fire Chief. Chief Bibber was appointed to Operation Life Safety Service (OLSS). The Fire Chief accepted the presentation.

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

8. REPORTS OF STANDING AND SPECIAL COMMITTEES

A. Solid Waste Advisory – Councilor David Landry

No report available.

B. Planning Board – Councilor Jerry Reese

Councilor Reese stated there were two meetings. The first meeting was held on 4/27.

Considered and Accepted an application for a minor lot line adjustment for Gary Allen and George Day on Sixth Street.

C/A an application for a minor lot line adjustment for Barbara and Keith Godin on Varney Road and Parsons Lane.

C/A Paul Hass to clear trees on a scenic road – Old Garrison Road.

C/A a major subdivision to Chad Kageleiry on Mast Road, tabled.

Approved a subdivision on Watson Road that was previously tabled-the issues were resolved.

Approved a 30-day extension to Middleton Building Supply.

Altered design concept on a subdivision on Hawthorne Road and granted a 1 year extension for Glenwood Commons on Glenwood Avenue.

The second meeting was held on 5/11.

Approved for Hope Community Church on Sixth Street for a driveway (second).

C/A a subdivision for Mark Phillips on Knox Marsh Road.

C/A a minor lot line adjustment for Portsmouth Christian Academy (old Seaboard Hospital property).

Approved a second site plan for PCA.

C/A and approved an addition for Hannaford Shop & Save (in the front of the store).

Another workshop will be held Tuesday, the public is welcome.

Berry asked about the subdivision in Ward 4 and the impact on walkers with regards to sidewalks around Garrison Road and the Portsmouth Christian Academy.

Reese stated citizens could call him or the planning office to have their concerns recorded.

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

Councilor Rawding stated they did not meet this month. The next meeting is scheduled for 6/8. Rawding did take a site walk yesterday. He stated the work is progressing briskly. He stated the roof is complete and the masonry brickwork will be complete in about a week. Rawding stated the core is 50% complete. The plumbing and heating is 70% complete. The mechanical side is 70% complete. Testing will be done in June.

Rawding stated that site work is 75% complete and the road between Dover High School and the Dover Middle School will be started next week. He stated the workers have already started to paint the corridors.

Rawding stated the windows and doors are 90% in and it makes it look good. He passed an aerial view picture of the school around for the council to look at and also, the news media.

D. Environmental Concerns Committee – Councilor Paul Johnson

Councilor Johnson stated they did not meet this month, but they did have two (2) site walks, one on May 5 and one today – 5/12, this morning.

Councilor Johnson stated the next meeting will be 5/26 in the Council Conference Room.

E. Ad Hoc Electric Partnership Committee – Councilor Otis Perry

F. Appointments Committee – Councilor Bob Berry

Councilor Berry addressed the appointments to the Conservation Committee and the Board of Health.

Perry moved to accept, seconded by Reese. All in favor.

9. CITY MANAGER'S REPORT

The City Manager reports 83% through FY, the General Fund is over 100% for the full year. He stated we are at 81% on expenditures.

On the Economic Development, the City Manager stated 61 building permits were issued for \$1.9 million and \$11K in fees. He stated there were 9 single-family dwelling permits.

The City Manager stated there will be a workshop next week (Tuesday). He stated he needs a worksheet from the Councilors by the end of the week.

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The City Manager stated we closed on Middleton Building Supply on 5/11. The check will be deposited per the resolution. The project will begin in the next couple of weeks.

Johnson asked about carrying over his cuts on the form to + \$7K.

Wilson wanted to be assured two (2) fences are on either side of the property.

Berry thanked the police and the fire department on the incident at the Dover High School and the public response to the issue.

Perry moved to accept, seconded by Schmidt. All in favor.

10. UNFINISHED BUSINESS:

A. ORDINANCES IN 2ND READING

B. ORDINANCES IN 3RD READING

C. RESOLUTIONS

1. 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.

Perry moved to adopt, seconded by Reese.

Wilson asked the City Manager about the wording that will appear on the ballot. It is not part of our package. Wilson moved to table, seconded by Johnson. Motion passed on a roll call vote of 4-3. Perry, Reese, and Berry opposed.

(get with George regarding ballot wording)

2. Resolution RE: Street Re-Naming of the Sixth Street Connector. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Berry. Perry moved to amend to rename, seconded by Schmidt and Johnson. This amendment would change the name to High Street.

Berry clarified the re-naming of the street stating it will be easier for the police and fire departments.

The Mayor stated he is in opposition to the amendment. He stated he wants a historical name. The Mayor stated there was a farm there. He stated he wants a demarcation and not a merging of the street.

Rawding stated he agrees with the Mayor. He stated he was also motivated when E-911 was active. He does not buy the High Street argument that it will be less confusing.

The amendment fails on a vote of 4-3. Wilson, Schmidt, Perry in favor.

Reese moved to substitute the resolution as a whole, seconded by Schmidt. All in favor of the substitution; Indian Brook Drive to the Somersworth line.

Chief Bibber stated he understands their feelings. He stated he doesn't want conflicting names. He stated he doesn't want confusion by one side of the street being one name and the other another name.

Rawding stated he feels this High Street is quite confusing. He stated he doesn't want to take it away from Somersworth.

Motion passed on a roll call vote of 5-2. Berry and Perry opposed.

11. NEW BUSINESS:

A. CONSENT CALENDAR

1. Resolution RE: Appointments Committee Recommendations to Various City Boards and Commissions. Sponsored by Councilor Robert Berry, Appointments Committee Chair
2. Resolution RE: Award of Bid #B99064 for Summer Recreation Program Bus Transportation Services. Sponsored by Mayor Wil Boc by Request.
3. Raffle Permit – Dover Soccer Association
4. Wetlands Application – Joseph Coulp

Perry moved to adopt, grant, and file; seconded by Reese. Motion passed on a roll call vote of 7-0.

B. RESOLUTIONS

1. Resolution RE: Appropriation for Park Improvement Design. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Reese. The City Manager explains.

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Perry moved to amend to take out \$14,000 for the Master Plan, seconded by Rawding.

Perry stated the whole \$50,000 should be used for the design of ball fields as previously stated.

The Mayor clarified the intent of Perry's amendment is to leave all \$50,000 to design and engineering.

Rawding agrees with Perry. This decision has always troubled him. Rawding stated having a workshop and after that allocating to have the amount changed.

The City Manager addresses the amendment. He stated that since the deal with Severino, we are no longer discussing fields on Mast Road. He stated, probably no fields will be built there, but there may be development on County Farm Road, and maybe field development at the Dover Middle School or maybe further developing at Maglaras Park. The City Manager stated that, with this in mind, the staff felt it appropriate to pull this together with a Master Plan study to organize where they should be built.

Perry rebuts stating he is the councilor on that committee and the committee stands by his amendment; all the money is for design.

Berry commented that this was a lot of hard work from Councilor Wilson.

Amendments passed on a vote of 6-1. Reese is opposed.

Resolution as amended passed on a roll call vote of 6-1. Reese opposed.

The Mayor moved to suspend the rules to take up B.10 and B.11, seconded by Berry. Motion passed on a roll call vote of 7-0.

2. Resolution RE: Funding of City Transportation Improvements, Amended Version. Sponsored by Councilor David Landry, Chairman, Parking and Traffic Committee.

Perry moved to adopt, seconded by Berry. Motion to refer to the June 23, 1999 meeting. All in favor.

3. Resolution RE: Authorization to Enter into a Ground Lease Agreement with the United States Postal Service for a Portion of Green Street. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Reese. Reese explained this is to make more space useable for parking.

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Steve Stancel explains the map. There are 58 spaces in the proposed plan (21 in addition to what they currently have). 7 spaces are for public parking.

Wilson asked how many are reserved for employees of the Post Office.

Steve stated he does not know how many will be for employees. The Post Office is concerned about the lack of parking for its customers.

Wilson moved to table, seconded by Rawding.

Motion withdrawn for a minute.

Rawding speaks regarding the Post Office. It is very cumbersome for the citizens. He stated we are putting a band-aid on a larger problem. When we get a lot of people at the Post Office, they need more tellers in the Post Office. Why are we driving more people into the parking lot. It just puts them in a longer line inside. Rawding stated he wants this issue addressed with the Post Office.

Motion to table fails on a roll call vote of 3-4. Schmidt, Rawding, Wilson in favor.

Berry asked if the mailboxes will remain on Fayette Street.

Steve Stancel stated, yes, the mailboxes will remain there.

Perry stated anything we do to increase parking spaces is of benefit to the citizens.

Schmidt asked are parking spaces reduced in size?

Steve Stancel stated they are standard size.

Schmidt stated he feels we should ask the Post Office not to have employees park in the new spaces.

Rawding stated he feels we lose an opportunity to negotiate in conjunction with the resolution. He stated we will not help the problem without more tellers. Let's not lose this opportunity.

The City Manager stated carts before teller, not cart before horse.

Schmidt stated he wants Rawding's suggestions passed along to the Post Office.

Motion passed on a roll call vote of 5-2. Rawding and Wilson opposed.

4. Resolution RE: Award of Bid #B99061 for Portable Mobile Radios. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Berry.

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Motion passed on a roll call vote of 7-0.

5. Resolution RE: Award of Blanket Purchase Order for Continued Professional Consulting Legal Assistance. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Rawding.

Reese questions the approval of \$25,000; didn't we just approve \$25,000?

Reese moved to amend by reducing \$25,000, seconded by Wilson.

Reese stated he likes this coming back around on a more frequent basis.

Perry stated he is against the amendment although he would like better understanding of what John does.

Rawding stated regarding the amendment – does he report what he does directly to the City Manager?

The City Manager says through Dean Peschel, and then through me.

Rawding stated he wants a copy of the breakdown on John's bill.

The amendment passed on a vote of 4-3. Berry, Perry, and Johnson opposed.

Main motion passed on a roll call vote of 6-1. Berry opposed.

6. Resolution RE: Transfer of Funds – School Management Information System. Sponsored by Mayor Will Boc, by Request.

Perry moved to adopt, seconded by Reese.

Perry questioned where is the money coming from.

The City Manager stated bond anticipation, not interest that they have earned; but the interest they have left.

Berry disagrees and stated he can't support this.

Perry questioned Berry's comments and why he can't support this.

Reese stated he is confused by Berry's comments. Was this supposed to be budgeted next year, starting July 1, 1999?

Berry stated they have not planned for the Y2K expense.

Mike Joyal stated:

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- 1) his understanding of it is the difficulty with technical support for their computer system. The company went defunct.
- 2) Y2K was not addressed on their system. This system was developed prior to the Y2K concern and they were not able to catch it.
- 3) They are proposing to tie into the City's accounting system.

All three (3) issues are a timing problem. Mike Joyal stated they need to get the system in place before July 1, 1999.

The City Manager stated it was going to be in the school CIP, but we haven't acted on it because nothing is resolved with the Claremont issue.

Reese stated when we pass the school CIP; we will take \$43,000+ right off the top. He stated then he will support this.

Perry stated he wants this to be clear, the money is not going to be borrowed. This money is being transferred.

Wilson stated he is still confused. Is it in the budget or is it in the CIP?

The City Manager stated it is in the current budget as a line item.

Perry moved to refer to the 6/23 meeting, seconded by Rawding. Motion passed 5-2. Schmidt and Johnson opposed.

7. Resolution RE: Authorization for Issuance of Tax Anticipation Notes for Fiscal Year 2000 – Five Million Dollars (\$5,000,000). Sponsored by Mayor William E. Boc by Request.

Perry moved to adopt, seconded by Berry.

Motion passed on a roll call vote of 7-0.

8. Resolution RE: Depositories for Fiscal Year 2000 City Funds. Sponsored by Mayor William E. Boc by Request.

Perry moved to adopt, seconded by Reese.

Motion passed on a roll call vote of 7-0.

9. Resolution RE: Award of Purchase Order for Water Treatment Chemicals (C-9, C-5). Sponsored by Mayor Wil Boc by Request.

Perry moved to adopt, seconded by Reese. Rawding asked about the items C5 and C9 and stated they are expensive. He asked are there alternative products that are successful and less expensive.

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Mike Bobinsky clarifies the difference. He stated we solicited vendors. We only had one (1) response. The water for our citizens should meet safe water requirements and this is meeting our needs.

Rawding asked the City Manager to check the internet about other cities across the country to look for competitive bids.

Mike Bobinsky stated Dan Kelly works very hard to find suppliers through every means available.

Motion passed on a roll call vote of 7-0.

10. Resolution RE: Collective Bargaining Agreement Between the City of Dover and the IAFF Local #1312, AFL-CIO. Sponsored by Mayor Wil Boc by Request.

Perry moved to adopt, seconded by Reese.

Motion passed on a roll call vote of 7-0.

11. 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 moved to adopt, seconded by Schmidt.

Motion passed on a roll call vote of 7-0.

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

Perry moved to adopt, seconded by Reese.

Motion passed on a roll call vote of 7-0.

C. ORDINANCES IN THEIR 1ST READING

1. Ordinance #06-05/12/1999, Chapter 166, Vehicles and Traffic, Section 166-53, Schedule F, Commercial Vehicle Travel Restricted. Sponsored by Councilor David Landry.

Perry moved to refer to a Public Hearing on 6/23/99, seconded by Berry.

Rawding has a concern that this won't be publicized adequately and the citizens will not understand the ramifications of the passage of this ordinance. He stated that this traffic gets redirected to another street and citizens should understand this.

Motion passed on a vote of 7-0.

D. COUNCIL CORRESPONDENCE

12. COUNCIL MATTERS OF INTEREST

Wilson had a question for the School Board on uniforms. He stated he wrote to the School Board recently and stated they will do a study. Wilson stated he was accepted on this workgroup as an individual, not as an elected official.

Berry has an issue. He stated the public may still see Wilson as a councilor and not an individual citizen, because you are an elected official.

Schmidt stated he was appointed the COAST representative and has had numerous conversations with Steve Wells and was at their office to get information about COAST and their services.

Schmidt stated he has a 2nd item regarding a bill in the house to restrict MTBE in wells, to reduce the acceptable levels from getting into the water table.

Schmidt also had a 3rd item. He stated on Washington Street, he noticed a group of Junior High students crossing the street against the light. Schmidt pointed out to the kids they were breaking the rules and fortunately the traffic was stopped to let them cross the street, they also were smoking. He feels they need to realize they are not immortal.

Berry stated next Tuesday there is a School Budget workshop.

Johnson commented regarding MTBE substance. He would like to see some information.

Second, Johnson stated he also attended a neighborhood meeting on the reconstruction of Sixth Street with citizens. He stated this will be a pricey project.

Mayor Boc stated this is Mike Bobinsky's last public meeting. He thanked him for five years of public service with the city.

13. ADJOURNMENT

All in favor.

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JUDY GAQUETTE
CITY CLERK