

MINUTES
REGULAR COUNCIL MEETING
JULY 14, 1999
DOVER CITY COUNCIL
COUNCIL CHAMBERS
7:00 PM

6:30 PM

NON-PUBLIC SESSION RE: Labor Contracts

7:00 PM

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Johnson led the Pledge of Allegiance.

3. ROLL CALL

Councilors Johnson, Landry, Rawding, Schmidt and Mayor Pro-Tem Perry, were present. Councilors Reese, Wilson, Berry and Boc 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 Two Year Staggered Terms. Sponsored by Mayor Wil Boc, by Request. **(See Item 10C-1)**

Erv Sparkman 232 Tolend Road, Person for Responsible Government, is opposed to the resolution. He does not feel this is a problem. The continuity is there anyway. The continuing cost to taxpayers is on going. Special Interest groups will be able to get their interest addressed. He is opposed to having this on the ballot.

The Council has been given numerous arguments against this resolution, it's their duty to not vote on this. For the record, Mr. Sparkman feels it is inappropriate to go forth with this resolution tonight because of absence of City Counselors this evening.

Odessa Rahn, Central Avenue, agrees with Mr. Sparkman. In a democracy, the main tool a citizen has is the right to vote. Please don't consider this resolution. "Just kill it".

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Raymond Proulx Cataract Avenue says his concern is that none of this council campaigned on this issue. He would like them to wait until after the next election.

Frances Whitcomb, 6 North Way Circle, says that some of the City Council will be ahead of the learning curve and feels that this would be a weakening of the City Council. Her experience with new people in Dover is that they don't know what ward they are in. Confusion would be enormous and she feels that people would be less likely to vote. Special Interest Groups would have a disproportionate advantage on the vote.

- B. Resolution RE: Appropriation for Additional FY00 Capital Improvements and Authorization for Bonding. Sponsored by Mayor Wil Boc, by Request. **(Public Hearing Item Only)**

Erv Sparkman, 232 Tolend Road, spoke regarding the train station issue. It is questionable whether this project will be successful. He feels this is ludicrous. People would not be coming to Dover as tourists. He does, however, feel that the drawing was very attractive. The Cocheco Arts Festival is not enough to draw people to Dover.

The convoluted arrangement with the owner and the city of Dover not owning the land is not good. The cost will go up.

The Public Works barn has quadrupled in price.

Mr. Sparkman does not want them to vote on the first four items on the CIP anyway.

Steve Pechey, of the Strafford Regional Planning, encourages the City Council to move forward on with the train station, he feel people are waiting to depart Dover and he also thinks in terms of transit going by this site. He is not actually voting to spend the full amount; they are looking for alternative spending. He stated Durham and Exeter are being very aggressive in pursuing their train stations.

Ray Proulx, Cataract Avenue, reminds us that this adventure was started eight to ten years ago. He is very much interested in pursuing train travel within New England and the rest of the country. He feels a new building will make Dover look a lot better. The Committee has been very active in seeking alternative funds. We would like Dover to be a part of the transit systems throughout New England. People are looking for alternate ways of travel. Just a platform is not an ideal situation. He does not want to put it off for another year. He is in full support of building.

Bill Hunt, resident of Dover and Chairperson on the Station Committee wants the City Council to consider approving station site and building. This will be an Intermodal- facility with eight stops each day. Four going south and four going

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north. Dover should try to sell itself as a destination. We need to have a more positive attitude towards Dover. Think of the impression people from the region will have of Dover. We have twenty years of commitment for the service. It will go further than Portland. We have twenty-year commitment with the owner of the land and also an additional twenty years.

Lastly a bit of history that goes along with it. In 1990 there were 9000 people in Maine that signed a petition for this project. They also did a petition in the City of Dover, with 2500 Dover signatures. He feels this is a gauge for great support to spend tax money. Mr. Hunt supports this project!

Charles Whitcomb, Ward I, has been a resident for 19 years. He likes the people and the weather even better. He feels that people prefer their own automobile to riding on the train but he does like trains. He cannot see riding the train for the short haul. Mr. Whitcomb says that natural gas is starting to be used for fuel in cars and this fuel will be growing in use very quickly.

Marc Miller, Ward II resident and rail advocate on the radio and off says the future of passenger trains is not in the long haul, which makes this plan advisable, but because of going the short haul. We need to stop being embarrassed about rail transportation of the future, as it is extremely hi-tech. It is no longer practical for many business people to fly from Boston to New York when hi-speed trains are the answer and Dover can be a part of this. Let's be proud of who we are. Trains are not just for freight but for people too.

Doug Dede, 143 Locust Street, is very anxious to see a rail facility become a reality in Dover. Parking in Boston is atrocious. We have an opportunity available to us. We are the gateway to cities to the north and the south. He asks that the Council please support this.

Tom Massingham, 36 Prospect Street, made a few good points and wants the City to take advantage of this opportunity. We need an adequate facility. The demand is there. It's a good way to travel. He has used Amtrak extensively. In some cases, the trains are more than full; it's a relaxing way to travel. Mr. Massingham hopes they will fully fund this project.

Jim Jalbert, President of Trailways and former Ward 2, City Councilor said he was here to speak about the station itself. First, the cost is too high and second, what is the cost of operation? At his Newburyport facility, the cost of operation is one hundred thousand dollars per year. Amtrak does not have a stand-alone agency.

Jalbert analyzed the station operation and business within the city. The city will have to take it over if it fails. He does not feel that people will arrive on a bus then switch modes of transportation, he suggests they look at the rail facility and start it

up now. Take a walk before you run approach. There is an opportunity for SEMAC funding but it will take some time to be successful.

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He mentioned the Public Works facility and acquiring his property on Knox Marsh Road. The letter of intent has been expedited and one thing is sure, the facility cannot stay on the water front. Spending this kind of money is an absolute waste of taxpayer money. Dover could build a facility that will operate efficiently. Everybody in Dover is interested in keeping costs down.

Art Corte, 81 Glenwood Avenue, - says he would like the City to wait and see how successful it is before spending money on a building. According to a 1993 article he has, 65% of traffic that will come by train will be tourists, he does not think this is accurate and wants to wait and see if it produces a profit.

Rob Strand, Spruce Lane, does not feel that Dover is the gateway. We need to solve parking problems in Dover before building a train station and spending a lot of money. Let's think about it and how many citizens will use it.

- C. Ordinance #09-06/23/1999, Chapter 131, Offenses, Section 131-15. Sale of Rolling Papers to Minors. Sponsored by Councilor Peter Schmidt, by Request. (See Item 10A-1)

Anna Visciano, 185 Locust Street, Dover Youth to Youth promotes healthy choices and feels rolling papers should not be sold to minor people under 18 years old.

Jim -----, Nottingham resident, part of Youth to Youth was a part of a sting to purchase rolling papers at local stores. Five stores actually sold without requesting an ID. Older people are contributing to the delinquency of minors without a second thought.

Bob Peterson, Principal of Dover High School is in support of the ordinance. He's pleased to see the Police Dept. taking a pro-active stance on this issue. There has been a lot of publicity on the attendance rate and he hopes that this is voted for tonight.

Marsha Colbath, 114 Garrison Road, is concerned this is a kind of a bandaid approach. We need to seriously look at why kids don't go to school. Her daughter goes to a private school but they all go to school. She feels kids need to feel they can succeed. She does not feel this will be an effective tool.

Perry stated the Elderly Exemption resolution and the Collective bargaining agreement resolution have been removed, also the Appointment Committee's

resolution won't be heard.

- D. Ordinance #10-06/23/1999, Chapter 131, Offenses, Section 131-16. School Truancy. Sponsored by Mayor Wil Boc, by Request. (See Item 10A-2)

5. CITIZEN'S FORUM

The Mayor Pro Tem opened Citizen's Forum asking if anyone wished to speak.

Craig Williams, Dover Point Road, shared his basic economics with citizens about Municipalization and the PUC. He passed out a handout as he read it.

Erv Sparkman, 232 Tolend Road, RE: item 11B stated there are a number of resolutions with very large price tags on them. The budget review was totally inadequate. He wants them to revisit these items.

And secondly there is explosive resident growth in Dover, it's very alarming the number of single family permits that are rolling in. He wants a residential plan to be put in place and not wait for the master plan. Let's not wait until every piece of land has a house on it. Zoning is not the answer; we need to do something now.

Youth to Youth is very impressive; we need to commend the kids that came here tonight.

6. MINUTES

7. MAYOR'S REPORT

The Mayor read three certificates of appreciation for former Conservation Commission Members: Tracy Mullan, Lauren Jacoby, Joanne A. Dodge. Schmidt moved seconded by Rawding to accept. All in favor.

8. REPORTS OF STANDING AND SPECIAL COMMITTEES

A. Solid Waste Advisory – Councilor David Landry

Landry stated the last meeting was held on 6/24/1999. The May financial report was reviewed. The fall leaf collection will be using paper bags this year. The next meeting will be on 7/26/1999 in the City Managers office.

B. Planning Board – Councilor Jerry Reese

No report.

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

Rawding stated, there had been no meeting since the last City Council meeting but he did take a site walk today. Sitework is starting to take shape as well as the driveway and the access road. Drywall is 95% complete; all the windows are in. Ceiling grids and lights are starting to be put up. Plumbing and heating

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is 80% complete. Kitchen is in; tile is being placed on floors. Bathrooms are 90% complete. Gym is 90% complete. The roof is complete, and there were only two leaks in the last horrid rain and they have been taken care of. There were 105 workers on site today. The next meeting will be 7/27/99 at 7p.m. in the Dover High School Library.

Landry asked if there would be any arrangements for the public to tour.

Rawding replied the Clerk of the Works would set up tours.

D. Environmental Concerns Committee – Councilor Paul Johnson

Paul Johnson says they have not met since before the last Council meeting.

E. Appointments Committee – Councilor Bob Berry

No report.

F. COAST BUS – Councilor Peter Schmidt

No report.

Schmidt moved seconded by Landry to accept. All in favor.

9. CITY MANAGER'S REPORT

The City Manager stated for FY 1999 there was no budget overview. But there were 79 building permits issued worth four million and twenty thousand dollars in fees. There were ten single-family dwellings. Schmidt moved, seconded by Rawding to accept. All in Favor.

10. UNFINISHED BUSINESS:

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A. ORDINANCES IN 2ND READING

1. Ordinance #09-06/23/1999, Chapter 131, Offenses, Section 131-15. Sale of Rolling Papers to Minors. Sponsored by Councilor Peter Schmidt, by Request.

Schmidt moved seconded by Rawding. Schmidt stated that the resolution speaks for itself. This is kind of a no brainer since tobacco and marijuana are illegal for minors; marijuana is also illegal for adults. There is no purpose for minors to obtain rolling papers. Landry spoke on the penalty, this is an incentive for storekeepers to think about it. He was also thinking about the purchaser; in both instances both parties should be aware. Motion passed on a roll call vote of 5-0.

2. Ordinance #10-06/23/1999, Chapter 131, Offenses, Section 131-16. School Truancy. Sponsored by Mayor Wil Boc, by Request.

Schmidt moved seconded by Rawding to adopt.

The City Manager asked Chief Fenniman to give some background information. The Chief said that interest in this resolution started in October 1998 after reading an article in Fosters Daily Democrat. They did some research on the current laws on the books and after calling around the country; they came up with an interesting approach. He agrees with Mrs. Colbath but the solution in truancy is multifaceted and is three pronged: First, analyses and motivation and why it occurs, second, analyses and behavior of students and why they are truant and third, the law enforcement component. This ordinance provides for leniency and court discretion. He explained how students have 48 hours to provide written excuses. He feels that this is proactive. When they are truant, they are not doing good things.

Rawding stated he is pleased and in support of this ordinance. This ordinance gives a wake up call to parents, teachers and students.

Johnson has questions for Chief Fenniman regarding the home schooled child who may be on the street, during the day.

Chief Fenniman says that he hires officers with common sense and they will use their discretion. Secondly, an elementary school can call and grant an excuse. A change in R.S.A. 169D states if parents provide continued excuses for a child; it will be addressed through the court system.

Schmidt is in favor. He also shares Mrs. Colbath's concerns. He encourages the Chief and Mr. Pederson to seek out mediation on the positive side.

Landry commends the Police Department on their innovative approach.

Perry asked about the difference between truancy and absenteeism. Mr. Pederson stated there are a lot of justified excuses. This ordinance is for 12 to 16 year olds, 16 is the upper limit. The age of 12 is to go along with the middle school.

Chief Fenniman commented that R.S.A. 193:2 state that the duty of the parent under State Law is to have a child in school. Parental direction is the single most important item in a student's life. Motion passed on a roll call vote of 5-0.

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 Two Year Staggered Terms. Sponsored by Mayor Wil Boc.

Schmidt moved seconded by Johnson to refer to a 7/28/99 special meeting. Motion passed on a 4-1 vote. Rawding opposed.

11. NEW BUSINESS:

A. CONSENT CALENDAR

1. Resolution RE: Award of Bid #B99074 for Office Supplies. Sponsored by Mayor Wil Boc by Request.
2. Resolution RE: Closing a Portion of Central Avenue for the Annual Apple Harvest Day Festival. Sponsored by Mayor Wil Boc by Request.
3. Resolution RE: Appointments Committee Recommendations to Various City Boards and Commissions. Sponsored by Mayor Wil Boc by Request.
4. Wetlands Application – MacKenzie Ventures, Inc. (Stephen MacKenzie)
5. Wetlands Application – City of Dover, NH
6. Raffle Permit – Greater Dover Chamber of Commerce-Cocheco Arts Festival
7. Parade Permit – Knights of Columbus Council 807
8. Raffle Permit – Squadron 8 Son of the American Legion

Schmidt moved seconded by Johnson to adopt, file and grant. Item 11.A.3. has been pulled. Landry asks to move item 11.A.5. to become 11.D.1. Motion passed on a roll call vote of 5-0.

B. RESOLUTIONS

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1. Resolution RE: Award of Purchase Order for Eight (8) Police Cruiser Video Camera Systems, with Accessories. Sponsored by Mayor Wil Boc, by Request.

Schmidt moved seconded by Johnson to adopt. Rawding asked the Chief if these are for the new vehicles. The Chief stated no, they are for vehicles already on the street. Motion passed on a roll call vote of 5-0.

2. Resolution RE: Award of Purchase Order for Six (6) Police Cruisers. Sponsored by Mayor Wil Boc, by Request.

Schmidt moved seconded by Johnson to adopt. Landry is not in favor of purchasing 6 cars. Landry moved seconded by Rawding to amend the resolution by reducing the number of cars from six to four. Johnson is opposed to the amendment. Rawding disagrees with Johnson. He is not pleased with the amount of spending in the last budget. He will authorize four cars.

Schmidt stated we just got done passing an ordinance commending Chief Fenniman and if the Police Chief believes the department needs new vehicles then he is not in favor of amendment.

Landry states with regards to the amendment that the City Manager's view should not be taken verbatim. He asked, what is our role here?

Perry stated he would vote against the amendment and for the six vehicles. Perry says last year we bought zero vehicles, the year before three vehicles were purchased and the year before zero vehicles were purchased. He stated the money is in the budget, this will put us back on track.

Schmidt responds to Landry saying that our function is to oversee the City's resources and its needs.

Rawding says that nobody thinks the Police Department and the Police Chief do a better job than I do, however, our function as City Council is to keep taxes affordable for the people who live in this city. We spent too much money in the last budget. He feels that four new vehicles are plenty.

Amendment failed on a vote of 2-3, Landry and Rawling in favor.

Main motion passed on a roll call vote of 3 to 2, Landry and Rawding opposed.

3. Resolution RE: Award of Purchase Order(s) for Four (4) Replacement Light Duty and Heavy Duty Trucks. Sponsored by Mayor Wil Boc, by Request.

Schmidt moved seconded by Johnson to adopt. Landry disagrees with this resolution, the City Council just passed an 11% increase in the water bills, and he cannot support this. Motion passed on a roll call vote of 3-2, Landry and Rawding opposed.

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4. Resolution RE: Award of Purchase Order for a Heavy Duty Dump Truck Cab and Chassis (with Options). Sponsored by Mayor Wil Boc, by Request. Schmidt moved seconded by Johnson to adopt. Motion passed on a roll call vote of 3-2, Landry and Rawding opposed.

5. Resolution RE: Award of Purchase Orders for Continued Use of Existing Wastewater Treatment Plant Vendors. Sponsored by Mayor Wil Boc, by Request,

Schmidt moved seconded by Johnson to adopt. Landry asked the City Manager if he feels this is cost competitive. Mr. Beecher stated, yes. Motion passed on a roll call vote of 5-0.

6. Resolution RE: Increase of the Elderly Exemption Levels and Criteria. Sponsored by Councilor Bill Wilson, Councilor David Landry and Councilor Peter Schmidt.

This item withdrawn.

7. Resolution RE: Collective Bargaining Agreement between the City of Dover and the DPA. Sponsored by Mayor Wil Boc by Request.

This item withdrawn.

Landry moved seconded by Schmidt to suspend the rules to introduce item. Motion passed on a roll call of 5-0.

8. Resolution Re: The disposition of Revenues from the Land Use Change Tax. Sponsored by Mayor Wil Boc by Request.

Landry moved seconded by Rawding to refer to a workshop in the future. All in favor.

C. ORDINANCES IN THEIR 1ST READING

There are none.

D. COUNCIL CORRESPONDENCE

Item 11A-5 Wetlands application, moved from consent calendar. Schmidt moved seconded by Landry to accept. Landry asked if this permit going to the conservation commission is for the ball field. Someone stated yes. All in favor.

12. COUNCIL MATTERS OF INTEREST

13. ADJOURNMENT

Schmidt moved seconded by Rawding to adjourn. All in favor.

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JUDY GAQUETTE
CITY CLERK