

**MINUTES
REGULAR COUNCIL MEETING
OCTOBER 13, 1999
DOVER CITY COUNCIL
COUNCIL CHAMBERS
7:00 PM**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Mayor Boc led the Pledge of Allegiance.

3. ROLL CALL

Members Present: Boc, Berry, Schmidt, Johnson, Landry, Perry, Rawding and Reese.

4. PUBLIC HEARING

- A. Ordinance #13-09/08/99, Chapter 170, Zoning, Section 170-28.6, Telecommunications Facilities, Subsection H. Sponsored by Councilor Jerry Reese, Planning Board Representative. **(See Item 10A-1)**

Mayor Boc opened the public hearing asking if anyone wished to speak. Seeing no one, he closed the public hearing.

- B. Ordinance #11-09/08/99, Chapter 99, Eating and Drinking Establishments, Section 99-11, Food Service Establishment Tobacco Policy. Sponsored by Councilor Peter Schmidt and Councilor Robert Berry, by Request of the Board of Health.

Marc Hiller, Board of Health member – began by introducing himself and the other members of the Board of Health. He then explained the background of the ordinance which was largely modeled on a similar local ordinance adopted in Portland Maine and subsequently enacted State-wide. He stated the Board was assisted by Atty. John Teague of Concord, NH because George Wattendorf of the Legal Division was not supportive of the ordinance and felt that it would be pre-empted by the State Indoor Smoking Act, RSA 155. He stated the Board then sought and received opinions from various State officials supporting the ordinance procedure. He stated that if the Council adopts the ordinance, they will be showing leadership in preventing illnesses due to smoking. He stated the proposed ordinance seeks to 1) protect Dover restaurant patrons and workers from the involuntary exposure to second hand smoke; 2) eliminate the sale of tobacco products in restaurants; and 3) protects restaurant workers from being exposed to second hand smoke as a condition of their employment; and 4) stipulates the necessary physical and structural separation from and the independent ventilation requirements of bars, taverns and lounges that are physically located within restaurants. He referred to the background information and other scientific data distributed with the ordinance for detailed health risk information. He then cited Chapter 3, Section 3-53-B(1) of the Administrative Code which charges the Board of Health with ensuring the safety of the public health and gave examples of how this has been carried out. He concluded by stating that attempts have been

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made to show the support of the residents of the city and stated that an independent, scientific, random telephone sampling of 600 Dover residents, was conducted by the UNH Survey Center with independent health services researcher, Dr. Theodore Peters, independently analyzing the results. (see meeting folder for survey findings)

Dr. James McKenna – Reyners Brook Drive, President of the Medical Staff at Wentworth Douglass Hospital – stated the Board of physicians voted unanimously in favor of supporting the ordinance due to the effects of smoking. He stated today's smokers are informed and know the negative effects of smoking and make that choice, but second hand smokers do not choose to take this risk. He says that asthmatics and people with respiratory problems cannot go out to restaurants that allow any smoking at all and are harmed by any exposure to smoke, whereas, smokers are not harmed by not smoking for an hour or two while they eat.

Dr. Bob McAfee, Portland Maine, surgeon, Past President American Medical Assoc., Honorary NH Medical Assoc. Member, Chairman of the Maine No Smoking Campaign – stated that NH has one of the highest rates of underage illegal smoking. He explained that in 1997, Maine doubled the cigarette tax resulting in reduced taxable consumption of cigarettes. He explained the history of the City of Portland No Smoking Ordinance passed by the City Council which originally was over turned by a referendum vote. He stated that when it went to the State legislature it was passed by a 2-1 margin because he feels that people were more educated on the issue. He feels that the timing is right for the City Council to pass this ordinance.

MAYOR BOC ASKED THE COUNCIL TO ALLOW 2 PROCLAMATIONS TO BE READ AT THIS POINT IN THE MEETING; ALL AGREED.

Mayor Boc read and presented proclamations for **Leo Michaud**, Laborer, Streets Division, Community Services Department and **Harold Freeman**, Maintenance Mechanic, Water Division, Community Services Department, both of whom retired after numerous years of working for the city.

Dr. Robert McClellan, resident of Stratham, Medical Director of the Center for Occupational and Environmental Health at Exeter Hospital spoke in favor of the ordinance and specifically about indoor air quality. He cited various statistics regarding second hand smoke effects on restaurant workers.

Peter Allen, owner, Strafford Farms Restaurant/Loft Bar – stated his restaurant currently only seats 30 “smoking” customers, and the Loft (bar) has no smoking period. He stated that there are other non-smoking restaurants in the City which give people the choice of where they want to go. He stated that the restaurant owners that he has spoken with all agree that if this was a State-wide ban, then they could accept it. He stated that because it is only in Dover, however, it makes the already difficult competition with Portsmouth that much harder and will have a negative impact on their businesses. He then reviewed the various parts of the proposal and outlined various problems and contradictions with State regulations. He continued by stating that no one is arguing with the negative effects of 2nd hand smoke, but feels that if employees aren't happy where they are working, they can look elsewhere for jobs as

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there are many places looking for help. He concluded by stating that the restaurant owners are also very upset with the fact that none of them were notified that this was even being proposed and were never invited to any meetings to participate in discussions. He urged the Council to table the ordinance.

Jack Story, President, Greater Dover Chamber of Commerce – stated he is now a non-smoker and does go to non-smoking restaurants when possible. However, the Board of the Chamber of Commerce unanimously voted to oppose the ordinance. He stated they feel that this should be done at the State level to make it a level playing field. He stated that if the ordinance is passed, Dover businesses will not be able to compete with the surrounding communities. He stated that most of the non-smoking restaurants are breakfast and lunch businesses with only a short time to eat. He stated let the free market deal with the restaurants that allow smoking. He also agrees that the restaurant owners were not given the opportunity to give their input and feels that there are already too many inspections required for businesses in the city and that enforcement will be difficult.

Bill Scott, Marketing Professor at UNH – stated that the alleged loss of business is not true and cited various studies and reports of other cities and States in the country where this type of ordinance was in effect and were not negatively impacted.

Dr. Theodore Peters – presented results of a research study (See folder) conducted by phone and stated he was an objective researcher.

Douglas Barry, President of New Hampshire Lung Assoc. – stated that there is no decline in business and tourism because of smoking bans. He stated he plans to go city to city and feels that other groups will also support the effort. He stated that they received over 300 signatures on a petition at Apple Harvest Day in support of the ordinance (See folder).

Karen Mairs, Manager of the Barn Tavern – read a Foster's Editorial dated 09/13/99 regarding the City overstepping its authority with this ordinance. The article also agreed with Attorney Wattendorf's decision not to support the ordinance. She stated she feels the ordinance may be well intended, but it is misguided as it is the responsibility of parents to keep children out of the restaurants if that is what they want to do. She then named several area restaurants that are non-smoking, which allows people a choice of where to go.

Dr. Georgia Tuttle, President of AMA of NH – read the statement of the AMA regarding the policy on smoking. She continued by citing statistics relating to the effects of smoke on children and also on the effects of Vitamin C levels.

Jackie Valley, 28 Mt. Vernon Street – stated she is in favor of the no smoking ordinance and feels it will help businesses more than hurt. She stated that she sees a lot of teenagers smoking and feels we need to set the example.

Daniel Dunn, President of Strafford County American Cancer Society – stated the board voted in favor of supporting the ordinance.

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Richard Laughton, owner Daniel's Sports Bar, stated he agrees with all of the previous esteemed speakers regarding the health issues relating to smoking. He stated that he was a lifelong Dover resident until recently, and feels that what happens in Dover is not the same as other places. He stated in many of the establishments being affected by the ordinance, most of the business is done from 10:00 p.m. until closing and people are there for the atmosphere, which includes smoking for some people. He stated that parking is a bigger issue and feels that the Council should be addressing that instead. He stated that if necessary, this will go to litigation, although that is not what anybody wants to do.

Rosemary Pixley, Dover citizen – stated she is an asthmatic as a result of smoke exposure as a child and is classified as disabled. She stated she must take steroids daily and cannot have any exposure to smoke at all and feels that places that advertise that they are smoke free, are not in some instances, which can be dangerous to her condition. She feels that businesses will have more patrons as a result of the ordinance and not less. She concluded by stating that smoking is a choice and an addiction, but breathing isn't.

Skip Small, local Pediatrician and Board of Health member – stated that he feels that prevention is the key to this issue and feels that many adults cop out by saying that kids smoke due to peer pressure instead of being role models.

Brian Kelly, owner of Kelly's Row and Culinary Classic Catering – stated he is a non smoker with asthma and agrees that smoking is bad. He stated, however, that he also knows his industry and the City of Dover and sees a lot of young people smoking, which are many of the people who frequent his establishment. He stated he feels that the issue should be dealt with on a State level and not City. He asked that the ordinance be tabled as he and others had no prior notice of this ordinance.

David Watters, 19 Maple Street – stated he is in favor of the ordinance because of the children. He stated he finds it interesting that the restaurant owners all agree that smoking is bad, but are putting their addiction to smokers first. He stated he feels the Council has a duty to make Dover a healthy place to live.

Gene Soares, pediatrician, former chemist – stated that there are many mutagens as well as carcinogens in second hand smoke, and therefore, we are not only affecting this generation, but future generations as well. He concluded by stating it takes a village to raise a child and asked that the Council keep this in mind when voting.

Atty. John Teague – has an asthmatic son and is an advocate of the ordinance as well as having been retained by the "Dover Cares" coalition to review the legality of the ordinance. He stated that there is an open question as to preemption. He stated he believes that the City does have the power to regulate this issue as it has not lost the power and the duty to take measures that are reasonable to protect the health, welfare and safety of its citizens, the so-called Police power. He stated he does not believe that RSA 155 is preemptive. He stated that the Council should have only the best interest of the citizens in mind when voting.

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Ed Sweeter – Sr. Atty. for Tobacco Control Resource Center located at Northeastern University in Boston, MA – has been litigating tobacco issues for 21 years against the tobacco companies. He stated that legislatively, one of the tobacco lobby's major goals is to get laws past at the State level to take away communities ability to pass ordinances such as this. He stated the argument to get this done at the State level has been made by several people, but the Restaurant and tobacco lobbies aren't supporting it at this level either.

Becky Rand – owner of a restaurant in Portland Maine – spoke in favor of the ordinance stating that she had felt the same fears as the restaurant owners speaking tonight when the ordinance took effect in Portland. She stated that she now feels that her business is better and that both customers and the workers are happier and have less sick days. She stated she does agree that it should be a State-wide law however.

Erv Sparkman, Tolend Road – spoke in favor of the ordinance stating that he has worked in the Occupational Safety and Health Hazard field and has seen the effects of smoking. He stated that he feels the legal argument has been made to support the ordinance and feels the opposition is reacting to preconceived effects. He stated he does feel that the ordinance should be tabled due to the fact that the restaurant owners were not informed.

Art Pelletier, 94 Back River Road, State Representative – stated he agrees that this should be a state-wide issue but doesn't feel that Dover should wait for that to happen. He stated that every time it has been proposed at the State level, the restaurant and hospitality lobby has rallied against it. He also stated that it gets referred to the Commerce committee rather than the Health committee, which is where it should actually be looked at. He stated that as a sponsor and co-sponsor of similar legislation, he can assure everyone that it has never been intended to be pre-emptive legislation. He stated during the last session, the House did pass a home rule legislation which has a ballot initiative component and is scheduled to be on the 2000 ballot, which shows the legislative intent to do it at the local level. He concluded by stating that "If people lead, the leaders will follow" and feels that if Dover leads, Concord will follow.

Jim Pilliod, visitor from Belmont, legislator, pediatrician – stated he feels we should look at the recent education issue (Claremont) to see why it shouldn't be handled at the state level. He stated it will be the local effort that will eventually make the difference at the State. He urged the Council to look at the evidence and be brave when voting.

Tim Haley, Manager of Weathervane Restaurant – stated that if the ordinance is passed, there is no guarantee that business won't go elsewhere and feels that it should be left up to the business owners to decide. He stated the Council was not elected to run businesses and feels that any loss of business is too much.

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Karen Hiller, 10 Grady's Lane – stated that families go out a lot more now with the children because the parents both work outside of the home. She stated she would like to have more choices of where to bring her children in a smoke free environment. She stated that people can go outside to smoke and feels that there would be more business and not less if the ordinance were passed. She stated she is disgusted that money is more of a concern than health. She stated that there are many other aspects of restaurant business that are regulated, ie, handwashing, alcohol sales, etc. and feels that this is a part of owning a business. She concluded by quoting Ghandi regarding the 7 deadly sins.

Seeing no one else wishing to speak, the Mayor closed the public hearing at 9:10 p.m.

Reese moved to suspend the rules to vote on the ordinance at this time, seconded by Rawding. Motion passed on a 7-1 roll call vote, Perry opposed.

Schmidt moved to adopt, seconded by Berry.

Berry stated he supports the ordinance and was asked by citizens and the Board of Health to be a sponsor and agreed to do so in support of the health and welfare of the children and the elderly. He stated that he is sorry that the restaurant people didn't know about the ordinance, but feels that the Government Affairs Committee of the Chamber of Commerce was well informed. He stated that he doesn't feel it will affect businesses negatively, but will actually see more people able to go to these establishments. He stated that the State of New Hampshire is a local control State. He thanked Peter Schmidt for all of his hard work.

Schmidt stated this is a momentous occasion for the city and feels that smoking is now being seen as the health hazard that it is rather than just a bad habit. He stated that not only are the people who smoke harmed, but so are the people who are exposed to second hand smoke. He stated the smoking industry hid the facts and even perjured themselves to cover the truth. He cited the case of a Barrington woman who suffered a long, painful death from second hand smoke exposure. He stated that children respond to adult role models, and although the statistics for underage smoking had been decreasing due to education, they are now higher because of the advertising associated with cigarettes, including Marlboro gear and Joe Camel. He stated that he has been to Concord many times regarding this issue, and has seen the restaurants lobby against it, and therefore, we cannot look to the State to do this. He concluded by stating he understands the restaurant owners concerns and conceded that there may be some negative impact, but feels that everyone's health is being impacted negatively now.

Boc asked Schmidt if the intent is to be effective upon passage.

Schmidt stated it can be phased in, but we have been phasing it in for a long time anyway, and although some people say they were unaware that this was being proposed, and that in reality the only change that needs to be made to any of these establishments is a "NO Smoking" sign on the door.

Boc stated he will amend this to be effective in 6 months.

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Johnson stated he tries to make his decisions based on certain criteria. First, is it good science to ban smoking, yes, because smoking is bad. Secondly, Is it good public policy, perhaps yes, but at a State or Federal level, not local. He stated that he eats out all of the time and hasn't been offended by smoking and would leave if he were. He stated that people should vote with their pocketbooks, by either going to the restaurants or not.

Rawding stated he doesn't support the ordinance either although he does appreciate all of the doctors and professors input. He stated that smoking is bad, but this ordinance punishes smokers and restaurant owners and is not for the greater good of everyone. He stated that the City is participating in the Main Street program which is trying to promote the downtown area, but feels that this ordinance will force people to go elsewhere and will impact negatively on businesses. He stated he also has a problem with the fact that the restaurant owners were not involved in the process. He concluded by stating that it is a personal responsibility to decide where you want to go to spend time and feels that litigation on this matter will be long.

Landry stated he has many questions and feels it is an immense issue. He stated it is an obvious health issue versus personal freedom and wonders who is really being protected. He stated children usually come with adults who are responsible for their health. He stated he feels that restaurant workers can choose to work elsewhere if they don't like the conditions as can the patrons. He asked how many smoke free restaurants are there already in Dover? He stated there are mountains of statistics, but doesn't see that answer anywhere.

James Gray of the American Cancer Society came forward and stated that there are 48 restaurants in Dover (including fast food) and approximately ½ are smoke free.

Landry stated he feels that the real issue is the children and how much damage is being done by two or three times a week being exposed for an hour or two in a restaurant. He stated the issue makes him nervous when discussing the health issues of children as he heard it discussed on "Open mic" recently and heard a comment that smoking around children is another form of child abuse. He asked Dr. Small to explain the effects on children.

Dr. Small stated that the real problem is for asthmatic children and conceded that 1 or 2 hours in a restaurant doesn't have much effect on the average child.

Landry stated that he feels that there are many issues that need to be looked at with this ordinance and doesn't feel that a legal challenge should be a reason to vote against it. He asked why there is no law against smoking even though the USEPA lists it as a carcinogen?

Dr. McClellan, Exeter Hospital, explained that OSHA has been asked to propose a regulation because it is a workplace issue and has done so in 1994, but is now back on the drawing board.

Landry stated he feels there is a lot of information to digest and would entertain tabling the ordinance.

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Perry stated he feels that the Council has a right to pass this and that Concord has not pre-empted this right. He stated he is not afraid of a legal challenge and feels it would be a good public policy and that the health of the citizens is a responsibility of the Council. He stated the argument about negative economic impact isn't valid as there is already a negative impact in health expenses for related illness of workers and doesn't agree that workers can easily find jobs elsewhere. He clarified that the reason he didn't want to take up this issue at this time was because there are other people waiting to address another issue as well.

Boc stated that this is a health issue that was referred to the Council by the Board of Health and feels it is the responsibility of the Council to uphold this recommendation. He stated he feels that non-smokers should have the same choice as smokers. He stated that he agrees that workers cannot just change jobs as many times the pay is better in those types of environments.

Reese moved to suspend the rules to go past 10:00 p.m., seconded by Berry. Motion passed on an 8-0 roll call vote.

Discussion ensued.

Reese stated that he is generally in favor of the ordinance especially since the State passed legislation several years ago banning smoking from office and public buildings. He stated what bothers him about this ordinance, is that establishments will need time to establish a smoking area.

Reese moved to amend to make ordinance effective 6 months from passage, seconded by Boc.

Johnson stated he would vote in favor of the amendment, but not the ordinance.

Schmidt stated there is a 3 month provision in the ordinance already.

Berry stated he feels that 6 months is o.k. if it means the ordinance will pass.

Reese revised his amendment to refer to (page 3) Section 3C-2, changing 90 days to 180 days, Boc (seconder) agrees.

Motion passed on a 7-1 vote, Rawding opposed.

Landry stated he feels this ordinance is NOT NECESSARY.

Motion to adopt as amended passed on a 5-3 roll call vote, Johnson, Landry and Rawding opposed.

RECESS/RECONVENED.

- C. Ordinance #12-09/08/99, Chapter 89, Dogs, Article I, Licensing and Regulation, Section 89-4, Group Licenses, Section C. Sponsored by Mayor Wil Boc by Request. **(See Item 10A-3)**

Mayor Boc opened the public hearing asking if anyone wished to speak. Seeing no one, he closed the public hearing.

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- D. Ordinance #14-09/08/99, Chapter 166, Vehicles and Traffic, Section 166-49, Schedule B: Prohibited Turns and Intersections, New Rochester Road/Willand Avenue. Sponsored by Councilor David Landry, Chair, Parking and Traffic Committee.

Peter Allen stated that there are only 7 houses on Willand Avenue and feels that the squeaky wheel got the grease when this ordinance was passed. He stated that the no-left turn onto Willand Avenue forces people to go further down the road and affects many more people than those 7 residences. He stated he had been told that Old Rochester Road was designed for the traffic better than Willand Avenue but has measured the roads, which are the same. He stated that as the owner of Strafford Farms he sees people cutting through his parking lot all of the time and has a hard time doing anything about it because it is bad public relations.

Jack Gagnon, 1 Strafford Road – stated that back when the Week's Crossing was proposed, the State was supposed to create an access road between Scott's Trailer Park and Old Rochester Road?

Mayor Pro Tem Perry stated that this was talked about, and the road was widened to accommodate this in the future.

Art McKenney, 8 Wellington Avenue – stated that he feels it was ridiculous to have to sit here for 3 ½ hours to speak on this ordinance. He then stated that 7 houses have taken the rights away from hundreds of other people.

Betsey Andrews-Parker, candidate for Ward One City Council – stated that she has been going door to door for her campaign and the number one issue on people's mind in the north end is the no-left hand turn onto Willand Avenue. She stated that forcing people further down the road to the Longhill Road intersection, just creates a more dangerous situation.

Vicky Donahue, 10 Willand Avenue – wants the no-left hand turn kept in place because it is doing what it was intended to do which is to keep major traffic off of a small residential street and keeps the children on the street safe as well.

Peter Strangas, Willand Avenue resident – explained the history of the Weeks Crossing project and the reasoning for the No-left hand turn sign. He stated that the statistics prove that it is not unsafe to make the U-turn or to go to the Longhill Road intersection. He feels that the Strafford Farms parking lot is an open invitation to cut through with or without the no left hand turn onto Willand Avenue.

Neal Stacey, 570 Longhill Road – stated he currently has two routes to get to his house and feels that if the sign is taken down, it will create a 3rd unsafe route.

Margaret Herron, Maplewood Avenue – stated that she feels it is very unsafe to make the u-turn at the Weeks Crossing because the cars coming south have a yield

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sign coming onto the highway, but don't observe it as such. She stated she feels there should be a stop sign there instead of a yield sign.

Unidentified Speaker – stated he was here in September for a meeting and asked an officer about the stop sign versus the yield sign and he stated the officer agreed with a stop sign. He then discussed the fact that private contractors are tearing up the roads when construction is going on and then they are doing a very poor job repairing them afterward.

Strangas rebutted the previous speaker stating that the police officer was asked if it was unsafe to make a u-turn and said it wasn't unsafe and had done so himself. Strangas stated that the Planning Department also doesn't feel it is unsafe because most of the area is controlled by lights and has a long right hand turn lane.

Seeing no one else wishing to speak, the Mayor closed the public hearing.

Reese moved to suspend the rules to act on this item, seconded by Rawding. Motion passed on a 7-1 roll call vote, Perry opposed.

Landry moved to adopt, seconded by Boc.

Landry stated he feels the city should take this issue up with the State as it has been studied to death. He stated people cut through Strafford Farms both ways, and is not necessarily related to the Left-hand turn sign.

Boc stated he is in favor of taking down the sign as there is already a speed bump on the road.

Perry stated that with regard to making a left hand turn onto 108, he is unsure how safe it is when there is no stacking ability.

Landry stated it is not a necessary thing as other roads have this also.

Johnson stated that as the Ward 1 representative, this is a divisive issue for him because he feels the minority has the better argument. He stated that the ordinance was originally passed unanimously and feels that the effects it would have on the other neighborhoods were known at that time. He stated that the State has agreed to put up No-through Traffic signs at Strafford Farms and it will be up to the City to enforce this.

Rawding stated he has received 6 phone calls regarding this issue, but that the intent of this was to make an unsafe street safer and was effective at doing so. He stated the speed bumps are a concern when it comes to putting them on other streets as the snow plows have a hard time with these. He feels that the parking and traffic committee should pursue the stop sign issue and that the Planning Board should pursue the connector road with the State at the trailer park.

Reese stated that the sign and the speed bump were put up at the same time, so it is unknown if the speed bump could have been a deterrent by itself.

Schmidt stated that this is a no win situation as the area has gone from small neighborhoods to grand central station.

Motion to adopt FAILED on a 3-5 roll call vote, Boc, Perry and Reese in favor.

E. Resolution RE: Authorization to Apply for Bureau of Justice Assistance Block Grant to Purchase Equipment for the Police Department. Sponsored by Mayor Wil Boc, by Request.

Mayor Boc opened the public hearing asking if anyone wished to speak. Seeing no one, he closed the public hearing.

5. CITIZEN'S FORUM

Mayor Boc opened the Citizen's Forum asking if anyone wished to speak:

Erv Sparkman, 232 Tolend Road – began by stating that people shouldn't have to wait 4 hours to speak on an issue. He stated he was a member of the Public Works Facility Steering Committee and is speaking about the Resolution entitled creation of a Building Committee for a new Public Works Facility (item 11.B-5). He stated that the resolution appears to also authorize entering into a non-competitive design/build contract. He stated he disagrees with the selection of Eckman as the contractor although it has nothing to do with Eckman. He stated he thinks the process used to make that selection was invalid but chooses not to discuss those details here. Next he stated he disagrees with the decision to award a contract without competitive bidding. The selection based on assessment of qualifications alone is invalid. First there is no competition for the costs of the design and construction management portions of the contract or any other services provided directly by contractor employees. The contractor knowing up front what you are willing to spend taints the actual guaranteed maximum price negotiation. That gives little credibility to the argument that the competition comes from the subcontractors bidding under the GMP lid. He stated he disagrees that a Building Committee made up of Councilors will be better able to resolve the issues the Steering Committee was chartered, but failed, to do. The Committee also doesn't need the contractor to help resolve the design questions that have been correctly raised by the Mayor. They are better resolved by citizens digging in to learn the facts and making common sense judgements. These decisions should be made before proceeding any further. He concluded by stating he believes significant concerns have been raised that should be addressed before proceeding. This project should not be pushed through to complete a campaign promise before the end of your term.

Bill Stacey, 75 Longhill Road – stated that the Dover Citizens for Responsible Government have composed a position paper regarding the public works facility which states that this needs to be studied more thoroughly and not "fast-tracked". He stated the new site is too close to the neighboring Farmwood Village Mobile Home Park, as well as having a drainage issue.

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Candace Weeks, 4th Street – stated she is also against the public works facility relocation stating that the total cost is unknown including the cost for water/sewer hookup, demolition of the old site and the hazardous waste issue. She stated that the driving force behind it is not the need for a new facility, but the development of the riverfront for private interests. She concluded by stating that the payback of the taxpayers money for this relocation will be too long in coming, if at all.

Karen Morton-Clark, Dover High School Parent Group President – introduced Shane Boulanger and Cheney Davis, members of Youth to Youth, and explained “Acknowledgement Week” which will be held in November.

Cheney Davis then presented Councilor Schmidt with two Blue Ribbons of acknowledgement, one to keep and one to pass on to someone else. Councilor Schmidt then presented his extra back to Miss Davis.

Mrs. Stacey, 75 Longhill Road – also concerned with the relocation of the public works facility and stated it is not the will of the people. She stated the proposed site contradicts the Master Plan which is calling for the preservation of open space. She stated she feels that it will benefit only a very few monetarily.

Fran Weeks, 4th Street – stated that he is in favor of the river front being cleaned up, but feels that there are serious hazardous waste issues that have yet to be understood.

Seeing no one else wishing to speak, the Mayor closed the Citizen’s Forum.

Perry moved to suspend the rules to refer items 6, 7, 8 and 9 to the next meeting, seconded by Berry. Motion passed on an 8-0 roll call vote.

6. MINUTES

- A. Regular Council Meeting – September 8, 1999
- B. Council Workshop – September 29, 1999

(NO ACTION TAKEN)

7. MAYOR’S REPORT

(NOT GIVEN)

8. REPORTS OF STANDING AND SPECIAL COMMITTEES

- A. Solid Waste Advisory – Councilor David Landry
- B. Planning Board – Councilor Jerry Reese
- C. Joint Building Committee – Councilor W. Scott Rawding

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D. Environmental Concerns Committee – Councilor Paul Johnson

E. COAST BUS – Councilor Peter Schmidt

(NO REPORTS GIVEN)

9. CITY MANAGER'S REPORT

(NO REPORT GIVEN)

10. UNFINISHED BUSINESS:

A. ORDINANCES IN 2ND READING

1. Ordinance #13-09/08/99, Chapter 170, Zoning, Section 170-28.6, Telecommunications Facilities, Subsection H. Sponsored by Councilor Jerry Reese, Planning Board Representative.

Reese moved to adopt, seconded by Berry.
Motion passed on an 8-0 roll call vote.

3. Ordinance #12-09/08/99, Chapter 89, Dogs, Article I, Licensing and Regulation, Section 89-4, Group Licenses, Section C. Sponsored by Mayor Wil Boc by Request.

Perry moved to adopt, seconded by Reese.
Motion passed on a 7-1 roll call vote, Landry opposed.

B. ORDINANCES IN 3RD READING

C. RESOLUTIONS

11. NEW BUSINESS:

A. CONSENT CALENDAR

1. Resolution RE: Authorization to Apply for Bureau of Justice Assistance Block Grant to Purchase Equipment for the Police Department. Sponsored by Mayor Wil Boc, by Request.
2. Resolution RE: Establishment of Hildred Berwick Teaching Scholarship Trust. Sponsored by Mayor Wil Boc, by Request.
3. Resolution RE: Establishment of George Kay Vocational Scholarship Trust. Sponsored by Mayor Wil Boc, by Request.

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4. Tag Permit – Somersworth Berwick Youth Hockey
5. Raffle Permit – Dover Track Boosters
6. Raffle Permit – Dover High School Football Boosters Club
7. Raffle Permit – Friends of the Dover Public Library
8. Raffle Permit – Cocheco Chapter American Diabetes Assoc.
9. Raffle Permit – St. Thomas Aquinas High School
10. Road Toll Permit – Knights of Columbus
11. Road Toll Permit – Dover Lions Club
12. Wetlands Application – Megan Martineau
13. Wetlands Application – Kerryl Clement
14. Wetlands Application – Wayne Trafton

Perry moved to adopt 11A1-3, grant 11A4-11 and accept and place on file 11A12-13, seconded by Berry. Motion passed on an 8-0 roll call vote.

B. RESOLUTIONS

1. Resolution RE: The Disposition of Revenues from the Land Use Change Tax. Sponsored by Mayor Wil Boc, by Request.

Perry moved to refer to a public hearing on November 10, 1999, seconded by Reese. Motion passed on an 8-0 vote.

2. Resolution RE: Award of Bid #B00014 for a Municipal Sidewalk Utility Tractor. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Reese.

Landry asked about the attachment that is mentioned in the background information. Pete Lavoie explained that it is a labor saving device.

Motion passed on an 8-0 roll call vote.

3. Resolution RE: Award of RFP #B00013 for a Public Safety Computer System, Computer-Aided Dispatch and Records Management Software System. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Reese.

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Reese asked if the software will do things that can't be done now.

Chief Fenniman replied yes.

Motion passed on an 8-0 roll call vote.

4. Resolution RE: Award of RFP#B00008 for an Inflow and Infiltration Study. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Reese.

Motion passed on an 8-0 roll call vote.

5. Resolution RE: Creation of a Building Committee for a New Public Works Facility. Sponsored by Councilor Peter B. Schmidt.

Schmidt moved to adopt, seconded by Johnson.

Perry moved to amend by dividing the question (Be it Resolved, and Further Be it Resolved sections), seconded by Johnson. Motion passed on a 6-1 vote, Berry opposed. Rawding abstained.

Johnson stated he feels the building committee should consist of Councilors only.

Landry asked if the location will be revisited by the committee.

Boc stated there is no intention of revisiting the issue and that the previously mentioned issue with the Master Plan was not a part of the 1988 document, which is the current Plan being followed.

Section 1:

Johnson moved to amend by stating "...to consist of 3 *Council* members", seconded by Perry.

Motion to amend passed on a 7-0 vote.

Motion to adopt as amended passed on a 6-1 roll call vote, Landry opposed, Rawding abstained.

Perry stated he wants to see an architect hired.

Mr. Beecher replied that that was the original course chosen via the McGuire Group recommendation, and we can still do that, but feels that we need to make a decision one way or another and go with it.

Section 2:

Motion to adopt failed on a 3-4 roll call vote, Boc, Berry and Schmidt in favor.

C. ORDINANCES IN THEIR 1ST READING

1. Ordinance #15-10/13/99, Chapter 22, Ethics, Code of, Section 22-18, Complaints without Substance. Sponsored by Mayor Wil Boc, by Request.

Perry moved to refer to a public hearing on November 10, 1999, seconded by Berry.

Motion passed on an 8-0 vote.

D. COUNCIL CORRESPONDENCE

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12. COUNCIL MATTERS OF INTEREST

13. ADJOURNMENT

Perry moved to adjourn at 12:00 a.m., seconded and passed unanimously.

Valerie A. French
Deputy City Clerk