

MINUTES
REGULAR COUNCIL MEETING
AUGUST 12, 1998
DOVER CITY COUNCIL
COUNCIL CHAMBERS
7:00 P.M.
EXECUTIVE SESSION 6:30 P.M.
REGARDING SALE OF CITY PROPERTY

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Reese led the Pledge of Allegiance.

3. ROLL CALL

Members Present: Councilor Reese, Councilor Wilson, Councilor Jalbert, Councilor Johnson, Councilor Landry, Mayor Pro Tem Perry, and Councilor Rawding.

Councilor Berry and Mayor Wil Boc absent.

4. PUBLIC HEARING

Mayor Pro Tem Perry opened the Public Hearing.

1. Resolution RE: FY 99 Budget Amendment #2. Sponsored by Mayor Wil Boc, by Request.

The City Manager explained the resolution regarding the FY99 budget Amendment #2. He stated this included reducing the tax rate by 92¢ and the new telephone contact with Bell Atlantic.

Mayor Pro Tem Perry closed the Public Hearing.

5. CITIZEN'S FORUM

Frank Biehl - 229 Spur Road. Citizens for a Responsible Government. Mr. Biehl addressed his concern for the additional spending for widening Church Street. He stated we are concerned with spending residents tax dollars. Mr. Biehl asked the council to consider whether they should spend those dollars. We can't do everything for everyone.

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Scott Myers – 103 Dover Point Road. Chairman of the Waterfront Development Subcommittee. Mr. Myers provided background on the waterfront development.

He stated we had two developers who showed interest. One formal presentation was made by Northland. Then a second meeting was held. A working letter of negotiation between Northland and DEDC was presented but unfortunately no common ground could be achieved. DEDC has formally rejected Northland's proposal. Mr. Myers thanked Northland for their proposal.

He suggested that the council and DEDC should meet in a workshop in September or October to determine the next step for this process.

Seeing no other speakers, the Citizen's Forum was closed.

6. MINUTES

A. Minutes of June 24, 1998 – Regular Meeting

B. Minutes of July 8, 1998 – Regular Meeting

Landry moved to accept the minutes, seconded by Reese.

The Minutes of July 8, 1998 – Regular Meeting indicates Rawding absent; change to late. Motion passed on a 7-0 vote.

7. MAYOR'S REPORT

Mayor Pro Tem Perry read a Proclamation recognizing Tom Hindle as Dover's Citizen of the Year for 1998.

Landry moved to accept the Mayor's Report, seconded by Reese. Motion passed on a 7-0 vote.

8. REPORTS OF STANDING AND SPECIAL COMMITTEES

A. Solid Waste Advisory – Councilor David Landry

Landry stated the last meeting was held on July 28, 1998. The Fund Balance is in good shape. They reviewed the bulky item pickup request. He stated the commission feels we can afford a bulky item pickup for the cost of one tag in the month of October. More details will follow in September.

Secondly, they discussed the hours of operation at the drop off center on River Street. Landry stated they will have Sunday hours. He stated, hopefully soon, we will have at least seasonal Sunday hours.

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Landry also stated there have been a fair number of problems with the residential bag vendor. He stated we are considering returning to the previous vendor.

B. Planning Board – Councilor Jerry Reese

Reese stated the Planning Board met on July 14, 1998.

During which they Considered/Accepted (C/A) a site plan for the U.S. Postal Service to reconfigure the parking lot to do away with the dead end on Green Street. He stated this will increase parking and relieve the traffic flow.

C/A a lot line adjustment on Durham Road, Lot 6, 316.3. Reese stated this discussion was on the proposed use of property on Church Street/Locust Street. This discussion was tabled until the next meeting.

Reese stated there was a vote on a major subdivision located on Sixth Street property. This remained on the table due to planning staff consideration.

He stated the Dover Master Plan Update Land Use document was discussed. There will be no changes until the neighborhood meetings are held so the planning board could get input from the citizens.

On July 28, 1998 the next meeting was held. Reese stated at that meeting a C/A change of use of St. Mary property on Church/Locust was passed.

C/A minor lot line adjustment for Ray Martineau at Industrial Park and Littleworth Road. This is cleaning up lot line adjustments.

C/A major subdivision at Varney Road – Reese stated this was tabled until the site walk on August 3 and the project was tabled again waiting for additional information.

C/A major subdivision of land on Dover Neck Road was also tabled. There was a site walk on August 5. Also tabled at the August 11 meeting waiting for additional information.

C/A major subdivision of land for Bak Land on Sixth Street. He stated this project was approved. The project will begin later this year.

C/A Approved an extension for Varney Cleaners to submit their plan to the city for their addition to their building at Third and Chestnut Streets.

Reese stated the August 11 meeting was a short meeting.

C/A Minor lot line for property on Spruce Lane.

C/A Minor subdivision for the same property on Spruce Lane.

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C/A Minor lot line at 269 Gulf Road.

C/A Patrick Cragin on Knox Marsh Road – 3 buildings; 12 units.

C. Joint Building Committee – Councilor W. Scott Rawding

Rawding stated the JBC met on July 28, 1998.

They reviewed scheduling milestone dates for the new middle school. Rawding stated SUR is well underway for the driveway and clearing. The bid for the foundation and steel is going out on July 7 thru July 28. The final development document should be complete September 2, which should give us a final price. We should get some good prices. The foundation should start approximately September 20. The new Clerk of the Works is Mr. Dibartolmo. Mr. D. started on August 3, 1998.

The next JBC was held on August 11, 1998 – Councilor Johnson will report.

Johnson stated they discussed

- 1) Procedures for negotiating contracts,
- 2) Reviewed the milestones and should have the maximum price in hand by September 2.
- 3) Blasting will start next week on the ledge.
- 4) Approved the utility brick on the front of the building – standard red brick.
- 5) Also discussed the Clerk of the Works contract. This was tabled to C/A for review. The next meeting will be August 25, 1998.

D. Ad Hoc Electrical Partnership Committee – Mayor Pro Tem Otis Perry.
Withdrawn.

E. Joint Building Committee – Kindergarten – Councilor Bill Wilson.
Councilor Wilson reported they are on time and within the amended budget.

Reese moved to accept the reports, seconded by Jalbert. Motion passed on a vote of 7-0.

9. CITY MANAGER'S REPORT

The City Manager stated the collection of nonproperty tax revenue is at 15% and expenses are at 14%.

He stated under Economic Development, 48 building permits totaling \$1.6 million were issued, 11 single family homes. The city collected \$9K in fees.

The City Manager recommended the city council sell the property at 75 Old Rochester Road to Matthew Lavoie. He was the highest bidder.

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The City Manager addressed the City Hall hours – He stated he met with the President of DMEA and no compromise to work on Saturday mornings could be reached.

The City Manager recommended continuing with the survey of citizens.

Wilson asked the City Manager have you met with the President of DMEA and they have rejected Saturdays. The City Manager stated, yes.

Perry asked how about Wednesday hours.

The City Manager stated in order to resolve the hours, he needs a decision. The City Manager reviewed the four (4) options. He recommended the survey, then present the results in October.

Johnson stated he would like the survey to be implemented.

Perry stated, acceptance would mean sale of property and to conduct the survey, and implement Wednesday hours, yes.

The council was provided with a sample of the survey to be presented to the citizens of Dover.

Mike Joyal explained the process. Utilizing the U.S. Postal Service to randomly distribute the surveys to the 12K to 14K possible postal deliveries. We would expect 2,700 to be returned and we plan to contact customers in City Hall as well.

Landry asked how will these surveys be scored?

Rawding asked what are the controls?
Utilizing colored paper and having a predetermined number.

Rawding asked the City Manager to review the land sale.

The City Manager stated the property at 75 Old Rochester was the property being discussed and Matthew Lavoie was the high bidder at \$26,500.

Reese moved adopt, seconded by Rawding.
Motion passed on a 5-2 vote. Landry and Wilson opposed.

10. UNFINISHED BUSINESS:

A. ORDINANCES IN 2ND READING

None.

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B. ORDINANCES IN 3RD READING

1. Ordinance #08-06/24/98, Chapter 152.16.1, Streets and Sidewalks. Sponsored by Councilor Bill Wilson.

Wilson asked to have this ordinance withdrawn.

C. RESOLUTIONS

None.

11. NEW BUSINESS:

A. CONSENT CALENDAR

1. Resolution RE: Setting Voting Hours for the State Primary Election on September 8, 1998 and the General Election on November 3, 1998. 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: Renewal of License Agreement with Tyra, Inc., Successor to S & H Enterprises (and Sara Davis and Henry Sanborn). Sponsored by Mayor Wil Boc, by Request.
4. Resolution RE: Award of Request for Proposal #B99002 for Telephone Replacement – Communication Center. Sponsored by Mayor Wil Boc, by Request.
5. Resolution RE: Award of Purchase Order for Software Maintenance Support. Sponsored by Mayor Wil Boc, by Request.
6. Resolution RE: Award of Purchase Order for a Used Microfilm Reader/Printer. Sponsored by Mayor Wil Boc, by Request.
7. Road Race – Coheco Valley Humane Society.
8. Raffle – Friends of Dover Mounted Police.
9. Raffle – Annual Harvest Fair – St. Joseph Church.
10. Road Toll – for Muscular Dystrophy – Dover Professional Firefighters.
11. Raffle – Dover Chamber of Commerce.
12. Wetlands Permit – City of Dover.

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Landry moved to adopt 11.A.1. – 11.A.6, grant 11.A.7. – 11.A.11. and accept and place on file 11.A.12., seconded by Reese.

Rawding moved to remove 11.A.3. and 11.A.6. Motion passed on a roll call vote of 7-0.

B. RESOLUTIONS

Rawding asked to bring forward item 11.B.13. Perry stated, so granted.

11.B.13. Jalbert moved to adopt, seconded by Rawding. Motion passed on a roll call vote of 4-3. Wilson, Johnson, and Landry opposed.

13. Resolution RE: Authorization for Church Street Widening.
Sponsored by Councilor James Jalbert and Councilor Robert Berry.

Jalbert addressed the concern with Church Street regarding St. Mary Academy new purchase.

He stated there is no impact on the Church. The Church will benefit all the abutters. It will allow some traffic to be removed from Central Avenue.

Jalbert also stated the city has always worked very hard to support businesses in Dover.

Johnson stated he will vote against this. He stated there is a difference between private industry to increase the tax income versus public money. He has voted consistently against public money for a private education.

Landry stated St. Mary's is a business and clearly the money saved from the costs of increased children in our public schools is a wash. He stated he does have some problem with this because of the sidewalk/street improvement program.

He suggested looking at where the south side repair falls on the list and the city should pay for our portion.

Rawding stated he is in favor of moving this project up. He urges the council to approve this.

Perry stated initially he felt we were doing for St. Mary's what we don't do for others. Further though regarding the long-term existence of the problem. He stated he will support this resolution. Perry stated this does not set a precedence.

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Landry asked what was the cost?

Mike Bobinsky stated \$18K for concrete. He also stated the south side would include some brick work or asphalt. He stated this one is not in the top 10.

Landry asked does this \$30K includes replacing the bricks?

Steve stated it did include the sidewalk but this is asphalt.

Johnson asked is there a time frame.

The City Manager stated, yes, they would like to be done this fall.

Wilson moved to amend that the City of Dover would pay up to \$10K for the reconstruction of the south side out of the sidewalk fund.

Jalbert stated his understanding was the city would pay \$10K and the remainder is up to the property owner to pay the difference.

Perry stated only \$10K toward the sidewalk.

Landry would like to increase to \$20K to replace with brick.

Wilson stated funding is from the sidewalk funds not the contingency plan.

Wilson moved to amend. Motion fails 1-6. Wilson in favor.

Main motion as it exists.

Jalbert moved to adopt, seconded by Reese. Motion passed on a roll call vote of 7-0.

Main motion passed on a roll call vote of 4-3. Wilson, Johnson, and Landry opposed.

1. Resolution RE: Award of Blanket Purchase Order for Both Children's and Adult Books. Sponsored by Mayor Wil Boc, by Request.

Landry moved to adopt, seconded by Reese. Motion passed on a roll call vote of 7-0.

2. Resolution RE: Fiscal Year 1999 Budget Amendment #2. Sponsored by Mayor Wil Boc, by Request.

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Landry moved to adopt, seconded by Reese.

Rawding stated we have been given an opportunity to reduce the taxes by 21¢ due to reassessment. Also there is a contract with Bell Atlantic.

He stated he will support this but is concerned with the Bell Atlantic monopoly.

The City Manager stated this is a long-term investment, which saves money in interest payments over a period of time.

Landry asked if he understood that we did not touch the contingency of \$600K.

The City Manager stated at the last meeting, we transferred money out of contingency to cover contracts and he used the rest from the contingency fund.

Landry stated his did not come to that conclusion. He asked do we know what is presently in the contingency?

The City Manager stated \$77K. He went on to state he is recommending we not use any more contingency money.

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

3. Resolution RE: Award of Purchase Order for Continued Professional Legal Consulting Services, "As Needed". Sponsored by Mayor Wil Boc, by Request.

Landry moved to adopt, seconded by Reese. Motion passed on a roll call vote of 7-0.

4. Resolution RE: Award of Request for Proposal #B98065 for Occupational Health Services. Sponsored by Mayor Wil Boc, by Request.

Landry moved to adopt, seconded by Reese. Motion passed on a roll call vote of 7-0.

5. Resolution RE: Award of Replacement Purchase Order for Dover Trash Bags. Sponsored by Mayor Wil Boc, by Request.

Withdrawn.

6. Resolution RE: Award of Purchase Order for a Pick-Up Truck. Sponsored by Mayor Wil Boc, by Request.

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Landry moved to adopt, seconded by Reese.

Rawding asked does this truck have air conditioning? The City Manager stated, no.

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

7. Resolution RE: Award of Bid #B99006 for Dump Body, Wing, and Plow. Sponsored by Mayor Wil Boc, by Request.

Landry moved to adopt, seconded by Reese. Motion passed on a roll call vote of 7-0.

8. Resolution RE: Award of Bid #B99005 for a Cold Planer Attachment. Sponsored by Mayor Wil Boc, by Request.

Landry moved to adopt, seconded by Reese. Motion passed on a roll call vote of 7-0.

9. Resolution RE: Award of Change Purchase Order(s) for Electronic Equipment Controls Upgrade at the Griffin Well. Sponsored by Mayor Wil Boc, by Request.

Landry moved to adopt, seconded by Jalbert.

Rawding asked what is the condition of our well stripper and what is the progress on clean water, and when can we bring the well on line?

The City Manager stated we are getting the well ready for the SCADA system.

Mike Bobinsky stated the project is moving along on schedule. The framing and block work is half finished and the stripper well unit is on order for fall installation. We are on schedule.

Rawding asked when can we drink from the well?

Mike Bobinsky stated in November/December, 1998.

Perry asked if Madbury Metal is open?

Mike B stated, yes. He stated we are optimistic the new owner adhere to environmental controls.

Reese asked who is monitoring the well?

Mike B stated the wells on city property, we maintain. The new owner is to maintain wells on their property. There is a new protocol

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they were required to inherit. Mike stated we have an agreement to meet with the new owner 3 or 4 times a year.

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

10. Resolution RE: Award of Bid #B99001 for Highway Winter Road Salt. Sponsored by Mayor Wil Boc, by Request.

Landry moved to adopt, seconded by Reese. Motion passed on a roll call vote of 7-0.

11. Resolution RE: Award of Bid #b98074 for Compaction Testing Services. Sponsored by Mayor Wil Boc, by Request.

Landry moved to adopt, seconded by Reese. Motion passed on a roll call vote of 7-0.

12. Resolution RE: Award of Bid #B99008 for an Aluminum Trench Box. Sponsored by Mayor Wil Boc, by Request.

Withdrawn.

14. Resolution RE: Renewal of License Agreement with Tyra, Inc., Successor to S & H Enterprises (and Sara Davis and Henry Sanborn). Sponsored by Mayor Wil Boc, by Request.

Landry moved to adopt, seconded by Jalbert. Motion passed on a vote of 7-0.

15. Resolution RE: Award of Purchase Order for a Used Microfilm Reader/Printer. Sponsored by Mayor Wil Boc, by Request.

Landry moved to adopt, seconded by Reese.

Rawding asked what account is this?

The City Manager stated the capital account. The City Manager stated we are waiving the bid process for this item.

Rawding commended Mr. Mullan.

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

Landry moved to suspend the rules to introduce 11.B.16, seconded by Reese.

16. Resolution RE: Approval to Appropriate \$22,000 from Fund Balance in the Residential Solid Waste Special Fund to Provide Bulky Waste Collection for Dover Residents. Sponsored by Councilor David Landry.

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Landry moved to adopt, seconded by Reese.

Reese moved to amend to \$22,200, seconded by Jalbert.

Amendment passed on a 7-0 vote.

Main motion passed on a roll call vote of 7-0.

Landry moved to suspend the rules to introduce 11.B.17. Motion passed on a 5-1 vote. Perry opposed. Rawding abstained.

17. Resolution RE: Award of Request for Proposal #B98078 for Mast Road Athletic Field Development Project. Sponsored by Mayor Wil Boc, by Request.

Reese moved to amend the now therefore to authorize to negotiate a contract, seconded Jalbert.

Motion passed 5-1. Landry opposed. Rawding abstained.

Wilson asked the City Manager can we move ahead but we can't spend any money until we have council approval.

The City Manager stated that is correct.

Perry stated he would like to defer to a workshop.

Landry stated he would also like to go to a workshop.

Reese asked to table to a workshop on August 26, seconded by Jalbert.

Motion passed on a 7-0 vote to table to a workshop.

C. ORDINANCES IN THEIR 1ST READING

1. Ordinance #10 - 08/12/98, Vehicles and Traffic, Chapter 166. Sponsored by Councilor Bill Wilson.

Wilson moved to refer to a Public Hearing on 9/9/98, seconded by Reese.

Motion passed on a 7-0 vote.

2. Ordinance #11 – 08/12/98, Code of Ethics, Chapter 22. Sponsored by Mayor Wil Boc, by Request.

Landry moved to refer to a Public Hearing on 9/9/98, seconded by Reese.

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Motion passed on a 7-0 vote.

D. COUNCIL CORRESPONDENCE

None.

12. COUNCIL MATTERS OF INTEREST

Reese stated the second meeting on proposed zoning changes is scheduled for August 13, 1998 at the Horne Street School at 6:30 p.m.

The third meeting is scheduled for August 18, 1998 at the Dover High School at 6:30 p.m. and the fourth and final meeting is scheduled on August 31, 1998 at the Horne Street School at 6:30 p.m.

Johnson stated he has received a letter from Ernie Clark resigning from the Recreation Advisory Board. Johnson thanked Ernie Clark for his service on the Recreation Advisory Board and he also asked Ward 1 citizens to contact him if they are interested in serving on that board.

Landry moved to adjourn, seconded by Reese.

13. ADJOURNMENT

KAREN L. LARSON
CITY CLERK

NOTE: Tabled Items: