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**6:00 P.M.  
CITY MANAGER'S OFFICE  
EXECUTIVE SESSION**

The City Council will meet in Executive session to discuss Labor Negotiations.

NOTE: This meeting is not open to the public per RSA 91-A:2 (b).

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**7:00 P.M.  
COUNCIL CHAMBERS  
REGULAR MEETING**

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**

Those present: Councilor's Cheney, Ciotti, DeDe, Deputy Mayor Hindle, Councilor Keays, Mayor Myers, Councilors Scott, Trefethen. Also present City Manager Joyal and City Attorney Krans. Councilor Turner is absent.

4. **PROCLAMATIONS - AWARDS**
5. **SUMMARY OF AGENDA**

The Mayor noted the high light on the agenda is the voting and discussion on the overlay district.

6. **CITIZEN'S FORUM**

***Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.***

**Warren Lupien** of 1 Berkshire Lane has talked to several of the councilors in the last few days about the senior citizens and their property taxes. Some of these seniors cannot afford to pay their taxes. There should be a law to pay a minimum amount. He is here because he does not even make \$30,000. He asked them to extend to 10 years the residency issue. Don't forget there are seniors here that have lived here all their lives so take care of these citizens first; that is why they are there. The skating rink is a big joke they should have bought a new police or fire station instead. The new council is going to want to know where every penny is going. He bought his house in the 40's; he continued about the high prices of things here in Dover. Don't let the city manager get away with anything. The Mayor let him know he has one minute left. He does charity work here in Dover; he transports people to the hospital. The bible says to take care of the old and the sick. He stated he must go help some elderly people now.

**Suzanne Medbery** of 3 Covered Bridge Lane came before them last month telling them March 1st was the deadline to file for abatements on their property taxes. She wants to tell the people about a meeting being organized on the high property taxes and inequities on the tax assessing on Monday March 13th at 7 PM at the Veteran's Club on Back River Road. She explained about how Dover does the reassessments on an annual basis. There is no doubt that Dover is a desirable city but people who live here pay dearly. The most



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accelerated item is the tax rate; she thinks it looks like the city is trying its best to keep the tax rate low but at the same time the assessed value increased. She gave the yearly percentages. They can call 749-73077 or 742-0925 to find out more about the meeting.

**Don Medbery** of 3 Covered Bridge Lane thinks the council and city should focus on immediate problems. See handout in council meeting folder of 2-22-2006. Today Dover is in an unfavorable environmentally weakened condition as a result of some very poor choices in the past ten years. He listed several of these problem areas.

He continued about the low water pressure in the north end of the city among other issues. He stated there should be full disclosure of these items.

**Karl Heller** of 10 Dover Point Road asks what is going on in Dover. What are we allowing to happen; why are we allowing reckless building going unchecked. He has seen what happens when they build everywhere in a city. We have a planning board that is not planning. When is it going to stop; the developers have a feeding frenzy of building right now. He is fairly new to Dover; he cannot sit by idle and let taxes rise. He reads the paper and sees what is happening. Let's not look for today let's look for the future. He wants all citizens of Dover to come down and speak.

**Norm Champagne** of 13 Church Street will try hard not to use the "J" word. He is here to talk about the sale of Enterprise Park meeting about the success (or lack thereof) to Dover when the idea was sold to Dover it was sold on the basis that the sale of the land would pay the expenses in Enterprise Park. Now we are being told it is a success and there is now enough money to pay the bond that DIDA went chapter 11 on. You have 500 employees up there and you can't tell him there are not additional kids from workers attending our schools from there. Over all those years who is paying the school, police, fire and the rest it is not Enterprise Park because they can barely pay the bond on Enterprise Park. This project is far from a winner and all these upcoming projects really scare him because those that are paying for these projects are not the ones that will enjoy them. He asked has anybody actually tried to determine what the taxpayers of this City can afford.

**Alice Briggs** of 10 Cote Drive hopes they will always keep in mind they have been elected by their fellow taxpayers. She is here to speak on good happenings. Recently she had to call for emergency services. Dover EMT responded they were prompt, professional and courteous and then last Friday a large tree came down near her property and the Community Services crew that responded cleared the roadway, they too were prompt professional and courteous. She thanked them all.

**Ron Huml** of 199 Mast Road is here to speak about the union contracts; he does not know who represents the taxpayers through the process until it gets to this level. One of the major items in all the contracts is health insurance and this is also in the news tonight. When you sign a union contract it is left wide open; he suggests they place a cap on health insurance on all future contracts. He urged them to take a hard look at the contracts.

**Rick Hebbard** of 97 Spruce Lane stated please don't let anybody hear me incorrectly and he has been to dozens of council meetings and he thinks this is the best council in recent years. He thanks them all for talking about the issues. There is one thing missing our charter commission of last year passed and it was voted on by the people to have an ethics commission; we also hired a city attorney last November; he still has not seen an ethics commission something needs to be done so we get this. He stated his last item is: the only thing necessary for the triumph of evil is for good men to do nothing.

**Mary Hebbard** 97 Spruce Lane stated Rick is passing out photos of how their property borders the Tanglewood subdivision with easements. For years the runoff from Tanglewood has caused deep gullies on their property; it is the city's responsibility to maintain these easements as they do in other areas of the City. They even had to have their animal put down because he went lame after stepping in one of the gullies. Back in 2003 they spoke to Doug Steele and Pete Lavoie and asked if they would provide the rip rap stone and they would do the work themselves. Someone lied to them and someone who no longer worked for the city stirred the pot. They then purchased the rip-rap stone themselves in 2005 after George Wattendorf, Pete



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Lavoie and they approached Doug Steele and he admitted at that time they were right. They resubmitted the invoice; that was 2 months ago and it has never happened she is demanding to be compensated it in full or they want it deducted from their taxes.

**Scott Badley** of 111 Lilac Lane is here to speak on behalf of the teachers of Dover. Recently their contract was voted unanimously to not be approved. He gave statistics to back up his statement; he encouraged the members of the council to support the educators of the children of the city.

Seeing no one else the Mayor closed Citizen's Forum.

## 7. PUBLIC HEARINGS

A. **Ordinance #03-01/25/2006, Chapter 170, Zoning, Section 170-28.2, Residential-Commercial Mixed Use (RCM) Overlay District. Sponsored by Councilor Dean Trefethen, Planning Board Representative. (SEE ITEM 11A-1)**

**Norm Champagne** of 13 Church Street back before a lot of them were here there was a lot of spot zoning that allowed exceptions to the zoning laws; he gave examples of such. He thinks the overlay district is a better way to do things that is how it was done in the past. He asks that if they go into residential areas to keep it small when going into the overlay district. Nor does he think we should allow a large chain or grocery store to go into the district. The size and scope of the projects that the developers want to put in should be limited; it should fit into the character of the neighborhood that it is going into. The wishes of the people that live in the neighborhoods should be taken into consideration.

**Robert Crues** of T.F. Moran of Bedford NH has been working with the Planning Board on the Mast Road proposed overlay district on Route 108. where there is a grocery store that is proposed which will be 36,000 SF. As you may know right across the street is a Jensen Mobile Home park and they thought with retail node this would enable a large number of people to communicate with the mixed use of the project and there will be 300 to 500 less trips for the large number of people in the area by concentrating people near the plan. They are trying to do something different and out of the ordinary. To the left on the plan they have put in a bid with the city to purchase the 14 acres with the agreement is that they would give back a portion of land for a pump station; the rest will be green space and this will protect Johnson creek which feeds the Great Bay area. They are very excited about the project. The backland was zoned industrial and this will produce more revenue for the city. After almost two years of work they support the ordinance and the effort that has gone into it with the planning staff.

**Alex Vailas** of CARE Real Estate, Inc, LLC of Dover, one of these developers Mr. Crues was describing. In conception of this development they were asked to compare the analysis of 55 and over vs. an industrial park. (He offered no handout for the clerk) he explained his calculations.

The Mayor reminded the folks at home we are not voting on any specific project but a concept.

**Don Medbery** of 3 Covered Bridge Lane has a couple of questions what is it going to cost us for services and how much in infrastructure that we will need to pay. Also he remembers they were promised a lot of open space in this development. He would like them to take these items into consideration.

**Rick Hebbard** again got up and spoke about this project when first proposed. He feels he was duped there was supposed to have a lot of open space. This is a disgusting project to put in this open space. He was lied to; it said there was going to be an acre of property with this substation.



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**Harvey Lynch** of 26 Lincoln Street asked who is going to pay for the pumping station in the project. He asked will they pay for the pumping station. He wants to let the people of Dover know this.

**Marilyn Follansbee** 25 Dover Point Road wrote the article in Fosters on this ordinance she was against the hotels and new car sales. She thinks the concept is great. She would like to see the residential part of this limited. It is hard for us to visualize this open space. She wondered if this is the same plan of October 12<sup>th</sup> or has it been amended. She hates to see this become an old folks town. She says you have got to allow young people to come into town and not gear everything to the elderly. The concept is good but needs more refining and she wishes there was more open space.

**Suzanne Medbury** of 3 Covered Bridge Lane again in preparing her remarks for tonight found that the tax base is weighted on residential. Our commercial and industrial tax base is waining and so insignificant; if this piece of property is zoned commercial but it has value. She wants them to think about the future. She is very familiar with overlay districts. We are talking about a large parcel that is getting broken up into smaller and smaller portions.

**Charlie Reed** of 262 Gulf Road is the owner of 2 businesses here in Dover one has been here well over 30 years. He is for the overlay amendment; he thinks from a business perspective if you balance the use it is a win-win situation for the people and for any business wishing to expand. He does not have the city picking up his trash he provides his own services. He supports quite a few activities here in Dover. There is a balance that must be put forth correctly with out taking away from the infrastructure. He employs 44 people at his dealership. He feels out of place here; he thinks this is a good use of the land.

**FX Bruton** attorney with McNeil, Taylor and Gallo representing Chad Kageliery and Micheal Brigham and they too have been working with the planning department over several months with a plan to develop the Elliot Rose property with respect to this ordinance. His clients did in fact submit their proposal on a conceptual basis. He pointed out why they can support this ordinance. The ordinance requires that a project be fiscally neutral. It creates an opportunity for some creative development for elderly housing; this will help the area with a mix of commercial and residential use. The Mayor is correct that no one has been asked to approve a specific plan. The controls are in the ordinance and it has to qualify by being a conditional use ordinance. He thinks it will give developers the tools needed to make this a win-win project.

**Christian Jensen, III** president of Jensen's and is also the owner and manager of Farmwood Village across the street. His residents are very excited about having this project right across the street from them. This development will be restricted to 55 and older people. Each home will be owner occupied and sold to soon to be retired folks. They are planning 85 homes. This is a private community; they maintain the roads and only require police and fire protection. (See handout of these modern manufactured homes). There is also a community center planned. Each of the homes will be about 1400 SF and are all on one floor detached single family. He explained his homes are sited for privacy; he explained the features of his proposed homes. Price would start about \$225,000 with a monthly fee for services of about \$450 per month. They are excited about the tie in between the projects from the residential to the industrial and also excited to work with CARE on this proposal. He hopes they will vote for the proposal.

**Peter Schmidt** on Fourth St has a couple of thoughts and suggestions he thinks there were quite serious charges made tonight against the city. He made reference to the land that is in the proposed development. He recalled his time on the council and how this particular parcel was way to wet for a public works facility. He asked is the land on the drawing still owned by the city. He thinks this property was sold nearly a year ago. This will create a lot more traffic on Route 108. During his time on the council he knows they had to make critical decisions with regard to where the city was going to go. He has raised the issue of where do we want to go with development in the city. He thinks they should strategize with regard to this issue.



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**Jerry Lynch** of Lincoln Street again asked is Dover going to become a gated community where we have enclaves of certain classes of people. He would hate to see this happen.

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

The city manager reported on storm expenses in his city manager's report. On 2/12/2006 we had 10 inches of snow and spent \$30,000 to clean it up.

With regards to the dredge cell he had sent some information to let them know they had implemented the remediation for draining the rain water from the dredge cell. He explained with all the rain it is nothing more than a big bathtub unfortunately we were forced to put into place a treatment system to deal with the run off out of the dredge cell. There was a point they discharged into the WWTP system and then exceeded the pretreatment standards that had been put in place. Later on the agenda they will need to suspend the rules for a resolution to request the NH congressional delegation secure additional funds to complete the dredging of the Cochecho River. Senator Gregg was successful in obtaining 1.8 million additional funds last year but the timing was not right; unfortunately this will be costing 2 million more for the next winter so we are requesting additional support.

He mentioned the city recently completed the sale of the bond anticipation note; there were two bidders. It will mature later this summer at which time they will combine it into long term debt as part of the CIP bonding authorization.

Over the weekend he was made aware that there was a letter of allegation in the newspaper that a city employee was picking up a child at school there is a city policy that does not allow personal use of a vehicle. We do have city vehicles that do transport city children for certain situations. In the future if folks become aware he wants them to feel free to contact him or send an email so he can address it. Lastly when Mr. Medbery is going to give a compliment he will jump on it. He had mentioned the hiring of the City Attorney Krans has been involved in over 70 legal proceedings in the past month if we had used outside counsel for that it would have cost the city at least 27,000; we have saved just shy of \$19,000 for legal services for last month by having him in house.

Cheney would like to see an item removed from the city manager's report again before voting under city attorney section. The statement "the role of city attorney is to....." She does not feel this line belongs in the city manager's report with departments. Scott seconds the motion saying he does not feel this is proper and he thinks they are trying to create ordinances here. Joyal says just delete the first line; they can just cross it out, you do not need to amend it.

Keays asked about the dredging and how come we have another 2 million added to it as it was 4 million and now it is 6 million. Joyal explained this is not city funding; this is the Army Corp federal money. Joyal called Dean Peschel to explain. Dean stated each year the Army Corp must estimate the cost for the following year. The cost of a hiring a dredge contractor for next year will be going up substantially from the bid of last year. This is the Corp's estimate and their responsibility. The city's responsibility is to request funding from the delegation. Keays says it bothers him that it has gone up 100%. Scott asked who the manager of the project is. Dean says the Corp is the manager and they have a person to manage the project. The Corp has a priority system and Dover's navigational system does not qualify for high priority work so the only way project like this gets funded is through our congressional delegation and Senator Gregg has been very successful in this. Dean said Mike Walsh is the manager. Hindle says he believes the reason it is so high is because of Hurricane Katrina, Dean confirmed this. It was a week after the low bid contractor went Hindle moved seconded by Ciotti to accept as amended with all in favor.

## **9. MINUTES - NONE**

## **10. MAYOR'S REPORT**

The Mayor reported he has had a busy couple of weeks. The Economic Development Board met while working with a company looking to expand to Enterprise Park. Also he has mentioned several times



that he needed folks to step up to fill vacancies to serve as representatives on boards. He is now appointing Harvey Turner to the Solid Waste Advisory Committee and David Scott to serve on the COAST committee. Scott asked if he could refuse the appointment. The mayor says he can vote not to accept the report but that is his report. He attended several ribbon cuttings and last Thursday kicked off the Dover Reads Program with the book on The Young Man and The Sea; he urged everyone to get a copy and read to your kids. The superintendent had told him this is program is at no cost to the city as the money comes from a grant and donations. He attended an after hours at PCA and attended Heyliger Awards Ceremony; where they recognize all the sports events in Dover. And as Gary Bannon pointed out it was at no cost to the city. Just a reminder the goal setting date is 3/11/2006 for the council. Hindle moved seconded by DeDe with all in favor.

## 11. UNFINISHED BUSINESS

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

#### 1. Ordinance #03-01/25/2006, Chapter 170, Zoning, Section 170-28.2, Residential-Commercial Mixed Use (RCM) Overlay District. Sponsored by Councilor Dean Trefethen, Planning Board Representative.

Trefethen moved seconded by Hindle to adopt. Trefethen asked Chris Parker to come forward to explain the potential overlay district area. This project has been about two years in the works and as Ciotti and Trefethen will recall they have been working with the developers to identify the parcels in the city they would like for this mixed use. The map on the easel demonstrates that these lots must be nonresidentially zoned, 50 acres or larger and must be within 500 feet of a state maintained road.

The non residential portion is key here if we allow this mixed used you speed up the time frame that some of the areas might be developed. We also offer the same thing on a less grand scale in the residential zones through the subdivision process. In this case where it is a non residential based project they are encouraging the large projects. In this case the residential itself is the bonus. An earlier draft did allow for hotels, and new car sales but they heard at the Planning Board level that the intent was for visitors so they changed it to bed and breakfast. Also the intent was really for existing use to expand as long as you were part of the base concept plan. We do allow no more than 40% of the tract will be residential. And 40% commercial and you have to provide at least 20 % of open space and 50% of that must be usable. He pointed out as the Mayor has done none of this is nothing more than a concept. He indicated on the map of the 3 areas identified as the Dover Point project that encompasses 95 acres, the Mast Road is 55 acres and the third area is the Reilly parcel off Littleworth Road that is 87 acres. They tried to make this as comprehensive as possible. It requires a conditional use permit. And requires a certain set of standards that will be required by the Planning Board. They also based it on existing standards for the ETP zone. He asked for questions.

DeDe in looking at it he sees some references to the width of roadways and are they sufficient to accommodate fire suppression vehicles. Chris says the fire department has reviewed these and Chief Plummer was satisfied. There will be no parking allowed on the roadways. DeDe does want language in here that maintains this. Also the tax revenues proposed that if this is senior residential there will be a high number of people qualifying for the rebate. Also the density that is currently possible within this approach appears to be too much. He also wants language that should be part of this for ingress and egress and with seniors turning in and out of this it should have this language included. Building code specifications make him nervous with regards to this. The reality is if mobile homes are allowed to go in here it will be a problem. The building code specifications need to be a part of this language and lighting as well or he will not be able to vote on it or for it. Chris explained the features and defined the community center idea. Chris explained the language on mobile homes and their definition. The planning board has



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the same concerns as DeDe and Chris thinks they will have a very strict review by the planning process.

Scott asked how many units are restricted to 55 and over. What concerns him is if we continue the trend for gearing these developments to 55 and over we will be an old person's city. Keays asked if a traffic study has ever been done over there on the Durham Road. Chris says there was a regional Back River Road/Durham Road traffic study and this is still in the process of being completed. Chris says without knowing the final usage of these concepts we don't have a final report as yet. Keays wants a copy. Keays is asking because we have a lot of students that go to the university and we will have seniors trying to cross Route 108 and backing out. Chris says we will probably have a light system.

Hindle thanked Chris and for the Planning Department and Planning Board's work on this issue over the past two years he asked about comments made by developers and the impact on school children as being a zero impact. Zero is not a correct number to use as there are instances where grandparents are the legal custodians of grandchildren. Are these communities being proposed will they fall into a realm of definitely being prohibited from living there and what steps will be taken to keep a watchful eye on the elderly people coming in and if children pop up. Chris says they cannot regulate that there will be no kids; that is an enforcement issue. It will come down to the developers; there are RSA's regarding this and will be something the private developer will be having to deal with. Ciotti asked about the impact fee if it is reduced for 55 years and older. Chris says they would still be assessed the single family impact fee. Chris mentioned the Tolend Road project that is a 60 years and older project. Ciotti asked about phasing this in over 5 years and the developer would get approval and sell off the residential portion in exchange for a certain amount of commercial. Chris said the Planning Board wants to see the phase lines drawn and feels it is safe to say this will happen. Ciotti would like something a little more specific tied to development plans; he would like to see it in writing.

Scott has a question on the process; he understands there used to be meetings in the neighborhoods and since this affects several people in ward 3; he feels several people would like to talk about it. Chris agrees and that is why the Planning Board held three public hearings and a fourth public hearing was held here tonight and that these ordinances have been posted and in the works since the summer. Chris agreed you are right it is an important issue. Scott says posting on the board at city hall is not sufficient. Scott says Chris must come to Ward 3 to talk to the people. The Mayor has a question on the locations of the areas on the map and are there only three. Chris explained the criteria for establishing these areas. Chris says there is not enough land area in other sections of town. The Mayor says when we talk about the percentages the number is not spelled out in the ordinance; Chris would not be against having a minimum of 40% commercial as an amendment. The Mayor says and finally the size of the actual businesses as referenced by Mr. Champagne is that going to be in chapter 149. Chris says the current ordinance allows for this but the Planning Board saw this as a non residential economic development tool and they did not want to limit the size of development that you would see there Discussion ensued about the particulars of the proposal.

Trefethen would like them all to turn the pictures that were presented over as we are not voting on these plans tonight. It is important to keep in mind we are not voting on any particular plan we are voting on a concept. This ordinance has been going through planning board for a long time. He is in favor of the overlay district; but he is not necessarily impressed with what has been presented; these developers have a long road ahead of them. Again he reminded it is only the 5 pages of the proposed ordinance. In his conversations in Ward 4 they are very excited about the concept of having a grocery store in the area. This is an opportunity to balance things out. In terms of commercial development to add to the tax base we all complain about the traffic downtown. He his sure this will alleviate some of the traffic. He thinks we may want to table this for future discussion for us to do a little bit of tweaking on the ordinance. He does not want anyone to feel they are being pushed on this. The Mayor echoes this.



DeDe says with the 5 pages in front of them this brought home what is envisioned and it is a wise idea and he is sure it will work well.

Scott requests the planning department send letters to people in the area. He remembers when there is a lot line adjustment and he was notified by certified letter and this made people aware. Chris pointed out we did do two mailings from the planning office. Hindle reiterated this is an excellent concept and proposal. Hindle says it sends a message that one of our major goals for this year should be to reopen our speak out Dover forums so residents in favor of this type of development can come and have neighborhood meetings and begin the process of updating our Master Plan as our goals shift.

Cheney thanked Trefethen saying she is excited about this. Chris explained about the two concepts. The January 24<sup>th</sup> document is the most recent document. The Mayor thanked the developer and Planning Department and Planning Board for bringing the process to where it is today. He thinks a little of the responsibility should be put on the residents to be aware of what is going on. He likes the concept and appreciates all the time that has been put into this. Trefethen echoes the Mayor on the little responsibility that citizens must take on what is going on in the city. He asked them to note the Planning Board meetings are the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month; he continued to list when the school board and the ZBA meetings saying there are other things going on in the City that affect their tax rate. Ciotti moved seconded by Trefethen to table with all in favor.

## **B. ORDINANCES IN 3<sup>RD</sup> READING - NONE**

## **C. RESOLUTIONS**

### **12. NEW BUSINESS**

#### **A. CONSENT CALENDAR**

1. Tag Permit – Strafford County Stars Girls Basketball
2. Tag Permit – Girl Scout Troop #491
3. Road Race Permit – Garrison Women's Health

Hindle moved seconded by DeDe to grant; motion to accept items 1 and 2 passed by all. DeDe asked to remove item 12A-3 from consent as this event is planned for Mother's Day; he questioned the route involved. Motion passed with all in favor.

## **COMMITTEE REPORTS**

1. Appointments Committee
2. Arena Commission
3. Arts Commission
4. McConnell Center Committee
5. Planning Board
6. Cable Franchise Negotiations Committee
7. School Board Liaison
8. City/School Joint Services Study Committee
9. Solid Waste Advisory Commission
10. Transportation Advisory Commission
11. Joint Building Committee
12. Recreation Advisory Board
13. COAST Bus
14. Joint Fiscal Committee- *Report submitted*



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## B. RESOLUTIONS

1. **Partial Release of Non-Public Minutes of December 7, 2006.** Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Ciotti to adopt. Motion passed with all in favor.

2. **Authorization to Sell City Property – Ward House on Fifth Street** Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Ciotti to adopt. Scott asked how long this property has been on the market. Joyal says since the first of December. Scott asked why the rush to sell it. The city manager says the current assessed value is \$70,000 and the proposed buyer is interested in the lot for a parking lot. Joyal also thinks it would be a good office building. Scott wonders if we shouldn't have it exposed for another two months. DeDe says six months ago the process was started to dispose of it. Its location is not conducive to a young family. A good deal of money would have to be spent to rehabilitate it. The number of mortgage applications has reduced dramatically in the last 30 days. Cheney says when they remove the building will the land still be assessed at that value. Joyal says it will become part of the adjoining parcel. Joyal says he is aware that the building is being used for storage. He will be coming back to purchase shipping containers with the sale of property to be placed at Mast Road for storage. Motion to adopt passed on a roll call vote of 7-1 with Scott opposed.

3. **Authorization to Solicit Bids for Tax Deeded Property Map/Lot 28026-A00000.** Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Ciotti to adopt. Joyal asked them to amend this in the "now therefore section" to say "the city manager is authorized to proceed with selling the parcel in accordance with RSA 80:89 and failing to do so to proceed with advertising and soliciting of bids".... Hindle moved seconded by Ciotti to amend. Joyal continued since our ordinance 79-11 has been outdated by state law. Joyal noted a former landowner can give notice to the city that they want to purchase their property back and they have a 15 day window of time for the transaction to take place. Also there is 3 year window to sell from when the property is taken for lack of payment in the taxes. He wants to proceed with letting this land go back to the former property owner since this is vacant land and we do not have a use for it. The Mayor clarified these people have the right of first refusal. Keays asked how long we have owned it. Joyal says 1/25/2005. Keays says he will have to pay the back taxes. Joyal confirmed this. Amendment passes by all. Motion to adopt passed on a roll call vote of 8-0.

4. **Award of Purchase Order for Engineering Services Relative to SCADA System Interface Capabilities at the Varney Brook Pump Station.** Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Ciotti to adopt. Motion passed on a roll call vote of 8-0.

## C. ORDINANCES IN 1<sup>ST</sup> READING

1. **Ordinance #04-02/22/2006, Chapter 79, City Property, Section 79-11E, and 79-11H, adding language to seek current appraisal for sale of City property. Sponsored by Councilor Dennis Ciotti.**

Hindle moved seconded by Cheney with all in favor to refer to a public hearing.



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***Hindle moved seconded by Ciotti to suspend the rules to introduce item 12B-5. Motion passed on a roll call vote of 8-0.***

**12B-5 RE: Request the New Hampshire Congressional Delegation to secure federal funds to complete the dredging of the Cochecho River federal navigational channel. Sponsored by Mayor Scott Myers, by Request.**

Hindle moved seconded by Ciotti to adopt. Scott stated he will vote against this because we should not ask the federal government to pay for something that has been so miscalculated. He will be calling Mr. Walsh himself to see where all the money has gone. The Mayor says the city does not manage it or know where the money has gone due to a series of events. The Mayor says it is a federal channel not a city channel. DeDe says he is not sure mismanagement is the proper characterization; there were many bureaucratic delays, then with several weather related events including Katrina and the estimates and projection that it had been bid on were long prior and the rise in fuels it is not the question of mismanagement as it is the process for the bureaucratic process and Mr. Walsh has tried to work hard with the city. It is not what it seems; it is much more to do with inflation and the federal government. Motion passed with all in favor.

**D. COUNCIL CORRESPONDENCE**

**1. Wetlands Application – State of NH DOT – Indian Brook Dr.**

Hindle moved seconded by Ciotti to accept and place on file with all in favor.

**13. COUNCIL MATTERS OF INTEREST**

DeDe suggested to Foster's reporter that when someone writes a letter to the editor that they must sign their name and the editorials should be signed by the Foster's person as well.

Trefethen would like Mike to talk about the issue of the 14 acres of land that is really 13 acres in the overlay district on Durham. Joyal asked them to pull out the concept plan and on it a parcel identified as H-2. This was the parcel that was purchased for the public works facility and that did not work out. They went out to bid and T.F. Moran did bid on the property. They paid the city \$150,000 for the parcel and agreed to put it back into conservation and they agreed to provide the city up to an acre of space for a potential sewer lift station so the end result is we have a piece of property owned by the city and sold and at the same put back into conservation and turned around an acre for a pump station.

Trefethen does not understand the comment made that it was supposed to be kept to be used as open lands this piece of land has a lot of history and they said there were shenanigans going on. He does not see that. Keays says at the Open Space meeting the other night and the Boudreau girl got up and explained how much it would cost \$17,500 for an acre and all we got was \$7,600 an acre for this Durham Road parcel.

Hindle commented we have been getting a lot of right to know requests for public and non public minutes. He would like to bring forth the concept of recording non public minutes to be transcribed into detailed minutes. DeDe agreed this is an excellent suggestion.

Scott gets a continuous stream of emails from primarily senior citizens that cannot get another tax increase. We had a request to Mr. Joyal for a 0% increase spending budget. Joyal stated he is meeting with all departments and they will be in the budget recommendations and it will be to them by April 15<sup>th</sup>.

**15. ADJOURN**

Hindle moved seconded by Ciotti to adjourn at 10:15 pm with all in favor.

**Judy Gaouette, City Clerk**