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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 and Turner. Also present City Manager Joyal and City Attorney Krans.

4. **PROCLAMATIONS - AWARDS**

- A. American Red Cross Month
- B. Girls Swim Team

The Mayor read a proclamation recognizing the Girls Swim Team as the state champions this year as he congratulated them all for their achievement.

He read the Red Cross proclamation as well.

5. **SUMMARY OF AGENDA**

The agenda items consist of a growth moratorium resolution and a Tolend Reuse Committee resolution plus three bargaining units that are on the agenda this evening.

The Mayor asked the city manager to comment on the article that indicated private roads will no longer have trash pickup effective with the next fiscal year. The city manager wants to let the people know he has been doing some research on the private road trash pick up situation there is a provision in the sub division rule about roads that they will not have trash pick up and that the homeowners are responsible for their own services. In looking through the trash and recycling ordinance it says as long as the homeowners association provides indemnification to allow the trash vehicle to travel on their roads. We are kind of stuck as these were approved as private drives even though trash has been picked up for a long time.



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## 5. 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.***

**Rick Hebbard of 97 Spruce Lane** wants to express his thoughts on the Dover dump reopening but he would like to introduce the vice chairman of the selectman of the Town of Bethlehem; he has made a number of telephone calls and Lon Weston from the town of Bethlehem has agreed to tell his story on reuse of a dump site. Cheney moved seconded by Scott to allow Lon Weston to speak. Motion to suspend passed on a roll call vote of 7-2 with Myers and DeDe opposed.

**Lon Weston** vice chair of Town of Bethlehem selectman that is the home of one of two landfills in the State of NH. As a public official they have the worst of all worlds as far as when it comes to negotiations with corporations. One issue as a public official when he is presenting himself to the voters he must be positive and as a corporate executive for a corporation they have one responsibility and that is to make money for the shareholders of Casella Waste Systems. He has nothing to gain by talking to this town as a matter fact he is cutting his own throat; if Dover was to open a landfill that would take the pressure off what they want to do in Bethlehem. After the Supreme Court appeal let Casella in the door; Casella Waste System purchased the landfill that was in bankruptcy; he explained the costs involved in his town with the tonnage rate, etc. In 1998 Jim Bolduc came forward before the town with a warrant article and if the town votes this warrant down they will shut their doors and leave town. The town voted it down. Bethlehem enacted a cease and desist they then started hiring at the highest rate and they have been in a legal battle for the last 8 years and have spent ¾ of a million dollars trying to uphold Bethlehem's zoning law. The DES has a stipulation in their landfill permits that they will not approve an expansion until all local permits are in place. He continued to explain about how things are in Bethlehem with their landfill.

The Mayor interrupted and asked for direction from the council after allowing Mr. Weston to speak for 20 minutes. Ciotti thinks we should let this gentleman speak when we get to this resolution and moved seconded by Trefethen to allow other citizens to speak at this point. Motion passed 5-4 with Cheney, Hindle, Scott and Turner opposed.

**Ed Bleiler** of 29 Isaac Lucas Circle of Dover with a handout he thinks the bottom line on the preceding gentleman is don't let these people into town they will do you dirty. He wants to point out the election that he won in 1975; when he was on the Board of Public Works he promised to save the taxpayers money and they did save \$2 million in the first year. He urged them to stop and see the ice arena they built in Wellesley. He explained his handout in detail. He pointed out the number of Dover employees in comparison to other towns; he sits on the cable renewal committee and he has asked Joyal about this and he has answered him that we have a swimming pool and a gymnasium. Look at the salaries you are paying, they are enormous; the next is vacation; the next is school employees this area is overloaded and coming out of their ears. There are 1047 employees in the school department alone. Myers stated his time is up. Scott moved seconded by Hindle to give Bleiler a few more minutes. Motion failed on a roll call vote of 3-6 with Scott, Cheney and Hindle in favor. Bleiler says they are doing a disservice to the city of Dover; we own this building and you people work for us; he urged them to take the handout home and study it.

**Fran Meffen** of 16 Benjamin Way and is a school councilor at DMS. She is saddened that the DTU was not accepted as it was negotiated in good faith. She is speaking to the school budget as we have already heard comments about the size of the school budget. Education was began so that we could have an educated citizenry who could at the appropriate time vote and support their community. She is volunteering her time in a grass roots group during when children may or may not be left along at home. She has been told this is an unfair burden on the city. They moved here because of the quality of education. We will have an educated citizenry in place. She reminded them it should be an



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advocacy goal as there is yet an unsettled Claremont suit that should be providing for the local communities.

**Don Medbery** of 3 Covered Bridge Lane commented on the workshop that was nothing but a directive; he disagrees about what the Mayor says happened at that workshop. He continued about what he feels the duties of the environmental project manager are. The Mayor and city Manager have made a trip to Concord and met with the DES in the dark of night and cut their deal about the fast track of the landfill dump. He has verified this with Commissioner Nolan and they cut a deal. The headlines in the Fosters had an immediate impact on homeowners in his part of the City; the impact was the property assessments went down. The overwhelming stress put on those property homeowners. He received over 95 telephone calls from these homeowners. On March 1st when no more abatements could be filed because they did not then file an abatement when all their property values went down. He has canvassed brokers in the area and they say it has decreased the property values in a two mile radius. The future is bleak for that area. Do you know what bleak is; it means it sucks. All real estate signs are gone. He reiterated that they are liars that they brought before them last week. The Mayor asked him to control himself.

**Tim Dudley** of 121 Glenhill Road is here about the landfill he does not know about the volcanic chemicals mentioned but he already has the Waste Management landfill on one side that stinks at least one day a week currently and now they are going to open the Tolend dump. He does not want more trucks coming down the road. It says in the EPA website this will affect property owners.

**Pat Dowaliby** of 493 Tolend Road has grown up in Dover. She vehemently objects to reopening the dump this is an evil and devious. The methane gas stinks so badly every morning from Turnkey; the water is orange and glows purple in that area because of the carcinogens in the water. She cannot believe they would even consider this.

**Leland Otis** of 25 New Rochester Road heard that some people call this area the Annapolis 500 of Dover. He complimented Mr. Keys for his resolution on the water pressure and Mr. Harvey Turner for talking about keeping the property tax down and the sidewalks. There are a lot of kids up there and someone was almost hit up there.

**Sharon Reynolds** on 34 C Court Street is here on the landfill has talked to engineers about this. Her understanding is there is a clay liner protecting the Portsmouth drinking water. They were civil engineers so she thinks they must have been knowledgeable on this. Also this is a superfund site and she is surprised the EPA was not there. Why do they want to disturb a site that is so toxic. Why would you want to risk the drinking water. Dover seems to want to sign it away with no consideration.

**Barbara MacInnis** of the New Rochester Road wants to speak on the north end water pressure. This has been a problem for 40 years. She explained about the pipes in the north end saying it takes 20 minutes to run a bath for their grandchild. With the city continuing to develop every area her hope is that the water pressure will be more adequate for the area.

**Karen Anderson** a resident of Dover Brook she is not sure if she is allowed to clarify what a former speaker had said about the trash issue. She appreciates this if they are looking into it. They have a development of 84 homes with elderly and handicapped people and it would be an extreme hardship for them to lug their trash anywhere but curbside. She is here because it is an important issue for her. She will wait for clarification from the city manager and she also has a number of people here from the development and is in the process of getting a petition signed so trash collection will be continued.

**Cheryl Karahalios** of 435 Tolend Road bought her home about a year ago from the internet and chose Dover because of the schools in the area and no one told her about the superfund site. She knows there was a problem she went riding by the dump site on her bicycle and the water coming out of the



ground was orange; she cannot understand why they would like to reopen this site. Her neighborhood smells the Waste Management landfill everyday and it is not the smell of NH that she moved here for; she needs them to consider what they are doing to the citizens.

**Tyler Foss** of 24 Rochester Neck Road in Dover if they are bound and determined to open a dump in Dover the first is Dover's down to the old dump by the river. Recently the supreme court says you can take anyone's land by eminent domain. Site number 2 is over at the industrial site. That is in somebody else's back yard. Nobody asked anybody about this stuff. We form a secret to have a private co is this the Dover way; he hopes not.

**Sherrie Towle** of 379 Tolend Road has lived on Tolend Road for her entire life she was living on Tolend Road when the site was open. Everything out there is bright orange the man that ran the dump died of cancer. They should be cleaning it up so the wildlife can enjoy the open land. She has put part of her land into conservation. Dover spends money to save these lands then they want to put a landfill in the center of it. She feels this is a poor choice. At this time she is legally blind she cannot leave her home to go work, she is still raising her young children. She has received grants to plant orchards but no one is going to want to come pick any thing at her farm with a dump. She will have no where to go and her property will be worth nothing. She has called anybody that will listen. Turnkey is about 3 miles from her.

**Karen Weston** 42 French Cross Road did not plan on speaking and her family owns a Dover business she remembers going to the dump she too recalls the man that died of cancer; he was the one dumping the barrel with the contaminated material. She cannot imagine anybody that would consider damaging the water supply. She had to replace her septic after purchasing her house. She explained what the DES has required for this. She told them to find a place and plan ahead. Dover's water is already in jeopardy. She checked the EPA site herself. Once the excavation starts it will be contaminated. She hopes they will consider the water supply. Why do this.

**Paul Laba** represents a group of 3 his wife and beagle of 519 Tolend Road and he will not echo the prior sentiments he only moved here a year and half ago. They came from Merrimack and they fell in love with the property on the river; the price was great and an opportunity for them to buy a home they could retire to. They are not emotional or irrational but he makes a couple of points. He is here because he wants to defend the river. The land fill is leaching into the river still; he can't see anything in the plan that will make the river any better. This is a fiscal plan if we were not faced with the capping off of the landfill we would not be reopening this. He wants that to be their motivation in this process. This will harm many, many citizens in the community. He opposes the formation of a citizens group as that would legitimize a fundamentally flawed idea to begin with.

**Warren Lupien** of 1 Berkshire Lane is glad he is not a councilman right now because there is a problem here. He is here to talk about the van he heard about he works 5 days a week with the senior citizens. He is glad to see the money tree is gone. He then mentioned the school budget; they always want more and more money. You have got to do something for the senior citizens so he is here for them; he gets phone calls all the time can you help me with this or that. He has a booklet put out by Strafford County that he hands out. So please when you pass the exemption help them there are not that many of them left. They should not have to come down here. These people live in little cubicles and all you do is ask them to pay more and more. He hates to have to come before them but call 749-1334 for the booklet. Also these people have trouble with their taxes and he wants to let people know if you qualify you can get help. Please give them a break and help them.

**Jim Hay** 5 Nancy Lane came to listen about the reopening of the dump they have lived here about 6 years and knew there was a superfund site but thought it would be cleaned up. He cannot understand why they would like to go further with this idea.



**Shawn Sliwinski** of 22 Glenhill Road is here and has lived here 12 years and has been told this site was going to be cleaned up. They own and operate a business here in Dover and have every intention of living the rest of their lives there. It is quiet out there except for the trucks; the truck traffic has increased back to where it was years ago. It seems to her we live in a giant dumping ground. This is going to destroy what is left of the community. She was given a handout and she has run off going across her property from the landfill. She cannot believe that is healthy and in addition the Turnkey site smells as well. She is going to do what she can about it.

**Peter Schmidt** of Fourth Street will lay out a couple of facts that the citizens will have to deal with. He congratulated the gentleman that is picking up seniors saying those services cost money and that is paid by the taxpayers. People need to understand that when someone gets an exemption that money is coming from the county and this is a cost shifting from the local level. Every exempted dollar is paid by someone else. Doing nothing is not an option in this matter; the city has been trying to remediate this site for a long time and it will cost a lot of money. He knows an angry citizen called these people that are working on the landfill liars; he urged them to take him lightly. One way or another this issue will cost the city millions of dollars.

**Norm Henderson** of 76 Dover Point Road stated first about the landfill when we talk about spreading the leachate out, there are other ways to pump it out. Also he wants to add about the moratorium he would like it not only in the north end but put a moratorium on everywhere in the City until we can get a handle on Dover Point Road they are being stuffed like sardines we need to look at it in a city wide way for a more balanced approach before we continue to develop anymore. He didn't move to Dover to live in a sardine can.

**Aaron Russo** of 523 Tolend Road stated he works for a company that hauls dirty dirt and that company is Pine Tree and it too is owned by Casella; it will destroy the road and the truck traffic will be horrendous.

**Rick Hebbard** of 97 Spruce Lane is very dismayed because at the 3/1 meeting it said you all spoke at it; it must have been in private so shame on you. The City's lawyer Peltonen spoke on 30 min on the dump this does not make sense to him. He thinks no one is going to take responsibility for what they said. Another thing that will be is excess revenue he asked has anyone ever heard of excess revenue. He explained his theory on the 6000 tons annually that will be dumped there and the effect it will have on the area. The last thing he will speak about is you all negligently oppose having neighboring towns speak on this. You don't only effect the City of Dover you affect those people as well.

## 7. PUBLIC HEARINGS

- A. 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. **(SEE ITEM 11A-1)**

The Mayor opened the public hearing asking if anyone wished to speak; seeing no one he closed the public hearing.

***Hindle made a motion to recess at this point to clear the room.***

## 8. CITY MANAGER'S REPORT

The City Manager wants to update everyone on the dirty dirt out at Mast Road saying an agreement has been reached between the parties that the contractor will be hauling out the dirt; it did not



leach into the ground; also this is not a primary aquifer nearby. There has been no damage done and they will have controls put into place. DeDe asked about the number of inspections that Fire and Rescue have done and on the number that has gone from 12 to 105; he wonders what these numbers represent. Chief Plummer explained the computer system categorizes all the calls they get and puts anything that is out of the ordinary in miscellaneous; he gave examples of miscellaneous calls such as water in the basement. DeDe asks does it include lockouts. The Chief confirmed this. Scott wants to say he has been in many communities but Dover has the best Fire department. He complimented Troy Brown for his work on the elderly program which they call fire prevention and home safety ; this is a very worthwhile program it is a program that will run until June; he urged seniors to take advantage of the in home visits that insure safety procedures are in place.

Cheney says in her council rules it states that new hires should be included in the city manager's report. Joyal says he has been working on this report for a couple of months and will include new hires on his manager's report from now on. Scott is concerned about the trash pickup that will be eliminated from certain streets. Joyal says there was a discovery made in the transition from Waste Management to Pinard that certain municipal services would not be allowed down some private roads. Pinard brought it to our attention that they were not planning to pick this up. The chair of the commission brought it to the contractor and he had liability concerns about traveling across private property. There was a discussion of the level of services at Planning Board last night; in one of our ordinance there is a reference that will allow the city to pick up the trash. He will be meeting with the Solid Waste Committee next week and he is in hopes the situation will resolve itself. Scott feels he is responsible for this as this is his job. Joyal says prior councils formed this committee; he has been working with them and he reiterated the procedures.

Keays wants to know why we have so many private drives in Dover and is it because of planning. Joyal says we have a series of Subdivision Regulations in place and when a landowner/developer comes before Planning Board and seeks approval to build a certain number of homes. The plan can require the developer to meet certain requirements one option is the ability in lieu of a public street they are allowed to build a private drive. Often times the developers will seek permission to put in a private drive and when those homes are sold and when these people buy into a neighborhood, buyer beware; there is no city services on private roads once the developer moves on; then the residents come to the city for services. Keays does not call it the city's fault and now they want the taxpayers to provide the services. Joyal says this has been allowed for a number of years. It is called service creep; if the driver saw a bag down a road they would swing down to pick it up. That became an accepted habit. Hindle moved seconded by Ciotti to accept with all in favor.

## 9. MINUTES

- A. Workshop – February 1, 2006
- B. Workshop/Regular Meeting – February 8, 2006
- C. Workshop – February 15, 2006
- D. Regular Meeting – February 22, 2006

Hindle moved seconded by Ciotti to accept with all in favor.

## 10. MAYOR'S REPORT

The Mayor thanked the folks that came out for the Saturday morning coffee with the Mayor. He also thanked the city manager for attending and also the folks that hosted it. He reminded them about the correspondence from Iris Estabrook about the MTBE cleanup letter. She has been following up on



this for them. He asked to have the letter from the county concerning a revenue shortfall placed in their mailboxes as the state is only reimbursing the county about a half so there is a revenue shortfall. There is a resident of the city that has filed a lawsuit against the city and he was also serving on the cable renewal committee. In place of this citizen on the cable committee he is appointing Parks Christenbury to take over this seat. He attended the DARE graduation last week. Today he attended a Mayors round table by invitation from Manchester's mayor with 7 other mayors from around NH on some specific and some not so specific issues along with Maura Carroll and John Andrews from the local government center were also there. On Monday he is attending a summit on education regarding the high school dropout rate.

As a final quick note they are thrilled to have the girls swim team champions and the boy's hockey team won their semi final last night and will be playing in the championships. He urged everyone to get out and support the hockey team.

Hindle moved seconded by Ciotti to accept with all in favor.

## 11. UNFINISHED BUSINESS

### A. ORDINANCES IN 2<sup>ND</sup> READIN – Girl

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.

Ciotti moved seconded by Hindle to adopt. Ciotti says at one of the first council meetings he sat on there was an issue about selling a piece of city property. He looked up the ordinance and found there were no appraisals required in Dover. So with the help of the city attorney and city manager he drafted this ordinance that will make the city seek two appraisals and make for a fairer checks and balance for any property the city sells. Trefethen asked about the assessed value as opposed to the appraised value. Scott says the bank does not pay much attention to the assessed value. He fully supports this ordinance as many people feel we are giving away property. Motion passed on a roll call vote of 9-0.

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

### C. RESOLUTIONS

## 12. NEW BUSINESS

### A. CONSENT CALENDAR

1. Tag Permit – Dover Youth Football, Inc.
2. Raffle Permit – Greater Dover Chamber of Commerce
3. Tag Permit – Girl Scout Troop #2241 withdrawn
4. Tag Permit - Girl Scout # 399

Hindle moved to pull item 3 and add the permit for Troop # 399 in addition Hindle moved seconded by DeDe to add the committee reports for the McConnell Center, Cable, School Board and Recreation and Arena Commission. Ciotti wants to add on to the committee reports The Dover Main Street Committee report. All were in favor.

## COMMITTEE REPORTS

1. Appointments Committee



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2. Arena Commission (**Report submitted**)
  3. Arts Commission
  4. McConnell Center Committee
  5. Planning Board (**Report submitted**)
  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 (**Report submitted**)
  12. Recreation Advisory Board
  13. COAST Bus
  14. Joint Fiscal Committee

## B. RESOLUTIONS

1. **Enacting a Growth Moratorium on the North End of Dover.** Sponsored by Ward One Councilor Robert Keays.

Hindle moved seconded by Keays to adopt. Keays read the background to his resolution. He wants to take the time to explain the size of the water mains. We have a serious problem when the restaurants in the area turn on their pressure pumps on the Old Rochester Road. He gave a detailed history of the pipes up in the north end; he concluded we want a moratorium on until we can solve the problem and take proper action.

Turner was concerned about Keay's concern; and this only pertains to his ward. He agrees with Keays about the angle on the validity of a moratorium today is that the safety of the residents that what is being compromised. In moving forward he has amended the resolution and handed it out to the councilors for viewing. (see folder of 3/8/2006). DeDe stated point of order; are we making an amendment to this. Turner moved seconded by Hindle for discussion on an amendment; he wants to add pedestrian safety instead of his amendment he is adding in the 4<sup>th</sup> whereas...not only water pressure safety but pedestrian safety. Turner moved to substitute his resolution as a whole with Cheney seconding the motion. Keays is in agreement and all were in favor. So now we have the new resolution; Turner asks them to show him where in the master plan it says you can only do one water related task in a household. He has to tell his wife when he is going to water the lawn if she is doing dishes. He pointed out two fire hydrants that are on Old Rochester Road in one of the pictures presented. The blue one belongs to Somersworth; if there is an emergency in the area then the fire department would always hook on to the Somersworth hydrant so they would have some pressure. So with Keay's permission he is amending Keay's resolution. He can smell the food cooking at Appleby's from his house but he would not dare to walk to Appleby's because of the safety issue. Residents in the north of Dover have had their health and safety at risk for far too long.

Hindle wants to bring up a few items with another amendment. Hindle thanked both councilors for bringing up this resolution and with the city manager's permission he would like to bring Stancel up to discuss the sidewalk proposal on Route 108 as it is in our TIP (Transportation Improvement Plan). Stancel says there is a project in the city's Improvement plan to go from the Week's intersection up to Long Hill Road. It is currently in the design phase and is currently going out to bid. Hindle asked if it would it be possible to organize a neighborhood meeting. Steve says there have been many meetings and there will be more. Hindle now invited Doug Steele to come forward to explain the water main replacement project in the Long Hill Road area. Steele stated his engineering staff has developed a request for a proposal. This RFP will be hitting the streets in the next couple of weeks and will be back to the council this summer. They will also be looking at the water pressure in the north end. Hindle



would like to amend by deleting the 3 last paragraphs of Turners proposal and refer it to the Planning Board through the adoption of a growth management plan that is RSA 674:22. DeDe seconds the motion. Hindle wants to propose this as it is part of the master plan and by state law this is the ultimate review so it can be debated and then brought back to the Planning Board and be debated. DeDe agrees; the issue has come up many times and the reality is there is an established procedure and there is a process that needs to be followed. And this is an appropriate way to address this. Also he cannot support a moratorium. Trefethen too thinks the Deputy Mayor is correct; we have to look at reality and we would have to proceed according to state law in this matter.

Keays is surprised listening to the comments on Old Rochester Road as these same councilmen turned it down in the CIP. It was in the CIP last year and they turned it down. So here we are if you turn on a faucet on the Rochester Road then you can't flush a toilet. He knows the rest of the councilors have water in their houses but there are people in that area that do not. He wants action on this tonight. The Mayor says there was \$1.5 million and they left \$100,000 for the study. Scott is glad Keays and Turner have put this forward even though he knows there is no problem in Ward 3 with the water. He does not understand why this council that was elected by the people feels subordinate to the Planning Board. Let's eliminate this bureaucracy. He will support Keay's and Turner's motions but he opposes the amendment. Cheney stated when she first heard about the moratorium she was opposed to it but when she was running for this position she stated publicly her most important issue is safety for the citizens. She supports this. Hindle says he has stated to Turner and to Keays this is wonderful; but we need to put a plan together. He is just following the law and the law says there is a process and the Planning Board has the ultimate responsibility. The water pressure is another issue and must be addressed sooner than later.

Turner says another issue is how long has this plan been in the design phase? The Route 108 project; this has been in the design phase as long as he has lived here. He has almost run over joggers. He wants something done tonight. Pressure is the issue and the reason we would hook up to another city if an emergency arose. Hindle's last comment was from a person that lives on Dover Point Road and how we should look at the growth issue city wide. Scott says if we follow Hindle's suggestion can we get an idea of how long the Planning Board will take. Joyal asked Stancel how long the master plan process will take. Stancel explained the top goal for the city is to update the master plan. The process is very complicated; you go out into neighborhoods and then take all the information and identify the goals and objectives for the community. He thinks it will take 12 to 14 months to resolve and complete. Both the master plans in the north end have been identified; you don't need a moratorium to fix it. Trefethen addressed the comment about the council being subordinate to the planning board. Ciotti stated after many years on the Planning Board putting a moratorium in is not going to solve anything. He urged Turner to follow the plan to put the new pipes in.

DeDe says there has been a lot of discussion on growth and some time ago the Planning Board did a study; he quoted the code changes over the last few years with each one making it more difficult for developers to develop. Supply and demand affects a lot of items including growth. When you look at the track records for new dwellings in Dover; he gave statistics, there is a 1 ½% average growth in development in the city.

We are subject to the laws of the state of NH and the Deputy Mayor has pointed out we must follow them. We all feel the water pressure issue has not been mentioned before. Well he heard Doug Steele; and he is confident that putting \$150,000 into a study for this and then it will be up to the council to fund the option. Keays says on Route 108 we have a real bad problem; nothing has been done up there and it has been a recognized problem since 1988. He only wants those people to have a normal life but they cannot because they have no water. Turner wants to know if all 3 paragraphs are being removed. If they are not in the resolution then we may as well rip up the paper. Hindle wants Attorney Krans opinion. Krans addressed them saying the council could put in a time frame to have a report back from the Planning Board but Hindle's ramifications of passing this in its original form is that we would be affecting landowners, taxpayers and developers and we would have to sustain a legal challenge from these people. Hindle would like to have a proper amendment with a date. Scott would



like a bonfire clause in the proposal. Hindle recommends a date of 8/31; Stancel says by 8/31 there would be a good chunk of the work done and they would be able to update the council by then. It takes 12 to 14 months to do a good master plan. DeDe seconds the friendly amendment. Cheney was told we need a tower to solve the water problem up there. She asked can we get this on a fast track; the Mayor clarified we have a moratorium resolution on the table.

Keays mentioned did the people hear the different sizes of the water main up there it is 14 inches that reduces down to a 6 inch pipe. Turner appreciates Hindle's amendment but he is hoping we get something better than 6 months but if Hindle feels this will kick start it then OK. Keays and Scott are opposed to the amendment on a vote of 6-2. Hindle motioned to vote on amendment to come back by 8/31 and to give the city manager the fast track for the RFP for the water pressure issue with regards to the TIP issue Cheney seconds the amendment; Trefethen says we have been talking about this sidewalk for sometime so why can't we be ready to go for the new fiscal year with the sidewalk and water project. The City Manager gave the history on the TIP project saying ultimately it goes through the council. He has authorized the planning staff to follow through with this. And there now are issues that were not identified previously; we want a sidewalk in a wetland area, also there is Willand pond and those issues are taking time. Then they will need to go back to the State to make sure they will fund the project. And they are right if the construction does not get started until late we may miss the construction window for this year. Ciotti asked how long does it take for TIP money to come in from the state. Stancel stated it would be here right away. Ciotti added and is that an 80/20 split. Stancel confirmed and added there were major delays because of the previous Exit 10 proposal. Vote passed to fast track the water 7-2 Keays and Scott opposed. The main motion passed on a 7-2 vote with Scott and Keays opposed.

**2. Establishment of an Ad-Hoc Tolend Road Landfill Reuse Advisory Board.**  
Sponsored by Mayor Scott Myers.

Hindle moved seconded by Ciotti to adopt. DeDe moved seconded by Trefethen to table. Motion to table passed on a vote of 5-4 with Cheney, Turner, Myers and Hindle opposed. Rick Hebbard came forward and said he hopes they will honor the man from Bethlehem that traveled down here and let him finish speaking. DeDe appreciates that he came all the way down here but we have our school board members waiting here. Cheney stated we had two experts speak for the city now it is the people's turn to have a chance to speak and he came all the way down here from the Town of Bethlehem. Scott moved seconded by Cheney to allow Mr. Weston to speak. Motion passed on a roll call vote of 9-0. Mr. Weston is back and continued with information on the EPA study saying with 350 out of 550 sites there were residents with cancer clusters and this city is in a very advantageous situation having not committed to a contract owned and operated by Casella Waste Systems. He is concerned about the long term effects of this. He hopes the council won't put its priorities of money over the death of future residents. What Casella promises today has no bearing on what their actions will be tomorrow. In Bethlehem they agreed to purchase homes of the most outspoken critics. In the end they only bought a couple of the homes. He continued with the history of Bethlehem. DES is the regulatory agency but does not regulate the industry. Casella works hand in hand with them; when his town council appeared before the Supreme Court he demonstrated that there is not one concern from citizens that has not received anything more than lip service. Every motion brings a counter motion. He will now take questions. Turner verified who he is. Mr. Weston stated he is vice chair of the Bethlehem select board. He wants to let people know the web sites to look at: davidandgoliathtrust.org. He continued they raised \$25000 for the town to offset legal expenses. Cheney says so we cannot count on DES as none of the town's concerns have been acted on. Mr. Weston continued they had a serious issue with the 10,000 flags that were dumped after 911 and these were supposed to have been burned. Also the miles of asbestos that was dumped in their landfill site and all these loads are supposed to be inspected but apparently are not. Trefethen asked if the Federal EPA is involved with any of this. Mr. Weston says the attitude is they do not get involved in local landfill issues.



Hindle moved seconded by Ciotti to suspend the rules to go past 10:30 PM to finish the agenda. Motion passed on a roll call vote of 8-0.

3. **Collective Bargaining Agreement between the Dover School Board and Dover Educational Office Personnel.** Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Ciotti to adopt. School Board Chair Marjorie Fisher explained that the Dover School Board voted unanimously to accept it and she urged them to do the same. Trefethen asked about the dollar figure that shows the additional costs and by using the 2007 number that figure is already in their budget. Fisher confirmed the amount is already in their budget. Cheney says this seems like a reasonable contract. Motion passed on a roll call vote of 8-1 with Scott opposed.

- 4.
5. **Collective Bargaining Agreement Between the City of Dover and the DPFOA (Dover Professional Fire Officers Assoc.)** Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Ciotti to adopt. Hindle moved seconded by Scott to table until the 3-22-2006 meeting. Motion passed 8-1 with Mayor Myers opposed.

6. **Collective Bargaining Agreement Between the City of Dover and the IAFF, Local #1312, AFL-CIO** Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Ciotti to adopt. Hindle moved seconded by DeDe to table until the 3-22-2006 meeting. Motion passed on a vote of 8-1 with Mayor Myers opposed.

7. **Award of Bid #B06033 for a Prefabricated Automatic Potable Water Pumping System for the Wastewater Treatment Facility.** Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Ciotti to adopt. Keays asked about a pumping system at the WWTP that is used in different pieces of equipment in order not to use the system; it enables us to recycle affluent water. We have one now and it is worn out. Motion to adopt passed on a roll call vote of 9-0.

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

1. Ordinance #**05-03/08/2006**, Chapter 166, Vehicles and Traffic, Section 166-19, Winter Parking. Sponsored by Deputy Mayor Jason Hindle, Traffic Advisory Commission Chair. ***(To be referred to a public hearing on TBA)***

Hindle moved seconded by Ciotti to refer to a public hearing on 4/12/2006 with all in favor.

### D. COUNCIL CORRESPONDENCE

#### 13. COUNCIL MATTERS OF INTEREST

Hindle wants to make the public aware that with the Fire Fighters Union listening we did not have enough time to go over their contracts. Also we had a very lengthy public discussion about the Tolend Road site; he wants to make the public aware that we should have some sort of public hearing to talk about the reuse of the landfill. They have heard from a lot of people that recently moved here; we need



a public campaign. Cheney echoes what Hindle says and thanked everyone that did come out to speak; hopefully we can get a lot more information. She says we had a workshop last week and she understood they were for discussion purposes only. She did not feel it was the right venue to take a consensus vote to do this. She wants a resolution to do that. She will put a resolution forward to release any information public or private forward. Mr. Bleiler came forward and she had never met the man before but she will not recuse herself in this matter.

Dede there was a presumption that council knew nothing about what was going on; he has documents that have explored the heinous deeds of Casella. He expects we will explore this and in light of all the information it is not looking as bright as it did look last week and the public comes and speaks with a lot of emotion and this council has to deliberate with cerebral focus and put emotion aside. None the less there is an issue that has to be dealt with and we do need to maintain the suggestion made by Hindle to have people come in and speak. Whoever invited the person here did so in disregard to council rules. There were not a lot of surprises in what he has had to say.

Scott seconds what councilor Cheney says as he too has been disturbed by what we have had for workshops and he feels we are being pushed to almost vote on items. We should not have a fuzzy line between a workshop and regular meeting. Turner will also support. Keays has been listening to all the discussion on the dump and he has information on the fellows that used to work up there at the dump and they have all died of cancer; he feels bad for the people in that area as he would not want any orange water running up there. If it is going to take \$14 million to clean that up then we should spend it and just get it done.

## 15. ADJOURN

Hindle moved seconded by all with all in favor at 11:05 PM.

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**AFTER REGULAR MEETING  
CITY MANAGER'S OFFICE  
EXECUTIVE SESSION**

The City Council will meet in Executive session to discuss Legal Issues.  
NOTE: **This meeting is not open to the public per RSA 91-A:2-I(c)**

This Executive session cancelled.

**Judy Gaouette,  
City Clerk**