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

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

The Mayor stated we have a public hearing on the school budget and adoption of the Tolend Landfill closure as well as the Merit Plan on tonight's agenda.

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.

Ed Bleiler of 28 Isaac Lucas Circle is here to speak about tonight's editorial in Foster's on corruption in city hall he wants to comment on this issue. One is the Tolend Road Landfill what man on earth would add 200,000 more tons to the landfill and tries to cure the problem. Another is the Mast Road gravel pit with regards to buying our own gravel at the pit back from the low bidder. Also there is the issue of the Butterfield Gym where we lease it for a dollar per year and then have to turn around and build a new gym. Also the police department what man cannot see what the police department is doing to him. He was picked up twice on Middle Road, the following Sunday after the city hall incident and police cruisers have been circling in his circle near his home. Then there is the Comcast committee which he was thrown off from; why a 10 year contract and we are making the people of Dover pay for it. It seems to him there are deals being made somewhere. David Scott is a good man and has to take the hatchet job in the city. We need to get together to stop the black eye on Dover that is quoted in the newspaper.

Karen Weston of 42 French Cross Road would like to ask them to suspend the rules so she may speak for the group. Cheney moved seconded by DeDe on a motion to suspend the rules to allow her to speak longer than the five minutes allowed. Motion passed on roll call vote of 9-0. Ms. Weston stated she and her husband moved to Dover several years ago. She read a prepared statement, there are close to 80 homes with people that live close to the superfund site. They know the three gentlemen that died in the mid 60's and there have been other cancer related deaths. The values of homes have dropped between 10 and 20 percent and homes are not selling and any one that wants to move they are out of luck. Tax abatement requests will skyrocket. Their homes are their biggest investment these people will make; they also know the wells are an issue. At the beginning the PRP list was 38 businesses long who should all have had a performance bond and they should all be somewhere. On October 24th, 1984 the Planning Board was so concerned about homes in the proximity of the dump they put on their building permits there is a health hazard. The city says they care about the health and welfare of the citizens; but this landfill draws bears; not too many of us want bears in the backyard. Also with dumps come rats also the seagulls and disease. The City of Dover has an ordinance that you cannot feed the birds; if you take hundreds of them where does that leave us. Then the increased odor; she went past Turnkey and the odor was horrible. She has discovered that the odor travels at least 4 miles from the site. People in the area cannot grow veggies and eat them from their gardens. You cannot dig any further down than four feet into the ground. She has petitions to present stating they want the landfill cleaned up and then how safe is that area going to be. We are all aware now of what is happening in Somersworth with their landfill site and that was not as bad as Dover's. She noted also



if you reopen the dump they are in violation of the Master Plan. She read from the master plan. There have been a lot of costs thrown around; where are the performance bonds from the PRP's. Where is the money; she mentioned assorted grants that can be obtained to help with the cleanup. She has 2,278 plus or minus signatures on the petitions along with other people here that have well over 2,000 names and when you get all of them from every single ward from all over the City and not one person said they wanted the dump open; they are all concerned citizens. She remembers when she was younger and people always said "Portsmouth by the sea and Dover by the smell". Her family has been here since the 17 and 1800's and they have not left yet they don't want toxic chemicals coming into their homes. She thanked all the people that have worked so hard to get all these petitions signed. She thanked her employer, Janeto's for their support; her question to the council is how many people have called that are in favor of opening the dump. There is no silent majority. She also knows there is a city council person that stated their email is being polluted over the Tolend Road Landfill. Her recommendation is to vote for the resolution and to clean it up even though it is 25 years later.

Ray Bardwell of Spur Road thinks the previous lady did a tremendous job. Speaking from knowledge comes strength; he thinks a committee should have been formed. He was going to recommend a committee be set up ASAP. People do not want a landfill again; it is a very emotional thing. He asked do we still need a committee and will it be worth a savings; should we have a public hearing on this issue. If for no other way to resolve it maybe it should be put on the ballot in November; this must be addressed and the citizens listened to.

Karen Drapaniotis is here representing the Dover Main Street and commented on Dover Pride Day that was held this past Saturday. The City of Dover has the most community spirit of any community around. She complimented Doug Steele and his crew. She thanked Mayor Myers and Councilor DeDe. She also thanked the firefighters and noted Allan Krans was the statistician for them and kept track of the numbers. She listed all the volunteers for the day saying she had 363 volunteers that Saturday with all the civic groups and citizens that contributed. She listed everything that was donated and listed all the contributions of food and supplies to complete the cleanup. She thanked everyone that came out to help.

Tom Fargo of 14 Cobble Hill Drive is here and nervous about speaking on the subject of keeping the landfill closed. He is the Chair of the Conservation Commission and a professional hydro geologist. He worked on that site for about a year and a half and he was the guy that designed the ground water extraction system. He is hearing about the uncertainty of the situation of the landfill reopening. The resolution does not do what the people want it to do; it just says the city shall cease and desist and does leave open the fact that the negotiations for its reopening would not proceed without the approval of the city council; it does not say the landfill will never be reopened. When he first heard of the reopening he thinks it would have to be cleaned up completely before getting any permits to reopen it. He explained the original remedy that was proposed pump and treat the #1 issue of the landfill is the flatness of the area, it does not want to shed water; all the rain water continues to go into the ground and continues to pollute. Later on they have explored bio-mediation and later still the most recent remedy. We really must go back to the original pump and treat plan. It is clear to him the people do not want the landfill re-opened and are ready to invest to keep it closed forever. He does not think the resolution does what the citizens want. He urged them to amend it or go back and try again.

Mark Moeller of 80 Cottonwood Drive stated he will be brief as he thanked every city councilor here tonight for their time and effort. He wanted to direct his comments to Mr. Scott on his actions. The Mayor then interrupted him and advised him not to make personal attacks on an individual councilor. He stated he is here as a voice of the positive and if Mr. Scott thinks the city is corrupt then he thinks Mr. Scott should resign.

Tim O'Donnell of 25 Applevale Drive is here on the proposed shopping area. The Mayor asked him to wait and speak at the public hearing that will be coming up next on the Overlay District.

Peter Schmidt of 53 Fourth Street and representative of wards one and two in the NH house is here to address the Tolend Landfill; he feels that the resolution is inappropriate at this time. There is no binding resolution that cannot be undone by another council. He recognized Ms. Weston's impassioned plea. He thinks the citizens of Dover do not understand the ramifications of what the remediation will mean in costs to



the city of Dover. They need to be given the full costs as mentioned by Mr. Fargo. He thinks the resolution is null and void and urged them to make a permanent resolution later on. He wants it tabled and not voted on at this time.

Rick Hebbard of 97 Spruce Lane held up a newspaper which showed a "Too little too late" headline on a Massachusetts landfill that has much the same situation as we do. He thinks we need to understand and define what waste means. He explained what is recyclable; there are all kinds of ways of using that property for recycling. This is an unfortunate way that this resolution came up and we need to write a resolution to make the dump remain closed. There are other options and people that are smart enough to consider other options. We have the ability to use any piece of property in the world but he agrees we need to remediate this property first. He thinks a committee should be formed to come up with ideas and if they can't then the issue should be closed but it should be looked at as a whole. His resolution said it should never be used for waste purposes; what he meant was toxic waste purposes. He wonders if they shouldn't rework this resolution as there needs to be more discussion. He just wants people to be communicating on this subject. He asked them to suspend the rules to bring this item forward.

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

Turner moved to suspend the rules to bring item 12B1 forward now; Scott seconded the motion. Hindle asked if Turner would wait until after the public hearings were over to suspend the rules as there are many people waiting their turn to speak. Turner agreed.

7. PUBLIC HEARINGS

A. Resolution RE: **(SCHOOL PORTION ONLY)** Fiscal Year 2007 Budget Appropriations, Fees and Capital Improvements Program. Sponsored by: Mayor Scott Myers, by Request.

The Mayor opened the public hearing asking if anyone wished to speak.

Dot Hooper of 84 Katie Lane read a prepared statement urging them to pass the school budget as presented. She explained how hard it is to have enough classes for all the requirements at the high school. She explained the trends and how difficult it is to cover all classes that are required. Staff wise they are stretched very thin. Supply budgets have been cut for years now; every portion of their budget has been impacted somehow. The Dover school system does a wonderful job with what is provided. She mentioned the burden of the senior citizens. Schools are a major factor when new residents decide where they are going to live.

Jen Krans of 99 Portland Avenue is here to support the school budget that the school board has worked really hard on. She is a teacher in the system as well. Schools are under increasing pressures and we are competing in a global economy. She is also a product of this school district. She knows last year the council showed a strong commitment to our schools. She asked them to please show a strong commitment to the schools for the children.

Dana Boudreau of 9 Northam Drive and president of Horne Street Elementary Schools PTA stated they all come to reiterate the support for the school budget. It was a real eye opener on the staffing problem from Ms. Elliott and how she stated it will lead to mediocrity of the school system as we do not want a make do budget; there are also countless volunteers hours and dollars that are spent to help keep up our level of education; many of them too bashful to get up and speak. He asked for their support on the school budget.

Roger Hayden of 4 Lexington Street is one of the bashful volunteers. He sympathizes with the senior citizens on a fixed income; a civil and responsible citizenry is his roll. Like it or not the schools are where children learn to be responsible citizens. He mentioned his two sons who attend WPS. He



explained what goes on in his home with the presence of his son's teachers. Dover will remain a great place to live if it remains a civil place to live. Fund the schools to the maximum and it will leave no doubt that this a great place to live.

Laurie Relinski of 131 Mast Road is here about the teacher's contract; it is a 3 percent increase not a raise. The teachers are willing to pay more towards their benefits. The Mayor asked her to focus more on the budget as they have already addressed the teacher's contract; she thinks it is a fair budget. She encouraged them to support the school budget.

David Landry of 5 Trakey Street with his wife Ann and children Jack and Mary who are is kindergarten at WPS and Jack will be in school in two years. He stated business is clearly ramping up in this community (area) he thinks we have a very significant demand for 1000's of new workers in the near future. For many reasons Dover needs to prepare its graduates to stay here. People leave a community because of economic reasons. You lose something when you move away from your community. He compared Dover to the other Class L schools as he read comparisons of 10 other communities in the state. He quoted about their school's operating budget and how we are clearly below the average. We have a conservative administration and they can feel confident that they have done their job by saying yes to their budget as is. This is about 32 cents and that is \$96 bucks additional per year on the tax bill and \$1.85 per week out of his budget. He appreciates all their hard work.

Dana Gray of 266 Tolend Road was very disappointed that they did not pass the teachers contract. She would really like them to pass the school budget as is. She has her first child on the way. They do need to invest in the future. We need to recognize that improving schools brings families into our town. We need to raise our standards; she is a teacher and she supports the coaches in town and the teachers work so hard. Our superintendent is wonderful she supports them and the council.

Seeing no one else wishing to speak the Mayor pointed out the school board members are all present along with superintendent, Dr. O'Connor.

B. Resolution RE: Acceptance of the Action Plan and Expenditures for the Fiscal Year 2006 CDBG Entitlement Funds. Sponsored by Mayor Scott Myers, by Request.

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

C. Ordinance #03-01/25/2006, Chapter 170, Zoning, Section 170-20.2 Residential-Commercial Mixed Use (RCM) Overlay District. Sponsored by Council Dean Trefethen, Planning Board Rep.

Toby O'Donnell 25 Applevale Drive has a concern on the William's properties and in trying to get out onto Dover Point Road. His property value is going to go down and there is too much road access now and it will be terrible to get anywhere in Dover. He is afraid it will end up looking like Portsmouth or Somersworth and it is too nice a town for that.

Richard (Dick) Proulx, President of Dover Sand and Gravel is here to address the road way on Mast Road and Route 108 where there is heavy industry across the street. Mast Road has the heaviest truck concentration in the City of Dover. There have been many complaints of the loud noise in the area and Community Services make the most of the noise from what he hears in the complaints. He wants to be on record if future complaints arise that his company has been there since 1954. He does not know if they are going to develop the land but want the best use for it. If they are causing a nuisance other than what is already there; his hours of operation are not nonconforming as they are grandfathered.



Malcolm McNeill, Attorney with his office located at 180 Locust Street is here for the LLC and Chad Kageleiry and is speaking in favor of this ordinance. He listed all the public hearings that have been held on this proposal. This is the second time it has come before the council. This is a unique ordinance and provides for more aesthetic control than any other development in Dover. He thinks the Planning Board has listened to the people and taken the suggestions to heart. He continued to explain the ordinance including the age restrictions in the development. He read a prepared statement explaining there are no particular projects currently planned for the Dover Point property and how as it is developed it will increase taxes 10 times over. It will be the most regulated area of zoning in the city.

Marilyn Follansbee of 25 Dover Point Road stated she never thought she would agree with Malcolm McNeill but she does. The Planning Board has always wanted businesses on Dover Point Road and for 30 years she has fought for no business on Dover Point Road; however this is 85 acres that is going to be developed somehow. This land is owned by people that want to develop it. She hates the idea of increased traffic but she thinks if we have a good zoning district and Mr. McNeill is right we will have a good zoning district it will work out. Altogether it is not that bad.

John Scruton of 99 Sixth Street stated he has a couple of things on this. This shopping mall at Dover Point he mentioned a developer from somewhere that does walk able communities and one thing he said is you need to make the stores fit the neighborhood and make the stores fit the community, not huge box stores and parking lots. He continued about wildlife habitat and natural resources. Open Space does not come back every year for contracts or improvements.

Robert Cruz is a representative of the developer of the property at Mast Road on Route 108. He resides in Amherst and has spent about two years working on this project. This will be a development with a lot of people living right next to where they shop and this will save numerous trips that people will have to take up the Miracle Mile. They are expecting to save about 400 car trips per day. He asked them for their support and as has been said previously this does not approve any development and will have to come back to the Planning Board for approval.

D. 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.

The Mayor opened the public hearing and seeing no one wishing to speak closed it.

Turner made a motion to suspend the rules to bring item 12B-1 forward seconded by Scott. Motion passed on a roll call vote of 8-1 with Trefethen opposed. (SEE ITEM 12B-1)

8. CITY MANAGER'S REPORT

City Manager Joyal stated last month we had a resolution on extending the cable agreement. We still have not finished the legal review; he wants them to extend the proposal until we get the final proposal. The City Manager does not think it will be more than 30 days longer. The rest is in his written report. Trefethen wants to be clear this will only extend the agreement for 30 days longer. Hindle motioned that with the authorization of the city manager's report this will extend the Comcast agreement 30 days with Ciotti seconding the motion with all in favor.

9. MINUTES

A. Workshop - April 5, 2006



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- B. Regular Meeting – April 12, 2006
 - C. Special Meeting/Workshop – April 19, 2006

Hindle moved seconded by Ciotti to accept and to have the April 5th minutes reflect that Deputy Mayor Hindle was away on business with all in favor.

10. MAYOR'S REPORT

The Mayor reported he had attended a great performance at DMS under the direction of Sue Hodgson who put on a great production. He also attended the Breakfast of Champions and said a few words on behalf of the City where they had a great turnout. He attended several ribbon cuttings and also the Arbor Day celebration. Also at WPS he attended the expanded running/walking program where there were over 400 students involved. Finally he presented a proclamation at the WTSN Anniversary Celebration. Congressman Bradley along with Senator Estabrook, Karen Drapaniotis, the City Manager, City Attorney Krans, Councilor DeDe and his wife were all in attendance; he thanked them all. On that same day was the opening of Dover Little League.

Scott suggested we close the meeting (see below). Hindle moved seconded by Ciotti with all in favor of accepting his report.

Scott suggests it is now 10:20 PM and we should close the meeting until the 24th ; DeDe seconds the motion. The City Manager asks them to complete the consent calendar and 12B-4, the Chesley Street resolution. Stancel stated the CDBG resolution has to go to the vets by the 15th of May, could they include that also.

11. UNFINISHED BUSINESS

A. ORDINANCES IN 2ND 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 Rep.

Trefethen moved seconded by Ciotti to adopt. Trefethen stated this item has already had several public hearings. He asked Stancel to explain the changes to the proposed ordinance and referred to when the council tabled it. Stancel stated there have been several changes and their concerns have been addressed. The Planning Board has included the minimum shall be 40 % non commercial and lowered the residential percentage to 35%. Now the majority has to be non residential. The Planning Board determined it would be unrealistic and left the open space at 50 %. There was also a concern with density; he continued to explain the updated ordinance as approved by the Planning Board. There was a concern on private roads and what would be required, finally the Planning Board eliminated one of the 3 areas off Littleworth Road. In closing he added the age restricted use where they will generate less traffic in peak periods and provide a positive fiscal impact for the City.

He pointed out the developer has to go through the restricted use process. Turner asked why is there 10 year language that says "down the road" in it. Stancel stated they wanted to make sure it was not a short term impact by the developer. Turner says in 10 years what guarantees are there that school busses won't be going in there. Stancel says there is a state law and also they have to go through the conditional use ordinance and that becomes part of the approval and it can be policed through withholding occupancy permits. Scott thanked Stancel for getting the community together. He thinks Stancel has done a gone job of compromising. Cheney thinks this is a wonderful concept; she asked about the public and private roads. Stancel says it is



built into the ordinance and through the process so when the project comes through the Planning Board if the road is going to service through traffic and the greater good it will be public but if it will only serve a few people it will be private. She has been on the fence with the public roads and the width; this still concerns her as there is only a 20 foot stipulation. Stancel says the 20 foot is the minimum so it does not mean all the roads will be 20 feet but it might be allowed. She does like the concept and will it come back to the council for approval. Stancel says it will go to the Planning Board at least twice.

Ciotti asked Steve Stancel to discuss the comments that Dick Proulx had made on the noise on Mast Road. Steve says there will not be any commercial uses closer than 100 feet to a residential area. Cheney asked when you have two different types of developments won't there be two developers; Stancel says they will have to work closely with each other. Trefethen reminded them about the pictures and that they are unofficial and only conceptual. He asked them to focus on the text of the ordinance. This will be a combination of a commercial and residential concept. Traffic concerns will be handled at the Planning Board level very carefully. He too is concerned about the noise in the Route 108 area and there should be something told to the potential buyers.

Motion to adopt passed on a roll call vote of 7-2 with Cheney and Keays opposed.

2. 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.

Hindle moved seconded by Ciotti to adopt. Trefethen does not think a winter parking ban is necessary on most nights. The city manager says the existing parking situation works well; it is easy to police and administer; it is also enforced; it is at the beginning of the season when notices go out and after the roads have been plowed the roads are narrow. This ordinance keeps this in place when we know a major storm will take place this will allow the Community Services Director in consultation with the Police Chief to have a parking ban go into effect immediately. Keays asked is the parking ban going to be put on the downtown area. The city manager says yes. Motion to adopt passed on a roll call vote of 8-0 with DeDe out of the room.

B. ORDINANCES IN 3RD READING – NONE

C. RESOLUTIONS

1. Resolution RE: Acceptance of the Action Plan and Expenditures for the Fiscal 2006 CDBG Entitlement Funds. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Trefethen to suspend the rules to bring up item 11 C-1 – CDBG entitlements. Motion passed on a roll call vote of 9-0.

Hindle moved seconded by Trefethen to adopt. Trefethen stated this is the recommendation of the Planning Board and is federal money and as years go on we get less and less money. Not everyone that requests money is getting it and others are being prorated. Scott asked is this federal money that is coming in. The city manager says this is money for lower income folks and the program is being scaled back. Hindle commended the Planning Board's role in the process. Ciotti thanked Rick Jones stating he does a fantastic job with this. They all reiterated the same. Motion to adopt the resolution passed on a roll call vote of 8-1 with Keays opposed.



2. Resolution RE: Merit Plan Amendment Pursuant to City Charter C7-2. Sponsored by Mayor Scott Myers by Request. (Was referred to 05/10/06 at April 12, 2006 Regular Meeting)

Hindle moved seconded by Ciotti to adopt. Trefethen moved to table with Scott seconding the motion to the May 24th agenda. Motion passed with all in favor of tabling except DeDe.

12. NEW BUSINESS

A. CONSENT CALENDAR

- 1. Block Party Permit – Westwood Circle/Concord Way**
- 2. Award of Bid #B06051 for Varney Brook Pump Station Force Main Replacement and Chemical Feed System.** Sponsored by Mayor Scott Myers, by Request.
- 3. Award of Bid #B06060 for Sand and Gravel Products.** Sponsored by Mayor Scott Myers, by Request.
- 4. Award of Bid #B06061 for Miscellaneous Sewer/Drain Supplies.** Sponsored by Mayor Scott Myers, by Request.
- 5. Award of Bid #B06062 for Miscellaneous Water Department Supplies.** Sponsored by Mayor Scott Myers, by Request.
- 6. Award of Bid #B06064 for Pavement Marking Services.** Sponsored by Mayor Scott Myers, by Request.
- 7. Award of Bid #B06067 Pearl/Ela Street Sewer Replacement.** Sponsored by Mayor Scott Myers, by Request.
- 8. Award of Purchase Order for Glenwood Avenue/Durham Road Engineering Services/Construction Oversight.** Sponsored by Mayor Scott Myers, by Request.
- 9. Parade Permit - Dover Knights of Columbus**

Hindle moved seconded by Ciotti to suspend the rules to introduce item #9. Motion passed on a roll call vote of 9-0.

Hindle moved seconded by Ciotti to adopt items 1-9 including #9 parade permit except item 12 A-3. Motion passed on a roll call vote of 9-0.

Keays wants to pull item 12 A-3 sand and gravel. Hindle moved seconded by Ciotti to adopt the sand and gravel. Keays wants to know what it costs per year for sand and gravel. The city manager can't say off the top of his head; he can tell him what is budgeted; he will have to get back to him. Keays asked when will the contract run out with Severino; the city manager says we are in the 8th year of the 10 year contract; this resolution does not deal with Severino. Doug Steele says this purchase order is for items that we are not able to get behind the public works facility and we load it ourselves; if we do not have a loader available we do have Severino load it at a \$1.35 fee per yard. The crushed sand is what we don't have. The city manager will let us know what we spend on sand per year.

Hindle moved seconded by Ciotti on a motion to suspend the rules to go until 10:40 PM which passed on a roll call vote of 8-1 with Myers opposed.



Motion to adopt item 12 A-3 passed on a roll call vote of 6-3 with Turner, Keays and Scott opposed.

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 **(Report submitted)**
12. Recreation Advisory Board
13. COAST Bus
14. Joint Fiscal Committee
15. Dover Main Street Committee

Hindle moved seconded by Cheney to accept committee reports with all in favor.

B. RESOLUTIONS

1. To Keep the Tolend Road Landfill Closed and Proceed with Remediation.

Sponsored by Councilor Harvey Turner, Deputy Mayor Jason Hindle and Councilor Catherine Cheney.

Hindle wants the council to take a look at an idea that he has on this issue. He believes that both resolutions, the one by Turner and the one by DeDe a substitution are concepts in both resolutions that need to be addressed. He would like to table them both and schedule a meeting with DeDe and Turner to workout concerns and schedule public hearings. He wants some sort of structured public hearings on the issue. He recognized the petitions and he wants to explore the idea of a committee but the committee needs to remain here on the council level. The council has failed to do its job to inform the public. He wants to work with these two councilors and he strongly believes the landfill should be closed. He moved to table item 12B1, DeDe seconded the motion. DeDe and Hindle were in favor with all others opposed. Hindle moved seconded by Turner to adopt item 12B-1.

Turner stated he appreciates the email from DeDe this afternoon and he now has the resolution in front of him. He read a prepared statement. He thanked everyone for coming down tonight. Geographically, morally and common sense are the reasons we need to keep this landfill closed. He showed a map of the two rivers surrounding Dover with access to the world. He pointed out a black hearted sole could pollute two rivers at one time; and that is the Tolend Landfill. He thinks it is a shame that we are considering this. The only argument to keep the Tolend Road dump open is money, the root of all evil. He urged them to vote yes to make sure it is not used any further.

DeDe thinks of Kermit the frog and it is tough to be green; he still has to speak in favor of this council's opposition. He read a prepared statement explaining a lot more about the Cassella representative and there was a lot more to the story. He tried to explain his view on the resolution he has learned a little more after speaking with experts. The key issues for the neighbors in the area, the truck traffic, the odor, the concern of pigeons and rats; the point is on this there are technologies available today that



the council has yet to discuss. As far as truck traffic goes the remedy would involve 32,000 trucks in the area. This is something that needs to be discussed. The trucks will be rolling; technology exists today to recapture methane gas into the atmosphere and it can be sold and generate electricity. He has had the opportunity to sit with our environmental supervisor Dean Peschel and those people that have knowledge of the value of the ecological well being of this city. He does not think this council is ready to vote on this issue. So far we have been exposed to a great deal of emotion. There are 29,000 people and this only a fraction of the homes in the city. He does not feel that the resolution that was tendered at this point a substitute motion is in order and it addresses the issues that have been brought up but it stops short of saying we will never open the dump. We are charged with deliberating on the issues. Scott will vote yes on the issue as it is the will of the people and because of the pictures he has seen; the response is over whelming. We are democracy and we should follow the will of the people. As far as the environmentalists are concerned we are concerned with the water supply, pests, and the value of homes in the area. The financial issue is secondary it is the environmental health of the people.

Keays was here the night they closed the dump at Maglaras Park and them councilors who sat here that night thought they were doing something great by putting the dump up in the boonies. He is sure if they had known, they would never have put the dump up there. He listened to DeDe and if he had all this info why didn't he get it out to us. He will vote yes to close it and he will see to it that it stays closed. These people did an excellent job. He will support them. He wants them to remember the councilors from the 1960's who put the dump there. He hopes he will never see another bag of rubbish up at that dump.

Trefethen explained why he voted no to moving this item up on the agenda there are other issues pressing on the agenda. He reiterated what DeDe said about traffic if we proceed with the remedy and the only people that will pay are the citizens. We have had no discussion because we have been bullied and they are afraid; he does not enjoy an hour an a half of people beating him over the head. He does not like getting all the negative emails; it is not conducive to leadership or good quality discussion. One thing seldom discussed in all of this the remedy of the dump will be done; that is not an option it will be done. Most of the email is woefully misinformed and it is incredible; it has been a nightmare and it should not be that way. We should not be doing this. He has severe reservations with the resolutions presented here tonight. He does not know what it really means to close the landfill. How could the council approve opening the landfill without the public knowing; everything is out in the public.

Ciotti stated he has lived here for 48 years and he remembers the Tolend dump as a kid; he has been told by people in the audience there is no point in talking to him because he is in not in favor of closing the dump. He will be voting no on the resolution because it is very premature; it closes the door on any type of future discussion on the dump. He is also going to vote no on this because they have not discussed it. Nobody wants trash brought back in there. He agrees with Rick Hebbard's comments tonight. To close the door on this and not have foresight; we will be remiss. He has had people call and ask him to look at all the options. No one wants more trash brought into the city.

Hindle reiterated the same. He too appreciates Turner and DeDe for bringing these resolutions forward but the new one was brought in at the 11th hour before the public had a chance to read it. The Tolend Landfill debate has been an issue as long as he has been alive; he has not received any positive comments these past five months. No matter what happens this evening the cleanup will remain; whatever decisions are made in regard to the landfill clean up; the decisions rest with this city council. The process needs to begin tonight; he wants public forums; there has been talk and a resolution to form a committee that was tabled earlier. Let the nine of us take the leadership responsibility and invite 29,000 of the citizens to the table for an open dialogue on this issue.

Cheney thanked all the citizens for coming to speak on this important issue. She thanked her co-worker, Shannon who has been relocated and Kara for sending a picture of Doug, Evan and Julia; people have died and this site should not be opened. She moved here 6 years ago and she knows she can smell something coming up the river; it is the Turnkey sight. This is an emotional issue but it is also logical. She did not think we would be doing this in public the night the filing for abatements closed. The EPA plans are not on the website as of yet we have plans for how big a mound will be if



we put a big mound up there. We have to go ahead with ROD- 2. We have been waiting and waiting to promote this. She mentioned the selectman from Bethlehem; and how the community was so divided; she sees if you want something right you have to do it yourself. Whatever the council does after this point it will not be a secret.

The Mayor thinks DeDe has made good points, he also agrees with Scott but with that being said we have done no heavy lifting on this to look at the options to see what may or may not happen out there. We should not be here tonight to say no to any kind of use out there. He will not support the resolution as it stands tonight. We need to come back with a resolution to gain public input. He saw a second grader at WPS who is concerned as well; it is very emotional, absolutely. We need to do the heavy lifting and definitely include the public and take a look and see the potential clean uses. He is not in favor of opening up a toxic dump again.

Turner says the design of the resolution is to keep the landfill closed it is not designed to limit options. He thinks we could change a couple of verbs; he will vote for it or move to amend it. In the third whereas there is...he proceeded to say how we could amend it...we could say there are and the first therefore "no further dumping". And the second one the citizens of Dover shall be kept informed of . After many suggestions and revisions Scott seconds the amendment the Mayor says to be fair we should let the public review the amendments. Hindle moved to table the item with DeDe seconding the motion. Again Hindle and DeDe were in favor with all the others opposed to tabling. Discussion on amendment ensued; Trefethen stated he will now vote no on the amendment. DeDe thinks Turner must recognize the shortcoming of the language and underscores the council is not ready to deal with this. Hindle appreciates DeDe's comments. He is sick and tired having a fraction of the council not coming together with one resolution. He supports Turners resolution but wants to come back with the best interest of the community and the council should put together a public process on the issue. Trefethen agrees with Hindle in fact we had what promises to be a solution from the Mayor and we tabled it. Hindle thinks the ultimate decision is the council and agrees with the committee. Keays thinks we are taking an amendment and trying to railroad it through. He knows these people here tonight want them to vote on the dump. They don't want it put off; all they are doing is looking for time we have had enough problems with the dump up there. Let's just do it; don't keep holding these people off.

Scott agrees with Keays on this issue; the people have worked very hard; the amendment made by Turner does not limit us. He recommends we proceed and let the people be heard. Trefethen stated he has lost track of how many times we have moved to table this. He thinks we should make a decision tonight. Cheney wants to go with the resolution and ROD-2; it does not stop us from going ahead. She mentioned different types of caps; she does not think this resolution shuts the door to ideas.

Trefethen wants a definition of dump. Motion on the amendment failed on a vote of 4-5 with Hindle, Cheney, Turner and Scott in favor of amendment.

Ciotti implores them to take this off the table and come back with a refined resolution.

There was some discussion about the way Keay's had voted on the amendment when it failed; Keays assured them he had voted the way he wanted to. DeDe has sat here for some time and this is the most poorly prepared motion that has come before the group; this is an embarrassment to the City. He reiterates Ciotti's plea. Vote on the resolution as originally presented by Turner passed on a roll call vote of 5-4 with Ciotti, DeDe, Myers and Trefethen opposed.

DeDe moved to suspend the rules with Hindle seconding the motion for discussion as part of a separate motion to direct the city manager to make a high fence around the area as there are people still dumping trash in the area; he is concerned about the area and wants the city manager to do this as quickly as possible Hindle asked what account will a fence be paid for from to completely fence in the entire will be a costly alternative. The city manager stated the council has authorized funding through the issuance of a bond we would pay for the cost of a fence from those funds also the city would be solely responsible for the costs. The city manager suggests the fence be along the roadway and start off into the woods. Hindle wants to know if the motion is for the council to come back to the council with costs. We have asked previously where the money will come from now the city manager



can figure it out. Keays asked Joyal what would be the next step in closing the dump. The city manager says the fence is falling down and it needs immediate repair. As far as the cleanup the EPA has made it clear that we need to start the ROD this summer or the very latest the next construction season. The Mayor wants a resolution to stipulate a clear motion on a fence to come back to them in two weeks. DeDe then withdrew his motion.

Hindle moved seconded by DeDe to suspend the rules to bring up the Overlay District Ordinance. Motion passed to suspend on a roll call vote of 8-1 with Trefethen opposed. (SEE ITEM 12B-1)

2. Release of April 26, 2006 Attorney Opinion (Relating to Line Item Authority).
Sponsored by Deputy Mayor Jason Hindle.

Hindle moved seconded by Ciotti to adopt. The Mayor stated they will give the City Attorney 10 minutes before the next meeting to explain his opinion on this issue. Motion to adopt passed by all.

3. Support of Open and Honest Government in the City of Dover, NH. Sponsored by Douglas DeDe.

DeDe moved seconded by Ciotti to adopt. Hindle wants to add these items to the city website to make them electronically available to all in an amendment to their council rules this will be rule #10: We will release copies of the correspondence to make them available electronically with all in favor of the amendment. Hindle stated this is only a housekeeping matter.

Hindle asked DeDe if this includes emails to the council, to one or to all, DeDe says all the council. Scott is an advocate of open government however in the legislature this session there is a House Bill that is still open for debate. He wants to wait and see what the legislature puts into law instead of being in violation of the law. Trefethen stated he heard the same argument on his resolution in January and they are still waiting; he wants to move forward now. The Mayor clarified this only applies when there is a quorum of the council in the communication. Cheney asked if a constituent writes to a whole council does that fall in a public record so there will be no confidentiality with that constituent. DeDe says you can answer the individual but if it is copied to the council then it is public. The city manager clarified we have had two formal requests for Right to Know about email. He cautioned them not to put too many parameters on any correspondence going to five or more at the end of the day this will be released anyway. Both times we have had requests of the Right to Know it is an involved process. He thinks this will help the process; he suggests anything that goes to a quorum of the council is subject to the Right to Know law. Scott thinks we are putting molasses in the Right to Know law. The two-way street may be a problem he does not get the benefit to constituents. Trefethen says this covers chance meetings and email constitutes a chance meeting electronically. Cheney says if a constituent does not want to be in Fosters she encourages people to only write to three of them. The city manager says there will be a script on the mail server to automatically know when an email goes to five or more councilors. Krans added in the month of April we had 47 pages with very little staff time, with the same result. Motion passed 8-1 with Scott opposed.

4. Discharge of Unaccepted 150 Feet of Chesley Street. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Ciotti to refer. Attorney Krans stated it does not need to go to a public hearing. This is a motion to release the public servitude; Keays says who are we releasing this property to. Krans stated to the abutters. Motion to adopt passed on a roll call vote of 9-0.



Hindle moved seconded by Trefethen to suspend the rules to conclude the meeting which is items 11A-2, 11B-2, 12B-2,3 and 5 passed on a roll call vote of 6-3 with Turner, Keays, and Scott opposed.

5. 2006-2007 Local Government Center Legislative Policy Recommendation.
Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Ciotti with all in favor.

C. ORDINANCES IN 1ST READING
NONE

D. COUNCIL CORRESPONDENCE

1. Wetlands Permit – Henry Kuziomko

Hindle moved seconded by Ciotti with all in favor of accepting and placing on file.

13. COUNCIL MATTERS OF INTEREST

Keays stated he is concerned about the sand pit that the Planning Board was reviewing and at the Griffin Sand Pit where they dug down and hit water as he was listening to the planning board meeting; and does this have anything to do with the wells in that area? And how are they going to rectify the situation. Trefethen says there is standing water for two reasons. One is they dug down too far into the water table and the spot is not allowing water to drain. They will fill it in to above the water table and second they will be adding a special type of material so it can be drained. Keays says if you put sand it will create a mud. Trefethen says there are regulations that specify the kind of material that should be brought there and the Planning Board extended the permit for 60 days.

Scott wonders if the city manager has prepared an explanation for the senior citizens exemption. He had a constituent call him and that they won't receive it until next year. He wants the city manager to write out the reply. The city manager says a copy already does exist.

14. ADJOURN

Hindle moved seconded by Ciotti at 11:12 pm with all in favor

Judy Gaouette,
City Clerk