



CITY OF DOVER

## CITY COUNCIL -MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, June 14, 2006**  
Meeting Time: **7:00pm**

### 1. MOMENT OF SILENCE

### 2. PLEDGE OF ALLEGIANCE

COUNCILOR KEAYS LED THE PLEDGE OF ALLEGIANCE.

### 3. ROLL CALL

PRESENT: COUNCILOR DOUG DEDE, DEPUTY MAYOR JASON HINDLE, COUNCILOR ROBERT KEAYS, MAYOR SCOTT MYERS, COUNCILOR DAVID SCOTT, COUNCILOR DEAN TREFETHEN, COUNCILOR HARVEY TURNER (ARRIVED AT 7:15), COUNCILOR CATHERINE CHENEY, AND COUNCILOR DENNIS CIOTTI.

### 4. PROCLAMATIONS – AWARDS

NONE

### 5. SUMMARY OF AGENDA

MAYOR MYERS REVIEWED THE 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.*

#### **MAYOR MYERS OPENED THE CITIZEN'S FORUM ASKING IF ANYONE WISHED TO SPEAK:**

RON HUML, 199 MAST RD – DISCUSSED THE TEACHER'S CONTRACT STATING THERE SHOULD BE A PROVISION REGARDING RETIREE'S WHO GET ANOTHER JOB THAT THEY ARE ABLE TO GET INSURANCE TO BE REQUIRED TO DO SO OR TO TAKE MEDICARE WHEN THEY BECOME ELIGIBLE FOR THAT AS IT WOULD RESULT IN A MAJOR SAVINGS TO THE CITY.

SUE MEDBERY, 3 COVERED BRIDGE LANE – GAVE AN UPDATE OF THE "AFTER SHOCKS" SINCE THE MARCH 1, 2006 ANNOUNCEMENT OF THE TOLEND ROAD SUPERFUND REOPENING. SHE STATED THAT PROPERTY WAS RECENTLY SOLD AT BELOW PRICE WHETHER IT WAS FROM THE FEAR OF THE POTENTIAL REOPENING AND THE TRUCKS, GARBAGE ETC. AND THAT OTHERS FEEL THE SAME WAY IN THAT AREA. SHE CONTINUED THAT IN REVIEWING THE RESOLUTION PASSED BY THE COUNCIL IT APPEARS THAT THEY CAN STILL REOPEN THE SITE WITHOUT NOTICE TO THE CITIZENS. THEY HAVE OBTAINED 3,500 SIGNATURES ON A PETITION OPPOSING THE REOPENING AND STATED THAT THEY ARE WATCHING AND ARE ACUTELY AWARE THAT SOME EMPLOYEES AND ELECTED OFFICIALS CAN'T BE TRUSTED. NEXT SHE STATED THAT ON 06/06/06 THE TOWN OF BETHLEHEM HAD A SPECIAL ELECTION WITH 4 WARRANTS, ONE OF WHICH WAS TO ALLOW CASSELL TO REOPEN THEIR SITE AND THAT THE TOWN WOULD BE PAID \$1,000,000 TO ALLOW IT, BUT WITH A RECORD TURNOUT, THIS WAS DEFEATED BY A 2-1 MARGIN. FINALLY, SHE STATED THEY ARE CIRCULATING ANOTHER PETITION TO GOVERNOR LYNCH TO NOT REAPPOINT COMMISSIONER NOLAN AND TO SEARCH FOR A PERSON TO SERVE THE BEST INTERESTS OF THE CITIZENS.



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DON MEDBURY, 3 COVERED BRIDGE LANE – HELD UP THE DOVER BUDGET DOCUMENT NEXT TO THE CITY OF ROCHESTER BUDGET DOCUMENT STATING THAT ROCHESTER’S IS A MUCH BETTER DOCUMENT TO UNDERSTAND AND FOLLOW. NEXT, HE DISCUSSED THE CONTRACTS RESOLUTION ON TONIGHT’S AGENDA ASKING WHY IS THIS BEING PRESENTED NOW AND WHY DOES MAYOR MYERS FEEL THAT HE AS TO RESCUE JOYAL EVERY TIME HE DOES SOMETHING WRONG. HE CONTINUED THAT COUNCILOR DeDe HAS STATED THAT THE (CHIEF) FENNIMAN CONTRACT IS LEGAL BUT HE FEELS THAT IF ED BLEILER WINS HIS CASE IN SUPERIOR COURT TOMORROW THEN PEOPLE SHOULD TAKE STEPS TO TERMINATE JOYALS CONTRACT AS HE EXCEEDED HIS AUTHORITY BY CREATING THE 3 CONTRACTS. HE CONTINUED BY REVIEWING THE BACKGROUND OF THE 3 CONTRACTS IN QUESTION.

ED BLEILER, 28 ISAAC LUCAS CIRCLE – SPEAKING IN OPPOSITION TO THE 3 SUBSTITUTE RESOLUTIONS THAT WILL BE PRESENTED TO REPLACE THE ONE ON THE AGENDA, STATING THAT THESE ISSUES WILL BE RESOLVED IN COURT TOMORROW. HE ALSO REVIEWED THE BACKGROUND OF THE CONTRACTS IN QUESTION AND STATED THAT THE COUNCIL SHOULD BE THE WATCHDOG AND EVALUATE EXPENDITURES BEFORE THEY ARE MADE, BUT THEY SHOULD NOT MEDDLE WITH LEGAL PROCESS. HE STATED THAT VOTING YES ON THESE RESOLUTIONS WILL COME BACK TO HAUNT THEM.

JOHN SCRUTON, 99 SIXTH STREET – STATED THAT THE COUNCIL SHOULD FIX THE SALARIES AND BENEFITS SO THAT THEY ARE CUT AND DRY AND NOT HAVE TO HAVE AN ANNUAL GO AROUND WITH CONTRACTS.

MARCIA COLBATH – CHAIR OF THE OPEN LANDS COMMITTEE – REQUESTS SUPPORT OF THE CONSERVATION COMMISSION FUNDS RESOLUTION FOR THE BRIAN STERN PROPERTY, WHICH WILL GIVE THE CITY TRAIL ACCESS IN THE EASEMENT AND FURTHER EXPLAINED THAT THIS MONEY IS NOT BONDED.

SEEING NO ONE ELSE WISHING TO SPEAK, THE MAYOR CLOSED THE CITIZEN’S FORUM.

### 7. PUBLIC HEARINGS

- A. **RESOLUTION RE: FISCAL YEAR 2006 BUDGET AMENDMENT #1.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. (*SEE ITEM 11C-1*)

MAYOR MYERS OPENED THE PUBLIC HEARING ASKING IF ANYONE WISHED TO SPEAK:

NORM CHAMPAGNE, 13 CHURCH STREET – STATED THE ARENA OWES MONEY TO THE TAXPAYERS AS IT IS AN ENTERPRISE FUND THAT IS SUPPOSED TO PAY FOR ITSELF. HE STATED THAT EVERY YEAR WE ARE TOLD THAT THE ARENA IS GOING TO COME OUT IN THE BLACK, BUT IT HASN’T HAPPENED YET. HE STATED THAT THERE IS A SMALL PERCENTAGE OF DOVER CITIZENS THAT USE THE ARENA BUT THE HOCKEY LEAGUES ARE FROM OUT OF TOWN. HE CONTINUED STATING THAT IF THE COUNCIL TAKES THIS OFF THE BOOKS, HOW WILL WE KNOW THEY WON’T RUN UP THE DEBT AGAIN. HE STATED THAT A REASON BEING GIVEN TO DO THIS IS TO IMPROVE OUR BOND RATING AND ALLOW US TO BORROW MONEY AT A LOWER RATE, BUT HE DOESN’T WANT US TO BORROW ANY MORE MONEY. AT THE “STATE OF THE CITY” BREAKFAST RECENTLY HELD THEY WERE TOLD THAT THE BONDRATING WAS ALREADY GOOD, BUT APPARENTLY NOT GOOD ENOUGH. HE CONCLUDED BY STATING THAT THE TAXPAYERS ARE OWED THE MONEY BY THE ARENA AND FEELS THAT THEY SHOULD STOP THE BLEEDING BEFORE PASSING THIS RESOLUTION.



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RON HUML, 199 MAST ROAD – MEMBER OF THE ARENA COMMISSION, STATED HE HAS BEEN INVOLVED IN REVIEWING THE FINANCIAL SITUATION OF THE ARENA AND HAS ALWAYS FELT THAT THE ARENA SHOULDN'T HAVE BEEN BUILT, BUT NOW WE HAVE TO DEAL WITH IT. HE FEELS THAT THE ARENA WILL NOT BE ABLE TO MAKE UP THIS DEBT, BUT WILL BE ABLE TO BREAK EVEN IN THE FUTURE AND URGES THE COUNCIL TO VOTE YES ON THIS RESOLUTION.

DONALD ANDOLINA, 59 LITTLEWORTH ROAD – (SUBMITTED FULL TEXT TO CLERK, SEE FOLDER), EXPRESSED HIS OPPOSITION TO THIS RESOLUTION AND URGED THE COUNCIL TO BEGIN WORKING ON A PLAN TO STOP THE HEMORRHAGING OF THE TAXPAYER'S MONEY.

ED BLEILER, 28 ISAAC LUCAS CIRCLE – RELATED A STORY OF HIS INVOLVEMENT WITH AN ARENA IN WELLESLEY MASSACHUSETTS WHICH DIDN'T MAKE A PROFIT UNTIL IT WAS PRIVATELY OWNED.

SEEING NO ONE ELSE WISHING TO SPEAK, THE MAYOR CLOSED THE PUBLIC HEARING.

**B. ORDINANCE # 06-05/24/2006, CHAPTER 97, DUMPING AND, RUBBISH AND RECYCLING COLLECTION.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. (*SEE ITEM 11A-1*)

MAYOR MYERS OPENED THE PUBLIC HEARING ASKING IF ANYONE WISHED TO SPEAK:

NORM CHAMPAGNE, 13 CHURCH STREET – STATED THAT THIS IS ALLOWING THE FINANCING OF COLLECTION ON PRIVATE ROADS, BUT WHEN THESE SUBDIVISIONS ARE GRANTED BY THE PLANNING BOARD, THYE ARE AWARE THAT THEY WON'T GET CITY SERVICES. HE STATED THAT IF WE HAVE ENOUGH MONEY TO ADD THESE ROADS, THEN CUT THE PRICE OF THE BAGS.

SEEING NO ONE ELSE WISHING TO SPEAK, THE MAYOR CLOSED THE PUBLIC HEARING.

### 8. CITY MANAGER'S REPORT

JOYAL BEGAN BY STATING THEY HAVE ALL RECEIVED HIS WRITTEN REPORT. NEXT, HE STATED THAT COUNCIL RECEIVED A MEMO REGARDING THE COLLINS AND AIKMAN BANKRUPTCY ISSUE AND THAT TEXTRON HAS BEEN PURSUED FOR THE MONEY OWED FOR THE COSTS OF THE TOLEND ROAD CLOSURE. HE EXPLAINED THAT ATTY. PELTONEN WAS SUCCESSFUL IN GETTING TEXTRON TO PAY THE COLLINS AIKMAN COSTS, BUT ONLY THOSE NOT ASSOCIATED WITH THE SOUTHERN PLUME, AS THAT WAS NOT A PART OF THEIR ORIGINAL OBLIGATION.

SECONDLY, HE STATED THAT AS PER THE PURCHASING ORDINANCE, ON 05-25-06 HE ISSUED AN EMERGENCY PURCHASE ORDER FOR \$11,800 FOR ENGINEERING SERVICES TO REPAIR THE FLOOD DAMAGE ON BLACKWATER ROAD.

THIRD, REGARDING THE COCHECHO ARTS FESTIVAL SUBSIDY FOR \$15,000 THAT WAS PASSED AS A PART OF THE FY07 BUDGET, THE CHAMBER OF COMMERCE IS REQUESTING PAYMENT PRIOR TO JULY 1<sup>ST</sup> AS THEY NEED THIS MONEY TO GET THE PROGRAM STARTED. HE STATED HE IS VERBALLY ASKING THAT THE COUNCIL APPROVE THIS WITH THE ACCEPTANCE OF HIS REPORT.

FOURTH, REGARDING THE CABLE FRANCHISE LICENSE AGREEMENT RENEWAL, HE HAD ASKED FOR A ONE MONTH EXTENSION LAST MONTH AND HAD HOPED TO COME TO A CONCLUSION BY THEN, BUT NOW NEEDS MORE TIME AND WOULD LIKE THE COUNCIL TO APPROVE THIS WITH THE ACCEPTANCE OF HIS REPORT AS WELL.



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DANA LARIVIERE, CABLE FRANCHISE COMMITTEE CHAIR EXPLAINED THAT HE HAS BEEN CONDUCTING AN EXTENSIVE REVIEW OF EXISTING AGREEMENTS WITH OTHER COMMUNITIES FOR AN OPTION BY OPTION ANALYSIS IN ORDER TO FORMULATE A RESPONSE IN AS INTELLIGENT A MANNER AS POSSIBLE.

SCOTT ASKED THE MANAGER TO PREPARE A WRITTEN REPORT OF THE STATUS OF ALL PRP'S AND ASKED IF WE HAVE ATTACHED THEIR ASSETS. HE ALSO DISCUSSED THE BUDGET AMOUNT FOR ABATEMENTS WHICH JOYAL STATED WAS REQUIRED BY LAW BUT HIS FINDINGS WERE DIFFERENT, AND FINALLY HE ASKED FOR A SUMMARY OF NEW HIRES AND PEOPLE LEAVING DEPARTMENT BY DEPARTMENT ON A MONTHLY BASIS.

JOYAL ADDRESSED SCOTT'S ABATEMENT QUESTION CITING THE RSA. HE THEN REFERRED TO HIS CITY MANAGER'S REPORT TO SHOW THAT THE PERSONNEL INFORMATION IS ALREADY INCLUDED.

MYERS ASKED FOR AN UPDATE ON THE POLE LICENSE ISSUE WITH VERIZON AS IT WAS TABLED UNTIL JUNE.

JOYAL STATED HE WAS TOLD BY VERIZON THAT ALL OF THE POLES HAD BEEN REMOVED, BUT HAD FOUND ONE ON BACK ROAD THAT WAS NOT REMOVED. HE WILL HAVE A REPORT ON JUNE 28TH.

HINDLE MOVED TO ACCEPT THE MANAGERS REPORT, TO APPROVE THE \$15,000 EXPENDITURE AND TO EXTEND THE COMCAST CONTRACT, SECONDED BY DEDE. MOTION PASSED ON A 9-0 VOTE.

### 9. MINUTES

- A. SPECIAL MEETING/WORKSHOP –MAY 3, 2006
- B. REGULAR MEETING –MAY 10, 2006

HINDLE MOVED TO ACCEPT AND PLACE ON FILE, SECONDED BY CHENEY.  
MOTION PASSED ON A 9-0 VOTE.

### 10. MAYOR'S REPORT

MAYOR MYERS STATED THAT HE ATTENDED THE "FACTORY ON FIRE" MILL TOUR AND COMMENDED EVERYONE INVOLVED. ALSO, HE ATTENDED THE MEMORIAL DAY SERVICES ON MAY 30<sup>TH</sup> ALONG WITH COUNCILORS CIOTTI AND TURNER. HE ALSO PRESENTED A PROCLAMATION TO THE WESTWOOD PRESCHOOL AFTER 40 YEARS OF EDUCATING THE CHILDREN OF DOVER WHICH RECENTLY SUFFERED FLOOD DAMAGE, BUT WILL BE OPENING AGAIN IN THE FALL. OTHER EVENTS HE ATTENDED INCLUDED THE FIRE SAFETY FESTIVAL, ST. THOMAS AQUINAS BACCALAUREATE AT WHICH HE PRESENTED KAITLYN REILLY A PROCLAMATION FOR HER LEADERSHIP WITH YOUTH TO YOUTH, THE DOVER HIGH SCHOOL GRADUATION WITH A CLASS OF 400 STUDENTS AS WELL AS ECONOMIC AND WATERFRONT DEVELOPMENT MEETINGS. HE STATED THERE WAS A FLAG DAY CEREMONY HELD TODAY AT THE DOVER LODGE OF ELKS WHICH HE AND DEPUTY MAYOR HINDLE BOTH ATTENDED.

DEPUTY MAYOR HINDLE STATED HE ALSO ATTENDED THE JUNIOR ROTC AWARDS BANQUET AND THE BACK RIVER ROAD VETERANS BUILDING WHERE THERE WERE 40 PARTICIPANTS AND FOUND THE EXPERIENCE TO BE VERY MOVING.

HINDLE MOVED TO ACCEPT THE MAYOR'S REPORT, SECONDED BY CIOTTI.  
MOTION PASSED ON A 9-0 VOTE.



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### 11. UNFINISHED BUSINESS

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

#### **ORDINANCE # 06-05/24/2006, CHAPTER 97, DUMPING AND, RUBBISH AND RECYCLING COLLECTION. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST..**

HINDLE MOVED TO ADOPT, SECONDED BY CIOTTI.

TRETFHEN EXPLAINED THE BACKGROUND OF THE ORDINANCE STATING THAT 12 YEARS AGO WHEN THE BAG AND TAG PROGRAM WAS IMPLEMENTED, SOME PRIVATE ROADS ALSO BEGAN RECEIVING THE SERVICES BECAUSE PEOPLE WOULD BUY THE BAGS AND THE RECYCLING BINS AND THE TRUCKS WOULD SEE THEM OUT THERE AND JUST GO DOWN THE STREETS AND COLLECT THEM. HE FURTHER EXPLAINED THAT THE COST OF THE TRASH BAGS PAY FOR THE COST OF THE TRASH COLLECTION, BUT THE RECYCLING COLLECTION IS SUBSIDIZED BY THE TAXPAYER, WHICH CONDOMINIUM COMPLEXES AND SUBDIVISIONS ARE ALSO TAXPAYERS. HE STATED THAT ALTHOUGH THERE IS A CONTRADICTION AS TO WHAT IS ALLOWED ON PRIVATE ROADS, THERE IS SOME EQUITY TO DOING THIS. HE FURTHER EXPLAINED THAT THERE ARE SOME HURDLES TO GETTING THIS ACCOMPLISHED INCLUDING ENSURING THAT THE RESIDENCES ARE READILY ACCESSIBLE AND A WAIVER OF LIABILITY IS ISSUED. HE STATED THAT THIS MAY COST THE CITY A LITTLE MORE MONEY BUT WE HAVE BEEN DOING IT ALL ALONG AND THE PEOPLE ON THESE ROADS EXPECT THIS SERVICE, AND PROBABLY RIGHTFULLY SO. HE STATED THEY ARE WORKING TO GET THE WAIVERS IN PLACE FOR THE EXISTING ROADS, AND THEN THERE WILL BE NO MORE.

DEDE STATED HE IS UNDER THE IMPRESSION THAT COMMERCIAL BUILDING, I.E. APPARTMENT BUILDINGS PAY FOR THEIR OWN COLLECTION.

CHENEY THANKED MR. CHAMPAGNE FOR HIS COMMENTS AND STATED THAT SHE FEELS THAT ALL ROADS SHOULD BE BUILT TO PUBLIC STANDARDS, BUT THAT THE PRIVATE ROADS KNOW THAT THEY AREN'T SUPPOSED TO GET CITY SERVICES EVEN THOUGH THEY DO PAY TAXES. SHE STATED SHE IS GETTING A LIST FROM PLANNING OF THE PRIVATE ROADS AND WHAT STANDARDS THEY DO NOT MEET.

CIOTTI ASKED WHY THERE IS A 90 WAITING PERIOD AND ALSO WANTS TO MAKE SURE THAT ANY POTENTIAL PROBLEMS ARE KNOWN AHEAD OF TIME INSTEAD OF WHEN THE TRUCKS ARE GOING DOWN THE ROAD.

JOYAL EXPLAINED THAT THOSE ROADS ALREADY BEING PICKED UP WILL CONTINUE TO BE PICKED UP, THE 90 DAYS IS FOR ANY NEW APPLICATIONS THAT WILL HAVE TO BE DEEMED LOGISTICALLY FEASIBLE TO GO FORWARD.

KEAYS FEELS THAT ROADS SHOULD HAVE TO BE BUILT TO STANDARD SO THAT WE DON'T HAVE TO DO THIS KIND OF THING.

JOYAL STATED THAT HAS TO COME FROM THE PLANNING BOARD, BUT THERE IS AN ADVANTAGE TO THE CITY TO ALLOW PRIVATE ROADS I.E. NOT PLOWING, STREET LIGHTS, ETC.

DISCUSSION CONTINUED I.E. PRIVATE VS. PUBLIC ROADS.

MYERS STATED THAT THERE ARE 2 DIFFERENT ISSUES BEING DISCUSSED, FIRST BAG AND TAG WAS IMPLEMENTED AS A USER FEE BASED SERVICE BUT THAT THE PRIVATE ROADS WERE INCLUDED BY ERROR, SO THE PEOPLE WHO CURRENTLY HAVE THE SERVICE WILL CONTINUE TO RECEIVE IT.



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SECONDLY, ADDING STREETS PRIVATE OR PUBLIC, THE PLANNING BOARD SHOULD BE ALLOWED TO DETERMINE THE VALUE OF ALLOWING EXCEPTIONS. HE STATED HE IS NOT NECESSARILY IN FAVOR OF FUTURE PRIVATE ROADS GETTING THE SERVICE, BUT HE DOESN'T WANT TO TIE THE PLANNING BOARD'S HANDS.

TREFETHEN AGREES THAT THE COUNCIL NEEDS TO GET BACK TO THE POINT OF THE ORDINANCE WHICH ISN'T ABOUT PRIVATE ROADS.

TURNER STATED THAT HE IS CONCERNED WITH POTENTIAL ACCIDENTS ON PRIVATE ROADS.

JOYAL CLARIFIED THAT THE PINARD DRIVERS WILL HAVE THE CHOICE, WHICH IS INCLUDED IN THE CONTRACT, OF WHETHER THEY FEEL THEY CAN GO DOWN A ROAD SAFELY OR NOT.

KEYS ASKED IF THE REAL ESTATE AGENTS TELL CUSTOMERS THAT THEY WON'T HAVE CITY SERVICES ON THE PRIVATE ROADS, BECAUSE IT IS TOO LATE ONCE THEY PURCHASE THE HOUSE, AND THEN THEY COME TO THE CITY REQUESTING THE SERVICES.

CHENEY RESPECTS TREFETHEN'S OPINION TO STAY ON POINT, BUT THE PRIVATE ROAD ISSUE IS ONE OF 2 THAT IS IMPORTANT TO HER. SHE STATED THAT THE FIRST PEOPLE TO PURCHASE THE PROPERTY WITHIN THESE DEVELOPMENTS WILL KNOW THE RESTRICTIONS, BUT ONCE IT IS SOLD A COUPLE OF TIMES, THEN THEY WON'T. SHE STATED SHE DOES SUPPORT THE CONTINUED TRASH PICKUP THAT IS PROVIDED FOR IN THIS ORDINANCE.

MYERS AGREES THAT THE EXISTING COLLECTIONS SHOULD CONTINUE.

MOTION TO ADOPT PASSED ON A 7-2 ROLL CALL VOTE, KEAYS AND MYERS OPPOSED.

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

C. RESOLUTIONS

1. **RESOLUTION RE: FISCAL YEAR 2006 BUDGET AMENDMENT #1.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. (*REQUIRES 2/3 MAJORITY FOR PASSAGE*)

HINDLE MOVED TO ADOPT, SECONDED BY DeDe.

DeDe ASKED FINANCE DIRECTOR JEFF HARRINGTON TO EXPLAIN THE RESOLUTION AND THE IMPACT.

HARRINGTON EXPLAINED THE MECHANICS STATING THAT IT TRANSFERS THE RESERVE LINE ITEM IN THE GENERAL FUND TO THE ARENA FUND THEREBY ELIMINATING THE DEFICIT IN THE ARENA FUND. HE CONTINUED BY STATING THAT HE DOESN'T THINK THE COUNCIL SHOULD BASE THEIR DECISIONS ON WHAT MOODY'S MIGHT THINK, BUT THEY DO LOOK AT THIS ITEM EVERY YEAR AND IT GETS DISCUSSED.

DeDe STATED THAT THIS ISN'T NEW MONEY IT IS BOOKKEEPING MONEY AND IS NOT BEING "SPENT". HARRINGTON STATED THAT IS CORRECT IT IS A PAPER TRANSFER AND HAS NO EFFECT ON TAXES OR UNRESERVED BALANCE AND IS A POLICY DECISION.

SCOTT STATED IT IS ENRON-TYPE ACCOUNTING OR BROOM ACCOUNTING THAT IT IS SWEEPED AWAY AND FEELS THAT THE PROBLEM NEEDS TO BE ADDRESSED.

TREFETHEN ASKED ABOUT THE RATING AGENCIES AND THAT THE ARENA DEFICIT IS ALWAYS A PART OF THEIR DISCUSSIONS, BUT DON'T THEY ALWAYS ACCEPT THE EXPLANATION.



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HARRINGTON STATED YES, THEY LOOK BEYOND THE DEFICIT AND THEY SEE THE IMPROVEMENTS AND THE STEPS THAT HAVE BEEN TAKEN TO REDUCE IT IN THE LAST COUPLE OF YEARS.

TREFTHEN STATED THAT HE REMEMBERS WHEN THE SECOND SHEET OF ICE WAS PROPOSED AND IT WAS SAID THAT IT WOULD PAY FOR ITSELF AND HE FEELS IT IS THE SAME SITUATION FOR THE MCCONNELL CENTER, BUT IT WOULD BE A UNIQUE CITY DEPARTMENT IF IT DID PAY FOR ITSELF. HE STATED WE ARE JUST LOCKED INTO THE IDEA THAT THE ARENA WILL PAY FOR ITSELF, BUT HE WON'T SUPPORT THIS AMENDMENT BECAUSE HE FEELS THAT WE SHOULD BE KEEPING TRACK OF WHAT IS OWED BY THE ARENA TO THE TAXPAYERS.

KEYAS STATED THAT WHEN THE 2<sup>ND</sup> SHEET OF ICE WAS PROPOSED WE WERE TOLD THAT THERE WERE PLEDGES FROM SCHOOLS, HOCKEY GROUPS, ETC. AND WE HAVEN'T RECEIVED HALF OF THEM YET. HE STATED THAT THE CITY MANAGER KEEPS SAYING THAT IT'S NOT A BURDEN ON THE TAXPAYERS BUT WHO IS PAYING FOR IT. HE STATED HE WANTS TO GIVE IT ANOTHER YEAR TO SHOW A PROFIT, AND IF NOT, PUT IT UP FOR SALE.

CHENEY STATED SHE RESPECTS MR. HUML AND FEELS HE IS A FINANCIAL WATCHDOG FOR TH CITY AND SHE ALSO ENJOYS THE ARENA, BUT SHE WON'T SUPPORT THIS AMENDMENT. SHE STATED SHE HAS READ THE RATINGS CRITERIA AND WE ALREADY HAVE GOOD RATINGS AND ONLY BORROW 65% OF OUR LEGAL LIMIT. SHE STATED THAT WE SHOULD HAVE TO KEEP EXPLAINING THIS DEBT TO OUR INVESTORS AND IT IS UP TO MANAGEMENT TO PAY DOWN THE DEBT, NOT REMOVE IT.

DISCUSSION ENSUED REGARDING THE ACCOUNTING PROCEDURE AND THE HISTORY OF THE ARENA DEFICIT.

MYERS EXPLAINED THAT THE ARENA HIRED AN EVENT'S COORDINATOR WHO WORKS TO UTILIZE THE BUILDING FOR OFF SEASON EVENTS WHICH BRINGS PEOPLE TO THE ARENA AS WELL AS TO THE CITY RESTAURANTS, HOTELS, SHOPS ETC. HE STATED HE IS NOT LOOKING TO ERASE THE DEBT AND WANTS IT NOTED IN THE BUDGET SO THAT IT WILL CONTINUE TO BE REPAID.

MOTION TO ADOPT, FAILED ON A 3-6 ROLL CALL VOTE, DeDe, MYERS AND CIOTTI IN FAVOR.

### 12. NEW BUSINESS

#### A. CONSENT CALENDAR

1. RAFFLE PERMIT - AMERICAN LEGION, POST 8
2. TAG PERMIT – SEACOAST TITANS FOOTBALL AND CHEER
3. TAG PERMIT – DOVER LITTLE GREEN CHEERLEADING

#### COMMITTEE REPORTS

- |  |  |
|--|--|
| 1. Appointments Committee                  | 8. City / School Joint Service Committee |
| 2. Arena Committee                         | 9. Solid Waste Advisory Committee        |
| 3. Arts Commission                         | 10. Transportation Advisory Committee    |
| 4. McConnell Center Committee              | 11. Joint Building Committee             |
| 5. Planning Board – Councilor D. Trefethen | 12. Recreation Advisory Board            |
| 6. Cable Franchise Negotiations Committee  | 13. COAST Bus                            |
| 7. School Board Liaison                    |  |

4. **AWARD OF PURCHASE ORDER(S) FOR GENERAL STRAY ANIMAL CONTROL, BOARDING AND PROTECTIVE CUSTODY SHELTERING SERVICES.** SPONSORED BY



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MAYOR SCOTT MYERS BY REQUEST.

5. ~~AWARD OF PURCHASE ORDER FOR CONTINUED USE OF WB MASON FOR OFFICE SUPPLIES, AS NEEDED, BY VARIOUS CITY DEPARTMENTS. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. (ITEM REMOVED FROM CONSENT)~~
6. **AWARD OF BID #B06039 FOR RIVER STREET PUMP STATION ELECTRICAL UPGRADE. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**
7. **AWARD OF BID #B06072 FOR LIQUID MANNICH POLYMER. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**
8. **AWARD OF BID #B06074 FOR SAWDUST. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**
9. **AWARD OF BID #B06075 FOR CHEMICALS. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**
10. **AWARD OF BID #B06077 FOR WOOD ASH. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

THE MAYOR ASKED IF ANYONE WOULD LIKE TO REMOVE ANY ITEMS FROM THE CONSENT CALENDAR.

CIOTTI REMOVED THE APPOINTMENTS COMMITTEE REPORT, AND THE MAYOR PULLED ITEM 12A-5.

HINDLE MOVED TO GRANT ITEMS 1-3, AND TO ADOPT ITEMS 4, AND 6-10, SECONDED BY CIOTTI.  
MOTION PASSED ON A 9-0 ROLL CALL VOTE.

APPOINTMENTS COMMITTEE REPORT – CIOTTI STATED THE COMMITTEE MET AND PRESENT THE FOLLOWING INDIVIDUALS FOR APPOINTMENT : GARY GREEN TO THE DOVER UTILITIES COMMISSION (REGULAR MEMBER) AND JAN NEDELKA TO THE ARENA COMMISSION, ALTERNATE.

HINDLE MOVED TO ACCEPT THE APPOINTMENTS COMMITTEE RECOMMENDATIONS, SECONDED BY DEDE. MOTION PASSED ON A 9-0 VOTE.

5. **AWARD OF PURCHASE ORDER FOR CONTINUED USE OF WB MASON FOR OFFICE SUPPLIES, AS NEEDED, BY VARIOUS CITY DEPARTMENTS. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

HINDLE MOVED TO ADOPT, SECONDED BY CIOTTI.

MYERS EXPLAINED THAT THE REASON HE PULLED THIS ITEM FOR DISCUSSION WAS BECAUSE THIS IS NOT FOR A FULL YEAR AND WONDERS IF WE SHOULD BE GOING OUT TO BID FOR A FULL YEAR CONTRACT. JOYAL EXPLAINED THAT WE ARE A PART OF THE STATE CONTRACT BIDDING PROCESS WHO HAVE RENEGOTIATED THEIR PRICES, BUT THERE HAS BEEN NO COMMITMENT AS TO HOW LONG THEY WILL BE EXTENDED. HE EXPLAINED THAT THE PRICES, SERVICES AND TURNAROUND TIME OF THIS PARTICULAR



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COMPANY MEET THE CITY'S NEEDS. HE STATED THAT IF THE STATE ENDS UP CHANGING VENDORS, THEN ANOTHER RESOLUTION WILL COME BACK BEFORE THE COUNCIL.

KEAYS ASKED IF THIS IS A "BLANK CHECK".

JOYAL EXPLAINED THAT THE FUNDS ARE BUDGETED FOR OFFICE SUPPLIES.

MOTION TO ADOPT PASSED ON A 9-0 ROLL CALL VOTE.

### B. RESOLUTIONS

1. **TRANSFER OF APPROPRIATION – GENERAL FUND.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

HINDLE MOVED TO ADOPT, SECONDED BY CIOTTI.

TREFETHEN CLARIFIED THAT THIS IS AN ACCOUNTING RESOLUTION WHICH PUTS UNEXPENDED MONEY FROM DEPARTMENTS BACK INTO THE GENERAL FUND.

JOYAL STATED THAT IS CORRECT.

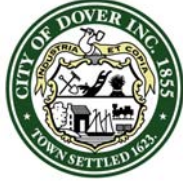
MOTION PASSED ON 9-0 ROLL CALL VOTE.

2. **AUTHORIZING RELEASE OF FUNDS FROM THE CONSERVATION FUND FOR A CONSERVATIONS EASEMENT BY THE DOVER CONSERVATION COMMISSION.** SPONSORED BY ~~MAYOR SCOTT MYERS BY REQUEST.~~ COUNCILOR DOUG DEDE.

MAYOR MYERS STATED FOR THE RECORD THERE IS A CLERICAL CHANGE AS THIS IS SPONSORED BY COUNCILOR DOUG DEDE, NOT HIMSELF. HE THEN DEFERRED TO COUNCILOR DEDE.

DEDE – THE CONSERVATION COMMISSION AND OPEN LANDS COMMITTEE HAVE HAD HEARINGS ON THIS AND THE PROPERTY IS DESCRIBED IN THE ATTACHMENTS. IF YOU LOOK AT THE NEXT PAGE YOU CAN SEE THE PROPERTY THAT IS IN QUESTION, THE PROPOSED STERN EASEMENT. THE LANGUAGE POINTS INTO A HASH-MARKED AREA WHICH BASICALLY SHOWS WHAT THE CITY IS SEEKING WHAT HAS HAPPENED IS THAT THEY HAVE BOTH THE DEVELOPMENT RIGHTS FOR A TOTAL OF \$236,250 WHICH REPRESENTS A DISCOUNT OF 25% ON WHAT THE ASSESSMENT OF WHAT THAT PROPERTY IS ACTUALLY WORTH. IF THERE ARE FURTHER QUESTIONS WE HAVE SOME PEOPLE FROM THE OPEN LANDS COMMITTEE, ANNA BOUDREAU AND MARCIA COLBATH BECAUSE THEY HAVE BEEN INVOLVED IN THIS THING FOR QUITE A WHILE.

TREFETHEN – SEVERAL YEARS AGO WHEN I WAS ON THE ZONING BOARD OF ADJUSTMENT, MR. STERN CAME BEFORE THE ZBA CONCERNING THE ADJACENT PIECE OF PROPERTY WHICH HE ALSO OWNS AND STATED THAT HE WISHED TO BUY THIS PROPERTY AND HE NEEDED SOME RELIEF FROM ZONING BECAUSE HE WANTED TO PRESERVE THAT PORTION GOING TO THE RIVER AND ALTHOUGH OVER THE YEARS THERE HAVE BEEN MANY PEOPLE WHO HAVE GOTTEN VARIOUS THINGS WITH THAT AS THEIR INTENTION TO DO. MR. STERN HAS FOLLOWED THROUGH TO HIS CREDIT AND HAS MADE THIS HAPPEN AND I APPRECIATE THAT AND I APPRECIATE THE FACT THAT THERE IS SOME LIMITED AVAILABILITY FOR THE PUBLIC TO WALK ALONG THE RIVER AS THEY DO NOW, SO I WILL BE SUPPORTING THIS.



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CIOTTI- IF I CAN GET CLARIFICATION ON THE STATE OF NEW HAMPSHIRE PIECE THAT IS ON THE END OF THIS AND WHAT EXACTLY IS IT FOR.

DEDE – I COULD ANSWER THAT BUT STEVEN BIRD IS PROBABLY BETTER OFF...OR ANNA BOUDREAU IS BETTER OFF TO ANSWER IT. IT IS SOMETHING THAT TURNED UP IN THE SURVEYS THAT WAS NOT KNOWN THAT IS WAS THERE BEFORE.

ANNA BOUDREAU – INTRODUCED HERSELF FROM THE OPEN LANDS COMMITTEE , IN DOING THE TITLE SEARCH ON THIS PROJECT, BRIAN ACTUALLY INSISTED THAT THEY GO FARTHER BACK, AND THEY FOUND WHAT WAS CALLED THE “HORNE BROOK PRIVILEGE” AND APPARENTLY SOME YEARS AGO, THE COCHECO MANUFACTURING CO. THAT OWNED THE MILLS, HAD ACCESS ALL UP AND DOWN THE COCHECO RIVER, FROM I THINK, FURTHER SOUTH IN DOVER AND ALL THE WAY UP INTO FARMINGTON AND THEY BASICALLY PURCHASED ACCESS TO PROPERTIES THAT HAD RIVERS OR BROOKS TO POWER THE MILLS. HORNE BROOK IS ON THIS PARTICULAR PROPERTY SO THEY HAVE THIS LITTLE PIECE OF HORNE BROOK PRIVILEGE. THEY IN 1909 TRANSFERRED THAT TO PACIFIC MILLS, IN 1941 THE PACIFIC MILLS TRANSFERRED IT TO DOVER, THE CITY OF DOVER TRANSFERRED IT IN 1942, LONG STORY SHORT, PSNH IN 1962 TRANSFERRED IT TO THE STATE, SO THE STATE NOW OWNS ALL THESE LITTLE PIECES ABOUT 14 OF THEM. SO IN DOING THE TITLE SEARCH, BRIAN FOUND OUT HE ACTUALLY, TECHNICALLY, DOESN’T OWN THAT, AND I THINK HE IS GOING TO LOOK INTO THE STEPS INVOLVED IN PURCHASING THAT, BUT THERE’S A WHOLE LITANY OF STEPS THAT GOES IN THAT, SO THE HORNE BROOK PRIVILEGE PROPERTY IS OWNED BY THE STATE, THEY’RE AWARE OF IT, THEY’RE AWARE OF THE ACCESS OF THE TRAIL, AND IT’S JUST NOT A PRIORITY TO THEM RIGHT NOW TO REALLY WORRY ABOUT IT, SO THAT’S WHAT THAT IS. AND STEVE BIRD HAS A FILE ABOUT (HANDS HELD APART) THIS BIG, WHICH I DIDN’T BOTHER GOING THROUGH.

KEYS – IS THERE MUCH WETLAND WITH THIS PIECE OF LAND THAT YOU PEOPLE WOULD LIKE TO ACQUIRE.

BOUDREAU – NO, THERE IS THE HORNE BROOK THAT GOES THROUGH, IT IS WET OBVIOUSLY, IT’S A BROOK, BUT IT IS SEASONAL, IT’S NOT WET ALL THE TIME AND THERE’S A VERNAL POOL THERE WITH SOME SIGNIFICANT WILDLIFE HABITAT FEATURES ATTACHED TO IT, BUT NO, ITS UPLAND. WE WALKED IT. I DIDN’T BOTHER BRINGING PICTURES AND POWER POINT, WE DON’T HAVE TIME FOR THAT, BUT IT’S SIGNIFICANTLY DRY.

KEYS – DO WE HAVE ACCESS FROM THE FRONT OUT TO THE BACK.

BOUDREAU – ACCESS WOULD BE JUST AS IT IS NOW, ON THE WATSON ROAD THERE IS ACCESS AND THE CITY IS WORKING TO PIECE TOGETHER THE TRAIL FROM ONE END OF WATSON ROAD ALL THE WAY UP TO UPPER FACTORY BUT THAT’S IN THE WORKS, SO THERE IS ACCESS ON IT NOW, THE CONSERVATION EASEMENT WILL JUST MAKE IT GUARANTEED PUBLIC ACCESS.

KEYS – HAS THE CITY ATTORNEY LOOKED AT THIS PIECE OF PROPERTY OR THE DEED ON THIS.

(KRANS SAID SOMETHING – INAUDIBLE)



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BOUDREAU – THE DEED ISN’T COMPLETE ON THIS, WE USUALLY DON’T ON THAT UNTIL WE KNOW WE HAVE THE FUNDS TO CONSERVE IT, BUT THERE IS A DRAFT DEED.

KEYS – BEFORE WE GIVE THE FUNDS I THINK THE CITY ATTORNEY SHOULD LOOK AT THE DEEDS AND STUFF SO WE WOULD KNOW IF WE ARE DOING THE RIGHT THING FOR THE CITY.

BOUDREAU –WE HAVE A PROTOCOL IN PLACE THAT THE CITY, CONSERVATION COMMISSION AND OPEN LANDS COMMITTEE HAS UTILIZED SINCE 2000 AND IT’S WORKED REALLY WELL AND WE DO HAVE A DRAFT ACTUALLY THAT STEVE BIRD AND STAFF HAVE REVIEWED AND IT WILL GO TO THE CITY ATTORNEY BUT WE DON’T, WE TRY NOT TO UTILIZE HIM AND THE HOURS INVOLVED IN UTILIZING THE CITY ATTORNEY UNTIL WE’RE SURE WE HAVE A PROJECT, SO THAT’S JUST THE STEPS THAT WE UTILIZE.

JOYAL – THIS TRANSACTION CAN’T BE CONSUMMATED UNTIL I ULTIMATELY SIGN THE DEED IN CONJUNCTION WITH THE CONSERVATION COMMISSION, AND I OBVIOUSLY WON’T EXECUTE THE DEED ON BEHALF OF THE CITY UNLESS I KNOW LEGALLY THAT IT PROTECTS OUR INTEREST BASED ON WHAT THE INTENT IS.

BOUDREAU – RIGHT, IT IS ALWAYS CONTINGENT UPON FINAL APPROVAL OF THE FINAL LANGUAGE BY THE CITY ATTORNEY, NOTHING IS SIGNED UNTIL THEN.

KEYS – WELL I THINK BEFORE THE DEAL IS FINALIZED THE CITY ATTORNEY SHOULD LOOK AT IT.

BOUDREAU – HE ALWAYS DOES.

MAYOR – IT WILL BUT I THINK THIS GIVES OUR APPROVAL FOR THEM TO GO FORWARD AND DRAFT THE FINAL DEED AND THEN IT WILL BE REVIEWED BEFORE IT IS SIGNED COUNCILOR.

TURNER – THIS IS NOT A GOOD MAP THAT ILLUSTRATES A \$236,000 PURCHASE. I’M TRYING TO FIND THE LEGEND HERE THAT EXPLAINS WHAT THESE DIFFERENT QUALIFYING AREAS MEAN, YOU JUST MENTIONED WE ALREADY HAVE ACCESS TO THIS PROPERTY VIA ~~WALDRON~~, THE WILLOWS.

BOUDREAU – RIGHT, THE MAIN AREA, WHERE IT SAYS “PROPOSED STERN EASEMENT” THAT’S THE AREA WE ARE LOOKING TO CONSERVE, WITH THE WIDE CROSSHATCH. THE MAIN PURPOSE OF THAT IS TO PLACE A CONSERVATION EASEMENT ON THAT TO PRESERVE THE NATURAL RESOURCE AND HABITAT VALUE ALONG THE RIVER. IN CONJUNCTION WITH THAT, WE’VE NEGOTIATED PUBLIC ACCESS, BUT NOT ALL EASEMENTS HAVE PUBLIC ACCESS.

TURNER – BUT YOU SAID PUBLIC ACCESS FROM WATSON ~~STREET~~ ROAD, I NOTICE THIS NEW DEVELOPMENT IN HERE.

BOUDREAU – RIGHT, THERE IS A TRAIL THAT UH...

JOYAL – IF YOU GO IN THE UPPER LEFT HAND CORNER OF THE PAGE COUNCILOR, THAT’S , IT’S NOT LABELED AS WATSON ROAD, BUT YOU CAN SEE WATSON ROAD AND YOU SEE THE NEW DEVELOPMENT THAT’S GOING IN, RIGHT IN THE UPPER CORNER OF THE PAGE ON THE LOWER SIDE



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OF THE RIVER EDGE, THERE IS A TRAIL THAT EXTENDS ALL THE WAY DOWN ALONG THE RIVER'S EDGE AND ACTUALLY GOES OUT TO THE TURNPIKE AND IT CROSSES THAT PROPERTY AND THAT'S THE PUBLIC ACCESS ALLOWING THAT TRAIL.

TURNER – THERE'S A TRAIL THERE THAT GOES ALL THE WAY PAST THE UPPER MILL AND THE PROPERTY OWNERS DON'T MIND GOING DOWN IN THERE PAST THE HIGHWAY?

BOUDREAU – IT'S A SMALL NATURE TRAIL, IT'S NOT PAVED OR ANYTHING. THE GOAL IS TO MAKE SURE IT'S MAINTAINED THAT WAY AND PUBLIC ACCESS IS PRESERVED.

TURNER – IS THERE PARKING ON WATSON ROAD FOR THAT NEAR THE DAM?

JOYAL – NO THERE ISN'T AND ACTUALLY ON THE OTHER SIDE OF THE RIVER YOU'LL SEE THAT SHADED AREA, THAT'S PART OF A COMMUNITY TRAIL, THAT'S THE UPPER END OF THE COMMUNITY TRAIL AS IT EXISTS, OR HAS BEEN LAID OUT AT THIS POINT, SO WHAT THIS IS DOING IS JUST PRESERVING, OR PROVIDING ONE MORE PIECE OF PUBLIC ACCESS ON THE SOUTHERN SIDE OF THE RIVER IN CONJUNCTION WITH WHAT'S ALREADY IN PLACE ON THE OTHER SIDE OF THE RIVER.

TURNER – THERE IS A LOT OF PRIVATELY OWNED LAND IN THERE, SO WHAT YOU ARE SAYING IS THAT THESE LANDOWNERS HAVE ALREADY AGREED TO LET PEOPLE BICYCLE, HIKE, WALK THAT ENTIRE.. TAKE THEIR DOGS...

MARCIA COLBATH – I COULD PROBABLY HELP WITH SOME OF THE TRAIL QUESTIONS. THERE IS A BIT OF PARKING ON SOME OF THE STATE PROPERTY LOCATED AT THE END OF WATSON ROAD. THERE IS ALSO A DEVELOPMENT BEFORE THE PLANNING BOARD RIGHT NOW AT THE END OF UPPER FACTORY ROAD WHICH ONE OF THE DISCUSSIONS LAST NIGHT HAD TO DO WITH SOME PARKING – BECAUSE NOT ONLY DO WE HAVE PEDESTRIAN PEOPLE THAT ARE ACCESSING THIS EXISTING KIND OF A ROUGH, ROUGH TRAIL, BUT THERE IS ALSO SOME FISHERMEN THAT ARE GOING TO ACCESS THE WATER ALONG THERE. ALL OF THESE SHADED PIECES ARE CURRENT CONSERVATION PIECES THAT DO HAVE A TRAIL EASEMENT WRITTEN IN THEM AND WE ARE JUST MISSING A FEW PIECES. ACTUALLY ON THIS PARTICULAR SIDE OF THE RIVER, THE OTHER, OPPOSITE SIDE OF THE RIVER, WHERE LIBERTY MUTUAL AND MEASURED PROGRESS ARE, THERE IS A FORMAL EASEMENT IN PLACE THAT EXTENDS THE ENTIRE LENGTH, THAT IS GOING TO BE AT THIS TIME, A PART OF THE COMMUNITY TRAIL. THE PLAN RIGHT NOW, OF COURSE THERE IS NO FUNDING AVAILABLE, IS TO JUST LEAVE THIS AS BASICALLY A NATURE TRAIL AS IT EXISTS TODAY, THAT PEDESTRIANS USE, AND THIS IS GUARANTEEING THE ACCESS ACROSS THIS PARTICULAR PIECE OF PROPERTY.

TURNER – IF I DECIDE TO TAKE A BIKE RIDE DOWN THERE AND SOMEONE COMES OUT ....

COLBATH – NO, THIS IS PEDESTRIAN, IF YOU WANT TO BIKE YOU'LL HAVE TO GO ON THE OTHER SIDE OF THE RIVER.

TURNER - OR A WALK ON THE RIVER, I KNOW A LITTLE OF THIS STRETCH, THE UPPER MILLS, THERE IS A YARD THAT COMES RIGHT DOWN TO THE WATER, AND THE PEOPLE DON'T MIND?

COLBATH – THERE IS ACTUALLY A MAJOR SUBDIVISION BEFORE THE PLANNING BOARD RIGHT NOW AT THE END OF UPPER FACTORY ROAD AND THE AREA I BELIEVE IS TO THE WEST, AND THE DEVELOPER



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HAS AGREED TO A TRAIL EASEMENT ALONG THAT PROPERTY AND IT IS A LOVELY PIECE OF PROPERTY.

SCOTT – ANY APPROPRIATION IN THIS BOOK (BUDGET) FOR THE CONSERVATION COMMISSION?

JOYAL – NO THERE ARE NO APPROPRIATIONS IN THAT BOOK, THIS IS FUNDS.....ACTUALLY....

COLBATH – THIS IS ACTUALLY COMING FROM THE CONSERVATION FUND, WHICH IS TAKEN FROM CURRENT USE PENALTIES WHEN A DEVELOPER COMES IN AND BUYS A LARGE PIECE OF LAND AND TURNS IT INTO HOUSE LOTS, HE’S REQUIRED TO PAY PENALTY, YOU UNDERSTAND WHAT CURRENT USE IS?, (SCOTT STATED YES), THOSE FUNDS, IN THE CITY OF DOVER, 100% ARE PUT INTO THE CONSERVATION FUND AND WHAT WE ARE ASKING IS FOR YOU TO ALLOW THOSE FUNDS TO BE EXPENDED FOR THIS, WHICH IS WHAT IT HAS TO BE USED FOR, IT HAS TO BE USED FOR CONSTRUCTION PURPOSES PER THE STATE LAW.

SCOTT – AND IS THERE ANY STATE MONEY ADDED TO THIS?

COLBATH – IN THIS PARTICULAR PROJECT THERE WASN’T, BUT MR. STERN DID DISCOUNT FROM THE REAL ESTATE APPRAISAL THE PRICE 25%. WE DO TRY TO DO THAT WHENEVER WE CAN, WE’RE A LITTLE MORE SUCCESSFUL WITH FARMLAND BECAUSE THE FEDERAL GOVERNMENT IS A LITTLE MORE GENEROUS IN PROVIDING GRANTING FOR THAT, THERE’S NOT AS MANY FUNDS OUT THERE FOR RIVER FRONTAGE.

SCOTT – AND HOW ABOUT LCHIP – DOES LCHIP COME INTO THIS AT ALL?

COLBATH – WELL IF YOU KNOW WHAT’S GONE ON AT THE STATE LEVEL, THERE’S VERY, VERY LITTLE LCHIP FUNDS AVAILABLE.

SCOTT – THIS IS THE TYPE OF THING THAT WOULD QUALIFY.

COLBATH – IT WOULD IF THERE WERE FUNDS, THIS IS DEFINITELY BECAUSE ONE OF LCHIP’S REQUIREMENTS IS PUBLIC ACCESS.

SCOTT – DO WE HAVE ENOUGH CASH IN THIS FUND?

COLBATH – YES, THERE WILL BE NO BONDED MONEY FOR THIS PARTICULAR PIECE OF PROPERTY.

CHENEY – THANK YOU MARCIA AND ANNA. I’VE WALKED ON, BECAUSE I WORK AT LIBERTY MUTUAL AS EVERYONE KNOWS, I’VE WALKED UP TO BICKFORD’S ALREADY AND I CAN ACTUALLY GET THERE FROM MY HOME VIA WASHINGTON STREET, AND THAT’S A REALLY NICE AREA, BUT I’M GOING TO SUPPORT THIS, NO BECAUSE I’VE WALKED THAT, BUT BECAUSE IT STATES RIGHT HERE THAT IS CONSISTENT WITH THE MASTER PLAN AND I KNOW YOU HAVE LOOKED INTO THIS, YOU’VE WALKED ON IT, BUT I HAVE CONFIDENCE IN THIS RESOLUTION.

DEDE – I THINK THAT ONE OF THE THINGS IN THAT BACKGROUND INFORMATION IS THAT THE OPEN LANDS COMMITTEE, GOING BACK TO 1999, DEVELOPED A SET OF CRITERION THAT WOULD BE UTILIZED TO MAKE THE DETERMINATION AS TO WHETHER ANY OF THESE PARCELS WOULD BE A



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TARGET FOR ACQUISITION. ONE OF THE OVERRIDING PRINCIPLES THAT THE OPEN LANDS COMMITTEE ADOPTED WAS TO MAKE SURE THAT CONTIGUITY AND CONTINUITY WERE PART OF THE CRITERIA THAT WERE APPLIED AND AS YOU LOOK AT THE SMALLER HASH MARKS HERE, YOU SEE THE PATTERN IN PROGRESS AND THIS ADDS ONE MORE PIECE TO THE PIE. THERE'S MORE LAND TO BE GAINED AT SOME POINT IN THE FUTURE, BUT IF THERE WERE A PARCEL THAT WERE UNRELATED TO THIS IN SOME REMOTE PLACE, EVEN THOUGH IT WAS PRETTY PROPERTY, IF IT DIDN'T MEET THE TESTS, AND THEY'RE EXTENSIVE, THAT THE OPEN LANDS COMMITTEE HAS DEVELOPED FOR THE EVALUATION PROCESS, IT WOULDN'T BE CONSIDERED. AND THEY'VE ALREADY GONE TO A PUBLIC HEARING AND THE CONSERVATION COMMISSION HAS ALREADY BLESSED THIS AND IT GOES THROUGH ALL THOSE STEPS BEFORE IT GOES TO THE CITY COUNCIL FOR APPROVAL AND AS MARCIA HAS POINTED OUT, CHANGE OF USE FEES ARE THE PRIMARY METHODS OF FUNDING THESE THINGS AND THAT'S SOMETHING THAT COMES OUT OF THE POCKETS OF THE DEVELOPERS AND WORK TO PRESERVE THE OPEN SPACE OF THE CITY OF DOVER, SO THIS REALLY DOES DESERVE OUR SUPPORT.

CIOTTI – QUICK QUESTION, AND STEVE BIRD WILL PROBABLY BE THE ONE WHO HAS TO ANSWER THIS – OR ANNA OR MARCIA – HAVE YOU DONE A YIELD PLAN ON THE PROPERTY TO SEE HOW MANY HOUSES COULD BE PUT IN THERE SO PEOPLE CAN SEE THE OTHER SIDE OF THE COIN?

STEVE BIRD – YES, AS A MATTER OF FACT, THE APPRAISAL OF THE PROPERTY IDENTIFIED A POTENTIAL 13 LOTS. THIS EASEMENT WILL REMOVE FROM THE POTENTIAL DEVELOPMENT A TOTAL OF 9. THERE ARE 3 ADDITIONAL LOTS BEING DEVELOPED BY MR. STERN AT THE FRONT OF THE PROPERTY, BUT THE EASEMENT THAT WE ARE PAYING FOR WILL PREVENT AN ADDITIONAL 9 LOTS FROM EVER BEING DEVELOPED SO IT'S AN ADVANTAGE IN THAT RESPECT.

SCOTT – YOU HAD AN APPRAISAL DONE OF THE PROPERTY IS THAT RIGHT?

BIRD – YES THERE WAS AN APPRAISAL DONE BY....

SCOTT – OKAY, IS THAT PUBLIC KNOWLEDGE, CAN ANYONE SEE THE APPRAISAL?

BIRD – YES, I'LL BE GLAD TO SHARE IT WITH YOU.

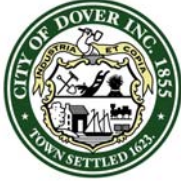
TURNER – ANOTHER QUICK QUESTION FOR STEVE – HAS STERN SHOWED ANY INTEREST OR EXPRESSED WHAT HE IS GOING TO DO WITH THAT REMAINING LOT, RIGHT THERE NEXT TO IT?

BIRD – MR. STERN IS HERE IF YOU CARE TO QUESTION HIM, BUT YOU ARE TALKING ABOUT THE PIECE THAT IS TO THE RIGHT?

TURNER – YES

BIRD – THAT'S, HE OWNS THAT PIECE – HE HASN'T EXPRESSED ANY DESIRE TO DEVELOP IT AT THIS POINT, WE'VE INQUIRED AS TO WHETHER HE WOULD LIKE TO PRESERVE THAT PIECE ALSO, BUT WE HAVEN'T MOVED FORWARD ON THAT PART OF THE PROPERTY YET.

TURNER – NO OFFENSE INTENDED, BUT WHAT IF HE DECIDED HE WANTS TO RUN A LINE OF HOUSES RIGHT DOWN TO THE RIVER, ALL THE WAY BACK ON THAT PROPERTY NEXT YEAR.  
(COLBATH RESPONDS FROM THE AUDIENCE BUT IS INAUDIBLE)



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BIRD – HE’S NOT GIVING UP HIS RIGHTS TO DEVELOP THAT PROPERTY WITH THIS EASEMENT. HE HAS THE SAME RIGHTS THAT ANY OTHER PROPERTY OWNER HAS ON THE REMAINING LAND THAT’S NOT UNDER THE EASEMENT. HE’D HAVE TO GO THROUGH THE APPROVAL PROCESS, HE’D HAVE TO MEET CURRENT ZONING.

TURNER – IT SEEMS LIKE HE COULD SELL A LOT OF HOUSES IN THERE BY BEING ABLE TO SAY THAT RIGHT BEHIND YOU IS PROTECTED LAND, IT JUST INCREASES THE VALUE OF YOUR OWN DEVELOPMENT. THIS MIGHT BE A WAY OF IMPROVING YOUR OWN PROPERTY BY SELLING A WHOLE CHUNK OF WOODLANDS TO THE CITY. SORRY I HAD TO SAY THAT.

BIRD – YOU WANT TO ANSWER THAT ANNA?

BOUDREAU – RIGHT, I’VE BEEN THE ONE WORKING WITH BRIAN FOR ABOUT A YEAR NOW ON THIS PROJECT AND OBVIOUSLY MY FIRST QUESTION WAS “AND WHAT ABOUT YOUR PROPERTY BRIAN?”  
 TURNER – RIGHT, RIGHT.

BOUDREAU (CONTINUING) – HE DID INDICATE AT THAT TIME THAT HE WOULD BE MORE THAN INTERESTED TO DISCUSS THAT BUT HE WAS IN THE THROWS OF TRYING TO PURCHASE THE PROPERTY NEXT DOOR, GO THROUGH THE PLANNING BOARD AND WHAT NOT TO GET APPROVAL. HE DIDN’T COME RIGHT OUT AND SAY, “YES, I’D LOVE TO PRESERVE IT”, BUT THAT’S ON THE TABLE TO BE DISCUSSED, BUT ON HOLD UNTIL WE GET THIS FIRST PROJECT DONE, AND HE DID NOT INDICATE THAT HE WANTED TO DEVELOP IT WITH A ROW OF HOUSES. HOW MANY, MAYBE SOMEWHERE TO THE LOT NEXT DOOR, THAT’S TO BE DETERMINED BASED ON HOW MUCH MONEY WE HAVE OR HOW MUCH OF A DISCOUNT. IT’S A WHOLE OTHER PROJECT THAT IS NOT IN NEGOTIATIONS AT THIS TIME. I’VE PLANTED THE SEED, BUT IF HE, WELL....

TURNER – (STATED SOMETHING INAUDIBLE) – MY QUESTIONS WASN’T THAT FAR OFF BASE – (INAUDIBLE) – NOT APPROVE THIS AND SEE WHAT HE DOES TO THE PROPERTY.

BOUDREAU – RIGHT, AND DEVELOP IT, BUT WE WORK ONE PROJECT AT A TIME AND WE WORK WITH WILLING LANDOWNERS AND HE WAS WILLING TO NEGOTIATE THE FIRST PARCEL AND DID NOT CLOSE THE DOOR ON THE SECOND ONE. THEY TAKE A WHILE, BUT THAT’S HOW WE WORK.

MAYOR ASKED IF THERE WAS ANYTHING ELSE, SEEING NO ONE, PLEASE ANSWER TO THE CALL OF THE ROLL.

MOTION TO ADOPT PASSED ON A 9-0 ROLL CALL VOTE.

3. **AWARD OF BID #B06078 FOR FRENCH CROSS ROAD WATER TREATMENT PLANT.**  
 SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

HINDLE MOVED TO ADOPT, SECONDED BY CIOTTI.

TURNER STATED THAT THIS IS A LOT OF MONEY AND IS SOMETHING HE KNEW NOTHING ABOUT AND WOULD LIKE MORE INFORMATION.

SCOTT WOULD LIKE TO TABLE THIS AS HE FEELS THIS IS ANOTHER RUSH TO SPEND MONEY.



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MYERS STATED THAT THE COUNCIL HAS HAD PLENTY OF TIME TO ASK THE MANAGER FOR ADDITIONAL INFORMATION.

TREFETHEN STATED THAT THIS WAS A PART OF THE CIP THAT THEY WENT OVER IN THE FALL.

JOYAL REVIEWED THE PROJECT AND STATED THAT THIS IS A MUST DO ITEM FOR THE WATER SYSTEM.

TURNER ASKED IF THE MALLEGRO BROOK IS THE CITY OF PORTSMOUTH WATER SUPPLY.

JOYAL CLARIFIED THAT THIS PERTAINS TO THE GROUNDWATER, THE PORTSMOUTH WATER IS THE SURFACE WATER OF THE BELLAMY RESERVOIR.

TURNER ASKED WHY CAN'T WE SHARE WITH OTHER TOWNS LIKE SOMERSWORTH DOES.

JOYAL STATED WE CAN IN EMERGENCIES.

DISCUSSION ENSUED.

KEAYS ASKED WHAT THE IRON LEVEL TESTED.

COMMUNITY SERVICES DIRECTOR DOUG STEELE EXPLAINED THAT THIS WILL BE THE IRON/MANGANESE TREATMENT PLANT FOR THE BOUCHARD WELL AND CAN BE USED FOR THE HUGHES WELL.

DISCUSSION ENSUED REAGARDING THE VOLUME/USAGE OF THE WELLS.

SCOTT STATED HE WILL VOTE AGAINST THIS BECAUSE OF THE AMOUNT OF MONEY AND THE LACK OF INVESTIGATION.

MOTION TO ADOPT PASSED ON AN 8-1 ROLL CALL VOTE, SCOTT OPPOSED.

**4. EMPLOYMENT AND SEVERANCE CONTRACTS. SPONSORED BY MAYOR SCOTT MYERS.**

HINDLE MOVED TO ADOPT, SECONDED BY CIOTTI.

DEDE MOVED TO AMEND BY SUBSTITUTING 3 SEPARATE RESOLUTIONS, SECONDED BY CIOTTI.

HINDLE APPRECIATES THE THOUGHT BUT ONLY GOT THESE RESOLUTIONS RIGHT BEFORE THE MEETING AND IS DISGUSTED BY THAT PRACTICE. HE WAS GOING TO SEPARATE THE QUESTION AND LOOK AT EACH CONTRACT SEPARATELY.

CHENEY FEELS LIKE SHE IS AGAINST THE WALL AND WOULD HAVE ALSO LIKE MORE NOTICE.

TREFETHEN RESPECTS EVERYONE'S OPINION, BUT DOES FEEL THAT IT SHOULD BE SPLIT AND VOTED ON INDIVIDUALLY.

DISCUSSION ENSUED REGARDING THE LAST MINUTE INTRODUCTION OF THE SUBSTITUTION.

MOTION TO SUBSTITUTE THE THREE SEPARATE RESOLUTIONS FAILED ON A 4-5 VOTE, CIOTTI, MYERS, TREFETHEN AND DEDE IN FAVOR.

HINDLE MOVED TO SEPARATE THE 3 WHEREAS CLAUSES AND VOTE SEPRATELY, SECONDED BY SCOTT.

TURNER FEELS THAT THIS IS A PART OF A LAWSUIT AND SHOULD BE KEPT TOGETHER.

CHENEY AGREES.



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MOTION TO SEPARATE THE THREE WHEREAS CLAUSES PASSED ON A 6-3 VOTE, KEAYS, TURNER AND CHENEY OPPOSED.

HINDLE MOVED TO ADOPT THE THIRD WHEREAS CLAUSE, PERTAINING TO ALLAN KRANS, SECONDED BY DEDE.

HINDLE REVIEWED THE BACKGROUND OF ATTORNEY KRANS BEING APPOINTED TO HIS CURRENT POSITION STATING THAT THE COUNCIL WAS AWARE PRIOR TO THE SIGNING OF THE CONTRACT.

DEDE AGREES AND FEELS THAT WE ARE BLESSED TO HAVE KRANS WORKING FOR THE CITY OF DOVER.

TREFETHEN STATED THAT OVER THE COURSE OF A YEAR THERE HAS BEEN DEBATE WITH SOME OF THE COMMUNITY REGARDING THE AUTHORITY OF THE CITY MANGER VERSUS THE COUNCIL AND THE IMBALANCE OF THE MERIT PLAN, WHICH HAS NOW BEEN RESOLVED. THEY RECOGNIZED THAT THE PRIOR MERIT PLAN DIDN'T REQUIRE COUNCIL APPROVAL AND THE CITY MANAGER HAD THE RIGHT UNDER THE CHARTER, MERIT PLAN AND STATE LAW TO ENTER INTO CONTRACTS BUT NOW IT HAS BEEN FIXED AND AS DEPUTY MAYOR HINDLE HAS POINTED OUT, THE COUNCIL WAS ALL AWARE OF KRANS' CONTRACT INCLUDING THE COUNCIL ELECT AT THE TIME.

SCOTT STATED THIS IS NOT ABOUT ALLAN KRANS, IT IS ABOUT PROCEDURES. HE STATED THE POSITION WASN'T ON THE MERIT PLAN AT THE TIME HE WAS HIRED AND A CONTRACT THAT BIG SHOULD HAVE BEEN OPEN TO PUBLIC DEBATE. HE ALSO QUESTIONS THE FULL YEAR PAY FOR TERMINATION.

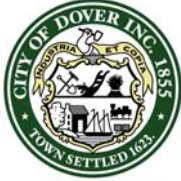
JOYAL STATED THAT IS CORRECT THAT THERE WAS NO MENTION OF THE CITY ATTORNEY ON THE CLASSIFICATION PLAN BUT IS THERE AS OF JULY 1, 2006, THE POSITION HAS ALSO BEEN IN THE ADMINISTRATIVE CODE WHICH IS A RESULT OF IT BEING REMOVED FROM THE CITY CHARTER BACK IN 1990 TO ALLOW THE CITY MANAGER TO HAVE THE DISCRETION OF HAVING THIS POSITION FILLED OR NOT.

CHENEY RESPECTS THE PRIOR COUNCIL AND CHARTER COMMISSION DECISIONS, BUT DIDN'T WANT THIS SEPARATED BECAUSE IT IS A PART OF A LAWSUIT AND FEELS IT IS IMPROPER. SHE ALSO QUESTIONS WHY THIS WAS ALWAYS DISCUSSED IN NON-PUBLIC SESSIONS AND NOW IT IS OUT IN THE PUBLIC FOR DISCUSSION AND AGAIN FEELS THIS IS IMPROPER BECAUSE OF THE PENDING LAWSUIT.

DEDE STATED THAT TREFETHEN ALREADY ALLUDED TO THE FACT THAT THE COUNCIL ADOPTED THE MERIT PLAN 9-0 TO REESTABLISH THE PROCESS OF DEPARTMENT HEAD CONTRACTS, BUT PRIOR TO THAT THE COUNCIL HAD NO AUTHORITY BUT THIS MANAGER (JOYAL) MADE THE STEPS TO BRING THESE ISSUES BEFORE THE COUNCIL EVEN THOUGH HE DIDN'T HAVE TO. HE STATED THAT THE COUNCIL IS NAMED IN THE LAWSUIT BUT THE PUBLIC FORUM HAS BEEN RIFE WITH INCORRECT, NEGATIVE, UNTRUTHFUL COMMENTS AND THE COUNCIL HAS TO ESTABLISH THAT KRANS IS CONFIRMED IN HIS POSITION.

HINDLE REITERATED HIS SUPPORT OF ATTORNEY KRANS BUT DISAGREES WITH DEDE AND TREFETHEN REGARDING THE MERIT PLAN.

TURNER STATED HE FAILS TO SEE HOW A UNANIMOUS VOTE OF THE MERIT PLAN HAS ANY IMPACT ON DECISIONS MADE PRIOR TO THAT. HE ALSO WELCOMES KRANS TO THE CITY OF DOVER, BUT FEELS THAT THIS RESOLUTION WAS DRAFTED BY ATTORNEY BROTH IN RESPONSE TO THE LAWSUIT.



CITY OF DOVER

## CITY COUNCIL -MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, June 14, 2006**  
Meeting Time: **7:00pm**

HE STATED THAT MIKE JOYAL IS DOING A GREAT JOB AS THE CITY MANAGER AND THEN READ A PREPARED STATEMENT AS TO WHY HE WILL NOT SUPPORT THE RESOLUTION AS SEPARATED OR AS A WHOLE, BUT STILL FEELS IT SHOULD BE LEFT AS A WHOLE DOCUMENT.

CHENEY STATED IT IS NOT RIGHT TO ROB THE PUBLIC OF THEIR RIGHTS. SHE ALSO SUPPORTS ATTORNEY KRANS, BUT WANTS THE RESOLUTION LEFT WHOLE.

MOTION TO ADOPT WHEREAS CLAUSE #3, ALLAN KRANS, PASSED ON A 6-3 ROLL CALL VOTE, SCOTT, TURNER AND CHENEY OPPOSED.

DEDE MOVED TO ADOPT WHEREAS CLAUSE #1, POLICE CHIEF WILLIAM FENNIMAN , SECONDED BY CIOTTI.

DEDE STATED THAT THE CONTRACT WAS SIGNED WITH INITIALS BY PAUL BEECHER AND IT WAS SIGNED BEFORE THE MERIT PLAN CHANGED AND THE CONTRACT WAS LEGAL.

DISCUSSION ENSUED REGARDING THE LEGALITY OF THE CONTRACT AND THE STEPS TAKEN BY MANAGER JOYAL WITH THE 02/26/06 AGREEMENT WITH THE CHIEF.

HINDLE MOVED TO SUSPEND THE RULES TO CONTINUE THE MEETING PAST 10:30 AND TO COMPLETE THE AGENDA, SECONDED BY TREFETHEN. MOTION PASSED ON A 9-0 ROLL CALL VOTE.

DISCUSSION CONTINUED REGARDING THE TIMING OF THESE RESOLUTIONS IN CONJUNCTION WITH THE LAWSUIT BEING HEARD IN SUPERIOR COURT ON JUNE 15, 2006.

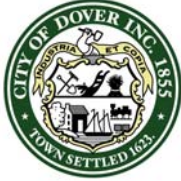
KEYAYS STATED THAT EVERYONE POINTS THEIR FINGER AT JOYAL, BUT HE'S NOT THE BLAME. HE TOOK THE JOB WHEN BEECHER LEFT THE CITY A MESS AND IN 1999 THE COUNCIL GAVE BEECHER ALL OF THE AUTHORITY. HE CONTINUED THAT THERE ARE 4 OR 5 PEOPLE WHO COME INTO THE CHAMBERS AND DEMAND THIS AND THAT AND STATED THAT RIGHT BEFORE THE MEETING HE RECEIVED A LETTER IN HIS MAILBOX THAT WAS UNSIGNED THAT TOLD HIM HOW HE HAD BETTER VOTE. HE STATED THAT HE WILL NOT LET ANYONE TELL HIM HOW TO VOTE AND HE WILL SUPPORT JOYAL TO THE HILT. HE STATED THAT COUNCILOR SCOTT HAS A VENDETTA AND SO DO SOME OTHER MEMBERS OF THE PUBLIC. HE FEELS THAT MIKE IS TRYING TO SOLVE THE PROBLEMS THAT WERE LEFT TO HIM AND TO MAKE DOVER MOVE FORWARD. THE BUDGET PASSED ON A 6-3 VOTE EVEN THOUGH SOME COUNCILORS PLATFORM WHEN RUNNING WAS TO CUT TAXES.

HINDLE STATED THAT THIS (WHEREAS CLAUSE #1) IS FOR A CONTRACT 18 MONTHS OLD AND YES THE COUNCIL DID MOVE FORWARD TO CHANGE THE MERIT PLAN, BUT THAT DEALS WITH FUTURE CONTRACTS AND HE WILL VOTE AGAINST THIS PORTION.

TURNER STATED HE HOPES THAT THE COUNCIL WILL NOT VOTE BASED ON A SINGLE PERSON TO SPITE THEM. HE STATED THAT THIS IS A SMOKING GUN AND WE SHOULD LET THE COURT DECIDE. HE AGAIN STATED THAT HE SUPPORTS MIKE JOYAL AND FEELS HE IS THE BEST MAN FOR THE JOB.

CHENEY MOVED TO TABLE, SECONDED BY TURNER.

MOTION FAILED ON A 4-5 ROLL CALL VOTE, HINDLE, SCOTT, TURNER AND CHENEY IN FAVOR.



CITY OF DOVER

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MOTION TO ADOPT WHEREAS CLAUSE #1, POLICE CHIEF FENNIMAN, PASSED ON A 5-4 ROLL CALL VOTE, HINDLE, SCOTT, TURNER AND CHENEY OPPOSED.

DEDE MOVED TO ADOPT WHEREAS CLAUSE #2, ATTORNEY GEORGE WATTENDORF, SECONDED BY CIOTTI.

DEDE REVIEWED THE CIRCUMSTANCES OF THIS AGREEMENT AND STATED THAT THERE IS NOW A PROVISION TO NOT ALLOW THIS TO HAPPEN AGAIN AND IF WATTENDORF HAD STAYED FOR 20 YEARS HIS BENEFITS WOULD HAVE BEEN PAID FOREVER INSTEAD OF THE \$300,000. HE STATED THIS WAS A UNIQUE SITUATION BUT THE CITY MANAGER DID HAVE THE AUTHORITY TO DO THIS.

MOTION TO ADOPT WHEREAS CLAUSE #2, ATTORNEY GEORGE WATTENDORF, PASSED ON A 5-4 ROLL CALL VOTE, HINDLE, SCOTT, TURNER AND CHENEY OPPOSED.

5. **AUTHORIZATION TO USE FY07 CIP PAVING FUNDS FOR EMERGENCY ROAD REPAIRS NECESSITATED BY FLOODING DAMAGES.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

HINDLE MOVED TO ADOPT, SECONDED BY CIOTTI.  
MOTION PASSED ON A 9-0 ROLL CALL VOTE.

6. **AUTHORIZATION TO USE FY07 CIP PAVING FUNDS FOR THE EMERGENCY RECONSTRUCTION OF THE BLACKWATER ROAD CULVERT.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

HINDLE MOVED TO ADOPT, SECONDED BY CIOTTI.  
MOTION PASSED ON A 9-0 ROLL CALL VOTE.

- C. ORDINANCES IN 1<sup>ST</sup> READING  
NONE

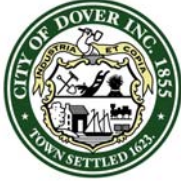
- D. COUNCIL CORRESPONDENCE

1. WETLANDS APPLICATION – MICHAEL AND KRISTINE CHAGNON
2. WETLANDS APPLICATIONS – JOHN TORR TRUSTEE, ET AL.

HINDLE MOVED TO ACCEPT AND PLACE ON FILE, SECONDED BY CIOTTI.  
MOTION PASSED ON A 9-0 VOTE.

### 13. COUNCIL MATTERS OF INTEREST

COUNCILOR CHENEY STATED SHE IS A NEW COUNCILOR, IS PRINCIPLED, STRONG WILLED AND CAN HOLD HER HEAD HIGH. SHE STATED THAT SHE HAS WITNESSED A TRAVESTY TONIGHT AND FEELS THAT THEY HAVE USURPED THE RIGHTS OF THE CITIZENS. SHE STATED THIS HAS NOTHING TO DO WITH A VENDETTA AGAINST THE MANAGER SHE JUST CARES ABOUT THE TRUTH.



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DEDE STATED IT HAS BEEN A TOUGH EVENING BUT FEELS THE COUNCIL HAS DONE THE RIGHT THING AND FEELS THAT THE PUBLIC SHOULD KNOW THE TRUTH. HE RESPONDED TO VARIOUS PUBLIC COMMENTS AND CLARIFIED HIS COMMENT STATING THAT BEECHER DID WHAT HE DID UNETHICALLY, BUT IT WAS LEGAL AND THAT THE MOST RECENT CONTRACT WITH FENNIMAN THAT IS IN EFFECT ISN'T THE ONE THAT EVERYONE KEEPS REFERRING TO. HE CONTINUED THAT HE HAD BEEN AGAINST HIRING JOYAL BUT NOW HE IS IN SUPPORT OF HIM STATING THAT HE HAS DONE A GREAT JOB AND HAS DONE EVERYTHING THAT THE COUNCIL HAS ASKED HIM TO DO. HE CONCLUDED BY STATING THAT THE CONSTANT ATTACK OF THE MANAGER IS A VENDETTA AND PEOPLE ARE GETTING SICK OF IT.

TREFETHEN STATED HE ALSO VOTED AGAIN JOYAL BUT ONLY BECAUSE OF THE CONTRACT. NEXT, HE DISCUSSED THE BUDGET PROCESS AND STATED THAT THERE IS A SMALL BUT VOCAL GROUP OF PEOPLE WHO HAVE HIJACKED 3-4 COUNCILORS AND STATED THAT IT ISN'T THE "PUBLIC" IT IS A SMALL MINORITY THAT DO NOT HAVE THE BEST INTEREST OF THE TAXPAYERS.

HINDLE STATED HE IS OFFENDED BY THE COMMENTS AND HAS TAKEN EVERY VOTE IN THE BEST INTEREST OF THE COMMUNITY AT LARGE. HE STATED THE ACTIONS TAKEN ARE IRREVERSIBLE DEPENDING ON WHAT HAPPENS IN COURT. HE CONCLUDED BY COMMENDING COUNCILOR CHENEY FOR HER COMMENTS.

MYERS STATED IT HAS BEEN A TOUGH COUPLE OF WEEKS WITH THE BUDGET AND TONIGHTS ISSUES AND URGED THE COUNCIL TO COME TOGETHER TO START IMPLEMENTING THE GOALS SET. HE STATED THAT THE PREVIOUS COUNCIL DIDN'T ALWAYS AGREE EITHER, BUT THE VOTES SHIFTED ACCORDING TO ISSUES AND WERE NOT A BLOCK VOTE. HE AGAIN URGED THE COUNCIL TO MOVE FORWARD AS THERE ARE MANY THINGS TO ACCOMPLISH.

DEDE THANKED DEPUTY MAYOR HINDLE FOR HIS SUGGESTION TO HOLD THE BUDGET ADOPTION AS A SEPARATE MEETING.

### 14. ADJOURN

**HINDLE MOVED TO ADJOURN AT 11:15 P.M., SECONDED AND PASSED UNANIMOUSLY.**

**VALERIE A. FRENCH  
DEPUTY CITY CLERK**