



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**

3. **ROLL CALL**

4. **PROCLAMATIONS – AWARDS**

5. **SUMMARY OF 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.

7. **PUBLIC HEARINGS**

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

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***)

8. **CITY MANAGER'S REPORT**

9. **MINUTES**

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

10. **MAYOR'S REPORT**

11. **UNFINISHED BUSINESS**

A. ORDINANCES IN THE 2ND READING

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

B. ORDINANCES IN THE 3RD 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***)



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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

- | | |
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| 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 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.
6. **AWARD OF BID #B06039 FOR RIVER STREET PUMP STATION ELECTIRCAL 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.

B. RESOLUTIONS

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



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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 DOUGLAS 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.

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



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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)

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.



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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 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



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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 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



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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 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



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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)

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.



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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.
4. **EMPLOYMENT AND SEVERANCE CONTRACTS.** SPONSORED BY MAYOR SCOTT MYERS.
5. **AUTHORIZATION TO USE FY07 CIP PAVING FUNDS FOR EMERGENCY ROAD REPAIRS NECESSITATED BY FLOODING DAMAGES.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.
6. **AUTHORIZATION TO USE FY07 CIP PAVING FUNDS FOR THE EMERGENCY RECONSTRUCTION OF THE BLACKWATER ROAD CULVERT.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

C. ORDINANCES IN 1ST READING



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D. COUNCIL CORRESPONDENCE

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

13. COUNCIL MATTERS OF INTEREST

14. ADJOURN