



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, June 28, 2006**  
Meeting Time: **7:00pm**

### 1. MOMENT OF SILENCE

### 2. PLEDGE OF ALLEGIANCE

COUNCILOR TURNER LED THE PLEDGE.

### 3. ROLL CALL

THOSE PRESENT: COUNCILOR DEDE, DEPUTY MAYOR HINDLE, COUNCILOR KEAYS, MAYOR MYERS, COUNCILORS SCOTT, TREFETHEN, TURNER AND CHENEY AND CIOTTI. ALSO PRESENT CITY MANAGER JOYAL AND CITY ATTORNEY ALLAN KRANS.

### 4. PROCLAMATIONS – AWARDS

### 5. SUMMARY OF AGENDA

THE MAYOR NOTED THE ETHICS ORDINANCE AND A COUPLE OF LABOR CONTRACTS ARE ON THE AGENDA FOR CONSIDERATION TONIGHT.

### 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.*

**JACK STORY** PRESIDENT OF THE GREATER DOVER CHAMBER OF COMMERCE IS HERE TO REMIND EVERYONE THAT THE COCHECHO ARTS FESTIVAL IS OPENING WITH THEIR 20<sup>TH</sup> ANNIVERSARY CELEBRATION NEXT FRIDAY JULY 7<sup>TH</sup>. HE WANTED TO THANK THE CITY AND SPONSORS FOR THESE EVENTS. TWENTY YEARS AGO THERE WAS AN ANONYMOUS DONOR THAT STARTED THEM OFF WITH THESE CONCERTS. HE HIGHLIGHTED THE EVENTS FOR THE SUMMER AND DISTRIBUTED BUTTONS AND BROCHURES TO EACH COUNCILOR.

**PAM LESSARD** OF 62 GLENWOOD AVE IS HERE REPRESENTING THE SIERRA CLUB AND WANTS TO PUBLICLY THANK THE COUNCIL FOR SUPPORTING THE COOL CITIES RESOLUTION AND IS PLEASED TO SEE THERE IS ALREADY AN ITEM ON THE AGENDA TO SPUR DOVER ON TO REDUCE GREENHOUSE EMISSIONS. THEY ARE ONLY THE 4<sup>TH</sup> CITY IN THE STATE OF NH THAT HAS TAKEN THIS INITIATIVE. SHE HOPES WE WILL CONTINUE TO REDUCE OUR GREEN HOUSE EMISSIONS.

**PARKS CHRISTIANBURY** OF 98 COCHECHO STREET IS HERE REPRESENTING THE MODERATORS OF THE POLLING PLACES OF THE CITY AND IS HERE TO TALK ABOUT THE POLLING HOURS. HE THANKED THE COUNCIL FOR EXPERIMENTING WITH THE EARLY HOURS LAST ELECTION BUT ONLY A HANDFUL OF VOTERS CAME TO THAT ELECTION DURING THE EXTRA HOUR. THE 8 O'CLOCK CROWD IS THE SAME EACH YEAR AND OVER ALL WE DID NOT INCREASE VOTER TURNOUT CONSIDERABLY. HE HAS TO HAVE ALL HIS PEOPLE THERE AT 6 AM TO PREPARE FOR THE OPENING OF ELECTIONS AT 7 AM. THIS EXTRA HOUR MAKES FOR A REALLY LONG DAY AND HE NEEDS HIS WORKERS ALERT TO COUNT THE BALLOTS IN THE EVENING AFTER THE POLLS CLOSE. IT CAN EASILY BECOME AN 18-HOUR DAY. WHEN PEOPLE COME THROUGH THE POLLS HE GIVES THEM A LIST TO SEE IF THEY WILL VOLUNTEER



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TO SIGN UP TO WORK AT THE POLLING PLACE; UNFORTUNATELY IT IS NOT BEFORE THE 8 AM OPENING. YOU DO GET PEOPLE THAT SHOW UP ON THE OTHER END. HE ASKS THEM TO MOVE IT BACK TO 8 O'CLOCK. HE WANTS US TO PUBLICIZE THE FACT THAT VOTERS CAN NOW VOTE BY ABSENTEE IF THEY ARE COMMUTING AND STILL COMPLY WITH THE NEW STATE LAW.

**MARCIA COLBATH** CHAIR OF THE OPEN LANDS COMMITTEE STATED SHE SPOKE TO COUNCILOR SCOTT REGARDING THE RESOLUTION AND HE ASSURED HER HE WOULD PULL HIS RESOLUTION TONIGHT. SHE WANTS TO ASSURE THEM THEY ARE RECEIVING THE BEST VALUE FOR THEIR DOLLAR. SHE EXPLAINED ALL THE MAKEUP OF THE OLC AND THEIR CAREFUL INSPECTION OF THE PROPERTY AND THAT IT WAS A UNANIMOUS VOTE OF THE COMMITTEE, THE PRICE OF THE PROPERTY WAS 25% LESS APPRAISALS LESS THAN THE APPRAISED EASEMENT VALUE AMOUNT OF THE PROPERTY. SHE ASKED THE COUNCIL TO SHOW NO SUPPORT FOR THIS RESOLUTION IF BROUGHT FORWARD. IF THE COUNCIL WOULD LIKE TO SEE TWO APPRAISALS IN THE FUTURE SHE WOULD BE HAPPY TO WORK WITH THEM.

**KEN PERRY** OF 70 CONSTITUTION WAY OFF DOVER POINT ROAD ASKED ARE THEY AWARE THERE ARE OVER 100 PRIVATE ROADS IN THIS CITY AND THEY ARE A TICKING TIME BOMB. HE IS PRETTY SURE THAT REAL ESTATE AGENTS DO NOT REVEAL THIS TO THEIR CLIENTS THAT THEY ARE SELLING ON A PRIVATE ROAD. MAYBE THEY JUST DO NOT KNOW. HE IS REALLY HERE TO TALK ABOUT ETHICS THOUGH AND HAS READ THE ORDINANCE OVER IN DETAIL. DOES ANYBODY KNOW HOW MANY ETHICS VIOLATIONS THERE HAVE BEEN IN THE LAST 20 YEARS. HE HAS GONE THROUGH IT AND THE POINT HE WANTS TO MAKE IS THE ETHICS SHALL NOT ISSUE ADVISORY OPINIONS BASED ON HYPOTHETICAL FACTUAL PATTERNS AND REFER TO POLICE DEPARTMENT. HE READ SEVERAL PORTIONS OF THE ORDINANCE; IN HIS OPINION ANYBODY THAT IS BROUGHT AGAINST AN ETHICS VIOLATION; HE THINKS THEY SHOULD BE PROVIDED LEGAL COUNSEL BY THE CITY.

**PHYLLIS WOODS** OF 1 BARRY STREET IS HERE AS A FORMER MEMBER OF LAST YEARS CHARTER COMMISSION. SHE WANTED TO THANK THE COUNCILORS FOR THEIR WORK ON THIS AS WELL AS THE CITY ATTORNEY WHO WAS THE FORMER CHAIR OF THE ETHICS COMMISSION. THIS PARTICULAR PART OF THE CHARTER WAS PASSED WITH OVERWHELMING SUPPORT BY THE PEOPLE THAT VOTED FOR THIS ON NOVEMBER 5<sup>TH</sup>. SHE REALLY APPRECIATES ALL THE WORK THAT HAS GONE INTO IT.

**SUZANNE MEDBERY** OF 3 COVERED BRIDGE LANE HAS TWO THINGS SHE WAS SURPRISED TO SEE THE NEW FEATURE THAT IS THE EMAILS ON THE CITY WEBSITE THAT WERE POSTED; SHE FOUND THESE VERY ENLIGHTENING. SHE THINKS THIS IS AN EXCELLENT FORUM FOR CITIZENS; BUT THIS COULD BE AN INVASION OF PRIVACY UNLESS ALL PARTIES ARE AWARE OF THIS POLICY. SHE POINTED OUT THAT CONSTELLAR, THE GARBAGE COMPANY FROM BETHLEHEM HAS GONE TO THE STATE SUPREME COURT AND NOW IS GOING TO THE STATE OF NH OVER THE BETHLEHEM ISSUE. SHE EXPLAINED THE TOWN OF BETHLEHEM'S ISSUES SAYING THIS COULD HAVE BEEN DOVER DOWN THE ROAD.

**KAREN WESTON** OF 42 FRENCH CROSS ROAD THINKS THEY SHOULD ASK JACK STORY TO BRING A GIFT OF AIR CONDITIONING TO THE CHAMBERS BECAUSE IT IS STIFLING IN HERE. SHE CONTINUED ABOUT THE CROSSWALKS ON CHESTNUT STREET; SHE WAS NOT SURPRISED TO HEAR ABOUT THIS WOMAN THAT GOT KILLED AS SHE THINKS YOUR VISION IS BLOCKED COMPLETELY AT THAT



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INTERSECTION. SHE IS NOT SURE WHOSE RESPONSIBILITY IT IS BUT SHE WOULD LIKE TO SPEAK WITH THEM. SHE AGAIN THANKED THE COUNCILORS WHO VOTED TO KEEP THE TOLEND LANDFILL CLOSED. THEN SHE MENTIONED THE NEWS TONIGHT AND OTHER TOWNS THAT HAVE HAD TO CLOSE THEIR LANDFILLS BECAUSE OF THE TOXICITY. SHE ASKED MIKE JOYAL ABOUT WHERE DOVER STANDS NOW, AS WE ARE TWO MONTHS FROM WHEN THE VOTE WAS TAKEN. SHE MENTIONED THE CONSERVATION COMMITTEE AND ANYBODY THAT DOES ANY KIND OF BUSINESS SHOULD GET TWO APPRAISALS. SHE HOPES BEFORE ANY VOTE IS TAKEN THEY SHOULD INSIST ON 2 OR 3 APPRAISALS. SHE KNOWS THE MARKET IS SOFT AND THEY DO NEED TO MAKE CORRECTIONS. THIS IS ONLY GOOD BUSINESS.

**RICK HEBBARD** OF 97 SPRUCE LANE IS PRETTY SURE HE REPRESENTS A LARGE NUMBER OF PEOPLE IN THE CITY AND THEY ARE APPALLED AND VERY UPSET ABOUT THE DEATH OF HIS NEIGHBOR. HE HAS ASKED MULTIPLE TIMES FOR THE CITY TO DO SOMETHING ABOUT THE CROSS WALKS. HIS NEIGHBOR WAS KILLED AND HE WAS REBUFFED. THE WHITE FOG LINES WERE PAINTED BEFORE THE CROSSWALKS; THIS IS A REAL BIG ISSUE ISN'T IT. HE IS APPALLED THAT THESE SIDEWALKS ARE NOT DONE TWICE A YEAR. HE DOES NOT WANT TO HAVE TO TALK ABOUT THIS AGAIN. HE URGED THEM TO DO SOMETHING ABOUT THIS SITUATION.

**MARY HEBBARD** OF 97 SPRUCE LANE STATED SHE SPOKE AT THE MAY 24<sup>TH</sup> CITIZEN'S FORUM; AND IT WAS HER UNDERSTANDING THAT THE CITY COUNCIL WAS GOING TO PROCREATE FUNDS FOR A COVER FOR THE DREDGE CELL. SHE QUOTED FROM A PRIOR CITY MANAGER'S REPORT. THIS DID NOT MATCH UP WITH THE RECOLLECTION OF WHAT THE MEETING RECORDS SAID IN THE NOVEMBER 2005 MINUTES AND DURING THAT CITY MANAGER'S REPORT, THERE WAS MENTION OF THIS ISSUE AGAIN WHERE HE EXPLAINED THE TEMPORARY DREDGE CELL SITUATION AT THAT TIME MR. JOYAL STATED IT WAS TO BE CAPPED DUE TO THE HEAVY RAINS. SHE READ FROM THE PRIOR MANAGER'S REPORT. SHE CONTINUED ABOUT THE ISSUES OF THE DREDGE CELL AND HOW IT IS NOT COVERED. SHE THINKS THE DIRECTION OF THESE DOCUMENTS IS CLEAR AND WANTS TO KNOW WHERE THE CAP IS. WHERE IS THE RECORD OF WHERE IT WAS NOT TO BE COVERED. SHE WOULD LIKE THE COUNCIL TO DIRECT THE CITY MANAGER TO HAVE DEAN PESCHEL COME AND UPDATE THEM ON THE ISSUES TO DATE OF THIS PROJECT; SHE THINKS THEY SHOULD HAVE THE INFORMATION ON WHAT IS GOING ON WITH THE DREDGE CELL.

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

### 7. PUBLIC HEARINGS

- **ORDINANCE # 07-05/24/2006, CHAPTER 22, ETHICS, VARIOUS SECTIONS AND ADDITION OF SECTION 22-13, ETHICS COMMISISON. SPONSORED BY DEPUTY MAYOR JASON HINDLE. (SEE ITEM 11A-1)**

**ED BLEILER** OF 28 ISAAC LUCAS CIRCLE THINKS IF THEY ARE GOING TO HAVE A DECENT HEARING HE WANTS TO ASK THEM TO EXTEND THE TIME FROM 5 MINUTES. HE COMPLIMENTED HINDLE ON HIS TRY ON THE ETHICS ORDINANCE; HE ALSO THINKS THERE ARE SOME BAD POINTS SUCH AS LET'S PROTECT THE COUNCILOR. HE THINKS IT SHOULD READ IN ORDER TO PROTECT CITY COUNCILORS THE CITY



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WILL PAY FOR AN OUTSIDE COUNSELOR. WITH THIS PROTECTION THE COUNCILOR WILL NOT HAVE TO SPEND THEIR OWN TIME OR MONEY IN HIS OWN DEFENSE. IN THE EVENT THERE IS A VIOLATION THE COUNCILOR WOULD BE REQUIRED TO REIMBURSE THE CITY. PENALTY IS THE NEXT ITEM; HE READ HIS IDEA OF WHAT THERE SHOULD BE AS A PENALTY IN THE AMOUNT OF \$2500 IN CONNECTION WITH DEFENDING A FRIVOLOUS LAWSUIT. THE CONFIDENTIALITY ISSUE; ALL PAPERWORK THAT IS CONFIDENTIAL SHOULD BE MARKED CONFIDENTIAL. FOR THE RECORD THE SPREADSHEET THAT HE IS ACCUSED OF GIVING TO DAVID SCOTT, JOYAL GAVE IT TO HIM AND HE GAVE IT TO SCOTT. THIS ORDINANCE SHOULD BE PUBLISHED IN THE COMMUNITY NEWSPAPER AND IN FOSTERS, AS MOST RESIDENTS DO NOT EVEN KNOW IT EXISTS. HE ADDED DON'T JUST GIVE THEM 5 MINUTES TO SPEAK, GIVE THEM ENOUGH TIME TO GET THEIR IDEAS OUT. LET'S SAY WE HAVE TWO PUBLIC HEARINGS IN JULY THEN SCHEDULE THE VOTE FOR SEPTEMBER. WE CAN ONLY GAIN GOOD THINGS BY DOING IT THIS WAY.

**PARKS CHRISTENBURY** 98 COCHECO STREET SPEAKING AS FORMER CITY COUNCIL THAT VOTED TO DISBAND THE FORMER ETHICS COMMITTEE AND HAS WORKED WITH HINDLE ON THIS BECAUSE THESE PEOPLE WERE NOT GIVEN GOOD GUIDANCE. HE THANKED MR. JOYAL FOR ALL HIS WORK AND FOR HIRING ATTORNEY KRANS AND FOR HIS WORK AND PHYLLIS WOODS FOR HER COUNTLESS HOURS SHE HAS SPENT WORKING FOR THE PEOPLE. AND THERE IS A FORMER SCHOOL BOARD MEMBER THAT HAS SPENT SEVERAL HOURS ON THIS AS WELL. IF WE HAD A SERIOUS VIABLE ETHICS COMMITTEE, WE MAY NOT HAVE THESE PROBLEMS. HE IS HERE TONIGHT TO TELL THEM THE CITY ATTORNEY HAS DONE AN OUTSTANDING JOB; THIS IS ONLY AN ADVISORY COMMITTEE AND THE SCOPE IS VERY NARROW. YOU CANNOT FINE PEOPLE \$2500 FOR FRIVOLOUS SUITS AND YOU CAN'T GET INVOLVED WITH ANY CRIMINAL VIOLATION. THIS IS ONLY FOR VIOLATIONS OF THE CITY CHARTER AND ANYTHING MORE THAN THIS IS OUT OF THEIR JURISDICTION. HE WANTS THEM TO LISTEN TO THE CITY ATTORNEY AND TO WORK CLOSELY WITH HIM. THERE IS VERY LITTLE CASE LAW ON ETHICS COMMITTEES; THIS IS NEW TERRITORY. THE ONLY WAY THIS WILL WORK IS TO MAKE THIS OPEN TO THE PUBLIC. LISTEN TO YOUR CITY ATTORNEY TO FORMULATE A POLICY.

**PHYLLIS WOODS** OF 1 BARRY STREET STATED THERE ARE A NUMBER OF SPECIFIC SUGGESTIONS SHE WOULD LIKE TO PRESENT SUCH AS ON THE RECUSAL POLICY. A PERSON IS ACTUALLY REMOVED OR DISQUALIFIED AND MUST LEAVE THE ROOM AND OR THEIR COUNCIL SEAT AND SIT WITH THE PUBLIC. HAVING AT LEAST ONE ATTORNEY ON THE COMMISSION SHE THINKS IT WOULD BE BENEFICIAL TO HAVE AN ATTORNEY THAT IS WELL VERSED. ALSO SHE AGREES WITH PARKS IN SAYING YOU MAY WANT TO CHANGE THE STANDARD OF PROOF AND CLEAR AND CONVINCING EVIDENCE; THIS IS TOO HIGH A LEVEL, IT SHOULD SAY A PREPONDERANCE OF THE EVIDENCE. PERTAINING TO THE FREEZING OF COMPLAINTS PRIOR TO AN ELECTION, SHE HOPES THE COUNCIL WILL ELIMINATE THIS PART. THE PROCESS FOR FILING A COMPLAINT THIS INVOLVES A MULTIPLE STEP PROCESS PLEASE ASK THEMSELVES IF THE PUBLIC WILL BE WELL SERVED WITH THIS PROCESS. SHE BELIEVES THEIR GOALS ARE TO ENFORCE ETHICAL BEHAVIOR. REGARDING THE FORMS, PLEASE PROVIDE THE SECTIONS OF THE CHARTER AND CODE THAT ARE REQUIRED TO BE READ AND ALLOW THEM TO WITHDRAW THEIR CLAIM IF NECESSARY OR FOR ANYTHING FILED IN HASTE. SHE CONTINUED WITH ADDITIONAL PROPOSALS AND CHANGES. FINALLY, REGARDING THE POWER OF THE COMMISSION TO EMPOWER ON STATUTORY SUBPOENA POWER; SHE THINKS THEY SHOULD HAVE THIS POWER TO ALLOW THE COMMITTEE TO COMPEL PEOPLE TO APPEAR. SHE HAS SEVERAL OTHER SUGGESTIONS AND WILL FOLLOW THEM UP IN WRITING FOR THEM.



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**DON MEDBERY** OF 3 COVERED BRIDGE LANE COMMENDED JASON HINDLE AND MR. KRANS FOR HIS OPEN DOOR POLICY. HE SUGGESTED THIS ORDINANCE BE TABLED FOR AT LEAST 6 WEEKS. THE COMMITTEE ERRED WHEN THEY INCLUDED THE SCHOOL DEPARTMENT AS THEY ARE THEIR OWN ENTITY. THERE HAS NOT BEEN SUFFICIENT TIME TO DISCUSS THE NEW 9 REVISIONS RECENTLY PRESENTED. WE HAVE SURVIVED TO THIS POINT WITHOUT IT. THE MOST RECENT DRAFT OF THE ORDINANCE SHOULD BE PUBLISHED IN FOSTERS AND THE COMMUNITY NEWS TO ALLOW ALL DOVER CITIZENS THE OPPORTUNITY TO REVIEW AND COMMENT TO THEIR COUNCILOR ON THIS ISSUE THAT COULD BRING DISGRACE ON A CITIZEN OR AN ELECTED OFFICIAL IN OUR COMMUNITY. MANY PEOPLE DO NOT HAVE A COMPUTER TO GO ON LINE BUT THEY DO READ THE PAPER. BE IT POLITICAL OR FINANCIAL, THIS COULD HAVE A DEVASTATING EFFECT ON THIS CITY FOR YEARS TO COME. ONLY THE COUNCIL SHOULD CHOOSE THE PEOPLE TO SIT ON THIS COMMITTEE. WE DO NOT NEED ANY MORE LAWYERS. WE NEED CITIZENS OF THE CITY THAT ARE LONG TIME RESIDENTS THAT ARE HELD IN THE HIGHEST ESTEEM THROUGH OUT THE COMMUNITY TO SERVE ON THIS BOARD. THE FINE FOR FRIVOLOUS COMPLAINTS SHOULD BE SUFFICIENT TO DETER THEM. THE LONG PROCESS OF THE CITIES RIGHT TO KNOW HERE IN DOVER UNDER STATE RSA SHOULD HAVE TAUGHT US ALL A LESSON.

**DON ANDOLINA** OF 59 LITTLEWORTH ROAD STATED HE WANTS TO SAY THERE HAS BEEN A LOT OF GOOD WORK HERE; ON 22-6 GIFTS-THE USE OF THE PHRASE IS VIRTUALLY NON DESCRIPT AND MAY LEAD TO PROBLEMS LATER ON. HE THINKS THERE WOULD BE 9 OR 10 DIFFERENT OPINIONS. HE GAVE AN EXAMPLE OF RAYTHEON'S POLICY; HE WOULD LIKE A NUMBER OF DOLLARS SPECIFIED. ON 22-9 WE NEED A DEFINITION, WITHOUT THIS HOW CAN YOU EXPECT THE RIGHT RESULT. HE SUGGESTS THEY TAKE A LOOK AT THIS. ALSO ON 22-15C IF THAT IS THE CASE THERE SHOULD BE STRICT GUIDELINES AND HE DOES NOT THINK THE SCREENING COMMITTEE HAS THE AUTHORITY TO DISMISS A PERSON WITH THEIR WRITTEN REASONS. (SEE HIS HANDOUT IN COUNCIL FOLDER OF 6-28-2006 MEETING)

**JERRY LYNCH** OF LINCOLN STREET DOES NOT THINK WE SHOULD PASS THIS RESOLUTION TONIGHT AND WANTS MORE TIME FOR PEOPLE TO REVIEW IT. WHY DO WE ALWAYS RUSH THINGS THROUGH ITEMS THAT EFFECT SO MANY IN THE COMMUNITY; HE MENTIONED THE TOLEND LANDFILL. HE WANTS THIS TABLED FOR AT LEAST A MONTH.

**KAREN WESTON** OF 42 FRENCH CROSS ROAD HAS A COUPLE OF THINGS WHEN PARKS WAS TALKING SHE REMEMBERS THAT BACK THEN IT WAS VERY IMPORTANT TO HAVE OUR CITY ATTORNEY INVOLVED WITH THIS AND A LOT OF CITY PEOPLE HAVE ACCESS TO GO ON LINE TO REVIEW THIS. SHE HAS HAD A PROBLEM WITH A FORMER CITY COUNCIL PERSON IN THE PAST AND THESE PEOPLE SHOULD BE ABLE TO SIT LIKE A JURY IN COURT AND THERE SHOULD BE SOMETHING TO DO WITH COUNCILORS. AS FAR AS CONFIDENTIAL INFORMATION AND HER QUESTION, EACH PAGE SHOULD BE STAMPED CONFIDENTIAL AND THAT WAS HER UNDERSTANDING. A GOOD PRACTICE IS TO MARK EACH AND EVERY PAGE CONFIDENTIAL FOR A DOCUMENT THAT IS CONFIDENTIAL. LASTLY SHE WANTS IT EXPLAINED TO THEM HOW PEOPLE ARE GOING TO BE APPOINTED. WHY AREN'T THESE PEOPLE GOING TO BE ELECTED; SHE WANTS THEM TO TAKE THIS INTO CONSIDERATION.

**RICK HEBBARD** OF 97 SPRUCE LANE HAS A FEW THOUGHTS; SINCE THE ELECTION THEY HAVE HAD 6 OR 7 MONTHS TO BANTY THIS AROUND; THE CITIZENS HAVE ONLY HAD A WEEK. HE AGREES WITH



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SEVERAL OF THE COMMENTS ALREADY MADE. HE MENTIONED THE REMOVAL ISSUE AND THAT IT SHOULD BE LEFT UP TO THE MAYOR. ON 22-3 HE READ FROM THIS REGARDING NEGOTIATIONS. HE GAVE AN EXAMPLE ON PAGE 6, 22-13C. HE ALSO AGREES WITH DON MEDBERY THAT WE SHOULD NOT HAVE ANOTHER ATTORNEY ON THE COMMITTEE AS IT WOULD WEIGH HEAVILY ON THE OTHER MEMBERS OF THE COMMITTEE; HE WANTS LAY PEOPLE ON THIS.

22-14-E SAYS YOU SHALL EDUCATE THE PUBLIC, 22-14G HYPOTHETICAL PATTERNS HE DOES NOT KNOW WHAT THIS MEANS EITHER AND HE DOES NOT UNDERSTAND THIS SECTION. ON 15C THE WHOLE SCREENING SITUATION, THIS IS WRONG. ON PAGE 8 CONTINUANCES, THEY SHOULD BE OF THE COMMITTEE ITSELF. 22-15F AT THE END ADD "WHICH ARE OPEN TO THE PUBLIC". 22-15N OF COMPLAINTS THERE IS A TYPO AND THAT IS REPEATED TWICE. HE URGED THEM NOT TO PASS IT TONIGHT.

**MARY HEBBARD** OF 97 SPRUCE LANE HAS A FEW GENERAL QUESTIONS ON WHAT DEPARTMENT DOES THE ETHICS FALL UNDER, AND WHO HAS SPENDING AUTHORITY. ON PAGE 2 SUCH DISCLOSURES... THE DISCLOSURE SHOULD BE READ ALOUD BY THE CITY CLERK THE SAME SHOULD BE TRUE ON PAGE 3 RECUSAL AND PAGE 4, 22-11 AS SHE SEES IT EXCLUDES WARD CLERKS, MODERATORS AND GAVE AN EXAMPLE. THE DECISIONS MADE BY A CHARTER COMMISSION ARE FAR REACHING DECISIONS. SHE SUPPORTS THE ONE-YEAR TERMS AND IN 22-13 C SHE DOES NOT THINK IT IS NECESSARY TO HAVE LEGAL EXPERIENCE; SHE THINKS PEOPLE ARE LOOKING FOR REGULAR FOLKS. SHE DISAGREES WITH HAVING AN ATTORNEY ON THE COMMISSION. WE HAVE A CITY ATTORNEY THAT CAN HANDLE THIS. UNDER SCOPE OF AUTHORITY; PAGE 15 B AND C TO FILE A COMPLAINT, SHE THINKS HAVING A PERSON HAVE TO MEET WITH THE CITY MANAGER OR CITY COUNCILOR IS NOT RIGHT; SHE THINKS EVERYTHING SHOULD GO THROUGH IN THE PUBLIC PROCESS. GOOD BAD OR UGLY THIS SHOULD BE PUBLIC.

ON THE CLOSE TO ELECTION PORTION SHE SUGGESTS THAT THEY COULD STILL HANDLE COMPLAINTS DESPITE THE EVENT OF AN UPCOMING THE ELECTION. SHE THINKS THEY HAVE MADE IT DIFFICULT FOR THE AVERAGE PERSON TO COME FORWARD.

**PETER SCHMIDT** SPEAKING AS A PRIVATE CITIZEN STATED HE DID WANT TO SPEAK IN OPPOSITION, AS HE IS OPPOSED TO THE IDEA OF HAVING THE MEMBERS OF THE PANEL ELECTED. HE IS ALSO OPPOSED TO HAVING COMMON FOLKS TO SERVE ON THE ETHICS. HE MENTIONED THE PREVIOUS ETHICS BOARDS HAD PROFESSIONAL ETHICISTS WITH SPECIFIC BACKGROUND IN ETHICS. HE DISAGREES WITH ONLY HAVING FOLKS WITH COMMON SENSE.

**BILL ASBELL** OF 4 HALL STREET THANKED COUNCILOR HINDLE FOR HIS BEGINNING. THE GENERAL CONSENSUS IS THE PUBLIC WOULD NEED TO KNOW MORE ABOUT THE DRAFT. HE AGREES WITH ALOT OF THE SPEAKERS BUT DISAGREES WITH PETER SCHMIDT. WE HAVE A JUDICIAL SYSTEM IN THIS COUNTRY AND WE HAVE A VERY COMPETENT CITY ATTORNEY. HE DOES NOT THINK WE SHOULD HAVE AN ATTORNEY ON THE BOARD. HE HOPES ANY RECOURSE THAT IS TAKEN WILL ALLOW FOR PRIVATE REPRESENTATION BY AN ATTORNEY SO THAT A PERSON DOES NOT NEED TO PAY ON THEIR ON DIME TO CLEAR THEIR NAME FOR A FRIVOLOUS SUIT.

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



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### 8. CITY MANAGER'S REPORT

THE CITY MANAGER STATED IN HIS MANAGER'S REPORT HE HAS INCLUDED AN UPDATE ON THE CITY LEGAL MATTERS. HE ALSO UPDATED THEM ON THE 2006 FLOOD ISSUES AND THE REPAIRS ARE STILL ONGOING. HE NOTED THE HUMAN SERVICES OFFICE IS MOVING TO OFF WHITTIER STREET IN THE HOUSING AUTHORITY NEARBY A BUS ROUTE AT THE COMMUNITY CENTER. THE SEASONAL PARK PROGRAMS ARE IN FULL SWING AT THE POOLS AND ARENAS. HE LET THEM KNOW OF THE UNEXPECTED WATER MAIN BREAK ON DURHAM ROAD AND THAT IT HAS BEEN REPAIRED. HE ALSO MENTIONED THE STREET SWEEPING AND THEN ALSO IN RELATION TO THE TRAGEDY OF LAST WEEK WE HAVE BEEN OUT STRIPING THE CROSSWALKS BECAUSE WE HAD A BREAK IN THE WEATHER BUT THIS HAS BEEN AN ONGOING PROJECT. ALSO HE WANTS TO MAKE THE COUNCIL AWARE THERE IS AN INTEREST IN USING TIDAL POWER TO GENERATE ELECTRICITY AND WE HAVE SUBMITTED AN APPLICATION WITH FERC AND IT WOULD BE EXTENDED UP THE COCHECO RIVER. THEY WILL BE SEEKING INTERVIENER STATUS THROUGH THE PROCESS TO STAY INFORMED SO THEY MAY INTERJECT COMMENTS. HE TOOK NOTES AT CITIZEN'S FORUM AND HAS SOME ANSWERS ON THE PROGRESS OF THE LANDFILL THEY ARE IN THE PROCESS OF GOING THROUGH PRELIMINARY DESIGN WORK IN THE NEXT COUPLE OF MONTHS. ALSO THE VAPOR INTRUSION STUDY IS TAKING PLACE. HE WANTS THE CHAIR OF THE SOLID WASTE ADVISORY COMMISSION TO HOST AN INFORMATIONAL SESSION TO GET THE COMPLETE STORY ON THE STATUS OF THIS WITH ACCURATE INFORMATION. THE OTHER ITEM HAS TO DO WITH THE DREDGE SPOIL CELL AS THERE WAS A RESOLUTION ON A CHANGE ORDER IN THE FALL OF 2005 TO ADDRESS THE ACCUMULATION OF WATER IN THE DREDGE CELL AND THERE WERE PUBLIC HEARING ISSUES. THE SPEAKER FAILED TO READ THE BACKGROUND OF THE RESOLUTION. AT THAT TIME WE WERE GOING TO PLACE A TEMPORARY CAP THEN AGAIN LATER HE CAME BACK TO THE COUNCIL TO INSTALL SOME EQUIPMENT AND IT WAS DECIDED THAT IT WOULD NOT BE COST EFFECTIVE TO PLACE A CAP ON THE CELL. OBVIOUSLY WE DID NOT EXPECT THE VOLUME OF RAIN THAT WE HAVE RECEIVED; ALSO THIS WOULD NOT BE COST EFFECTIVE.

TURNER TOLD THE CITY MANAGER IT WAS A GREAT REPORT. HE HAS A QUESTION ON RT. 108 THAT IS NOT ON THE WORK LIST. HE HAS ASKED TO BE INFORMED OF WHAT IS GOING ON WITH THE UTILITIES AND THE SIDEWALK PROJECT. THE CITY MANAGER ASKED DOUG TO ADDRESS THE CONSTRUCTION THAT IS TAKING PLACE UP THERE. DOUG STEELE SAYS WE ARE PREPARING SOME WATER SERVICE WORK. TURNER ASKED ABOUT WILLAND POND AND WHY IT IS STILL FLOODED. DOUG SAYS THAT IS A GROUND WATER ISSUE BECAUSE THE GROUND IS SO SATURATED. AND WE HAVE THE SAME SITUATION AT BARBADOES POND. TURNER WANTS WOODY TO INCLUDE HIM ON THE RT. 108 PROJECT INFORMATION.

HINDLE MOVED SECONDED BY CIOTTI TO ACCEPT WITH ALL IN FAVOR.

### 9. MINUTES

- WORKSHOP –MAY 17, 2006
- WORKSHOP – MAY 18, 2006
- SPECIAL MEETING –JUNE 7, 2006



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HINDLE MOVED SECONDED BY CIOTTI WITH ALL IN FAVOR.

### 10. MAYOR'S REPORT

MAYOR MYERS STATED HE ATTENDED RIBBON CUTTINGS WITH THE CHAMBER LAST WEEK. HE ATTENDED DALC WHERE THEY ALL RECEIVED THEIR GED; THIS IS A MOST HEART WARMING EVENT AS FOLKS EXPLAIN HOW THIS HAS AFFECTED THEIR INDIVIDUAL LIVES. MANY COUNCILORS ATTENDED THE LIBERTY MUTUAL GROUNDBREAKING ALONG WITH HALF OF THE CITY OF DOVER FOLKS, IT WAS GOOD TO SEE THE STEEL UP THERE. LAST WEEK HE ATTENDED THE STAND DOWN FOR THE FIRE DEPARTMENT WHERE THEY FOCUS ON GETTING BACK TO BASICS. COMING UP ON JULY 4<sup>TH</sup> WE HAVE THE GARRISON PLAYERS CHARACTERS WHERE THEY DO A REENACTMENT OF THE DECLARATION. THIS IS THE 3<sup>RD</sup> YEAR AND IT WILL BE HELD AT 10 AM ON THE 4<sup>TH</sup> ON THE FRONT STEPS OF CITY HALL. THIS IS A GREAT COMMUNITY EVENT. HE URGED FOLKS TO ATTEND. HINDLE MOVED SECONDED BY DEDE TO ACCEPT WITH ALL IN FAVOR.

### 11. UNFINISHED BUSINESS

- ORDINANCES IN THE 2<sup>ND</sup> READING

1. **# 07-05/24/2006, CHAPTER 22, ETHICS, VARIOUS SECTIONS AND ADDITION OF SECTION 22-13, ETHICS COMMISSION.** SPONSORED BY DEPUTY MAYOR JASON HINDLE..

HINDLE MOVED SECONDED BY CIOTTI TO ADOPT. HINDLE POINTED OUT EVEN THOUGH HIS NAME IS ON THE ORDINANCE HE HAS BROUGHT THIS FORWARD BECAUSE OF THE WILL OF THE PEOPLE. LAST YEAR THE CITIZENS VOTED OVERWHELMINGLY FOR THIS CHARTER COMMISSION. HE STATED HE HAS 3 MAJOR AMENDMENTS TO PRESENT BUT HE IS IN FAVOR IF IT IS THE COUNCILS WILL TO TABLE IT. IF THE COUNCIL HAS SEVERAL AMENDMENTS, HE WOULD LIKE A THIRD READING AND ANOTHER WORKSHOP. TO THE MEMBERS OF THE PUBLIC THAT HAVE CONTACTED HIM HE THANKED THEM; THEIR RECOMMENDATIONS HAVE BEEN TAKEN TO HEART. HE THINKS THE FAR MORE IMPORTANT PART IS THE APPOINTMENT OF THE COMMISSION THAT WILL GO THROUGH THE APPOINTMENT'S COMMITTEE THEN ON TO THE COUNCIL FOR APPROVAL. THE COMMISSION WILL ADOPT ITS OWN RULES AND REGULATIONS AND PROCEED WITH PUBLIC COMMENT ON THIS. HE THANKED ATTORNEY KRANS ON THE ENORMOUS AMOUNT OF TIME SPENT ON IT. THIS IS THE 9<sup>TH</sup> VERSION IN ABOUT 10 MONTHS NOT IN 3 WEEKS LIKE MEDBERY STATED. HE AND KRANS HAVE GONE THROUGH THIS IN DETAIL. HE THANKED DEDE FOR HIS SUGGESTIONS AND WE CAN ADD 50 OR A 100 IDEAS OR RECOMMENDATIONS. THIS IS ONLY AN ADVISORY BOARD TO THE COUNCIL AND THEY WILL RECOMMEND TO THE COUNCIL UNDER CHAPTER 22. HE HAS 3 AMENDMENTS TO PROPOSE BUT IS OPEN TO POSTPONING THE VOTE. AGAIN HIS HEART IS NOT SET IN STONE WITH WHAT HAPPENS HERE THIS EVENING; THIS IS A COMMISSION THAT HAS BEEN APPROVED BY THE PEOPLE OF DOVER AND EVERY WORD PUT FORTH NEEDS TO BE DEBATED BY THE COUNCIL.

DEDE THANKED HINDLE AND SAYS THERE WERE MANY VERY VALUABLE COMMENTS MADE THIS EVENING. HE FEELS IT WARRANTS AT LEAST ONE OR TWO MORE READINGS TO TRY TO INCORPORATE SOME OF THE ISSUES BROUGHT UP HERE TONIGHT. DISCUSSION ENSUED ABOUT A MOTION WITH DEDE MAKING THE MOTION TO HAVE TWO MORE READINGS. HINDLE WANTS A FRIENDLY AMENDMENT



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FOR PROPER PROCEDURE AND HE WOULD RATHER REFER THIS TO A 3<sup>RD</sup> READING IN AUGUST, POSSIBLY THE 9<sup>TH</sup> AND THEN POSSIBLY HAVE A PUBLIC HEARING AT 6 PM ON WEDNESDAY AND HAVE A WORKING WORKSHOP THEN IN ADDITION THE PUBLIC CAN COMMENT ON THIS. THIS WAY THE PUBLIC WILL HAVE SEVERAL TIMES FOR COMMENT. THE MAYOR ALSO WOULD LIKE ANOTHER WORKSHOP JULY 19<sup>TH</sup> AND THEN IT WILL NOT BE ON THE AGENDA UNTIL AUGUST 9<sup>TH</sup> THE FIRST MEETING IN AUGUST. THEY AGREED TO TABLE IT UNTIL THE 19<sup>TH</sup> OF JULY FOR PUBLIC COMMENT AND A WORKSHOP, THEN REFER TO A THIRD READING ON AUGUST 9<sup>TH</sup>. CIOTTI WANTS TO MAKE SURE COPIES ARE AVAILABLE ON THE COUNTER IN THE CLERK'S OFFICE. CHENEY WANTS TO BE SURE IT WILL BE AVAILABLE IN ITS MOST UPDATED FORM FOR THE PUBLIC ON THAT FRIDAY; CHENEY WOULD LIKE IT PUBLISHED IN THE NEWSPAPER. ALL WERE IN FAVOR OF TABLING.

- ORDINANCES IN THE 3<sup>RD</sup> READING

NONE

- RESOLUTIONS

NONE

### 12. NEW BUSINESS

- CONSENT CALENDAR

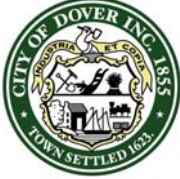
1. **AWARD OF CHANGE PURCHASE ORDER FOR FRENCH CROSS ROAD WATER TREATMENT PLANT (BOUCHARD WELL) – BIDDING ASSISTANCE AND CONSTRUCTION ADMINISTRATIVE SERVICES.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

12A-1 HINDLE MOVED SECONDED BY CIOTTI TO ADOPT. CHENEY NOTICED THERE IS AN AMENDMENT TO THE CONTRACT AND ON PAGE 2 OF 3 SHE WANTS A CLARIFICATION. SHE HAS CONCERNS ON A COUPLE OF ITEMS, F- WHERE IT SAYS THIS COMPANY CAN ACT AS THE CITY REPRESENTATIVE TO RECEIVE AND REVIEW ALL INSPECTIONS, TESTS AND ACT AS THE CITY REPRESENTATIVES; IS THIS STANDARD LANGUAGE, WHAT HAS CHANGED. JOYAL EXPLAINED THE PHASE OF THIS PROJECT IS WE ARE NOW IN THE CONSTRUCTION PHASE AND ARE LOOKING TO HIRE AND THEY WILL BE OUR AGENT AND OUR WATCHDOG ON THE PROJECT. CHENEY IS CONCERNED ABOUT ITEM "G". THE CITY MANAGER SAYS AGAIN THE CONTRACTOR WILL BE THERE FOR ANY QUESTIONS WE MIGHT HAVE.

KEYAS ASKED WHO IN THE CITY IS OVERLOOKING THE PROJECT. MOTION TO ADOPT PASSED ON A ROLL CALL VOTE OF 9-0.

2. **AWARD OF PURCHASE ORDER FOR MISCELLANEOUS HARDWARE ITEMS AS NEEDED.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.
3. **AWARD OF BID #B06081 FOR BITUMINOUS CONCRETE (ASPHALT PAVEMENT).** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

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4. **RENEWAL OF CONTINUATION OF CONTRACTING FOR OUTSIDE LEGAL COUNSEL SERVICES ON AN "AS NEEDED" BASIS. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

12A-4 HINDLE MOVED SECONDED BY CIOTTI TO ADOPT. CHENEY HAS A QUESTION, IS THIS STANDARD FOR LEGAL SERVICES. THE CITY MANAGER EXPLAINED ABOUT THE DIFFERENT ATTORNEYS AND WHAT THEY ARE USED FOR. MOTION PASSED ON A ROLL CALL VOTE OF 9-0.

5. **SETTING VOTING HOURS FOR THE STATE PRIMARY ELECTION ON SEPTEMBER 12, 2006 AND THE STATE GENERAL ELECTION ON NOVEMBER 7, 2006 SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

12A-5 HINDLE MOVED SECONDED BY CIOTTI TO ADOPT. KEAYS WANTS THE TIME TO BE PUT BACK TO 8 AM. HINDLE SUPPORTS THE CHANGE BACK TO 8 AM HOWEVER FOR THE FUTURE THE PRESIDENTIAL ELECTIONS THESE ELECTIONS WILL BE AS POLARIZING AS THE 2000 ELECTION WAS WE MAY NEED TO PUSH THE HOURS ON A PRESIDENTIAL IN 2008. TURNER WAS IN FAVOR OF 7 AM LAST TIME AND FROM BEING AT THE POLLS IN PERSON HIMSELF IT WAS PRETTY DEAD UNTIL ABOUT 7:45 AM. ALL WERE IN FAVOR OF THE 8 AM OPENING.

**HINDLE MOVED SECONDED BY DEDE TO ADOPT. DEDE MADE A MOTION TO REMOVE THE ARENA REPORT, CHENEY WANTS TO REMOVE 12A1 AND 12A 4. KEAYS WANTS 12A5 AND 12A-1 THAT LEAVES 12A-2 AND THE JBC REPORT ON THE CONSENT CALENDAR.**

6. 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 –                       | 12. Recreation Advisory Board            |
| 6. Cable Franchise Negotiations Committee | 13. COAST Bus                            |
| 7. School Board Liaison                   |  |

ARENA COMMITTEE - DEDE HAS PUT IN FRONT OF THEM A LISTING OF A LOT OF ARENA EVENTS FOR THEIR APPROVAL. HE ASKED THEM TO LOOK AT LINE 4. ONE ITEM WAS NOT VERY PROFITABLE THIS SHOWS WHAT HAS BEEN WORKING AND WHAT HAS NOT. IN ADDITION, THERE HAVE BEEN EFFORTS TO GET A ZAMBONI DONATED. ALSO, THEY ARE LOOKING AT SOME LIGHTING AND THERE ARE A LOT OF ADDITIONAL THINGS GOING ON AT THE ARENA. KEAYS APPRECIATES ALL THIS INFORMATION STILL HE WANTS TO SEE DEDE AND A COUPLE OF OTHER PEOPLE TAKE A RIDE UP TO ROCHESTER TO SEE HOW THEY RUN THEIR ARENA IN THE BLACK. HINDLE MOVED SECONDED BY CIOTTI TO ACCEPT WITH ALL IN FAVOR.



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- RESOLUTIONS

1. **RESCISSION OF COUNCIL VOTE FOR PURCHASE OF CONSERVATION EASEMENT. SPONSORED BY COUNCILOR DAVID SCOTT.**

**ITEM REMOVED.**

2. **ACCEPTANCE OF NH DES ENERGY EFFICIENCY AND ENERGY MANAGEMENT SYSTEMS GRANT. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

HINDLE MOVED SECONDED BY CIOTTI TO ADOPT. THE CITY MANAGER SAYS IN THE SPIRIT OF THE RESOLUTION PASSED LAST MONTH THIS RELATES TO ENERGY COSTS. TWO EXAMPLES, ONE IS TO LOOK AT A HYBRID VEHICLE AND SECOND AN ENERGY EFFICIENCY IMPROVEMENT TO BE PURCHASED IN THE NEXT COUPLE OF YEARS. HINDLE SUPPORTS THIS EFFORT AND ON THE SCHOOL SIDE, THEY ARE ALSO LOOKING AT WAYS TO BE ENERGY EFFICIENT. MOTION PASSED WITH ALL IN FAVOR.

3. **DIRECTOR OF COMMUNITY SERVICES EMPLOYMENT AGREEMENT WITH DOUGLAS W. STEELE II. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

HINDLE MOVED SECONDED BY CIOTTI TO ADOPT. MOTION PASSED ON A ROLL CALL VOTE OF 8-1 WITH TURNER OPPOSED.

4. **AMENDMENT OF EMPLOYMENT AGREEMENT WITH DIRECTOR OF PLANNING STEVEN STANCEL. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

HINDLE MOVED SECONDED BY CIOTTI TO ADOPT. DEDE SAYS HATS OFF TO STANCEL. MOTION TO ADOPT PASSED ON A ROLL CALL VOTE OF 9-0.

5. **FACT FINDER'S REPORT FOR COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN THE CITY OF DOVER AND THE DOVER MUNICIPAL SUPERVISORY EMPLOYEES ASSOCIATION. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

HINDLE MOVED SECONDED BY CIOTTI TO ADOPT. THE MAYOR GAVE THE BRIEF BACKGROUND ON THE GRIEVANCE AND HOW THEY ARE IN THE FACT FINDING STAGE. THEY AS A COUNCIL HAVE THE ABILITY TO ACCEPT THE FACT FINDING AGREEMENT. IF ADOPTED THIS WILL BECOME THE TERMS OF THE CONTRACT; IF THEY REJECT BOTH SIDES MUST COME BACK TO THE TABLE WITH A NEW PROPOSAL. THIS DOES NOT BECOME PUBLIC BY A VOTE EITHER WAY TONIGHT. SCOTT WANTS US TO DUN DOWN OUR CONTRACTS. HE HAS BEEN IN NASHUA LATELY AND WATCHING WHAT IS GOING ON THERE. HE BELIEVES WE CANNOT CONTINUE WITH THE WAGE STRUCTURE WE CURRENTLY HAVE. HE LISTED SEVERAL CITIES IN TROUBLE. HE WILL VOTE NO ON THIS. MOTION FAILED ON A ROLL CALL VOTE OF 0-9.

6. **FACT FINDER'S REPORT FOR COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN THE CITY OF DOVER AND THE DOVER MUNICIPAL SUPERVISORY**



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**EMPLOYEES ASSOCIATION. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

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

**7. AWARD OF BID #B06081 FOR BITUMINOUS CONCRETE (ASPHALT PAVEMENT). SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

HINDLE MOVED SECONDED BY CIOTTI TO SUSPEND THE RULES TO INTRODUCE ITEM. MOTION PASSED ON A ROLL CALL VOTE OF 9-0.

HINDLE MOVED SECONDED BY CIOTTI TO SUBSTITUTE AS WHOLE WITH ALL IN FAVOR.

HINDLE MOVED SECONDED BY CIOTTI TO ADOPT. THE MAYOR EXPLAINED 12A3 AND THAT THEY PULLED 12A-3 AND THIS IS THE SUBSTITUTE; THIS IS NOT A NEW RESOLUTION THEY HAVE NOT SEEN BEFORE. DEDE ASKED IS THERE ANY DIFFERENCE IN THE DELIVERY COST. DOUG STEELE SAYS THIS IS FOR LAID IN PLACE PAVEMENT; THE OTHER WILL BE A SEPARATE RESOLUTION. DEDE ASKS WILL THIS PAVING BE DONE AT NIGHT. DOUG CONFIRMED IT. AND MOTION PASSED ON A ROLL CALL VOTE OF 9-0.

**1. #08-06/28/2006, CHAPTER 166 VEHICLES AND TRAFFIC, 166-57, SCHEDULE J. LIMITED TIME PARKING (30 MINUTES), CHURCH STREET. SPONSORED BY DEPUTY MAYOR JASON HINDLE, TRANSPORTATION ADVISORY COMMISSION. (TO BE REFERRED TO A PUBLIC HEARING ON JULY 12, 2006)**

HINDLE MOVED SECONDED BY DEDE TO REFER TO A PUBLIC HEARING ON JUL 12TH WITH ALL IN FAVOR.

**2. #09-06/28/2006, CHAPTER 166 VEHICLES AND TRAFFIC, 166-56, SCHEDULE I, NO PARKING AT ANY TIME, LOCUST STREET AND SCHEDULE J, LIMITED TIME PARKING, LOCUST STREET. SPONSORED BY DEPUTY MAYOR JASON HINDLE, TRANSPORTATION ADVISORY COMMISSION. (TO BE REFERRED TO A PUBLIC HEARING ON JULY 12, 2006)**

HINDLE MOVED SECONDED BY CIOTTI TO REFER TO A PUBLIC HEARING ON JULY 12<sup>TH</sup> WITH ALL IN FAVOR.

- COUNCIL CORRESPONDENCE

NONE

### 13. COUNCIL MATTERS OF INTEREST



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TURNER WANTS TO SUSPEND THE RULES TO EXPLAIN THE NEGOCIATION VOTE THE MAYOR SAYS HE CAN JUST BRING IT UP AND DISCUSS IT. TURNER SAYS THAT DOUG IS DOING AN EXCELLENT JOB BUT THIS WAS HIS FIRST CHANCE TO SEE WHAT WAS PUT INTO THESE CONTRACTS. HIS PROBLEM IS WITH THE VACATION TIME AND 10 SICK DAYS, YOU NEED TO USE IT OR LOSE IT; THIS IS THE ONLY THING HE HAS AGAINST THIS. THIS IS WHY HE VOTED AGAINST IT.

KEYS HAS ASKED JOYAL ABOUT THE GRIFFIN GRAVEL PIT ON MAST ROAD. HE UNDERSTANDS WHAT HAS BEEN DONE, NOTHING, AND HE WANTS TO KNOW WHAT IS GOING TO BE DONE. KEYS WANTS TO KNOW ABOUT WHERE GRIFFIN DUG DOWN AND GOT BELOW THE WATER TABLE. STANCEL SAYS THE PLANNING BOARD IS MONITORING IT CAREFULLY. THEY WERE GIVEN 60 DAYS AND IT WILL BE UP JULY 9<sup>TH</sup> SO IF THEY DO NOT COMPLY IT WILL BE RECOMMENDED THAT WE WITHDRAW THEIR PERMIT. KEYS WANTS TO KNOW WHO IS GOING TO TAKE CARE OF THE CONDITION OVER THERE. STANCEL SAYS WE HAVE A LETTER OF CREDIT.

CHENEY BROUGHT UP THE EMAIL SITUATION ON THE HOME PAGE AND AN EMAIL FROM PHYLLIS WOODS GIVING HER PERMISSION TO USE WHAT SHE HAS WRITTEN. WHEN A CONSTITUENT EMAILS AN ELECTED PERSON, THE RIGHT TO KNOW LAW IS BEING VIOLATED HERE. IF A CONSTITUENT EMAILS THE ENTIRE BODY, IT DOES NOT WARRANT A MEETING BUT IF SHE HITS REPLY TO ONLY ONE COUNCILOR THAT IS BEING PUT ON THE HOMEPAGE OF THE DOVER WEBSITE. SHE GAVE THE SCENARIO THAT SOMEONE ADVISED HER TO START A NEW EMAIL CHAIN. SHE IS CONCERNED AND UPSET WITH PRIVATE EMAILS BEING PUBLISHED. SHE READ FROM 91-A. WHERE PERMISSION IS NEEDED FROM THE PERSON BEFORE IT IS MADE PUBLIC. SHE ALSO READ ARTICLE 32, PART 1 OF THE CONSTITUTION. THIS IS HEADED FOR SILENCING THIS COUNCIL; IF SOMEONE EMAILED THE WHOLE COUNCIL BODY THIS OPENS OUR EMAIL TO THE PUBLIC.

HINDLE HAS ANOTHER TOPIC TO FOLLOW UP ON MR. HEBBARD'S COMMENTS, AND THE TRAGEDY THAT OCCURRED ON CHESTNUT STREET. AS CHAIR OF THE TAC IT HAS BEEN THEIR TASK TO REVIEW THE CROSSWALK STANDARDS AND THERE IS ALREADY A POLICY IN PLACE. IN ADDITION, THEY ARE REVIEWING RECOMMENDATIONS ON WHERE TO PLACE CROSSWALKS AND A LOT OF THEM HAVE BEEN PLACED FOR POLITICAL REASONS; THESE HAVE BEEN BROUGHT FORWARD AND VOTED ON PREVIOUSLY WITHOUT ANY REGARD TO SAFETY. HE HAS ALSO BEEN WORKING WITH THE CITY MANAGER ON TWO ITEMS ONE IS THE COUNCIL'S WISH TO EXPAND THE BRICK CROSSINGS ALSO THE COST EFFECTIVENESS OF DOING SOME OF OUR STRIPING IN HOUSE SO WHEN THEY NEED TO BE DONE THEY CAN AS SOON AS POSSIBLE. WE ARE TAKING THIS ISSUE SERIOUSLY.

DEDE ADDED TO CHENEY'S COMMENTS HE TOO FEELS A COUNCILOR SHOULD BE ALLOWED TO RESPOND TO A CONSTITUENT INSTEAD OF TO THE ENTIRE COUNCIL. HE THINKS 91-A IS DESIGNED TO ADDRESS ISSUES OUTSIDE OF THE PUBLIC ARENA. HE TOO THINKS THIS HAS BEEN MISINTERPRETED. SCOTT ASKED THE CITY MANAGER WHO AUTHORIZED THE PRINTING OF THESE EMAILS ON THE WEBSITE. HE SAYS KRANS CAN ADDRESS THIS BUT IT WAS PASSED IN A PUBLIC GOVERNMENT EMAIL. THE CITY MANAGER MADE IT CLEAR HE DOES NOT WANT TO BE INVOLVED. HIS STAFF IS INSTRUCTED TO EXTRACT THESE EMAILS TO A MAJORITY OF THE COUNCIL AND TO PUT THEM ON THE WEBSITE. THE CITY MANAGER DOES NOT THINK HIS STAFF HAS MISINTERPRETED THE REQUEST. HE ASKED THE CITY COUNCIL TO PROVIDE IT TO THE CITY ATTORNEY.

KRANS SAYS THE POLICY OF THE CITY HAS BEEN CONSISTENT SINCE THE CITY HAD RECEIVED A REQUEST FROM FOSTERS. KRANS EXPLAINED WE HAD HAD A REQUEST FROM FOSTERS FOR OVER 500 PAGES IN VOLUME. THE COUNCIL SAT ON A SATURDAY AND DECIDED WHICH EMAILS COULD BE



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MADE PUBLIC. KRANS DOES NOT WANT ANY CONFUSION OUR POLICY HAS BEEN THE SAME. THE DIFFERENCE IS WE NOW PROVIDE THE DISCLOSURE ON THE WEBSITE. TURNER THANKED CHENEY SAYING HE AGREES WITH HER; HE WAS VERY ANGRY WHEN HE HEARD OF THIS. HOW CAN ANYBODY HOPE TO KEEP THEIR ANONYMITY, HE IS PLEASED DeDE AGREES WITH THIS ISSUE. HE LOOKS FORWARD TO RESOLVING THIS.

TREFETHEN SAYS 2 ISSUES; IN GENERAL HE AGREES WITH THE EMAIL ISSUE, WE NEED TO DISCUSS ONCE AGAIN WHAT THE POLICY IS. IF WE SET POLICY, WE NEED TO DO SOMETHING TO CHANGE SOMETHING. WE NEED TO CHANGE THE POLICY BY RESOLUTION. THE SECOND ISSUE IS VERY DELICATE BUT IT IS THE ISSUE OF THE PERSON THAT WAS KILLED ON CHESTNUT STREET AS SHE WAS NOT IN THE CROSSWALK, IT IS AN UNFORTUNATE SITUATION AND WE NEED TO BE CAREFUL WHERE WE ARE POINTING OUR FINGERS.

CHENEY HAS ONE MORE ITEM WE ARE BEGINNING THE MASTER PLAN SPEAK OUT SESSIONS; SHE HAS COPIES OF THE SCHEDULE, THIS WILL BE REALLY IMPORTANT AS THE MASTER PLAN IS ONLY DONE ONCE EVERY 10 YEARS. THIS IS IMPORTANT TO OBTAIN DIRECTION ON WHERE WE WANT DOVER TO GO; SHE LISTED PEOPLE ON THE COMMITTEE. TOMORROW ON THE MIKE POMP SHOW, SHE AND THE COMMITTEE WILL BE ON OPEN MIC.

### 14. ADJOURN

KEYAS MOVED SECONDED BY ALL TO ADJOURN WITH ALL IN FAVOR AT 9:57 PM.