



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 27, 2006**
Meeting Time: **7:00pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

4. PROCLAMATIONS – AWARDS

5. SUMMARY OF AGENDA

The Mayor commented we have the adoption of expectations of the City Manager for the upcoming fiscal year, second we have the McConnell Center leases and finally a hiring freeze.

6. CITIZEN'S FORUM

*Citizens are invited to speak to items that appear on this agenda.
Statements shall be limited to five minutes.*

Edward Bleiller of 28 Isaac Lucas Circle stated 2 weeks ago he was amazed at the tap dancing lawyers and unfortunately they did not record what happened. His concern with the auditing firm was there was no signature on this audit presentation. He mentioned how Councilor Scott has been butchered by Fosters. He asked how anyone could read the report when it was not presented until the meeting. Scott called the City Manager and asked for a copy and was told he did not have one. What is the city trying to hide; we do not have a level playing field in this city, it is the good ole boys, why not let the public speak at all meetings whether they are workshops or special or regular meetings. He will not believe a word of this report until an independent firm does an audit. They only did what the Mayor wanted them to do. Scott just wants a straight answer and it was not signed by a legal principle of the company. He gave an example of a fox in the chicken house. He feels the 5 big spenders have something to hide. Dover taxpayers are forced to pay \$3,000 for this trash report. He hopes they are all voted out of office next November.

David Mincin of 366 Central Avenue of Ward One is here in support of councilor Turner's resolution this evening. What he has heard is folk's salary is a large part of the budget. He explained what Turner is proposing, we have 10.4 people and we need to reduce it to 9.8, this is a sensible way to begin to address the problem of escalating salaries and benefits. He wants them to start listening to the folks. He wants them to remember who they are responsible to.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 27, 2006**
Meeting Time: **7:00pm**

Susanne Medbery of 3 Covered Bridge Lane stated due to the fact that in Mr. Joyal's absence the video did not play so she has some repetition. Back on September 8th of 2004 (and based on his involvement with the council) a resolution on noxious odors was passed. She read the old resolution. That requested the City Manager send a letter to Waste Management about our concerns.

She is bringing this up again because Waste Management did have a hearing again this summer and they were allowed an additional 8 years on their operation and this has impacted their quality of life because this letter was never sent. On another note all property owners were sent their letter with assessed valuation. She urged people to contact the assessor with their concerns.

Karen Weston of French Cross Road has a number of senior citizens that have asked her about assessments and the auditors report a few weeks ago. She does not understand as far as the number discrepancies and no one would give them an answer; this is not a privacy issue as it is only a number but she is interested. Also the new tax assessments came out and the seniors are concerned with the increase in these taxes. Their social security increase will not even cover their tax increase. She and they have compiled a list on how to control spending. They suggested doing what people did when the stock market crashed; cut salaries, and have a hiring freeze for a couple of years, cut unnecessary employment such as community service workers, freeze the current salaries. They specified accumulated vacation time; they want it to go down and to be used. She continued with what the seniors had added to their list; she mentioned the oldest person in the group was 87 years old and would like to continue to live in Dover and also die in Dover. She would like them to go along with some of her and her friend's suggestions as we could lower our costs and survive.

Jerry Lynch 26 Lincoln Street is here to talk about the extremely high combined salaries paid to the top highest in 2004 and 2005 the ex community services director salary was \$334,848. He listed the others; the wages and pay plan are a lack of management in negotiation skills by the City Manager and city council; after two years also any unused leave should be paid when earned not when leaving, he continued about the high salaries of city employees, Dover's tax payers need to pay attention and elect better representatives. Also he wants to know why we have a drug testing room at the McConnell Center.

Paul Mauceri of 27Cushing Street was not going to speak but was here to support the McConnell Center lease resolution. He thinks this is a great space and this has been a great experience, he thinks they are all doing a great job as far as paying for people and the agreement, you have to roll the film back to Governor Thompson, that is when collective bargaining started in this state. He compared us to England and Ireland on rolling back the bargaining units.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 27, 2006**
Meeting Time: **7:00pm**

John Scruton of 99 Sixth Street has 2 things, one is widening of the Dover Point Bridge, when they get done we will have a huge traffic jam, people cannot even go to the mailbox on Dover Point after the state doubled the tolls. He mentioned Rt. 93 on the other side of the state. They use tax dollars to build the turnpike and then increase the tolls to drive the people off the highway. Who knows what this widening will do. The other thing he received his tax assessment and it went up \$23,000 and has been going up since 1999. This building is taking money out of his pocket; when is all this going to stop.

One other thing no body has ever asked these people that commute across the bridge what it would take to move them across the bridge so they would be near their work.

Otis Perry of 91 Court Street is here to talk about the leases on the McConnell Center; he is chair of the committee. He pointed out Chris Parker is here from the planning office and he has been the backbone of this whole process in looking out for the city throughout the whole process. The 5 leases that are up for consideration tonight, in 2 cases there is a special subsidy plan similar to what they did at the Dover Adult Learning Center. This is a basic lease they will be considering and the committee voted unanimously to sign the leases.

Rick Hebbard of 97 Spruce Lane asked them to look at 12B-2 he does not want to take step #2 before step #1, this does not make sense. And later on in the "therefore" and "RSA 674" it says the law needs his deed first and it is not spelled out here clearly. They are getting ahead of themselves before they approve this. He mentioned the last person that was granted this authorization and how he has not been able to find this piece of paper at the registry. He would like them to vote it down and bring back one that is proper.

John Leggett of 128 Dover Point Road started by commenting on Turner's resolution to achieve the 9.8% payroll, he has observations from a resident's viewpoint. First Mr. Joyal commented salaries are increasing the tax burden; one must look at the county budget to see what is draining the tax rate. He continued to point out what Mr. Joyal says about the budget and capital expenditures. He highlighted his calculations of what Mr. Joyal has stated for FY 2007. Mr. Joyal would be facing a 3.8% increase just from debt service. He continued to explain the consequence of increasing the budget. It has become imperative that the city does not rely on a broader tax base to meet its obligations. Fosters is concerned this is a way of micromanaging. Lastly he would like to comment on the audit he did not understand it and could not figure out what it was saying. He would like a clearer picture

Sharon Reynolds of Court Street would like to respond on the assessment letter, obsessing about the bottom line is not the way. She urged them to consider other options. She is looking forward to the opening of the McConnell Center. She noticed



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 27, 2006**
Meeting Time: **7:00pm**

in the paper the dredging funding has been brought back into existence. She urged them to consider all the options and the environmental impact. She is glad the Dickinson waterfront project is being opened up. A lot of cities like Portsmouth have gone with a mixed use to include artists and entertainment dollars. As far as unions she has seen where they can work with management.

Marilyn Follansbee of 25 Dover Point Road has been watching the people cry wolf with interest; she was satisfied with the auditors report. She thought this was over but no it was brought up at the next meeting then again tonight. She firmly believes there are "citizens for corruption" as she has dubbed them. We paid \$3,000 and there was no corruption found. They are taking the clerks away from their regular job and keep fishing and catch nothing. It will be interesting to see how much these people have cost the city. We harp and harp on the same things some things are dictated by state laws; she watched the budget sessions and thought they all did a good job. Everything in the nation has gone up; how can we be so naïve to think things could go down. Ask yourselves if any one of them cannot change things with a magic wand. Some things are mandated and the city council cannot change them. On another note there is a sign a St. John's Chapel and the arrow was changed to a one way street, after speaking with Mr. Hindle there are now two big one way signs. She hears so much criticism up here but thinks they should be praised for what we do right. She knows there are others that feel like she does.

Bill Asbell of Hall Street has to strongly disagree in terms of what the problems are and what they are not, one is collective bargaining, he used to live in Ireland and he has seen the result of them curbing that. Collective bargaining is like a give away, he does not know how anybody in the private sector could not be offended. As someone who works in the private sector his taxes went up \$400 which is 11%, if the tax assessment goes up the tax rate should go down. A former councilor told him we have 3 people on the beat for every 1 officer in Dover we have the opposite. He read from one employee's contract certain lines that he disagrees with. He has lived here since 1999 and has never had even a pot hole fixed on his street. He read "if said employee leaves the employee he will be entitled to 6 months salary". He is concerned that vacation is being paid at a higher salary than when they were earned.

Don Medbery of 3 Covered Bridge Lane stated on September 20th the Mayor and 3 councilors commented on the accident of a police car, the Mayor joked about it saying there was no need for them to be informed. He mentioned a citizen had filed a 91-A request. This was no fender bender and was kept from the public. This was not printed until 6 days after the occurrence. He went over the accident. There were witnesses but no local paper coverage; they still do not know who was at fault. The 3 councilors and the Mayor that laughed about this have some explaining to do to their constituents. We citizens have a right to know when an event occurs. We are tired of the secret operations in this city. He mentioned the waterfront committee;



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 27, 2006**
Meeting Time: **7:00pm**

enough is enough. There has been no outrage by the local paper. He went over the 04 and 05 top salary getters in the city for a total of over 1 million in two years.

7. PUBLIC HEARINGS

8. CITY MANAGER'S REPORT

The City Manager has a few items to catch the council up on, he mentioned his written report. And the Black Water Road bridge, they have contracted with an engineering firm and that was completed in late June. In July they ordered the special culvert and that is now in place with the footings arriving the beginning of October, the construction company was already engaged as soon as the materials arrived. Once it is installed and recoated, they will put a final coat of pavement. The delay is the wait of the construction culvert.

This morning Mr. Krans along with the Open Lands Committee met and together they conserved 406 acres of Mrs. Holley's land where 1200 ft of road frontage was to be conserved, he thanked the Open Lands Committee for continuing to preserve this as it is in our well head protection area.

There was a Triple E mosquito pool found in Madbury recently; at this point we are not anticipating any spraying, he is looking for a killing frost to take care of this. If we do find there is a Triple E test that is found positive in Dover we will reconsider.

We had a failure of the Library AC unit and as a result will be buying less books.

On the Durham Road project that is being cleaned up it is more or less complete with just a few items left. It is what is called a trench patch on Rt. 108.; some crosswalks have been delayed but are now in place. He made the council aware and thanked the Main Street program for kicking off their front porch program he urged people in the community to take a look at their own front porch and how it looks to their neighbors.

On Channel 22 we have had some problems with replay system; we replaced an amplifier, however over the last several days Comcast was able to fix it this evening and folks at home are able to watch.

On Garrison Road project and the Garrison School area , crews will be working on the catch basin and are also putting in a cross walk for the development that is down over the hill.

There was an article in the paper that the coalition was not able to get their grant as a result the police department has made some efforts to keep intact as much as they can. The police department is hoping to keep the project going with the outreach staff.

On the question of bathrooms in the McConnell Center; there is the child probation unit that provides counseling to young adults that are trying to correct their behavior and as part of their program they require drug testing and require a private bathroom and so they are



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 27, 2006**
Meeting Time: **7:00pm**

asking the councilors to approve this in the mean time until the money comes from the state. Hindle wants to thank the Main Street program for beautifying the place in front of city hall, he would like the pictures posted on the web. Also in regards to Channel 22 he would like the City Manager to inform the citizens of the system and about what we have here. The city manager stated the actual Channel 22 system has never been upgraded, not since the installation. Hindle is requesting of Comcast to get an estimate for the replacement of the system. The City Manager says we did change our VCR's to digital disks recently. This will be upwards of \$40,000. Hindle thinks with the amount of access the public has to channel 22 people often say they saw the meeting the other night, this is a valuable commodity so we can avoid the tape issues such as was brought up tonight. The City Manager says they are trying to finish up the cable negotiations once this is done we are looking to upgrade the package, included in that will be the upgrade of the system.

Scott says he is getting numerous calls from constituents in Ward 3; what is this doing to our tax rate. He knows Mr. Harrington once said it would be a \$1. increase. The City Manager says our projections are not final at this point. Mr. Harrington will be preparing and submitting his information to the DRA. Also Scott fully supports Mr. Hindle's idea of updating our communication. Scott wants Verizon to buy the equipment needed for Channel 22 for us. The City Manager says negotiations with Verizon have come to a screeching halt in NH. In the meantime we have received information from cities and towns south of us Verizon was working with them to begin cable television services and that has come to a screeching halt, Verizon has pulled their service initiative out of NH and are focusing on NJ. He has tried and has had no response from Verizon.

Keays hates to be disturbed when reading the paper but his phone has been ringing about these assessments. He has asked that the assessor come up on the council floor to answer the people's questions so the people can come up and question his formulas of how he taxes people so the people will know how the formulas are working. He would like a public hearing with the assessor here and let him answer to the people. The City Manager says on 10/4 he has asked the finance director and assessor to explain the assessment process to the council. However he does not think it would be productive to have folks quizzing the assessor about their own assessments. Keays disagrees, a workshop is not going to do what he wants. He wants a public hearing. Will the people be able to speak at a workshop. The Mayor says he agrees with the City Manager that they need to come in one on one with the assessor's office. But he would support general questions. Keays thinks the people of Dover are getting railroaded, (applause) he wants taxes brought down in the City of Dover. He wants to stop hiding the assessor. Hindle moved seconded by Ciotti with all in favor.

9. MINUTES

- A. SPECIAL MEETING/WORKSHOP – AUGUST 2, 2006
- B. REGULAR MEETING – AUGUST 9, 2006
- C. WORKSHOP MEETING – SEPTEMBER 6, 2006



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 27, 2006**
Meeting Time: **7:00pm**

Hindle moved seconded by Ciotti with all in favor.

10. MAYOR'S REPORT

The Mayor explained about the car accident with the police vehicle and the folks concern. There was no way they were sarcastic or laughing about this. That is a false accusation. On other things he attended the Dover Point Bridge State DOT hearing at the meeting at St. Thomas with several hundred people and some councilors were there. The council mitigation package and encouraged the state to use the Tuttle conservation land in their mitigation of wetlands, the city and state were represented there as well. He was notified by Senator Gregg's office on the dredge project that the money was allocated again back to this project and will secure the funding toward the completion of dredge project. He thanked the delegation. He is attending the local government center on Friday representing the interest of the City of Dover. He attended the Garrison School Building dedication as well as an open house; it is a great addition and will do the school proud. He has attended several waterfront meetings and they will have a lot more information next week as there will be more information from developer Dickinson made public. Finally he thanked the Dover Main Street group and unfortunately neither he nor the City Manager could attend their meeting due to a conflict in schedule with the waterfront meeting. He reminded people to fill out an application by October 14th, Friday for the Ethics Committee and for those folks that have applied to touch base with Ciotti to reaffirm their continued interest. Hindle moved seconded by Ciotti with all in favor.

11. UNFINISHED BUSINESS

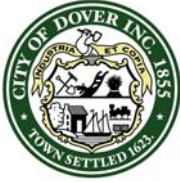
A. ORDINANCES IN THE 2ND READING - NONE

B. ORDINANCES IN THE 3RD READING – NONE

C. RESOLUTIONS

1. **REVOCATION OF CERTAIN POLE LICENSES OF VERIZON.** SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. (TO BE REMOVED FROM THE TABLE)

Hindle moved seconded by Ciotti to remove from table with all in favor. Hindle moved seconded by Ciotti to adopt. The City Manager says unfortunately this situation is continuing; he reviewed the history of the duplicate poles that are being left in the city by the varied utility companies. In some instances these delays have cost the city additional expense in construction projects. Back Road is a good example so they have decided to revoke the pole licenses. Verizon came out and talked to the council and agreed to get moving on this issue. Verizon has not been able to complete this job due to spring floods and weather and for a variety of reasons. He was not able to reach Verizon until late August, PSNH and Verizon are both party to this problem; he has yet to schedule a meeting with both parties in the



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 27, 2006**
Meeting Time: **7:00pm**

same room, Verizon has 4 more poles from the original list but they are having scheduling issues with PSNH. The City Manager explained the council wants to bring closure to this so there is now a meeting on October 12th to discuss this issue. Scott wonders about the 4 poles remaining and are we making a mountain out of a molehill. The City Manager says the council can do what they wish he is just informing them of the occurrences. But he finds this unreasonable if we allow these companies to put their poles in the city right away and if they will not answer the city's request to move a pole. He gave an example of the McConnell Center pole in the way of the project. The City Manager feels there is a safety issue. What we have is a problem of Verizon interfering with the city right of way. Scott asked if we do revoke the license what happens to the poles in question. The City Manager says in accordance with the law on poles in the right of way, if they do not have a license, the law provides the city can find someone to remove these poles but there is no company that will touch these poles and wires for the city. Trefethen asked when we say revocation of certain pole licenses, at the time the resolution was written there were over a 100 outstanding poles. Cheney remembers the Verizon representative here twice and they were very interested in moving all the wires on the poles. She remembers they are waiting for other companies to move their wires. She does not know why they are not here to explain tonight. She would be willing to table this again. The Mayor shared some more of the City Manager's frustration. We need to get all parties in one room to get this done. He wonders how many poles are at issue with new projects. He also would like to move this to the second meeting in October for the companies to come to this meeting. And to top it off Verizon has called him to find what they can do to help make Dover a better place. The City Manager says at this point there are other parties that are trying to get this schedule to occur. The last time he met with Verizon was the first of August. Cheney moved to table to the first meeting in November. Scott seconded the motion with all in favor.

Hindle moved seconded by Cheney to suspend the rules to introduce item 12A-3A Motion passed on a roll call vote of 8-0.

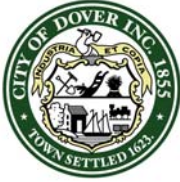
12. NEW BUSINESS

A. CONSENT CALENDAR

1. RAFFLE PERMIT – GEORGE J FOSTER & CO. INC
2. RAFFLE PERMIT – WENTWORTH DOUGLASS HOSPITAL
3. TAG PERMIT – BSA TROOP 173
- 3A.** RAFFLE PERMIT – AVIS GOODWIN COMMUNITY HEALTH CENTER

4. RESOLUTION RE: AWARD OF BID #B07007 FOR DIRECTIONAL DRILLING AND SLEEVES. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved seconded by Ciotti to adopt. Scott wants 12 A- 4 and Ciotti wants the appointments committee report removed. All were in favor of the other items. On 12 A-



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 27, 2006**
Meeting Time: **7:00pm**

4 directional drilling Scott asked about the purchasing procedures, he would like to slow down this activity, he knows about well drilling and there are other drillers in the area. He wants to make sure some other people have a chance to bid. He also wants to go out to bid to other companies. The City Manager asked him if he is sure they have directional drilling rigs. The City Manager asked Doug Steele if this is time sensitive or is it something we can re-bid. Doug explained the time sensitivity is on the 108 project and we have to have it done by November 15th. Ciotti would like to have a list of the 10 bids that were sent out. Keays wants to know if we are taking the money out of the Dover Point Road water project for that. The City Manager says this is being reallocated to the Old Rochester Road project; this is bonded money and there was a savings on the completion of the Dover Point Road project. Keays wants to know the balance of the account; the City Manager says we have \$29,000. Doug clarified the only section left to complete is the Old Dover Point. Turner does not want to slow the project down but wonders if they have struck ledge. Doug says no. Motion passed 7-1 with Scott opposed.

Ciotti stated he would like the vacancies of the various committees posted on channel 22; he listed the available vacancies. At this time we have 5 applications on file for the Ethics Committee he urged people to come out and apply. The appointments committee will be meeting on the 11th of October. Hindle moved seconded by Trefethen with all in favor.

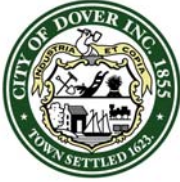
COMMITTEE REPORTS

- | | |
|--|---------------------------------------|
| 1. Appointments Committee | 6. McConnell Center Committee |
| 2. Arena Committee | 7. Planning Board |
| 3. Cable Franchise Negotiations Committee | 8. Recreation Advisory Board |
| 4. COAST Bus | 9. School Board Liaison |
| 5. Joint Building Committee
08/22/06 and 09/14/06 | 10. Transportation Advisory Committee |

B. RESOLUTIONS

1. RESOLUTION RE: ESTABLISHMENT OF FY2007 EXPECTATIONS BY MAYOR AND CITY COUNCIL FOR CITY MANAGER. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved seconded by Ciotti to adopt. The Mayor noted on item #5 on the list a there is a minor change to side walks; it should say crosswalks. Trefethen thinks this list is really long and unrealistic to expect the City Manager to be graded on all these items. He suggests another workshop to be whittled down further. Scott is not seeing his objectives here on the list; for example we want a real 0% budget as a target and a reduction in head count and 3rd a use it or lose it on vacation and sick leave. Why were these items left off the list. The Mayor says several of those items were brought up but there was no consensus to make that a goal for the city manager. The Mayor explained again why some of these items are not on the list. Cheney commented on the cost control of medium high, the City Manager knows there is a 10% number out there but there is a lot for the



CITY OF DOVER

CITY COUNCIL - MINUTES

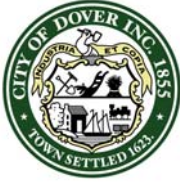
Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 27, 2006**
Meeting Time: **7:00pm**

City Manager to do in the next year. The Mayor wants them to know that this does not say that. The Mayor wants to be clear on this. Keays thinks we pay the City Manager to handle this and he is more qualified and we are battling old news around. The Mayor followed up there is a lot here and one of the suggestions says to get updates regularly to see how the progress is going.

Turner wants to change the highs and there are a lot of mediums, he wants to number them on a scale of 1-5, the Mayor likes this idea, he thinks that would help Trefethen. He continued Hindle was not here but was watching from home as he was ill, he mentioned the 3-4 tiered approach and with that there still seems to be more discussion. He recommends we table this until October 18th to a workshop, Trefethen seconds the motion saying and then it will come back to the next regular meeting. The City Manager wants them to be sensitive to the idea they are several months into the budget. Also his contract says that the goals will be set in September. Hindle clarified his intention is that is for grading purposes. Cheney does not to have so many 1's and so many 5's to give out. The Mayor will work something out and Turner noted there are 24 items. All were in favor of tabling.

2. RESOLUTION RE: AUTHORIZATION OF ISSUANCE OF BUILDING PERMIT ON A CLASS VI HIGHWAY. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved seconded by Ciotti to adopt. Keays listened to someone say this person does not own the land. Stancel says the person does not have to own the land; building permits can be issued to either a property owner or to the representative. This land has been in the family for more than 20 years. He read a portion of the resolution and how if the conditions are not met, there will be no permit issued. Keays questioned why it does not say transfer, Stancel thinks it infers that the person will become the owner. Cheney asked if the people do not own the property right now but are getting the property from their parents. Scott wants to be assured this is an interfamily transaction. Stancel understands this but this is not relevant. A person would not put a document at the registry unless they knew they were going to get a building permit. Turner wants to know what services will be provided on a class 6 road and isn't this part of the argument we are in on whether these roads can accommodate these services. The City Manager says it is a class 6 road and the city has no liability to maintain it. Keays wants to ask the attorney if this is above board. Krans says the confusion is the sequence of the events, he clarified the precedence and it is legal. Cheney wants to make sure no trash, no snow or city services will be provided on this lot. She wants to be sure we are not leaving anything out here. Stancel assured her all of the candidates that have come to the council have the same wording. Ciotti asked on item 2 is it up to the property owner to bring the deed to him as Mr. Hebbard alluded to a prior person. Stancel will be looking into this issue. Trefethen does not want to contradict anything that has been said but on this particular class 6 road it has been there for a long time, only anything that has occurred recently some of the older properties will not have the same deed. Motion to adopt passed on a vote of 8-0.



CITY OF DOVER

CITY COUNCIL - MINUTES

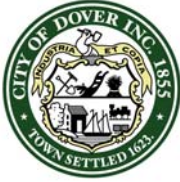
Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 27, 2006**
Meeting Time: **7:00pm**

3. RESOLUTION RE: AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS TO LEASE SPACE WITHIN THE MCCONNELL CENTER WITH THE HUB FAMILY RESOURCE CENTER, THE DOVER CHILDREN'S CENTER, AGELESS DREAMERS, NH EASTER SEALS AND STRAFFORD COUNTY. SPONSORED BY COUNCILOR DOUG DEDE.

Hindle moved seconded by Ciotti to adopt. Trefethen has done the math on the square footage and the annual payments, and wonders are they all paying the same rate. The City Manager says they are all paying same rate, there may be a difference in the term though. Scott wonders how low the leases are. Chris says they are varied in length, HUB Dover Children's are 25 years, Easter Seals and Ageless Dreamers are 10 years, and Strafford County CAP is a 5 year lease he recalls. Scott wonders about an inflation clause; Chris says they are in a couple of them because of the long set up of the lease. They took the total bond amount and divided. The City Manager says there is an inflator built in on operations and maintenance amount or rate and one on the square footage on the recovery of the debt service. Scott thinks this is good space and should be more than this. He thinks we are giving away the store. The City Manager listed the rental fee from the resolution and what year and how much of the \$10.90 square foot the first year and it will go up each year. Hindle commented thanking chairman Perry and Chris Parker, the Mayor echoed this. Keays is looking at the \$40,000 in maintenance. The City Manager stated this is only for these tenants; this includes water/sewer, lights and janitorial services. Chris clarified the total for the building is \$240,000, this is for this 5 tenants. Scott stated if you were to ask us to start off with these; he thinks these leases are a giveaway. Chris pointed out the money has been spent and we are trying to recoup. Motion passed 6-2 on a roll call vote with Keays and Scott opposed.

4. RESOLUTION RE: NOXIOUS ODORS EMINATING FROM WASTE MANAGEMENT TURNKEY LANDFILL FACILITY LOCATED ON ROCHESTER NECK IN ROCHESTER. SPONSORED BY COUNCILOR CATHERINE CHENEY, DEPUTY MAYOR JASON HINDLE AND COUNCILOR HARVEY TURNER.

Hindle moved seconded by Cheney to adopt. Cheney says this has been passed before and she wants it done to get some teeth and to be completed. Trefethen asked about the volunteer advisory board that we are going to appoint and does it exist now. The City Manager says it is true, we have a staff member and a neighborhood representative that already goes. Trefethen says we already have a volunteer, the Mayor says where as we already have a volunteer in the fifth whereas, Keays asked if the City of Rochester has done anything on this. The City Manager pointed out Rochester as the host city stands to benefit from this company. Keays wonders if we are getting the smell from their treatment plant on Pickering Road. His son owns a house on Pickering and he has a tax deduction because of the smell, he wonders if some of the odor is coming from the plant. Joyal says most of the odors Cheney is talking about are from Waste Management. Hindle does not recall the council appointing two years ago and that Tom Fargo was our representative on



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 27, 2006**
Meeting Time: **7:00pm**

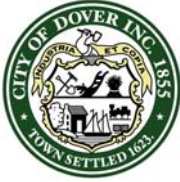
the board, he has no issue but he would like to confirm that appointment, this is the first time also and he wants periodic updates; the City Manager says it was not Tom Fargo but Mr. Crowley of Glenhill Road.

Trefethen commented on the Citizen's Forum that was repeated tonight, this looks like we are starting fresh here, there is no recognition of the past; at the time the resolution was formed we were told we would get updates, also resolutions are only binding at the time they are passed and this council is reaffirming this issue this evening. The Mayor clarified that resolutions still stand after a council is expired. The Mayor asked the City Manager to talk about the DES project in the state, the City Manager says this is something the DES does the permitting on, and we have had city representatives attend the hearings. There have been media releases, there is an advisory committee in place but DES did in fact re permit the landfill. Ciotti questions the wording on the resolution. Hindle assured him that the representative will make them aware in the future. Cheney says the letter to be written now would have a great impact and this process should be given some attention now. Trefethen questioned who appoints this representative. Hindle says the City Manager. Keays wants to know who sends the letter to Turnkey; is it the council or City Manager. Hindle wants to appease councilors questions, Hindle wants to reaffirm that Mr. Sam Crowley is the neighborhood where as it is the intent of the original resolution that was passed November 2004 that states and with Deputy Mayor's statement, 'to reaffirm', Ciotti seconds this amendment. Turner likes 'be appointed and be affirmed'. Trefethen agrees but we need a third and who appoints and Hindle says we the council appoints. All in favor of the amendments; the City Manager wants to be clear when they say yes they want him to continue to represent the concerns of the city. Is he sending a letter or not. Cheney thinks a letter needs to be sent even though this has already been approved. Motion passed on a vote of 8-0.

5. RESOLUTION RE: HIRING FREEZE TO REDUCE THE 2008 MUNICIPAL BUDGET. SPONSORED BY COUNCILOR HARVEY TURNER.

Turner moved seconded by Scott to adopt. Turner noted the title is not correct on the agenda; it was just a placeholder. It is not a hiring freeze it is a policy to achieve lower employment ratios. He has been informed by the city attorney that the council cannot direct this kind of change.

He read a prepared statement; this city has seen for sale signs going up everywhere, this council is in a position to let people know we are aware and want to do something about it. He handed out an amendment to this resolution. He wants to leave the seasonal employees alone. He is making an amendment on his own. Turner moved to amend Cheney seconded the motion with all in favor. He pointed out the differences from the original resolution. Cheney thanked Turner for bringing this forward; this is open and giving the City Manager a lot of direction and she does not feel it is micromanaging it. The Mayor disagrees, this does not say we are waiting for 30 days for a report, it does not say this. He is not in favor of this wording; we have listed in the manager's expectations direction to the City Manager. This does not make sense. This is not the way to go. We



CITY OF DOVER

CITY COUNCIL - MINUTES

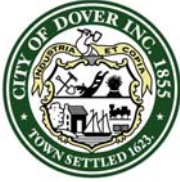
Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 27, 2006**
Meeting Time: **7:00pm**

cannot compare us to other communities as some communities do not run their own water and sewer; also we run two ice rinks. Let the City Manager make the decisions. Trefethen did the math, this is 278 employees that is 9.9% and that is what Turner stated his goal is. The second part is what FTE is by definition includes part time people. Turner says there are 18 FTE's and 26 seasonal which brings us to 304. Trefethen continued if 10 is the reduction and if all 15 of the FTE leave the city and were police or fire fighters what is the City Manager to do. Trefethen can look but most of the people that have left are from police and fire. Ciotti has gone to other towns to compare theirs with us and this resolution does not compare apples to apples and he also asked does this include grant positions. He thinks Turner is putting the cart before the horse. Turner says the intention of the policy is to establish the change on the manager's report. The intention is when people retire the City Manager will work the value of them down, this is only for 15 FTE over the next 9 months. This is only a policy. Cheney thinks when working on the budget and the City Manager wanted to get rid of a fireman that we do not replace somebody; this does not say they can be replaced. She does not see anything specific here. Scott compliments Turner for this proposal; he is surprised the other councilors have not heard from their constituents. He has a chart on other towns and he calls them peer towns. He explained his chart and how we have 30% more people. This body must take action to address the needs of the people; this is a start and may not be perfect but a start and what we must do to protect the elderly from being pushed out of Dover.

Hindle has a house keeping matter in that DeDe made a statement regarding this resolution and he responded to this resolution and Hindle responded with harsh criticism that he was debating a resolution; he was not aware that DeDe was not going to be here this evening. He cautioned all councilors to not use the email server for debate and he wants DeDe's comments to be made part of the city clerk's record, (see council folder of 9-27-2006). Hindle wants to commend Turner for the proposal that is something in the past that councils have not done. He has talked with Turner about the resolution and Hindle let him know of the approach and his concern is we need to look at things from a global perspective. There needs to be a lot more steps that need to be looked at, one is continuing attrition with the school board.

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

Hindle continued something that disturbs him is that the school board and the council as a body need to sit and discuss this. This is one way we can reduce inefficiencies in city government. Also we need either the council or a subcommittee to sit and look at the city as a whole at cost saving measures. and how we can go about these goals. He agrees with the approach but as a council we need to look at it from more of a goal perspective to look at how we spend our money and how we can refrain from that. He noted the budget actually begins with the CIP not in the spring and within a year we are going to be looking at the policy of building a fire station then if we build it we will not have the ability to staff it



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 27, 2006**
Meeting Time: **7:00pm**

and have to moth ball it as Rochester has had to do. Ciotti agrees somewhat with Hindle, he too gets calls, he understands what Turner is trying to do and he agrees if this was only item "c", the chart is great.

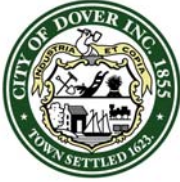
Turner says this does not mean that Ciotti has to cut his arm off. He understands that we offer more than these other towns. The budget season starts today, if we do not do something now our tax bill will be the same next year. Scott noted no other town has the benefits of Dover, this is only a 6% reduction in headcount. He gave a private sector speech, saying we can look at the number of people on the payroll, our elderly will not survive unless we take action; lets vote yes on this. Trefethen says this is the second week of the Ford analogy. He read it may be gentler for the people leaving but not for those that are left to do two jobs; he is not necessarily against this, and now we say never mind this. We know darn well the public will hold this up and say but you told him to do this, so his question is do you want the manager to do exactly this, words mean something. He has a real hard time with the wording. He is not sure what is trying to be accomplished here and it is a problem. Hindle has an issue with the 3rd whereas and the methodology of starting with the tax bill. He wonders why we are not starting with the budget first. Turner says step 2 will do just this.

Keays has been listening and he does not agree with any of them, we have a City Manager and if we tell him to bring in a lower budget then he will but he also wants the school board to bring in a lower budget as the school never gets lowered. He has listened to Scott and he has negotiated contracts in different towns and Portsmouth had better benefits. He kept a tally of the 16 cities in the state; he thinks the pay scale has got out of whack. He don't blame the unions at all, you get what you can get. He thinks if we want a 0% budget and that is what he wants along with the school department on a 0% budget. The Mayor agrees with Keays and he is concerned with Scott's numbers. The Mayor disagrees with this definition of the word, policy; to him policy is a clear direction; he mentioned bumping rights within union contracts and that he supports this and he supports different ways of helping the manager control spending. Motion to adopt failed on a 3-5 vote with Cheney, Scott and Turner in favor.

6. RESOLUTION RE: CHANGE TO COUNCIL RULES #12.0. SPONSORED BY COUNCILOR CATHERINE CHENEY.

Cheney moved seconded by Hindle to adopt. Cheney has brought this forward as housekeeping on citizens forum under the council rules.

We need to welcome our citizens to come here to come speak about issues concerning the city. She is sure the council will welcome this. The Mayor thinks it is up to him to allow who can speak in a fair and open manner. He has one concern which is in the now therefore on items of interest; he thinks this opens it up to major interpretation. He certainly wants people to come to speak on matters on the agenda. He will have a difficult time enforcing this as the chair. Trefethen appreciates the Mayor's thoughts and the perceived predicament. Trefethen thinks citizen's forum should be used for how some of the whereas's in the resolution are that is to tell



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 27, 2006**
Meeting Time: **7:00pm**

us their thoughts and feelings; we heard tonight how important is it for those that watch TV; he thinks it is being abused, it is very repetitive and we do not challenge what is being said. It is used to promote peoples agenda. He likes certain aspects of the citizen's forum, but some of it is very repetitive, almost word for word verbatim as two weeks ago. It is not that we are limiting the subject matter. Trefethen hears from his constituents. There is an attitude developing here that is not conducive to getting anything done. Usually more than half the people that speak are running for office. Hindle understands the problem did not start tonight or even a year ago, and it was not just issues here tonight; he recalled the Paul Street issue, the Mayor at the time was open and allowed them to speak. Citizen's Forum is for the citizens to speak if they want to speak on the same issue night after night, they have that right. He is sure it is tiring but this is why we get paid the big bucks to listen to the constituents. He thinks even in the 1860's people brought their own agendas. He thinks Cheney is trying to put language in place for something we have already been doing. He thinks a councilor will speak up if the rules are not being addressed.

Ciotti says if we kept the people from only speaking about what is on the agenda, but we have not told people that they cannot speak; either way nothing will change. Nothing will change with a yes or no vote on this resolution.

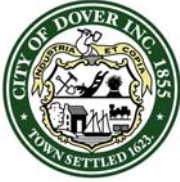
Cheney thinks this will make a bigger change, as this sends a clear message that an item does not have to be on the agenda. She thinks it is wonderful to have new people involved. We will argue about relevancy on this council. We are here to listen to hear our constituents. They want to be heard. Turner agrees with all of them; he would like to ask if there isn't a vague statement on a business of Dover, NH all items that pertain to the responsibility of the council, people should be able to speak but it should be about council business. The Mayor says if it ain't broke don't fix it as he does not think it changes anything. Scott asked what this does if anyone has a problem with Dover it allows them to speak. Cheney thinks the Mayor is right and he is open but there are some councilors that are not as receptive, we need to send a clear message to the constituents. Keays agrees but thinks people should be knocked out of order if we point fingers at the council. A lot of people come to irritate the City Manager and the Mayor; he would lay one right on them if it was him and ask them to leave.

Trefethen is sorry that people took it to mean that we did not want to listen to citizen input. Motion to adopt passed on a vote of 6-2 with Myers and Ciotti opposed.

7. RESOLUTION RE: SPECIAL ELECTION NOVEMBER 7, 2006 FOR WARD 1 SCHOOL BOARD. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved seconded by Ciotti to suspend the rules to introduce resolution # 12B-7 Motion passed on a roll call vote of 7-1 with Keays opposed. Hindle moved seconded by Ciotti to adopt the special election resolution with all in favor.

C. ORDINANCES IN THEIR FIRST READING:



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 27, 2006**
Meeting Time: **7:00pm**

1. ORDINANCE #12-09/27/2006, CHAPTER 166, VEHICLES AND TRAFFIC, SECTION 166-51 A AND B, BACK ROAD YIELD TO STOP SIGN. SPONSORED BY DEPUTY MAYOR JASON HINDLE, CHAIR, TAC.

Hindle moved seconded by Ciotti to refer to a Public Hearing on 10/11/2006 with all in favor.

12. COUNCIL CORRESPONDENCE - NONE

13. COUNCIL MATTERS OF INTEREST

Cheney has a complaint to bring up as she had a resolution that was in on time and was pulled and it was the attorney document dated 8/3/06 and the motion failed on a 4-4 vote. She asked to have one document put on the agenda. She found out about 10 of 9 pm on Friday, this was sent at 10:30 pm Thursday evening; she was at work on Friday am and at 2 pm left for appointments; anyone is able to get a hold of her at Liberty. She had a single email and her resolution was pulled. She followed the rules and submitted a resolution so she will present it in the same manner as before. The Mayor explained there are 32 instead of 49 items that are confidential. There is an additional issue and that is because she was on the losing side in Roberts Rules under Part 2 Section D Chapter 7 but she does not understand how this could be done. She is taking out the numbers and will present it at the next meeting; the case has now been dismissed. If anybody needs to get in touch with her, they need to just call her.

Keays stated he had a fella come to his house today that told him over on Park Street they are going to hot top but there is no curbing why is it that Park Street has no curb. He says these people pay taxes and all the other streets have curbs. On Park Street this has been going on for 3 years, and they deserve it.

Scott agrees with Cheney on her disappointment about pulling her resolution.

it seemed to revolve around the number of cases. The Mayor says he did pull the resolution with the Deputy Mayor, the attorney, and City Manager, Cheney reiterated how she did it correctly. The Mayor consulted with the Deputy Mayor before doing it. He was not confusing, some may have not agreed with the decision but it was not confusing. He added he also said he was not an attorney and this is the decision he chose to make to protect the City. It was not personal; he had concerns about the confidential information.

14. ADJOURN

Hindle moved seconded by Ciotti to adjourn with all in favor at 11:38 pm.