



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting/Workshop
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, October 11, 2006**
Meeting Time: **7:00pm**
Workshop followed

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Keays led the Pledge of Allegiance.

3. ROLL CALL

Present: Councilor Dennis Ciotti, Deputy Mayor Jason Hindle, Councilor Robert Keays, Mayor Scott Myers, Councilor David Scott, Councilor Dean Trefethen and Councilor Harvey Turner.
Also present: City Manager Mike Joyal and City Attorney Allan Krans.
Absent: Councilor Doug DeDe.

4. PROCLAMATIONS – AWARDS - NONE

5. SUMMARY OF AGENDA

Mayor Myers summarized the agenda.

6. CITIZEN'S FORUM

Citizens are invited to speak to items that pertain to the business and/or interests of Dover, NH. Statements shall be limited to five minutes.

Mayor Myers opened the Citizens Forum:

Ed Bleiler, 28 Isaac Lucas Circle – stated that a few weeks ago he distributed to the Council information on the potential liability of the City of San Diego CA and is distributing more information tonight as he feels it parallels the City of Dover. He stated that in 15-20 years the city will be bankrupt if nothing is done.

He continued stating that the taxpayers have been left holding the bag for Council misdeeds and are criminally culpable. He stated the City Manager said he was going to reduce pensions and reduced Fenniman's by \$1 million but should have reduced it by \$2 million. He stated that the City Manager should release the department heads total liability figures for if they retired today. Next, he discussed his second handout which is an assessment form that he would like to see used by the Assessor's office as it would give citizens an idea of what properties are selling for in their own neighborhoods.

3rdly, he stated he agrees with Councilor Keays regarding the waterfront area stating that it should remain green space and a park area.

Finally, he stated he read about the Fire Chief's proposal in the newspaper for building a north-end fire station on Liberty Mutual land. He stated that if Liberty Mutual wants a fire station put



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in up there, they should pay for it and that \$2.9 million is a drop in the bucket to them and that they should be good corporate citizens. He related a similar situation from Wellesley Mass where several private schools paid for an aerial ladder truck for the city as their buildings were the highest ones in the city that would need that type of service.

Greg Burdwood, 1 Cedarbrook Drive – speaking on behalf of the Seacoast Men of Harmony and is also the Director of the HUB Family Resource Center – stated he is pleased that the McConnell Center is close to opening as it will facilitate and accommodate many facets of the community and will be a cultural gathering place. He stated that his singing group is looking forward to being able to meet at the McConnell center through the Recreation Division and then introduced the 8 members of the group. Musical Director Steve Jones led the group in a brief performance.

John Scruton, 99 Sixth Street - discussed the waterfront development stating this land is too valuable to put condominiums on and is the only green space left in the downtown area. He wants to see this issue put to a vote of the citizens of Dover. He stated that developers always say how much taxes will be paid by the new development but this won't reduce the tax rate.

Jerry Lynch, 12 Lincoln Street – stated that the government is dishonest and corrupt and is not for the people. He wants to know who is responsible for the catch basin at the waterfront. He then asked about the odors at the landfill and has a letter been sent yet. Again addressing the waterfront issue he asked if the city will still own the property after it is developed by Dickinson. Finally, he stated he had spoken to a Councilor at the last Speak Out Dover session and was told that the citizens were tuned out when they spoke at meetings. He stated this was disrespectful.

Mary Hebbard, 97 Spruce Lane – following up on an issue from 09/27/06 meeting, resolution 12B-2, Building Permit on a Class VI highway. She stated that Rick Hebbard had spoken on his concern that the notice of limits of the city responsibilities that are supposed to be a part of the deeds for these properties are not always filed with the registry. She stated that he was told by the Planning staff that the last person approved had filed with the registry, but they did not have the right person. The last people who received a building permit have not filed this notice of limits with their deed and wonders why the planning staff did not have this information in their files. She further stated that this building permit also had been issued prior to the Council meeting having taken place and feels that there needs to be a procedure in place to make sure that this requirement is followed through.

Don Medbury, 3 Covered Bridge Lane – stated he has reviewed the resolution (12B-1) regarding State Representatives support of the city's position to add equal representation to the State Retirement Review Board and has counterpoints to each Whereas clause. He stated that Dover is



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primarily responsible for the increase in the first place and wonders why this would receive support from other communities when Dover is responsible. He stated he has been told that the Dover retirement is the #1 issue during the next legislative session. Next, he discussed the waterfront stating he wants an answer to how the developer gets the title to the property if the city holds the deed. He also wants to know why there have not been independent appraisals done on this property. Also, if there isn't going to be a marina as part of this development, then why do we need to continue the dredging. He stated that back when Dickinson was one of 2 developers being considered he was able to call and ask questions, but now that he has been selected, he hasn't returned any of his 4 phone calls.

Roland Hofemann, State representative, Wellington Ave – spoke on behalf of the Senior Citizens Center on 3rd Street stating they will meet for the last time at the old location on October 27th at noon before moving to their new facility at the McConnell Center. He then read the various programs that will be offered and urged everyone to check it out.

Sharon Reynolds, 34 Court Street – stated she is looking forward to the McConnell Center opening. She then spoke regarding the “car shuffling” issue stating that she would like to see a public transportation committee formed to link the current UNH Wildcat and Coast bus services which she feels is a better solution than a parking garage. Finally, she discussed the Dickinson proposal for the waterfront stating she would like to see a wider salary range for that property including Section 8 residences and not just be 55+ condos. She feels that there should be a mix of socio-economic condos and apartments so that fewer stereo-types are formed.

Seeing no one else wishing to speak, the Mayor closed Citizen's Fourm.

7. PUBLIC HEARINGS

- A. 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. (SEE ITEM 11A-1)

Mayor Myers opened the Public Hearing asking if anyone wished to speak. Seeing no one, the Mayor closed the public hearing.

8. CITY MANAGER'S REPORT

Joyal began by stating that in addition to the written report he needs to update the Council that the replacement of the culvert on Blackwater Road encountered some ledge when drilling the footings, but no delay is expected. Secondly, there was an emergency purchase order issued for a replacement grinder at the River Street Pump Station which cost \$18,181.00. There was no bid process as this is a proprietary piece of equipment and the warranty requires that it be repaired by



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the vendor. Next, he stated the workshop next week will be for the sprinkler ordinance but he would also like to have a special meeting for 2 items that he had hoped to be on this agenda which need to be addressed including a dredge cell change order resolution and a McConnell Center wiring resolution.

Next, he addressed some of the questions that were raised during Citizen's forum.

First, regarding the assessment data he stated that this information is already available for the last 18 months on the internet and there is a book on the counter of the Assessor's Office with the same information.

Secondly, he clarified that the city has zero (0) liability regarding pensions. He explained that the city pays a percentage of the employees pay to the State and the reason the rates are changing is due to the projected costs of when they retire. He is also unsure why comparisons are being made to San Diego California, but he wants to clarify that it is not the City of Dover that is causing the rates to go up.

Next, regarding the comments on the Waterfront, it is still a work in progress and the only thing that has been set in stone is the Waterfront Committee has designated Dickenson as the company that will develop the site. He stated that there will be public hearings held to have people bring forth their ideas, concerns and suggestions, but keeping in mind that this has evolved over 20 years of public input already.

Trefethen asked what is being used in place of the grinder while it is being repaired.

Joyal stated there is a back-up grinder.

Keays referred to the written report asking about the design for the Shaw's Lane ball field concession/restrooms stating that we have already spent \$70,000 down there and feels that any additional money should be raised by the organizations that use the fields.

Joyal stated that is an excellent point and will put out the challenge to the organizations, however, these groups are smaller than for example, Dover Baseball. He further stated that this is a public recreation facility and there has to be public restrooms.

Keays stated he has seen 400-500 kids over at the Bellamy field.

Joyal stated these are two different groups.

Keays stated that the sand and gravel fund was supposed to be used to build new fields and to fix the old ones, but the old parks still haven't been fixed and we are giving more money to Shaw's Lane.

Scott stated that regarding the assessment information, he would like to see the format that Ed Bleiler submitted used as it would be easier for people to compare their neighborhoods.

Joyal once again stated that this information is already available.

Scott stated he wants it organized by street.

Discussion ensued.



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Cheney addressed the waterfront stating that she is concerned that the public is not aware of the concept being presented by the developer and hopes that the city realizes what it has down there. It is the citizen's land.

Keays agrees with Cheney and wants the people of Dover to vote on this issue and get more public input. He stated that we gave the Dover Housing Authority the authority over this but hopes it will come back before the Council, and feels it will for money. Next, he asked about the public works utilities crew numbers in the Manager's Report stating that he wants it broken down as to what work is done by city workers and what work is done by contractors.

Scott agrees with Cheney and Keays that there should be a vote on the waterfront as it is city property. He feels there is a secrecy about this and why are we just giving this away to a private developer to make \$75 million.

Cheney stated she was told that this was a dream of a father and his son to develop this but wonders what about the dreams of the future.

Hindle moved to accept the Manager's Report, seconded by Ciotti.
Motion passed on an 8-0 vote.

9. MINUTES

- A. REGULAR MEETING – SEPTEMBER 13, 2006
- B. WORKSHOP MEETING – SEPTEMBER 20, 2006

Hindle moved to accept and place on file, seconded by Ciotti.
Motion passed on an 8-0 vote.

10. MAYOR'S REPORT

Mayor Myers began by stating he is looking for direction from the Council regarding the recently passed Turnkey Landfill Committee regarding the representatives from Dover on the Committee which currently resident Sam Crowley attends. He stated that Mayor John Larochelle of Rochester has offered to support a Council representative to be on the committee. He stated that if the Council wants to have a Council representative on this committee he would like any volunteers to e-mail him.

Next he stated during the last couple of weeks he has attended Economic Development meetings, Waterfront meetings, etc. He attended a ribbon cutting at the recently opened Dover Wine Shop as well as opened the Apple Harvest Day with the Dover High Marching Band on 10/07 which again was underwritten by Federal Savings Bank.

Regarding a comment during Citizen's Forum regarding expanding the transit system, he explained that there will be a Park and Ride facility at Exit 9 which will tie into the Rochester to I-95 in Greenland park and ride group. He stated there have also been 2 workshops in the last couple of years regarding an intra-transit loop that are in the works.



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Also, regarding the waterfront meetings, he feels the developer has done a great job, but wants to once again reiterate that the only decision that has been made is that Dickinson will be the developer but the city has full control of the deal. He stated the Board which is made up of 15 community members will have no problem walking away if it is not what the city wants. Finally, he stated he attended the LGC meeting with the City Council recommendations which was attended by 50-60 municipalities. He explained that out of the 4-5 items that Dover had pulled out and made recommendations separately, the only one that was not supported was the dog owners off of the right to know list. He will address his other issue during the resolution discussion.

Hindle moved to accept the Mayor's Report, seconded by Ciotti.
 Motion passed on an 8-0 vote.

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING

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 to adopt, seconded by Trefethen.
 Motion passed on an 8-0 roll call vote.

B. ORDINANCES IN THE 3RD READING – NONE

C. RESOLUTIONS - NONE

12. NEW BUSINESS

A. CONSENT CALENDAR

Hindle moved to adopt, seconded by Scott.

Scott asked to remove items 2 and 3.

Motion to adopt items 12A-1 and the committee reports passed on an 8-0 vote.

1. RAFFLE PERMIT – DOVER MAIN STREET/RETAIL PROMOTION

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 | 10. Transportation Advisory Committee |



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2. **RESOLUTION RE: AWARD OF BID #B07012 FOR SCREENED WINTER SAND.**
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Ciotti.

Scott stated he removed this because he has had many calls that people don't understand our relationship with Severino as it appears that they are operating a business on our property and wants a report on that activity from 1998 to present.

Keays stated that last year we went out to bid for screened sand and wants to know what it cost last year versus this year.

Joyal read the background information stating it is the same price.

Scott asked why there is such a difference between the delivered price from the company in Portsmouth which is higher than Severino that is located in Clairemont.

Joyal stated that speaks to the relationship the city has with Severino. He explained that they pay us for what they take out of the pit, the charge to us is the cost to process our gravel and it is 50 cents a yard additional to haul it versus \$4.60 from the Portsmouth Company. He stated we do not have the equipment to screen the sand.

Scott stated that since this is winter sand, would it be a problem to put this on hold and wait for the report he requested.

Joyal stated yes it is a problem, we are going into November and we could have conditions that require sanding.

Turner asked if Severino is selling our sand to us, what are they charging others?

Joyal stated they aren't selling the sand to us, they are processing it.

Discussion ensued.

Keays stated that he doesn't think that Severino is following the agreement as he is running a business out of the pit and has different trucks hauling the gravel out of there. He also doesn't think it's a great deal to be charged money to haul it 400' to the Public Works Facility. He stated we are being raped of our sand and they should either pay rent or be shut down for allowing other companies to haul.

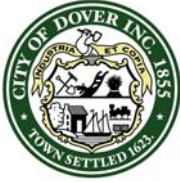
Joyal stated that the contract that was negotiated back then would not be what he would have negotiated but it is the contract.

Trefethen stated there are 2 issues; we have an existing contract and we don't own screened winter sand. Secondly, we are looking to buy winter sand, and there is a Councilor who always has a problem with wanting more bidders, and here we have 5 bidders, with this one being the lowest.

Cheney stated she wants the report requested by Councilor Scott to be on-line for the citizens.

Discussion ensued.

Scott asked how many years left of the contract.



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Joyal stated he is unsure, but clarified that the Council has already all gotten a copy of this contract.

Motion to adopt passed on a 7-1 roll call vote, Scott opposed.

3. **RESOLUTION RE: AWARD OF PURCHASE ORDER FOR CONTINUED RENTAL OF WORK UNIFORMS, LINENS, ETC. FOR VARIOUS CITY DEPARTMENTS.**
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Ciotti.

Scott stated he removed this because this bid was requested 4 years ago and wants to know why we don't go out to bid every year. He feels this is lazy purchasing.

Joyal stated he takes exception to that comment. He explained that the existing vendor provides uniforms, linens and other items and we have been very satisfied with them over the years. He continued that we went out to bid 4 years ago sending it to 10 vendors and received only 2 responses. This time we requested informal quotes and Alltex gave us the existing price plus a free uniform and other replies were for more. He stated that this is a judgment call that this is the best decision, but we can go out to bid and maybe risk not getting the same price.

Discussion ensued.

Motion to adopt passed on an 8-0 roll call vote.

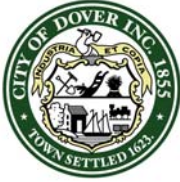
B. RESOLUTIONS

1. **RESOLUTION RE: REQUESTING THE SUPPORT OF DOVER'S STATE SENATOR AND STATE REPRESENTATIVES IN ACTIVELY WORKING FOR CHANGES TO THE MAKEUP OF THE NEW HAMPSHIRE RETIREMENT SYSTEM BOARD.** SPONSORED BY MAYOR SCOTT MYERS AND COUNCILOR DOUGLAS DEDE.

Hindle moved to adopt, seconded by Ciotti.

Mayor Myers explained the background of the previously adopted resolution regarding the LGC recommendations. He stated he is sorry that Mr. Medbery has left the meeting as he appeared to be greatly concerned with lowering the costs.

He stated he brought the issue of equal representation for employers on the NH Retirement System Board to the Mayor's roundtable after the council voted on that one item separately. He stated that this was important because cities and towns have never been represented on this board even though we are paying the bills and he clarified that this is not specific to the city of Dover. He stated he would also like to thank the Mayor of Portsmouth for seconding his motion and



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speaking in favor for this as no one else spoke on it. He stated that the language was changed to say “at least one seat” instead of equal representation, but he feels that this was a step in the right direction, but it was frustrating that people showed their support to him after the meeting. He stated this resolution is to ask the State representatives to support the employers representation on the board. He then referred to an article that shows the retirement system to be in deeper trouble than first thought and is something that the State can’t walk away from.

Scott stated this is a step in the right direction as there is a tidal wave coming and we will be swamped with pension costs.

Keays stated that as a past union representative he has never understood why the employees portion was never increased.

Cheney stated she also has the same article and feels that Dover has to set the stage to reverse the tidal wave and this is a step in the right direction. She stated we need to keep on top if it.

Myers stated it is a major uphill battle as the hearings are always filled with police and fire personnel and it is hard to speak up against an issue with all of those uniforms in the room. He stated these are the most well-attended hearings. He asked if the remaining Councilors would like their names added to the resolution upon passage. The Council agreed.

Motion to adopt passed on an 8-0 vote.

2. RESOLUTION RE: INTERNET PRIVACY POLICY OF THE CITY OF DOVER. SPONSORED BY MAYOR PRO TEM JASON HINDLE.

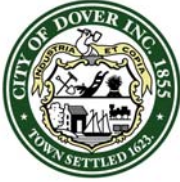
Hindle moved to adopt, seconded by Cheney.

Hindle explained that other communities have policies on their websites which explains privacy implications on the website and stated he appreciates the help he received from the Information Technology staff in drafting the policy.

Cheney stated she wants the verbiage clarified on page 2, the top 2 paragraphs, as to who will make the determination.

Joyal stated it is a typo and should be the Information Technology Office.

Secondly, Cheney stated she wants an additional e-mail button added for communication with the Council that is for the entire Council, but doesn’t include the City Manager, but she likes the overall policy.



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Discussion ensued regarding privacy and RSA 91-A and the various options available to the public other than e-mail if they are not comfortable with that including phone calls and letter writing.

Trefethen stated that the City e-mail issue has been talked about for 9 months now and is still not resolved, but this is a separate issue from that.

Myers stated that the courts may end up deciding this, but ultimately we can't guarantee 100% and that there is an inherent risk when being on the web.

Cheney stated that the paramount issue is protecting the confidentiality and communication with the Council and feels that this is a fair policy.

Joyal clarified that the only reason that constituent e-mail is not being put in the binder is because he is waiting for the Council policy, but if there is a 91-A Request he will have to release that information and again clarified that this policy is specific to the website itself not e-mail and if people aren't comfortable with using the web for communication, they have other options.

Motion to adopt passed on an 8-0 vote.

C. ORDINANCES IN THEIR FIRST READING:

1. ORDINANCE #13-10/11/2006, CHAPTER 166, VEHICLES AND TRAFFIC, SECTION 166-50, SCHEDULE C, STOP SIGNS, MOHAWK, APACHE, SHAWNEE, PHILIP, AND ALLAN STREETS.
SPONSORED BY DEPUTY MAYOR JASON HINDLE, CHAIR, TAC.

Hindle moved to refer to a public hearing on 10/25/06, seconded by Ciotti.
Motion passed on an 8-0 vote.

2. ORDINANCE #14-10/11/2006, CHAPTER 109, FIRE SAFETY , SPRINKLERS. SPONSORED BY COUNCILOR DEAN TREFETHEN.

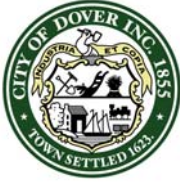
Hindle moved to refer to a public hearing, seconded by Trefethen.
Motion passed on an 8-0 vote.

D. Council Correspondence

1. Petition from Pearson Drive residents

Hindle explained that on the agenda this item was not listed, but was included with the agenda packet.

Hindle moved to accept and place on file, seconded by Ciotti.
Motion passed on an 8-0 vote.



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13. COUNCIL MATTERS OF INTEREST

Keays asked what is going in on Chestnut Street near the Post Office.

Joyal explained that it is a pedestrian refuge island which was recommended by the Rizzo Study so that people don't get caught in the middle of the road with traffic coming.

Keays asked what happens when they plow the roads and this thing is sticking up in the middle of the road. He thinks that it was a waste of somebody's college education that thought of this and thinks that it should be taken out.

Secondly, he discussed Glenwood Avenue stating it is going to be a death trap with one girl already having been paralyzed.

Cheney stated that she would like to receive feedback from Sam Crowley and Mr. LaRochelle from the Turnkey Landfill committee.

Hindle addressed Keays concern with the Chestnut Street island explaining that this was to address the residents of Riverview, Waldron Towers and Coheco Park that cross that street and felt unsafe and was Rizzo's solution to that problem.

Keays stated that they weren't thinking about the guys who have to plow.

14. ADJOURN TO WORKSHOP

Hindle moved to adjourn into workshop at 9:15 p.m., seconded by Cheney. Motion passed 8-0.

WORKSHOP:

A. RANKING OF CITY MANAGER GOALS

Mayor Myers opened the Workshop stating that Councilor Scott has been excused.

Myers explained the background of the process up to this point and stated that he would like to have the Council now rank the 24 items on the list with a 1-5 (6 on rare occasion) with 5 being the highest and 1 being the lowest. He will then have their lists combined for the final ranking for adoption at the next regular meeting. He asked for a consensus of the Council that this was okay.

Trefethen stated he agrees with this but would like to see the lowest priorities dropped from the list all together or have a notation to work on them as time permits.

Hindle moved to adjourn at 9:20 p.m., seconded by Cheney.

Motion passed unanimously.