



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, January 24, 2007**
Meeting Time: **7:00 pm**

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**

Those present: Councilors Cheney, Ciotti, DeDe, Keays, Mayor Myers, Deputy Mayor Hindle, Councilors Scott, Trefethen, and Turner. Also present: City Manager Joyal and City Attorney Allan Krans.

4. **PROCLAMATIONS – AWARDS**

DeDe stated the Mayor had sent them recognition and he wanted to note that Otis Perry's mother has passed away at 103.

5. **SUMMARY OF AGENDA**

The Mayor noted the resolutions on the agenda tonight.

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.

Jack Roche of 3 Westgate Drive, Ward 5, is here about the cable TV contract; he had sent emails to his Councilor Cheney, the City Manager and to the Mayor with no response and wonders the status of the cable committee's progress as his cable rates have gone up again.

Jerry Lynch of Lincoln Street is here trying to ask the Mayor some questions earlier and unless he apologizes to the Mayor for telling a lie which is true then the Mayor won't listen to him. He wants to know if Dickinson is getting developmental funds to buy the land. Anyway everyone knows we are bringing in outside waste and that is being dumped where we will be building homes or it will be a baseball park. Anyway the whole thing stinks.

Sue Medbery 3 Covered Bridge Lane has a brief announcement for www.dovertaxpayers.org she will be posting these flyers around city hall, this will be another avenue for taxpayers to know what is going on; there will also be a blog, this is run by a webmaster in Concord.

Marcia Colbath is here as chair of the OLC they are slated to receive one million dollars in the 2009 CIP. This is critical to their open spaces, character and our way of life. She mentioned the Tuttle Farm Project that will be closed on within the week. The OLC anticipates closing on several additional projects in the coming weeks. The OLC speaks with many landowners and many of the properties do not meet their criteria while others do and we have to put them in a holding pattern. Some owners have the ability to wait some do not, they use the grant funding process whenever they can find the funds. They currently have 1 million



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in outside funding available. They also have been fortunate to receive over 1 million from the Federal Farm and Ranch Program over the last two years but she does not anticipate that in the future. The DOT will have contributed 1.34 million to the Tuttle Farm Project and are proposing partnering with the city in other projects. She thanked them for their past support and urged them to support this item in the CIP.

Rick Hebbard of 97 Spruce Lane first would like to thank Mr. Joyal for the agenda packets. He also wants to thank Mr. Joyal for doing the right thing and raising the rates at the ice arena. He also would ask Mr. Joyal to fix the replay problem on Channel 22. One other thing he wants Mr. Joyal to do is to have a proper recording device for each board or commission that is not televised to use to record the minutes. One meeting that was taped recently there was nothing on the tape. He also wants to speak on the north end fire station if this council accepts the opportunity to accept this piece of land from Liberty Mutual, they are very short sighted. He does not understand how they could use it with an 18 foot ceiling so they should not accept this piece of property; this would be foolish.

As a member of the DUC they met last Monday and they were trying to figure out why money was not put aside in the 2008 CIP. He read a letter from the Chair, Jay Stephens (see council folder of 1/24/2007) and the DUC notes to cover costs associated with a property purchase for a north end water tank.

He stated that Mr. DeDe had misled the public about raising the tank 5 feet to gain PSI; this is untrue.

He then mentioned the Appointments Committee and that they noticed there was a Planning Board person that was going to be appointed tonight. He has been going to meetings for 3 or 4 years now and he is disappointed that he may not get this appointment.

Mary Hebbard of 97 Spruce Lane wants to offer a few observations of last weeks meeting and noted that the finance director was not present and she knows that they are in transition but surely they could have paid severance to the Finance Director. They had the CIP in their hands for a number of meetings and there were questions that were asked that showed complete disconnect. She thinks there should be a complete detailed list of roads that were to be improved; it is possible that they were provided this at the beginning but they were not using it. There seems to be a gaping hole in the Rizzo study. Finally of late there have been sharp comments that seem to have been inserted in discussions from councilor to councilor; she would like to nip this in the bud. She used DeDe for an example as she reprimanded him for his disdain that he uses on Mr. Scott. Sometimes the issues are very controversial; she asked them to show restraint.

Don Medbery of 3 Covered Bridge Lane congratulated the City of Dover for making all the papers in the State on the retirement system. Everyone else would like to get on that band wagon. Once again we have a manager that does not listen to anyone. (See prepared statement in Council folder of 1/24/2007). He listed the waterfront committee by name and that they discussed in private items related to the waterfront project, was



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the decision made on the 5.2 million dollars agreed on in a private meeting. He has asked Krans about an appraisal and he didn't know of any. Who is in charge here, Dickinson does not own this property as yet. Remediation could be in the millions and the people are concerned. At an open public meeting Dickinson abused Ms. El Kourati at the waterfront meeting until Ms. Cheney interrupted. Who will guarantee the dredge cell's holding back any leaching of the toxic waste to the parcel below. Where is the boat launch, once again the city manager believes he can hand Dickinson a signed deed. The city manager has totally ignored the resolutions passed in 2000 declaring this parcel a separate entity. This is insubordination. He has to say we need to take the waterfront issues a little more seriously, why are we telling the Dickinson people we can hand them a deed to this parcel.

Seeing no one else wishing to speak the Mayor closed citizen's forum.

The Mayor wants to speak about Mr. Medbery waterfront concerns. The area about a boat launch is not a part of the Dickinson plan and has never been a part of his plan. The question of appraisal was also brought up Monday and we should be receiving it in the very near future. The 5.2 million was presented here at a workshop this past fall. Finally he can speak personally on the January 15th meeting as he has not been in attendance at any waterfront committee meeting this year here in city hall. Again this council has a goal of putting out truthful information to the public.

7. PUBLIC HEARINGS - NONE

8. CITY MANAGER'S REPORT

Manager Joyal addressed the question of the Cable Committee to Mr. Roche, saying DeDe is the council representative; the committee has not met since last fall when the committee came to the council to advise them of the concept of the details of the agreement. There was some understanding of what was going to be put in a renewal agreement. One of the issues they have been faced with is the deck is stacked against municipalities. There is a nationwide effort in the works to take municipalities out of this. It is their intent to make sure the best programming is provided to meet the needs of the community and to make sure we have access to the local channel which is channel 22. The Cable Committee does not have much leverage and they have attempted to get Verizon to come out to see if they would offer cable services. This was stopped abruptly and they went to NJ. There is no indication that Verizon is working here in Dover; satellite is their only competition. With the concept in hand the cable committee has turned it over to the attorneys and they hope to have something brought to the council in March. In the mean time cable services continue to be offered, competition is not likely; under federal law the City has no control over rates or content of the channels. But they are required to provide any station that shows up in this area service. Cable service is not available throughout the community so the committee has asked them to provide



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service to all residents and the cable company has agreed to this. He continued we have very little leverage. Mr. Roche thanked him for the concise report. He stated that he has submitted an application to the clerk's office to serve and if there is anything he can do to help Mr. Joyal he will.

The City Manager continued speaking about comments made on the dredge cell and the contamination and toxic materials on the waterfront; there is a clear misunderstanding about this subject of the waterfront. The estimate to remediate the waterfront is \$500,000, we have that in hand; he would like to have a workshop to clear this up. He also keeps hearing we are bringing in fill from outside the city; we have only had Exeter and PSNH who have paid to have spoils go into the dredge cell.

He then commented on the "gaping hole" in the Rizzo study, there was no hole in the study. It was a conceptual plan and did not include engineering details, this was based on concepts. He now wants to have Scott McIntire, the city's independent auditor from Melanson and Heath give the results of the audit. He has previously provided them copies of it last week and tonight (nothing for the clerk) when he presented an audit management report letter.

He says there should be 3 manager's responses outlining what has been done.

Keays wants to know if this is a continuation of the City Manager's report.

Keays has a question on the dredging of the river and do we have city help working down there. The city manager says we only have help that monitors the treatment process for the run off out of the dredge cell. Keays stated he was told there is city help there and they do not have the proper clothing that they should have. The city manager says there should be no city help there. There is staff pumping the leachate out of the system. Joyal says this is a contract with the Army Corp for dredging. The city manager will look into this issue. The city manager would like to speak with Keays as there are union issues involved and he is disappointed they went through Keays instead of bringing it to him. Keays stated he has been down there. Turner wants to know who is watching the cell at night. The City Manager says the city contracts with a company to monitor the operation of the cell. They are funded out of our dredge cell project.

Scott McIntire appreciates the opportunity to explain the 2006 audit. He started with the comprehensive annual report on page 13. These are in compliance Government Accepted Accounting Principals He explained the balance sheets and statements. He pointed out items on page 29 with the new reporting model.

There is a 2 million cash deficient in the arena fund on page 32 that he pointed out to them. He noted on page 70 is the GASBY statement 45. He continued to explain the audit. Then he commented on the management letter on page 3. He wants to improve the accounting for the individual federal school grants the city receives. The second issue is he recommends they have the student activity fund reviewed by an outside firm. This should be a priority. On page 4 current recommendations is to obtain assets also referred to as land, buildings, etc but accounting has grown so much he wants an accounting system bought to track it with accounting software. He asked for questions.



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Cheney asked about page 70, and the actuarial amounts. Scott stated the pool of retirees may dictate to this liability. Discussion ensued about the actuarial amounts.

Hindle thanked the city manager for providing the information he had requested on management letters he sees the wording is identical and wondered if there was an error. The city manager explained saying it was OK.

Scott stated your audit book has a date of August 20, when did you send it to the City of Dover. Why did it take so long Scott asks, Scott McIntire says this deals with getting the report properly formatted and the page layout appropriate. Scott is concerned this took so long to get to the council. Scott mentioned the audit report of 2002 and the pension reports. He needs an explanation about the discrepancy between amounts for 2002.

Scott McIntire will need to research this. Scott says 2001 has the same issue. Scott wants to know the parameter of Scott McIntire's study. Scott would like to see a reconciliation of these two years. Also are they aware of any towns where the Finance Director signs his own check. Scott McIntire says it is relatively common. Scott McIntire will provide a list of towns to the city manager. It seems irregular to Scott. Scott McIntire explained the process again to Councilor Scott. Scott wonders how the treasurer can sign his own check.

Scott then asked about the unfunded liabilities of 30 million and the school's 2 million. Scott thinks this is startling.

Trefethen followed up on the payroll check. Trefethen stated his paycheck has a machine generated signature that is applied by the computer. The city manager explained the series of things the city goes through to process the payroll for each week. The process begins with a payroll sheet in the City and ends up with the paycheck.

Mayor Myers asked when the auditors are here each year; McIntire stated they were here for a total of 4 1/2 weeks doing their work. The Mayor wants to know if the Oct 20th date is the last time they were in the city.

The Mayor has gone to other municipalities to see what other communities use Melanson and Heath; he listed the towns in NH that have used them for their audit.

The city manager commented on the timing of the report, the core was done on August 20th with the amount of detail that is the book; the book was not presented on Oct 20th.

McIntire explained the Oct 20th date is the date he and his firm become comfortable with this information.

Hindle moved seconded by DeDe to accept the report with all in favor.

9. MINUTES

10. MAYOR'S REPORT

The Mayor stated he missed an item on Mr. Medbery's concerns about the bluff and why it was not sold off. He explained why this was not sold, that they had not put any parameters and there was no timeframe for putting anything down there. They also decided at that time to separate the bluff piece. The city council had a resolution that was passed to go ahead and market the parcel. The city tried to get access through Paul



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Street and those issues went on for a couple of years as those neighborhoods did not think the city should have access. This was stopped and it killed any type of development there. The RFP was always put out to include the bluff; this is all in the minutes.

He asked for direction on forming an energy committee; he would like at least 4 people to serve on an energy committee. He wants to gauge the interest on this. DeDe would serve if they can do a morning meeting; Trefethen will not be supporting this as he was the lone dissenter on the Cool City Plan and this is what happens, he is not interested in an energy committee. Turner thinks the department heads would have some ideas on this also. He asked how involved are department heads on this committee. The Mayor thinks someone from F&G and someone from vehicles would be a good choice. Turner wants to know who would take the time to answer these questions. The Mayor says the Community Services. Turner would like to volunteer also. He too likes the early morning time. Hindle wants to know if this is similar to the Solid Waste Committee, etc if so it will mean an amendment to their administrative code. The Mayor wants a trial period to see how it works out.

He has sat on Economic Board meetings as they are becoming proactive; he thanked those that attended the Tri City meeting; stating DeDe, Ciotti and he were there. He had another coffee with the Mayor at the Café on the Corner. He thanked those who were in attendance. He thought they had a very wonderful meeting on the waterfront on Monday. It is not a finalized project in any way. He attended a downtown merchant's meeting along with Scott. It was an opportunity for the daytime businesses to interact with the more nighttime businesses. It was a good start and it was facilitated by the Economic Development Director, Dover Main Street and other staff.

Tentatively we have a meeting scheduled on Friday with Carol Shea Porter to discuss some of the city issues and to establish lines of communication with their representatives. He asked them to email their concerns. He also thanked Jeb Bradley and Ruth Griffin thanking them for their service. Hindle moved seconded by DeDe with all in favor.

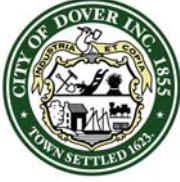
11. UNFINISHED BUSINESS

- A. ORDINANCES IN THE 2ND READING - NONE
- B. ORDINANCES IN THE 3RD READING – NONE
- C. RESOLUTIONS - NONE

12. NEW BUSINESS

A. CONSENT CALENDAR

1. RAFFLE PERMIT – RIVERSIDE REST HOME



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Hindle moved seconded by Cheney to accept. The Mayor wants 12A-4 removed and Keays wants 12A-2 removed; that leaves 12A-1 and 12A- 3 and the reports. Motion passed on a roll call vote of 9-0.

2. RESOLUTION RE: HENRY LAW AVENUE RECONSTRUCTION PROJECT CHANGE ORDER.
SPONSORED BY SCOTT MYERS BY REQUEST.

Hindle moved seconded by Ciotti to adopt. Keays has a concern on the amount and is it the total package. Joyal explained the problems with the sidewalks and how additional design work was needed and it was determined they could start down towards the middle of Henry Law Avenue after some right of way issues as they think there is some additional costs involved. Keays wants to know why there was such a delay. The city manager says there were sidewalk issues that had to be decided on. Keays says the study has cost the city well over \$162,000. The city manager says that was for engineering design.

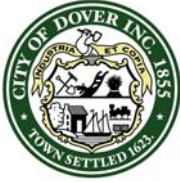
Keays still has questions; will we see any more studies on this job and he would like a total of what we spend on studies. This is ridiculous every time we do a road. Keays wants our planners and engineers to do some work. The city manager responded on behalf of the city planners and city engineers he thinks this is not a fair comparison. Can our engineers design this yes, but in order for them to do that they could not do anything else. There is only so much the staff can handle. Keays says we are paying way overboard on these projects. Scott fully agrees with Keays and maybe we are doing too much and spending too much money. Let's move development ahead a little slower. Turner wants an update on info that was given to them in July about when Henry Law is going to be started. Joyal stated this will do the middle third of the road working towards Penny Lane from Browning Avenue to Hanson Street stopping short of the final third of the road and it won't start until late fall or early spring of 2009.

3. RESOLUTION RE: STATE OF NEW HAMPSHIRE FUELING DEPOT. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

4. RESOLUTION RE: CUSTODIAL SERVICES AT THE MCCONNELL CENTER. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved seconded by Ciotti to adopt. The Mayor pulled this as he wants to know who is overseeing this. The city manager says the oversight is delegated to Gary Bannon for the building and facility. The custodial staff will take direction from Gary, but there will be a tenant's board to deals with issues that may come up.

Turner wants to know why we did not go for more than a one year term. The city manager says we wanted our options. Scott is in favor of subcontracting this work as he thinks it would cost less. The city manager wants to use the McConnell Center as a test case. Keays commented on the prior contracting for cleaning in city hall and it



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just did not work.

COMMITTEE REPORTS

1. **Appointments Committee - SUBMITTED**
2. Arena Committee
3. Cable Franchise Negotiations Committee
4. COAST Bus
5. Joint Building Committee
6. McConnell Center
7. Planning Board
8. Recreation Advisory Board
9. School Board Liaison - submitted
10. Transportation Advisory Committee

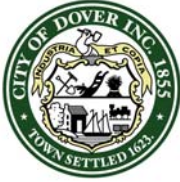
B. RESOLUTIONS

1. **RESOLUTION RE: FORMATION OF THE SCHOOL ADMINISTRATIVE UNIT (SAU) JOINT BUILDING COMMITTEE AT THE MCCONNELL CENTER.** SPONSORED BY COUNCILOR DOUG DEDE AND COUNCILOR DENNIS CIOTTI.

DeDe moved seconded by Ciotti to adopt. The Mayor stated for the record the committee is made up of Deputy Mayor Hindle, Councilor Cheney, Ray Bardwell and Mark Geuther is the citizen representative also a person from the school board. Ciotti stated it is the building committee to oversee the move only. Trefethen urged them when we sign a contract to do that within the dollar amount with no overruns. Motion passed on a vote of 9-0 with all in favor.

2. **RESOLUTION RE: CITY OF DOVER LABOR RELATIONS POLICY.** SPONSORED BY MAYOR SCOTT MYERS, COUNCILOR DOUG DEDE AND COUNCILOR DEAN TREFETHEN.

DeDe moved seconded by Ciotti to adopt. The Mayor stated he chaired the committee formed by the Council back in July; he continued with the history to now saying they have met a total of 6 times. He would like them to adopt. DeDe point out page 5 and number 3 as it was reported incorrectly in Fosters. He read line #3 about maintaining a negotiated wage percentage increase versus a COLA percentage that is tied to a CPI. Trefethen stated there were several meetings all of which were public. There have been several comments over the years that the city does not do a good job with negotiations. One of the reason is the unions know exactly what we want them to do before going to the table. He wants to make this clear for future comments. The playing field is stacked against management. Turner asked if that is the reason on the use it or lose it across the board. Trefethen and the Mayor disagreed on the bottom of page 8 as he read that portion. Keays questioned the number of miles or location of where they did their comparisons regarding labor policies. Scott would like a work shop on this as it is very difficult to understand and discuss it. DeDe disagrees with Scott; this is an outline that the city needs to adhere to remain competitive with regards to hiring. He thinks all 9 of these take a cost savings approach. Cheney wants to know exactly who is going to explore health care options that are mentioned in one of the items. The Mayor explained



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Sue Daudelin is looking into this. Motion to adopt passed on a vote of 8-1 Scott opposed.

3. RESOLUTION RE: ADOPTION OF FY2008-2013 CAPITAL IMPROVEMENTS PROGRAM.
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved seconded by Ciotti to adopt. The Mayor explained this is the out years of the CIP. Trefethen asked the city manager about the new out year plans and does the planning department recommend these and second is there a hurry to do this. The city manager wants to know if we are planning to revisit the CIP as soon as possible. Scott wants to know when we are going out to bond on the resolution we passed last night. If there is the possibility of the city revisiting the CIP, does anyone want to offer anything. Hindle wants to offer feedback on Mr. Hebbard's letter about the proposal to purchase land. He wondered if it would be prudent to add this. Turner says the city already owns a couple of parcels in the area. The Mayor asked the city manager if we do have a piece of property up in that area. The city manager wants to recognize the DUC proposal and there will be additional monies appropriated into the utility reserves. Trefethen understands and he could put it in for next year but we can authorize the spending of this at any time. The CIP document is tied to the master plan. Hindle says in the future if the utilities want to recommend items in the CIP, perhaps the commission should go to the Planning Board first. Cheney does not feel this is time to present the direction as there are important projects that were left out. Scott thinks Turner's idea of working backwards is a good one. He sees no benefit in voting for this. The Mayor commented he would like to know if any councilor is planning on revisiting the vote of last weeks vote. The Mayor says it would have to be reposted and have another public hearing if the intent is to eliminate the bonding. DeDe is still opposed to putting in the north end fire station. Hindle says there is a process coming back to us to expend the dollars for these projects. Trefethen says that is true but in the mean time staff has expended a number of hours. He moved to table to the next regular meeting of February 14th motion to table passed 8-1 with Turner opposed.

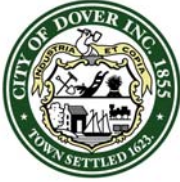
4. RESOLUTION RE: ACCEPTANCE OF EZRA'S WAY AND SUSANNAH'S CROSSING (UP TO AND INCLUDING LOTS 43 AND 44). SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. ***(TO BE REFERRED TO A PUBLIC HEARING ON FEBRUARY 14, 2007).***

Hindle moved seconded by Trefethen to refer to a public hearing on February 14th with all in favor.

C. ORDINANCES IN THEIR FIRST READING

D. COUNCIL CORRESPONDENCE

1. WETLANDS APPLICATION – CITY OF DOVER, 6 WASHINGTON STREET



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Hindle moved seconded by Cheney to accept and place on file.

13. COUNCIL MATTERS OF INTEREST

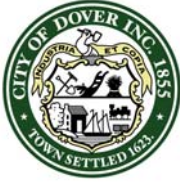
Hindle has stressed this in the past and tonight's audit report will be the last for this council but he wants a separate night for this to be scheduled and much like the CIP it deserves a separate meeting.

Scott agrees with Hindle as there are several people in ward 3 that are good accountants. Nobody knew about this as it was not on the agenda. He wants McIntire back to answer questions as this is an important document. The Mayor clarified that he notified them a week ago. Scott says the public was not notified.

DeDe had asked the city manager for some information on engineering studies and there have been two letters to the editors on studies; this should be addressed as the costs amounts to 6% of the total job as much as he would like to see our engineers doing these studies; they have other mundane items /tasks to do. Six percent is a reasonable number for the total cost of this project. He thinks in the long run these studies save the city money.

Keays wants to know what is being done to the wells on Mast Road in the sandpit with the high water table. The city manager says the Planning Board has brought the different pit operators to require them to hire a study that the pit owners will need to pay with to see if the water is the water table or is it perched. If it is the water table then we have issues. Planning Board is the ultimate authority and pit renewals will not be granted. Keays wonders if it will ever be resolved. He also disagrees with DeDe on the engineering studies in the city. He thinks it is time we have engineers that can handle these jobs.

Turner asked about the water in the pits, he would be negligent if he did not ask about the water table in Willand Pond. The city manager says there are two issues here, there is an abundant supply in our aquifers also there has been a lot of development on the Somersworth side. There have been site studies done that indicate these were done as they should. Turner wants to know how long we are going to wait before we act. The city manager says there is not much for us to act on. Somersworth projects have been properly permitted. DeDe says the Conservation Commission reviewed the plans of the developer and he believes the retention pond empties into the land pond. If they did not properly take these precautions into consideration the city manager can have a consultant review the plans. The city manager does not see anything we could prove they have done incorrectly. Turner brought up the budget and 0 and 2% budgets; he has been working with the city manger for awhile and distributed a hand out with his ideas of what is important to them to be protected by the council. He asked them all to look at these items. Discussion ensued. Hindle stated he does not have a problem discussing the items at next week's work shop but he cannot give the city manager direction at that time. More discussion ensued.



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Hindle wants this brought up on February 14th as we need to hear from the public on these recommendations. He agrees we need to have further debate.

Motion to adjourn was made by Hindle seconded by Cheney; motion failed with 4 in favor Keays, Cheney, Hindle and DeDe.

Scott on ward three there was a small project and they were not notified. It is the project on Cullen bay, Ciotti says you were there as was he and no individual stood up and said we were not notified. Scott says you have to notify the people. Ciotti agreed but if there ever is an issue and it is pulled. Scott insisted Ron Cole knew about it and said he would pull it. The Mayor says we will look into it.

Turner wants to review the stern rebuttal from the Deputy Mayor. He is continually informed to what he can do is in violation of the charter. This frustrates him. Hindle rebutted this that we should have rebutted this back in December.

14. **ADJOURN**

Hindle moved to adjourn, seconded by Keays motion passed on a 7-1 vote with Turner opposed at 10:20 PM.