



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: Wednesday, March 14, 2007  
Meeting Time: **7:00 pm**

### 1. MOMENT OF SILENCE

### 2. PLEDGE OF ALLEGIANCE

Councilor DeDe led the Pledge of Allegiance.

### 3. ROLL CALL

Present: Councilor Dennis Ciotti, Councilor Doug DeDe, Deputy Mayor Jason Hindle, Councilor Bob 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 Catherine Cheney.

### 4. PROCLAMATIONS – AWARDS NONE

### 5. SUMMARY OF AGENDA

The Mayor 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 Citizen's forum asking if anyone wished to speak:

Marilyn Follansbee, 25 Dover Pt. Rd. – stated she is pleased with the McConnell Center and that it is being used by the seniors but feels that it is hard to find parking behind the library. She asked that when the Council considers a parking garage that they don't go with the lowest bidder but take the reputation of the builder into consideration as well.

Dana Lynch, 72 County Farm Rd. – discussed the waterfront stating that he has not been closely involved for over a year but he wanted to clarify that he resigned for personal reasons and is not working for Dickinson, but is working for some of the abutters. He then gave a brief history of the Cocheco Waterfront Development Advisory Committee up to this point. He reminded them of the resolution passed in February 2005 and asked the present Council to remember the intention of the prior Council to keep the politics out of the process and to put this real estate back on the tax roles. He stated that the high-end housing that is being proposed would be beneficial to the downtown area. He concluded by reading a statement from an October 1996 Foster's Daily Democrat article.

Jerry Lynch, 26 Lincoln St. – read from a letter to the editor article entitled "Stop the Give-Away of the Dover Waterfront" and stated we should not give away our land for the gain of private interest.



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Sean O'Connell, Attorney/partner at Shaheen and Gordon – stated he has worked in Dover for the last 13 years and has seen a great improvement and enthusiastically supports the waterfront development. He stated he knows it will cost money but it will bring vitality to the downtown and waterfront and improve the quality of life.

George Maglaras, 33 Cocheco Street – stated it has been 15 years since he has spoken out publicly on the waterfront and is speaking tonight because there have been stops and starts throughout the years and feels it is time to continue and progress on this vital asset. He stated that the latest Dickinson plan is a great improvement over the first one that was presented and impacts the downtown and surrounding neighborhoods and will help put this property on the tax roles. He stated he understands the Council giving the issue due diligence but feels they must keep their eye on the big picture. He stated that this has been going on for 50 years with the neighborhood around it not changing much and after we are all gone this waterfront will still be here.

Doug Rose, 6 Newport Road, stated he is here to discuss Woodman Park School and wants the Council to vote in favor of the additional funding needed to finish the project. He stated that the conditions at the school are not very good with classrooms smelling of vomit, electrical problems and outdated kitchen equipment. He stated that someone needs to take accountability and ownership of the buildings we already have before building new police stations and fire stations. He stated he recently watched a school board meeting where the JROTC students were crying to keep their program and it is upsetting to him to see so many officials getting excited about the waterfront and McConnell Center but the schools are falling down on the children. He stated we should not let these buildings become so neglected and doesn't know why there is an overrun of the project, but feels the accountability and ownership is with the Council. He concluded by stating that the new portion of the Woodman Park School is beautiful but the core of the building still needs work.

Rick Hebbard, 97 Spruce Lane – stated at the last meeting he addressed the Long Hill Road water loop as he wanted the Council to have all of the information up front to make a decision. He stated the engineers have said the cost will be \$75.00 per linear foot or higher for a single line running down the road and if that is the case he wonders why property owners on both sides of the street are paying this amount and not splitting the cost, or is it really \$150.00 a foot. He stated that the answers were not clarified at the workshop and wants to know are we overcharging or does someone not know what they are doing and wonders how many other projects have been done this way. He stated how dare Councilor Trefethen and Mayor Myers chastise Councilor Scott stating that people in glass houses should throw stones. He stated another Councilor usurped his authority and removed someone from a committee which was in violation of the City Charter and if they want to throw stones they should throw them at themselves.

Suzanne Medbury, 3 Covered Bridge Lane – began by stating that the Mayor looked better without his beard. Next, she addressed some comments made in a community paper on the



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retirement system stating she is troubled with the remarks about “misinformed citizens”. She then discussed her remarks from 2 weeks ago regarding the City Manager’s State of the City address and the portion that addressed the Tolend Road Landfill and the term “re-use” which was quoted in the Foster’s. She stated she did not attend the event in person and got her information from the newspaper. She asked the Manager to address these remarks in his City Manager’s report which he did and she appreciated that although she feels she was publicly chastised. She stated she then wrote an e-mail response to both the City Manager and Jeremiah Rood of Foster’s but has never received a response from either of them. She concluded by stating that misinformation comes from the top and not from the public.

Kurt Schuman, 30 Cushing Street – stated that the Dickinson proposal received unanimous support from the CWDAC which he feels is an accomplishment and a real turning point. He stated it will mean \$1,000,000 in tax revenue every year which isn’t a bad thing. He urged the Council to give CWDAC their support and keep the waterfront project on the clear path.

Don Medbury, 3 Covered Bridge Lane – stated that the City needs to address what developers are doing with their stumps specifically on Mast Road Extension he stated there are hundreds of stumps and he wants to see responsibility taken by the city. He stated they should be removed and not buried to create later problems with sinkholes. Next, he discussed the waterfront appraisal stating it needs to be approached as 2 parcels. He stated that it should be assumed that they are ready to be developed as outlined by the Charette. Next, regarding the misinformation from the public he stated that he feels this commentary by Councilor DeDe is an attempt to discredit people and he feels that they are saying it the way it is but are being treated as if they don’t count. He continued that DeDe supported Cancellia Waste using ground glass to kill birds and rodents and feels he is arrogant in dealing with the public. He stated he takes exception to being called a detractor and feels they are conducting a witch hunt regarding the censure of David Scott for his letter to the auditors questioning a discrepancy in the numbers and feel that there should be an explanation given by the auditors.

John Scruton, 99 Sixth Street – stated he recently took a short ride and saw 2 new developments on Gulf Road, 2-3 on Dover Point Road, more on Route 108 and feels we need to take a look at keeping our rural culture in Dover and feels that once this is gone it’s gone for good. He concluded by stating that he wants the waterfront development issue to go to the voters as he feels it should remain open space with gardens, etc.

Norm Fracassa, 1 Penny Lane – stated he is a member of the Waterfront Committee but is here speaking as a resident. He stated he is on the committee because he loves living in Dover and the people, etc. and likes the direction that Dover is heading and the use of the vacant property. He stated that he and his wife pay property taxes which have increased, but so has the quality of life in Dover. He stated that they don’t want to sit home and look at their tax bill, they want to go out and enjoy their downtown neighborhood. He urged the Council to trust those on the committee and support the people that were entrusted with this many years ago. He concluded by stating they shouldn’t drop the ball on this or it may take many more years.



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

### 7. PUBLIC HEARINGS:

- A. Ordinance #01-2007.01.10, Chapter 170 Section 170-32, Sign Review and Regulations, Section D(5), Flashing Signs. Sponsored by Councilor Dean Trefethen, Planning Board Representative. **(See Item 11B-1)**

Mayor Myers opened the public hearing asking if anyone wished to speak:

Marilyn Follansbee, 25 Dover Pt. Rd. – doesn't want any more of these signs than we already have. She stated if we allow them in some places, the other areas will cry discrimination. She stated that she feels the signs are a distraction and that a sign doesn't make the business, word of mouth and the products do.

Linda Merullo, 21 Longhill Road Extension, Planning Board alternate – stated she has been involved in the process since August, but isn't speaking for any other members. She stated the reason this should be approved is because otherwise there would 35-40 flashing signs on Central Avenue. She is concerned that those with existing signs have broken the rules and this should concern all of us because money is being spent on litigation. She stated that creativity is lacking if this is the only way to advertise a business and she agrees that we shouldn't allow it in any area. She concluded by thanking Steve Stancel, Chris Parker and Attorney Krans for their presentation at the 03/07/07 workshop.

Rick Hebbard, 97 Spruce Lane – stated he has done his best to educate the Council regarding who owns property to the edge of the road as it is the abutting property owner who owns to the center line of the roadway. He continued that recently Walgreen's had to go before many boards to put a sign on their own property and feels they should not have had to go through that process. He concluded that he wants them to come up to speed on these laws to avoid this in the future.

Mike Leary, 89 Oak Street, Owner of Sundance Sign Co. – stated that as a taxpayer and business owner he was disappointed with the workshop held on 03/07/07 where only one side of the issue was presented and feels it was not realistic. He stated that the Small Business Administration and U.S. Chamber of Commerce all endorse the use of flashing signs and gave examples of their use. He stated they are looking to ban all of these signs because of one company that is breaking the rules, but they will still be able to keep the sign as they will be grandfathered and he feels this is unfair. He stated if the argument is safety, he would like to see this proven as this has never been mentioned in any lawsuit. He stated that the city erects banners in two places in the city, both at busy intersections where the drivers have to look up to read them. He stated that drivers adapt to their surroundings and gave the example of how the State of NH DOT uses these signs and are instructed to move them periodically because people



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become accustomed to them and don't pay attention. He feels that these signs are more aesthetically pleasing than sandwich boards, flags, etc and that small businesses need to be able to compete with the large box stores who have lots of advertising money. He stated there are positive uses for these signs as well such as announcing community events, parking bans, amber alerts, etc. He concluded by asking the Council to make sure they have all of the information before voting, or to use the ordinance currently in place and enforce it, but don't hurt the local businesses.

Jerry Lynch, 26 Lincoln Street – stated if we want Dover to look like Las Vegas, then let's put up the signs.

Don Reid, Barlow Signs, Hudson New Hampshire came to the podium to speak. Mayor Myers explained that he was not allowed to address the Council as he was not a taxpayer nor business owner in Dover.

Noelle Lazarus, 5 Gilman Street – stated she is against the flashing signs and doesn't like the Planet Fitness sign. She stated she will e-mail any further comments.

Mayor Myers asked the Council for clarification on allowing the speaker from Barlow Signs. Trefethen stated there should be no exception to the rules as it would set a precedent. Ciotti asked if any previous correspondence had been received by this company and if not, they could have sent a letter or e-mail. Mayor Myers stated his decision stands as he does not want to set a precedent.

Seeing no one else wishing to speak the Mayor closed the public hearing.

- B. Ordinance #03-2007.02.14, Chapter 166, Schedule I, No Parking at Any Time – Ezra's Way. Sponsored by Councilor Dean Trefethen, Planning Board Representative **(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.

- C. Resolution RE: Supplemental Bonding for Woodman Park School. Sponsored by Mayor Scott Myers, by Request. **(See Item 11C1)**

Mayor Myers opened the public hearing and explained that because this is a bonding issue, it cannot be voted on the same night as the public hearing.

Jerry Lynch, 26 Lincoln Street - asked where all the money has gone and who is watching the funds.



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Seeing no one else wishing to speak, the Mayor closed the public hearing.

**D. Resolution RE: Dover Arena Lighting Project. Sponsored by Mayor Scott Myers by, Request. (See Item 11C-2)**

Mayor Myers opened the public hearing asking if anyone wished to speak.

Joyce El Kouarti, Chair of the Energy Advisory Committee – stated the committee voted to endorse this resolution and urged the Council to do so.

Seeing no one else wishing to speak, the Mayor closed the public hearing.

### **8. CITY MANAGER'S REPORT**

City Manager Mike Joyal began by giving an update on the Verizon situation on Route 108 that had recently been reported in the newspaper and which he has been updating the Council via e-mail. He stated the outage began earlier than they were originally told and explained that an underground cable was infiltrated by water but unlike PSNH, the whole neighborhood didn't go out, just some isolated areas with on and off service. He stated Verizon originally attempted to repair the cable but are now converting it to overhead. He asked that people continue to be patient. He stated that his concern is the delay in his getting the information which delayed the police and fire departments from going door to door sooner. He stated that people have been provided with cell phones to dial 9-1-1 emergency only. He stated there was an instance on a medical emergency and we wish her well. Secondly, he stated that with the warmer weather comes potholes and asked people to have patience as crews are out patching them as they become aware of them. People can call 516-6070 to report a pothole location. He stated that even though it has been warm there have been some recent snow events and referred to the City Manager's written report. Finally, he acknowledged Planning Board member Donald Andolina for his work in establishing a Senior Citizen Volunteer Program which will allow some talented individuals to donate their time in various city offices. He stated that anyone interested should contact his assistant for details.

Hindle stated that in some communities in addition to job openings they also list volunteer opportunities and is this something that we can do as well.

Joyal stated that there is a brochure with all of that information that will be on-line as well.

Scott asked if Joyal has secured possession of Fenniman and Harrington's personnel files. Joyal stated yes, this will be available after April 15<sup>th</sup>.

Turner asked about the storm summary and the overtime hours listed, does this include regular hours worked on the regular shifts.

Joyal stated no, this is overtime only and the regular hours are an additional cost.



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Scott asked about the Purchase Order Report and the \$514,000 to Rath, Young and Pignatelli. Joyal stated they are the lawyer for the Tolend Road landfill closure fund. Scott asked why Dover should pay into that. Joyal stated that all PRP's pay into it and the attorney manages the fund. Next, Scott asked about the personnel report stating he would like it broken down into full time and part time people because we don't pay healthcare for part-time people and there is a big difference in cost.

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

### 9. MINUTES:

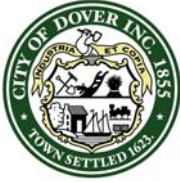
- A. COUNCIL WORKSHOP – FEBRUARY 7, 2007
- B. REGULAR MEETING – FEBRUARY 15, 2007
- C. COUNCIL WORKSHOP – FEBRUARY 21, 2007
- D. REGULAR MEETING – FEBRUARY 28, 2007

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

### 10. MAYOR'S REPORT

Mayor Myers stated with the acceptance of his report he would like the appointment of Dona Layton confirmed to the Energy Committee. She would be the 5<sup>th</sup> person appointed and there are still 2 available spots. He stated he will be appointing the members to the North End Fire Station Committee in 2 weeks and asked anyone that is interested in either of these boards to fill out an application and submit it to the Clerk's Office. Also, he stated he attended the DARE graduation for the 5<sup>th</sup> grade class of the Dover schools and congratulated the students and parents for completing the program.

Next, he stated that he spent the bulk of his time today attending the public hearing of the legislative session for HB 876. He explained the background of the Council passing a resolution back in August requesting 2 city/town representatives to sit on the NH retirement board which didn't pass. He stated there are currently 18 pieces of legislation regarding the retirement system pending. He further explained that at the Tri-Council meeting held in January of this year, there were no representatives from the NH Retirement system although they had been invited, but there was a representative from NHMA who said they would be presenting a compromise proposal, which he is not impressed with and that proposal is scheduled to be heard on Monday March 19<sup>th</sup>. He stated he is concerned that there hasn't been enough airing of this compromise agreement especially if it is going to be heard on Monday. He explained that Councilor DeDe is presenting a resolution tonight to take a position in support of HB 876 as this public hearing will be tomorrow. He explained that the city will be hit with major increases this year with Dover's increase being \$750,000 and will also impact the school budget. He



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stated if something isn't done then next year's increase will be catch up payments to make the system whole. He asked the Council to support suspending the rules to introduce the resolution.

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

DeDe moved to suspend the rules to introduce resolution 12B-4 and to move it up on the agenda, seconded by Hindle. Motion passed on an 8-0 roll call vote.

12B-4: Resolution RE: City Council of the City of Dover, New Hampshire Urging Our Delegation to Support HB876-FN-Local. Sponsored by Mayor Scott Myers by Request.

DeDe moved to adopt, seconded by Ciotti.

DeDe stated that the background information was e-mailed to the Council yesterday.

DeDe read the background information. He stated that this one bill could be a "magic bill", but knows that it won't pass as there were too many people, many union representatives, speaking against it, but he feels that the Council should still endorse what it is trying to accomplish and to call attention to the real problems facing us. He stated we need to convince the State delegation problem facing the taxpayers and that "we" are the employers and it gets charged to the taxpayers.

Myers stated he was the only elected official speaking in favor along with a couple of City Managers and he echoed DeDe's comments. He stated that he already took today to go up there and asked if there was anyone else that would be able to go up tomorrow and Monday, although it is only a committee vote.

Keays asked if any other cities/towns are supporting this.

Myers stated he is unsure of this bill, but the previous resolution the Council passed received at least 15 positive responses. He stated that he would also like the Council to take a position against the compromise language amendment being heard on Monday.

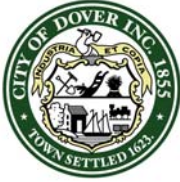
Hindle moved to amend by adding "the Council also does not support the working group amendment compromise language", seconded by Ciotti. Motion passed on an 8-0 vote. Motion to adopt as amended passed on an 8-0 vote.

DeDe stated he feels that it is heinous that the State has moved in this surreptitious way with no public exposure and it appears to be deliberate to him. He hopes that the press is watching.

### 11. UNFINISHED BUSINESS

#### A. ORDINANCES IN THE 2<sup>ND</sup> READING:

1. Ordinance #03-2007/02/14- Chapter 166, Schedule I, No Parking at Any Time – Ezra's Way. Sponsored by Councilor Dean Trefethen, Planning Board Representative.



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Trefethen moved to adopt, seconded by DeDe.

Trefethen explained this is the completion of the city street approval process as the Planning Board approves these subdivisions with parking provisions which then need to be followed up with ordinances to change the Code to make it enforceable.

Motion passed on an 8-0 roll call vote.

### **B. ORDINANCES IN THE 3<sup>RD</sup> READING:**

1. Ordinance #01-2007.01.10, Chapter 170 Section 170-32, Sign Review and Regulations, Section D (5), Flashing Signs. Sponsored by Councilor Dean Trefethen, Planning Board Representative.

Trefethen moved to adopt, seconded by Ciotti.

Trefethen stated there was a workshop held on March 7<sup>th</sup>. He recapped his position stating that the current ordinance is not working and the some business owners can't control themselves so the bottom line is an outright ban or there would be no equitable enforcement.

DeDe stated he is not in favor of this because we haven't arrived at where we need to be. He stated that the downtown core and the potential waterfront development areas are distinctly different than the Miracle Mile and there are no statistics supporting the safety concern. He feels the Planning Board could come up with a separation of areas.

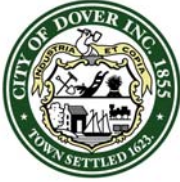
Ciotti stated he will support this but agrees that if they were going to be allowed it would be on the Miracle Mile, but this can't be done unless we rezone. He stated people love Dover for the rural character and if we allow it in one area, it will then be another and another.

Turner stated that his mind was made up when he was driving north on the Miracle Mile and noticed the Naser Jeweler sign and then noticed the person behind him saw the sign and was reading it while coming up behind him and he just barely missed hitting him. He feels that they were distracted by the multiple changing message.

Scott supports this and feels we can't be slaves to lawyers.

Mayor Myers concurs with Ciotti stating we would not be able to limit it to the Miracle Mile. He stated that if the 10 minute rule had been followed in the first place we wouldn't be here and until a state law comes down the road communities need to deal with it and unfortunately others need to suffer.

Ciotti stated that a couple of businesses have said that this would hurt their business, but they can still ask for a special exception and the door is still open for electric signs, just not flashing.



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DeDe clarified that Ciotti made his point regarding the separate zoning issue.

Mayor Myers clarified that because this is a Planning board recommendation it would take a 2/3 majority to over turn it. A yes vote will support their recommendation.

Motion passed on a 7-1 roll call vote, DeDe opposed.

### C. RESOLUTIONS:

1. Resolution RE: Supplemental Bonding for Woodman Park School. Sponsored by Mayor Scott Myers, by Request.

Hindle moved to refer to a special meeting on March 21, 2007, seconded by Ciotti.  
Motion passed on an 8-0 vote.

2. Resolution RE: Dover Arena Lighting Project. Sponsored by Mayor Scott Myers by Request.

Hindle moved to adopt, seconded by Ciotti.

DeDe explained that there is a 3 year payback on this project.

Keays asked if we are paying up front, Joyal explained that we have a \$50,000 grant already but is unsure if we have to put up the PSNH portion up front and then be refunded, but the vendor may agree to be paid after we receive the rebate from PSNH.

Keays clarified that no city money will be spent on this. Joyal stated the money will flow through the city.

Keays moved to table until the money is received, then withdrew the motion.

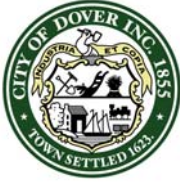
Mayor stated the background clearly explains the grants and rebate and the agreement with the vendor.

DeDe stated the faster we get this in the faster we will save on the electric bill.

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

3. Resolution RE: Adoption of FY2008-2013 Capital Improvements Program. Sponsored by Mayor Scott Myers by Request. ***(To be removed from the table)***

Hindle moved to remove item from the table, seconded by Trefethen. Motion passed on an 8-0 vote. Hindle moved to adopt, seconded by Trefethen.



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The Mayor stated this was discussed at a workshop on 03/07/07 and opened the floor for any amendments.

Hindle moved to amend by moving \$7,000,000 from Police Facility Design and Construction from year 2009 to year 2010, seconded by Ciotti. Motion passed on a 7-0 vote, Scott abstained.

DeDe moved to amend by adding Phase II of Maglaras Park Improvements of \$2,000,000 to Year 2011, seconded by Ciotti. Motion passed on a 7-0 vote, Scott abstained.

Trefethen moved to reduce Tolend Road Landfill remediation Year 2009 to \$2,500,000, seconded by Keays. Motion passed on a 7-0 vote, Scott abstained.

Trefethen stated that this is not a document that is set in stone and is a moving target, a planning document. He stated that there have been lots of hours put into the process by the Planning Board and City Council with their collective knowledge and this is not a plan to spend, but a plan to be used by the city to prepare for the FY 2009 CIP process.

Motion to adopt passed on a 6-2 roll call vote, Keays and Scott opposed.

4. Resolution RE: Agreement with Dover Youth Hockey. Sponsored by Mayor Scott Myers by Request. ***(To be removed from the table)***

Hindle moved to remove item from the table, seconded by DeDe.

Motion passed on an 8-0 vote.

Hindle moved to adopt, seconded by DeDe.

Mayor Myers explained that this was tabled to ensure that the other user groups were aware of this agreement and have been notified, but there has been no feedback.

Bannon confirmed that there have been no response or comments.

Keays asked how many teams will be using the extra 2 hours of ice time.

Bannon stated it would be a game slot so 2 teams would use it at 8:00 p.m. on Wednesday night and again clarified that they are paying for the ice time.

Keays still feels this is showing favoritism.

Turner asked what we will do with the old zamboni.

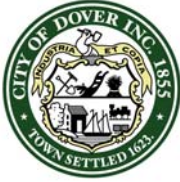
Joyal explained that it is an electric one and the batteries are expensive, so we may sell it or get credit.

Motion to adopt passed on a 6-2 roll call vote, Keays and Scott opposed.

DeDe moved to suspend the rules to move Item 12B-3 up on the agenda, seconded by Ciotti.

Motion passed on an 8-0 roll call vote.

**3. RESOLUTION RE: LOT LINE ADJUSTMENT – CITY OWNED PROPERTY – THIRD STREET.**  
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.



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Hindle moved to adopt, seconded by Trefethen.

Joyal explained the background and asked Mr. Bamford to speak.

David Bamford of Bamford Investments explained that they will be building a Centrex Bank with condominiums above it and an underground garage. He stated that this triangular piece of property will be made into a garden area and maintained by them and not by the city. Myers stated this is a good project that goes along with the city wanting to fill in the urban core and will be a better use of this small property. Ciotti stated that this property didn't warrant two appraisals but the price for this computes to \$259,000 an acre.

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

### 12. NEW BUSINESS

#### A. CONSENT CALENDAR

1. TAG PERMIT – DOVER YOUTH FOOTBALL
2. PARADE PERMIT – PORTSMOUTH CHRISTIAN ACADEMY
3. PARADE PERMIT - OPTIONS FOR WOMEN - PHCC
4. PARADE PERMIT – ROCHESTER RUNNERS CLUB

#### COMMITTEE REPORTS

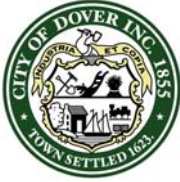
- |   |                                       |
|---|---------------------------------------|
| 1. Appointments Committee                 | 6. McConnell Center                   |
| 2. Arena Committee                        | 7. Planning Board                     |
| 3. Cable Franchise Negotiations Committee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

Hindle moved to grant items 1-4 and to accept committee reports, seconded by Ciotti. Ciotti asked that the Appointments Committee report be pulled. Motion to accept remaining items passed on an 8-0 vote.

Ciotti reviewed the 2 committee reports, the first making appointments and reappointments to the Arena Commission and the 2<sup>nd</sup> appointing members to the Ethics Commission. Motion to accept Report #1 passed on a 7-0 vote, Keays out of the room.

Krans clarified that Dana Lariviere who is being appointed to the Ethics Commission is currently a member of the Cable Franchise Committee which is giving a final report next week, so he cannot officially be appointed until he resigns from the Cable Committee or it has concluded.

Motion to accept the Ethics Commission appointments passed on an 8-0 roll call vote.



CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: Wednesday, March 14, 2007  
Meeting Time: **7:00 pm**

### B. RESOLUTIONS

#### 1. **RESOLUTION RE: AUTHORIZING A SECOND APPRAISAL OF THE COCHECHO WATERFRONT PARCEL.** SPONSORED BY COUNCILOR DENNIS CIOTTI AND DEPUTY MAYOR JASON HINDLE.

Ciotti moved to adopt, seconded by Hindle.

Ciotti stated that there is a requirement for 2 appraisals for the sale of city property and the cost will be paid back to the city once the sale is consummated. He stated they asked for as many quotes as possible and also asked Councilor Scott for recommendations of companies as he is in that field. He stated they sent out to 27 names and received 9 quotes and 13 responded that they did not choose to supply a quotation.

Attorney Krans then reviewed the 3 levels of appraisals that are available.

Desk Review: reading of the 1<sup>st</sup> appraisal and analysis of how the first appraisal was conducted.

Field Review: same analysis as the desk review, but also a review of the comparable properties cited by the first appraiser with physical visits to the site and the sites of the comparable properties.

Finally, a second, full review. All of these appraisals would comply with the Uniform Standards for Property Appraisal Professionals (USPAP).

Krans continued that he recommends Brian White as a local choice or Robert LaPorte of Meredith and Grew of Boston, MA. He further recommends a written desk review as quoted by both appraisers, but also reserved the option to require the selected appraiser to visit the waterfront site for a walking tour at the negotiated hourly rate, which the Boston appraiser would cost more than a local appraiser for that service.

Scott stated he feels that there are 3 companies that look good to him and that the Brian White company may be too close to the project and would recommend the Massachusetts companies. He also feels that there should be a full appraisal.

DeDe clarified that we are only looking for one more appraisal.

Scott disagreed stating that we need 2 done for the City of Dover the one done already was done for the Dover Housing Authority.

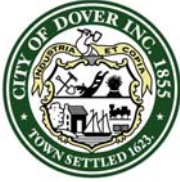
Discussion ensued.

DeDe moved to amend by having Brian White do the Written Field Review for \$6,000 but expedite to 30 days, and if Mr. White is unable to expedite, hire Robert Laport for \$5,500 for 30 days, seconded by Hindle. Motion passed on a 6-2 vote, Turner and Scott opposed.

Discussion ensued regarding the timing and necessity of a full review.

Scott moved to amend to having a full appraisal done by Brian White Appraisal for \$12,000.00 for 8 weeks, seconded by Hindle.

Joyal stated he is afraid of what the expectations are for what purpose the appraisal will serve. He stated we are not just selling this land as the Charette process places requirements on the developer and therefore it is not the same as selling a house. He stated the developer will be



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putting in public spaces and there will be guarantees in place that the developer will follow through and if not the city will have recourse and it will be laid out in the term sheet. He stated they are still waiting for the appraisal from New York and expect that it will be a good one but we have to keep in mind that we are factoring in the vision of the community and other benefits i.e. tax revenue, jobs, boost to the downtown, etc.

Keays disagrees stating that this is the only green spot in the city and the people should get the fair value of the land.

DeDe stated that the comments about the waterfront "giveaway" and that it's becoming a "major seaport" shows that there are huge amounts of misinformation out there. He continued to review the history of the waterfront development to this point.

Motion passed on a 6-2 vote, DeDe and Myers opposed.

Hindle called the question.

Myers asked if an amendment needs to be made changing the \$10,000 amount since the amendment was to spend \$12,000. Joyal stated it wasn't necessary.

Motion to adopt as amended passed on a 5-3 roll call vote, Myers, DeDe and Ciotti opposed.

### **2. RESOLUTION RE: AGREEMENT BETWEEN THE CITY OF DOVER AND SCHOOL ADMINISTRATIVE UNIT 11. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

Hindle moved to adopt, seconded by DeDe,

DeDe stated he spoke to Dr. O'Connor regarding the School Board's previous concerns and the School Board approved this agreement at their 03/12/07 meeting.

Trefethen asked if we are looking for the School Department to pay the same rates as the other tenants and will we be transferring money back and forth.

Joyal stated yes, it is necessary because of the State aid.

Trefethen clarified that they currently do not pay rent at City Hall.

DeDe stated that overall it is going from one pocket to another.

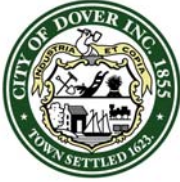
Motion to adopt passed on a 6-1 roll call vote, Trefethen opposed and Turner out of the room.

### **3. RESOLUTION RE: LOT LINE ADJUSTMENT – CITY OWNED PROPERTY – THIRD STREET. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. (SEE ABOVE)**

#### **C. ORDINANCES IN THEIR FIRST READING - NONE**

#### **D. COUNCIL CORRESPONDENCE:**

1. LETTER – ASST. ATTORNEY GENERAL OF NH RE: B&M RAILROAD CONDEMNATION ACTION
2. WETLANDS APPLICATION – EDGAR CROTHERS



CITY OF DOVER

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### 3. WETLANDS APPLICATION – DOVER SCHOOL DISTRICT

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

#### 13. COUNCIL MATTERS OF INTEREST

DeDe moved to direct the City Manager to look at options to outsource the Economic Development function, seconded by Hindle. Motion passed on an 8-0 vote.

Keays discussed the water pressure at the north end of town stating that the taxpayers up there are being sacrificed because the city is greedy and allowing more hotels to be put up there. He stated he is going to fight for those people up there because they need water and he doesn't care what the gauges are showing.

Hindle stated he had the opportunity to work with many department administrators since being a Councilor and has worked with Steve Stancel as well and thanked him for his many years of service. He wished him well on his new position in Florida.

Turner stated he has 2 issues, the first regarding the rising water at Willand Pond which is 60% nature and 40% across the border. He asked what we are doing with regards to communicating with Somersworth on this issue or do we need to pass a resolution.

Joyal stated the communications are open but we need to do a study of the impact and have Somersworth share the cost.

Secondly, Turner stated there have been comments made about property owners owning to the center of the road and wants clarification of where the property lines are.

Joyal explained that every situation is different and that on some of the older streets there have been decisions made that the abutter owns to the center line, but the community maintains the right-of-way and as long as it is maintained by the city, the property owner can't do anything with the property. He recounted an incident on Ham Street with an old tree that was going to be cut down but was saved because the right-of-way had never been utilized so the abutter had reclaimed the right to use it.

#### 14. ADJOURN

Hindle moved to adjourn at 10:21 p.m., seconded by Ciotti. Motion passed unanimously.