



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Wednesday, May 9, 2007
Meeting Time: **7:00 pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Scott led the Pledge of Allegiance.

3. ROLL CALL

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

Absent: Councilor Harvey Turner.

4. PROCLAMATIONS – AWARDS

5. SUMMARY OF 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 Citizen's Forum asking if anyone wished to speak:

Don Coffey, 28 Hawthorne Road – reiterated the importance of paving the roads in his neighborhood and expects all of the Councilors to be at the May 14th meeting where he feels Mr. Steele will try to convince everyone that the current paving program is the best, but the Council doesn't have a say in setting the priorities. He continued that the city collects ¼ million in tax revenue from that area and finds it hard to believe that there is nothing in the CIP to do any of those streets, and still has a problem with Governor Sawyer Lane having been repaved and not his road. He stated he expects every Councilor to be at the May 14th meeting. He concluded by stating that he hopes that there is money in the budget for good Christmas decorations this year.

Mayor Myers stated that the Councilors do their best to attend meetings but there may not be 100% attendance at the May 14th neighborhood meeting.

Mr. Coffey stated he doesn't accept that.

Ed Bleiler, 28 Isaac Lucas Circle – stated that his speech from 2 weeks ago wasn't broadcast so he is here to state it all again. He discussed the expense to both he and the city in the on-going lawsuit regarding the pensions and vacation time payout of former employees and feels the Council should direct the City Manager to stop spending money on this case as he can fight city hall and win. He concluded by stating that regarding Councilor DeDe's statement that the City



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is tied to the State pension plan is reactive and not proactive and feels that if Dover and other cities would inform the State that that we are going broke and won't participate any more with future hires, then this would be a proactive step.

Jerry Lynch, Lincoln Street – stated the City Council voted 9-0 for an audit but he hasn't heard any more about it and feels they should hire KPMG which specializes in municipal accounting and have found errors in other towns as this is an independent audit. He concluded that the company should not be picked by the City Manager, only the Council.

Todd Black, 19 Emery Lane – is in favor of the Conservation Commission purchase of the Hunt property stating that the actual cost to taxpayers is very little and feels there is too much development of open space, so this is a great move.

Stephanie Goodman, 792 Central Avenue – is also in favor of the conservation land purchase stating she keeps her horses there and there are very few places left to do that and feels it is a great thing to spend our money on.

Ron Huml, 199 Mast Road – discussed the waterfront development stating that everyone he has talked to is against it and feels we should wait until both appraisals are back. He thanked Deputy Mayor Hindle for the article in tonight's newspaper. Next he discussed the school budget stating he has heard both a 200,000 and 300,000 figure to be cut and wants to know which it is. He stated he feels that only 2 of the Councilors have thought about what the taxpayers can afford. He stated in the future there should be a firm percentage figure given and they should stick to it. Finally he stated that when he ran for the Charter Commission he had wanted any sale of city land to go to the public for a vote as it is owned by the residents of Dover.

Liz Dubois, 389 Back Road – is in favor of the purchase of the conservation property stating it is a beautiful piece of land.

Suzanne Martinen, 37 Wallace Drive – stated she is concerned with the way the Council is handling the school budget. She continued that she is the president of the DMS PTA and a single mother and has seen her tax bill rise but feels it is an investment into something bigger, the children's future. She understands the increased costs of everything and feels that cutting \$200,000 to save 3 cents per thousand is silly. She stated she is willing to spend the extra \$10.50 a year for education. She continued that the technology is changing every year and that teachers have to do more with less every year. She addressed several comments made by Councilors regarding the school budget and concluded by asking the Council to reconsider any cuts.

Carol Pivor, 17 Hubbard Road, stated she is a homeowner, taxpayer, PTA member and parent of a 6th grader at DMS. She stated she is against any cuts to the budget and feels that there are many dedicated teachers in Dover schools. She stated she asked her daughter for advice on



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what to say and her daughter said that “children are the future of Dover so they should invest in the children”. She continued that companies looking to come to Dover look at the school systems as well and if we look like we don’t care enough to invest in our schools, then they won’t invest in Dover either.

Rodney Belanger, 336 Back Road – is in favor of the Hunt property conservation and applauds the Hunts for doing this with their property instead of selling it for more money to developers.

Karen Drapeniotis, Dover Main Street – stated that Saturday, May 5th was the downtown Dover Pride cleanup day and stated it was a very successful day. She reviewed the many volunteers and businesses that helped make it successful. She stated that she is currently cleaning out her office and came across information from being on the Waterfront committee in 1994, so this shows that this project has not been hastily prepared. She stated that the time is right to do this and if we don’t, it will be a missed opportunity.

Mayor Myers thanked Karen for her many years of volunteering to the City of Dover and announced that she will be moving on to work in Exeter to which the Council and audience gave a standing ovation for her years of service.

Amanda Russell, 20 Cranbrook Lane – asked that the Council to vote in favor of the school budget as presented and thanked Councilors DeDe, Cheney and Trefethen for answering her e-mail and DeDe and Trefethen for supporting the school budget. She concluded by stating she wants to see a lot of things go down in price, i.e. gas, etc. but we have to spend money to do what is best for our children.

Jan Nedelka, 169 Dover Point Road, stated he supports the Waterfront development, although he does support some of the concerns of people who aren’t in support such as the cost of the cleanup. He stated that he has since read the term sheet and feels that this is a very good document and all of his questions were answered and that those who are dissatisfied should also read the document. He concluded by stating that it is okay that Deputy Mayor Hindle wants to keep his nose clean, but feels it is also okay for the developer to talk to the Councilors and other citizens.

Kurt Schuman, 30 Cushing Street – Chair of the Master Plan update committee stated that on Saturday they will be holding a visual preference survey at the McConnell Center Cafeteria in 45 minutes sessions from 9:00 – 1:00 p.m. He stated that this is the guidepost of future development in Dover and hopes to see everyone there.

Aviva Meyer, 1 Pebble Hill Drive – Thanked the Council for their works as elected officials and stated that they are elected to make the decisions and feels that every issue doesn’t need to be voted on at elections, including the waterfront as is being suggested. She also asked that there be a Council rule prohibiting people from repeating statements already made at prior meetings.



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Bill Garrison, 4 West Concord Street – stated he supports the waterfront development and stated that even those who oppose it want to see it cleaned up for a city park otherwise it will sit idle and offer no value. He stated we have already had decades of wasted time and we now have a developer who is flexible and leaders who are willing to move forward. He stated if nothing is done this will remain the same way for years to come, but if they go forward it will allow for growth and prosperity.

Mandy Chalou, 67 Oak Street – stated she moved to Dover 5 years ago because it was a nice city, but it was not a destination city and she always went to Portsmouth, Boston and Portland to go out. However, now downtown Dover is a great place to spend time and money and is becoming a great place to live. She feels that the waterfront development will help tie together the downtown area and urged them to support the waterfront development.

Glenn Grasso, 1 Pebble Hill Drive – began by stating that paying taxes for schools are a part of the social contract for future generations. Next he stated that he saw the last Council meeting rebroadcast several times and saw the quote that the supporters of the waterfront were “smoking something” and assured everyone that he isn’t. He continued to express his support of the waterfront development and thanked Councilor DeDe for his responses to the “negative group”, but feels that they don’t want to hear the answers but want to ask accusatory questions. He stated that it is frustrating to him that some councilors are buying into the negativity and he feels that most people want to move forward.

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

Mayor Myers commented that the Open Lands Committee members has asked about speaking during Citizen’s Forum regarding Item 12B-1 and he told them they could have their allotted time when the item came up on the agenda.

7. PUBLIC HEARINGS

- A. Resolution RE: FISCAL YEAR 2008 BUDGET APPROPRIATIONS, FEES AND CAPITAL IMPROVEMENTS PROGRAM. Sponsored by: Mayor Scott Myers, by Request. **(See Item 11C-1)**

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

Ron Huml, 199 Mast Road – stated he has found a number of errors while looking through the budget book and hopes that these have been addressed. Secondly he stated he would like to see the format amended to show the 9 months of actual current expenditure instead of using the prior year figures. He then gave an example within the Library budget. He concluded by stating that DeDe had asked a few years ago about keeping the snowplowing money in a separate fund with any leftover money carried over and feels this should be done.



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Ed Bleiler, 28 Isaac Lucas Circle – stated that before the Council adopts the budget there should be a detailed 0% and 2% budget as was requested and passed by Council resolution. He stated the increases are unsustainable and last year the increase was blamed on the County but this year that is only 4\$. He feels that all of the city departments are over-inflated and we are pricing ourselves out of the real estate market and that people who remain here will become a captive audience. He stated this is a great chance for Joyal to become pro-active instead of reactive. He stated he is speaking on behalf of the elderly, fixed income people as he can pay any tax thrown at him, but they cannot.

Tony McManus – Vice Chair of the Planning Board speaking on behalf of Chairman Ron Cole who could not attend this evening – stated that there was no formal vote of the Planning Board on this issue but they are against a cut in the Planning Department which has provided outstanding quality throughout the years. He stated that he has heard that the Planning Director will be replaced from within but that will leave a vacant Planner position, which they would like to see filled or at least have a part-time or intern put in for technical support.

Susan Galt, Prospect Street – speaking as Chair of the Library Board of Trustees – would like to see the proposed cut of the Children’s Room Librarian re-instated because this would put the staffing levels back to the 1996 level, although the population has grown over the years and we are open on Sundays.

Jerry Lynch, Lincoln Street – feels the Planning Department is part of the problem in Dover allowing too many developments. He asked if the Strafford Regional Planning Commission does any of our planning in Dover and concluded by stating we have no good planners in Dover.

Rich Thorpe, 27 Hill Street – Vice Chair of the Recreation Advisory Board – discussed the recent move of the Recreation Department from the Butterfield Gym to the McConnell Center stating he applauds their efforts in meeting the challenge of dealing with less space. He then discussed the partnerships with the Community Services Department, Recreation Department and the various leagues and volunteers who have stepped up to maintain and improve the city properties for more residents to enjoy. He held up the Community Services newsletter that was recently mailed to all residents and concluded by stating that he likes living in Dover and asked that the Council keep the funding for the Recreation Department.

Linda Merullo, 21 Long Hill Road Ext., Planning Board alternate – stated she takes exception to the comments of a previous speaker regarding the Planning Department stating that she has always received professional, timely information whenever she has requested it, even e-mails at night.

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



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B. Resolution RE: CHARTER AMENDMENT - DEFINITION FOR "DEFAULT BUDGET" Sponsored by Councilor David Scott. **(See Item 11C-2)**

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

Ed Bleiler, 28 Isaac Lucas Circle – stated that the way the system works today, the City Manager's proposed budget become the budget if none is adopted by the Council but feels that it should revert back to the previous year budget. He stated Councilor Scott should be applauded and supported for his efforts and not chastised in Foster's.

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

8. CITY MANAGER'S REPORT

City Manager Joyal began by stating that he has distributed 2 memos on the Council desks; the first addressing Councilor Scott's request for information regarding the \$350,000 budget transfer from June 14, 2006 and the draft of an RFP for the requested audit which will exclude the current audit firm.

The Mayor asked that the Council read through the audit document and they will discuss it next week.

Next, Joyal stated that the State of NH DOT will be overhauling the Oak Street Bridge beginning at the end of May and that area will not be accessible for 8 weeks with detours in place.

DeDe stated that will put huge pressure on Atlantic Avenue and wants to see traffic control measure put in place.

Joyal continued by reiterating a previous speakers comments about the Master Plan workshops being held on Saturday at the McConnell Center. He concluded by also recognizing Karen Drapaniotis stating that her contributions to the community cannot be overstated and that Dover is a better place to live because of her efforts.

Councilor Scott asked Joyal to provide receipts of the Severino transactions for the last 4 years. Joyal explained that this information was provided in the background information in the Council packets and reviewed the information for Councilor Scott. Councilor Scott stated he did not receive this information in his packet. (The Clerk would like to clarify that all Council packets had the same information and were distributed on 05/04/07 to the Council mailboxes).

The Mayor stated it was also posted on the web.

DeDe stated that he will be in California on the 14th and will not be attending the TAC neighborhood meeting.

Ciotti asked the Manager if the road construction on Oak Street will affect the bus routes, and wonders why they couldn't wait until after school ended.

Joyal stated he is unsure of the bus routes, but the road condition is urgent.

Trefethen stated he will also be out of the country on 05/14/07.

DeDe asked the City Manager to once again clarify that the City of Dover can not opt out of the State of NH retirement system as was alluded to by a previous speaker.

Joyal stated that is correct.



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Councilors Cheney and Keays and Mayor Myers also stated they would not be available for the 05/14/07 meeting.

Joyal stated that he and Deputy Mayor Hindle will be at the meeting and will give feedback and materials to the Council. He stated that the Council has already had a workshop on the pavement program as well.

Keays asked about Henry Law Avenue and when that project will begin.

Joyal stated they are still working on easements.

Keays stated this will end up costing more and more the longer it is delayed. He asked why Wallingford Street can't be done at least.

Joyal explained that this needs to be done in conjunction with Henry law Avenue and agrees that the cost does keep going up the longer they have to wait for the easements, etc.

Scott stated he would like a cost accounting of roads projects i.e. Back Road including the road construction vendors and the city people.

Mayor Myers stated that he does not need another copy of this information as he has received it several times already, other Councilors concurred.

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

9. MINUTES

- A. REGULAR MEETING – APRIL 11, 2007
- B. WORKSHOP – APRIL 18, 2007
- C. REGULAR MEETING – APRIL 25, 2007

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

10. MAYOR'S REPORT

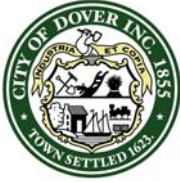
At Councilor Cheney's request, the Mayor began with explaining the Firedog.com contest which was entered by Dover firefighter Jim Ormond who was chosen as a finalist. He explained that this contest will bring a substantial amount of money to the city and he asked people to go to this website and vote for the essay.

Next, he stated he and Councilor DeDe attended hearings in Concord regarding the retirement system which he said was attended by many employees but not many employers.

He also attended the openings of Dover Baseball at the Keays Field with Councilors Keays and Ciotti as well as the City Manager and the opening of Dover Southside Little League with Councilor Scott.

He also participated in the Dover Main Street/Dover Pride clean up held on May 5th and thanked everyone who attended.

Hindle moved to accept the Managers report, seconded by Cheney.
Motion passed on an 8-0 vote.



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Councilor Scott stated he is mystified as to how a resolution with his name as sponsor was put on the agenda without his consent.
Mayor Myers asked him to wait until the item comes up.

11. UNFINISHED BUSINESS

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

C. RESOLUTIONS

1. Resolution RE: FISCAL YEAR 2008 BUDGET APPROPRIATIONS, FEES AND CAPITAL IMPROVEMENTS PROGRAM. Sponsored by: Mayor Scott Myers, by Request. ***(To be referred to Special Meeting on June 6, 2007.)***

Hindle moved to refer to a Special Meeting on June 6, 2007, seconded by Trefethen. Motion passed on an 8-0 vote.

2. Resolution RE: Comcast Cable Franchise Agreement Renewal. Sponsored by Mayor Scott Myers by Request. ***(To be removed from the table)***

Item remains on the table.

3. Resolution RE: CHARTER AMENDMENT - DEFINITION FOR "DEFAULT BUDGET"
Sponsored by Councilor David Scott.

Scott moved to adopt, seconded by Cheney.

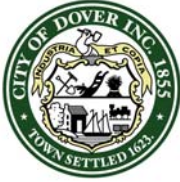
Scott explained his reasoning for this is that the City Manager has enormous power under the current system and that this would define the default budget as the previous year budget as is done in many towns.

Hindle asked if the legality of town vs. city has been researched.

Krans stated that the State statute calls for the City Manager budget to be the default unless otherwise provided for in the City Charter. He then explained SB-2 towns which have a specific definition of default budget by Statute which is the previous year budget with adjustments for debt, contractual obligations and one time expenditures and further explained that this proposed amendment is not the same and it does not take into consideration any of these adjustments. Discussion ensued.

Krans stated he has spoken with the Attorney General who said we can adopt our own version of a default budget, but they did not address this specific definition.

Hindle stated there have been other Charter amendments proposed since he became a Councilor and it has always been his practice that they should go to the voters regardless of his



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opinion. Regarding this, he doesn't see the Council getting to a point where the City Manager budget would become the default budget, because then the Council wouldn't be doing their job.

Mayor Myers stated that he has e-mailed other cities regarding their default budgets and most of them do use the Manager's or the Mayor's proposed budget as the default. He stated that Dover is not a town, but the towns that use SB-2 do take adjustments into account and that is a big difference from this proposal. He stated that this also doesn't deal with if the County budget goes way up again or how to share the forced reductions between the city and school.

Discussion ensued.

Trefethen stated he also feels that the time to stop this is now. He stated he understands the contention to let the voters speak which they recently did to keep the Councilor form of government and the main thing the Council has to do is decide on the budget. If they don't, then the Council isn't doing their job. He continued by stating that SB2 towns have 2 separate budgets that are voted on and wonders how we would divide up the cuts if we reverted back to a previous year budget. He concluded by stating that it is the Council's job to set policy, not pass the buck.

Cheney stated that Hindle struck an important note that the Council should pass the budget and make cuts in a timely manner. She stated that during her first budget process last year there was a lot of input on some things and no input on others. He stated she also agrees that any charter amendment proposal should go to the voters and would entertain some changes to verbiage, although she feels the Attorney General's Office will suggest changes anyway. Myers asked for clarification that any change to this proposal would have to go back to a public hearing.

Krans confirmed this to be true.

Discussion ensued regarding language.

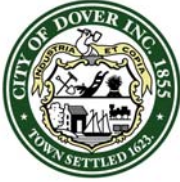
Krans stated that if this were amended to take the SB-2 language, then the A.G.'s office would approve it because it is already a State RSA.

Joyal stated that in all likelihood the A.G. would not be available to draft the language, but the City Attorney can assist in that.

Ciotti stated he cannot support this as currently written as this does not allow for any natural catastrophes which we have had in the last 11 months and feels that he was elected to make the budget decisions and concluded by stating "if it ain't broke, don't fix it".

Scott stated that this is a concept and feels that the public should be able to vote on it but agrees there could be better language.

ITEM WAS WITHDRAWN.



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Hindle moved to suspend the rules to move Item 12B-1 up on the agenda, seconded by DeDe. Motion passed on an 8-0 vote.

1. RESOLUTION RE: AUTHORIZATION FOR THE PURCHASE OF A CONSERVATION EASEMENT BY THE CITY OF DOVER CONSERVATION COMMISSION. SPONSORED BY MAYOR SCOTT MYERS AND COUNCILOR DOUG DEDE.

Hindle moved to adopt, seconded by DeDe.

Marcia Colbath, Chair of the Open Lands Committee reviewed the background which was included with the agenda packet.

DeDe explained that the Open Lands Committee developed a criteria sheet for consideration of properties which includes a comprehensive analysis and they don't take just any property. Cheney thanked Marcia stating that she was raised on a farm and feels that if her parents had this option they would have done it. She stated she is encouraged to see that even though developers had made offers on the property that the Hunts were willing to keep this land open. Scott stated he likes the concept of this and likes the strawberries from this farm, but he doesn't think that the Dover citizens should be forced to contribute to this and it should be voluntary. Trefethen stated that there are 2 subjects that aren't related but need to be addressed together for clarification. He stated that buying this easement and the waterfront development are often compared with people wondering why we don't preserve the waterfront in the same way. He stated this is where the score sheet comes in that the open lands committee uses and the waterfront doesn't meet the criteria and wants people to be clear on this. He stated he supports this easement 100% and gives kudos to the Hunts.

Myers stated he supports this as well and stated the background information that was provided was very extensive and what this Council had requested. He explained that these funds come from the CIP and also from the Strafford County River Conservancy.

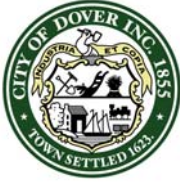
Ciotti agrees and thanked the Hunts, Open Lands Committee and Conservation Commission stating this is investing in ourselves.

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

12. New Business

A. CONSENT CALENDAR

1. TAG PERMIT - DOVER VFW POST12060
2. TAG PERMIT - SEACOAST TITANS
3. TAG PERMIT - DOVER LITTLE GREEN FOOTBALL
4. RESOLUTION RE: CATCH BASIN CLEANING SERVICES. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.



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5. RESOLUTION RE: CHANGE ORDER TO WRIGHT PIERCE PO 30-234250 TO OVERSEE I & I REDUCTION PROJECT B07055. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.
6. RESOLUTION RE: INFILTRATION AND INFLOW REDUCTION CONSTRUCTION PROJECT B07055. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.
7. RESOLUTION RE: REFLECTORIZED PAVEMENT LONG LINE MARKINGS.. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

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 1-3, adopt 4-7 and accept the committee reports, seconded by Trefethen. Motion passed on an 8-0 roll call vote.

B. RESOLUTIONS

1. RESOLUTION RE: AUTHORIZATION FOR THE PURCHASE OF A CONSERVATION EASEMENT BY THE CITY OF DOVER CONSERVATION COMMISSION. SPONSORED BY MAYOR SCOTT MYERS AND COUNCILOR DOUG DeDE. **(SEE ABOVE)**
2. RESOLUTION RE: AMENDMENT OF DUC FEES; RULES AND REGULATIONS. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Trefethen.

Joyal reviewed the background stating that the DUC reviewed the Water/Sewer investment fees because they hadn't been updated since 2001 and this now will include different types of users and take into account various factors in determining the fees.

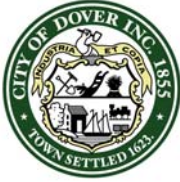
Krans stated he has distributed an amendment to the background which added a "catchall" category for applicants that fall into any of the categories on Appendix B. Also, in the Rule Section 1-5.2, the term "User" was changed to "Applicant".

Myers introduced Gary Green, Interim Chair of the DUC to answer any questions.

Cheney stated she attended 2 DUC meetings and feels this change makes the fee structure more equitable. She asked how much motor homes are charged to dump at the WWTP.

Steele stated there is no fee for Dover residents for motor homes. The fee for septic tanks is \$50.00 for residents and \$120.00 for out of town.

Keays wants to know why residents have to pay for meters to be repaired when they are charged a rental fee.



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Green stated this is a current rule that is not being changed at this time and not a part of this resolution.

Bill Boulanger, Utilities Superintendent, explained that the current rules and regulations are currently undergoing review so this will be looked at, but the investment fees took the focus at first. He further stated that they usually don't charge unless it has been obviously mistreated. Ciotti asked about Appendix B, Items 8, 9, and 10 and are restaurants differentiated between bars and lounges.

Myers stated that there are 2 different liquor licenses required by the State so they are different. Cheney asked when the committee will review the fees again since this hasn't been done for 6 years and feels there should be a built in review process.

Green stated this will be done annually.

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

3. RESOLUTION RE: AMENDED AGREEMENT WITH SEVERINO TRUCKING. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by DeDe.

Joyal reviewed the background stating that Severino Trucking and the City of Dover entered into a contract in 1998 with the terms of the agreement providing Severino the opportunity to extract sand and gravel materials from the city owned pit on Mast Road and required Severino to pay to the City of Dover \$1.35 per cubic yard for the materials which was to be put into a fund to fund athletic fields and field maintenance. He continued that the present contract continues for the life of the pit and does not have a price escalation clause to allow the price to increase over the course of time. He stated there have been comments made that this agreement should be abandoned but it is not that simple, but Severino was willing to come back to the table and make some amendments which are summarized on page 3 of the background.

Hindle clarified that if the Council votes no on this resolution, then the current contract stands. Joyal stated yes.

Hindle thanked the Manager and Severino for going back to the table stating this is a positive step forward.

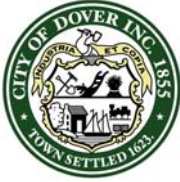
Trefethen stated the existing contract has been the subject of discussion for many years but what is generally not recognized is that there are 2 sides represented in the contract and both sides need to be willing to renegotiate. He thanked Severino for being willing to renegotiate and hopes that this can now be put to rest.

Scott asked what is the current market price.

Joyal stated this is in the background and asked Mr. Severino to come to the podium.

Ron Severino of Severino Trucking began by stating that he feels the original contract was a good deal for both sides when it was negotiated. He then reviewed the various prices and various materials that they deal with in the Mast Road pit.

Keays stated they surely weren't taking a loss on this deal.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Wednesday, May 9, 2007
Meeting Time: **7:00 pm**

Severino stated the first 2 years they did operate at a loss.

DeDe thanked Severino and feels that the Council should recognize they didn't have to sit down and renegotiate and is also grateful for the explanation.

Ciotti asked about the projections over the next 10 years and is \$200,000 a year accurate.

Severino stated there is a downturn right now and with this increase it will knock down their market share. He stated this is a very competitive business.

Ciotti thanked the people from Severino for coming in and putting a face to the name.

Trefethen asked if this is approved for 10 years how much material will be left in the identified area, although he understands there will still be more in the other area of city-owned land.

Joyal stated that is correct, but it was not clearly defined before so there is a portion that is being preserved for the city.

Severino stated this was actually always a part of the pit outlined for preservation, but it had not been a part of the contract and now it is.

Scott asked about cement being brought out there.

Severino explained that it is asphalt which is stockpiled for the city and then a crusher is brought in to recycle the materials and then it is sold back to the city at cost and stated it is a win/win situation.

Scott asked if they are paying rent to store equipment on the property.

Severino explained that they only have a screener on the property the rest is coming and going all the time and stated that everything has to be approved by the Planning Department.

Scott stated that he sees trucks coming and going and no one is checking how much they are taking.

Severino explained that there is a loader operator slip for every load and the pit is also measured by a surveyor.

Discussion ensued regarding materials used.

Scott moved to table, no second, motion failed.

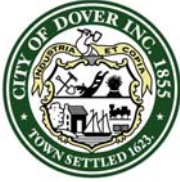
Ciotti asked Trefethen as the Planning Board representative if the Planning Board reviewed gravel pit permits at the last meeting. Trefethen confirmed.

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

4. RESOLUTION RE: WAIVER OF COPY CHARGES FOR MEETING DVD'S. SPONSORED BY COUNCILOR DAVID SCOTT.

Scott stated he is mystified as to how this appeared on the agenda with his name on it as it does not address the issue of meetings not being rebroadcast, specifically 04/25/07. He doesn't feel that people should be given a DVD, but should be able to watch the rebroadcasts.

Myers explained that people are not missing the opportunity to see the meeting broadcast live it is just a problem with the system when re-broadcasting because it is an old system.



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Joyal explained how the resolution came about based on a discussion with Councilor Scott about the equipment problems and the fact that people were being charged \$10.00 for a DVD of the meetings. Joyal read an e-mail that he sent to Councilor Scott stating that he would draft a resolution and Scott said okay on May 3, 2007 and was cc'd to the Mayor and Deputy Mayor so they would be aware that another resolution was being added to the agenda.

ITEM WAS WITHDRAWN.

- C. **ORDINANCES IN THEIR FIRST READING - NONE**
- D. **COUNCIL CORRESPONDENCE - NONE**

13. COUNCIL MATTERS OF INTEREST

Keays stated something has been bothering him for several days because he has received phone calls inviting him to breakfast to discuss the waterfront and stated he doesn't need to be influenced. He stated that the City Attorney or an outside attorney should look into the situation because there are 2 councilors on the CWDAC board and have made themselves available to these requests and have said how they will be voting. He feels this is a conflict of interest.

Cheney stated that she read in the paper that Joyal had made comments about the flyers passed out by a citizens group. She stated that back in December she emailed him that the CWDAC was supposed to do what was set forth by the Council and feels that this all should be stopped and that no city employee should be working on it until the Charrette is more closely followed. She feels the City Manager shouldn't be taking sides and should be reporting to the Council and not giving political views.

Joyal stated that it was the goal of the community a number of years ago to develop this area. He stated he has heard from 2 Councilors that he is not doing his job, but he disagrees. He stated this is a complex issue and there was no direction given by the Council so he did what he felt he was supposed to do. He stated the CWDAC is made up of many members, 2 of which are Councilors. He stated he feels it is his role to assist them. He stated he has to combat misinformation that has been misleading and turned into a political issue. He stated he is representing the city to get the best possible deal and make recommendations. He stated he would recommend going with the term sheet.

Cheney stated she doesn't feel that the Council is being represented on this committee. She stated that this has been a long time coming and we have been working to clear up the site. She stated the Charrette is the document that is supposed to be followed but all of a sudden we are ready to go ahead.

Joyal stated he feels he is not being political but trying to correct the misinformation and deceit on the flyers. He stated the term sheet addressed all of the issues.

14. ADJOURN

Hindle moved to adjourn at 10:30 p.m., seconded and approved unanimously.