



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Wednesday, June 13, 2007
Meeting Time: 7:00 pm

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Deputy Mayor Hindle led the Pledge of Allegiance.

3. ROLL CALL

Present: Councilor Dennis Ciotti, Councilor Doug DeDe, Deputy Mayor Jason Hindle, Councilor Robert Keays, Mayor Scott Myers, Councilor David Scott, Councilor Dean Trefethen, Councilor Harvey Turner and Councilor Catherine Cheney.

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 the Citizen's Forum asking if anyone wished to speak:

Teri Picard, 192 Silver Street – read a prepared statement regarding the term sheet and appraisal of waterfront and questioned why this project was not put out to bid.

Marilyn Follansbee, 25 Dover Point Road – stated she appreciates the work done on the budget and feels that all of the questions asked were answered well. She also feels that Mother Nature needs to be a line-item in the budget. She stated she also hopes that the city does not always go with the lowest bidder and specifically on the parking garage if that happens. She discussed the area of Henry Law Park stating that with the cutback of city workers it is important for citizens to pick up themselves and their dogs. She stated that she feels that people should be working with developers when they come to our city and feels that there is nothing clandestine going on with the waterfront project. Finally, she stated that she likes the City Manager's report on the website, stating that there is a wealth of information.

Linda Hagen, Jewelry Creations, is concerned with the requirement of having retail included in the waterfront development and feels it would be a poor excuse to not follow through with the project and feels the developer has worked with the city and that there are pros and cons on both sides. She stated that it is time to move forward and to make this currently useless and useful.

Maurice Dichard, 5 Prospect Street – stated every day he reads negative comments about the waterfront in Foster's and feels that the waterfront project is only a positive for Dover. He stated



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that the difference between Dover and Portsmouth is that Portsmouth is forward-thinking and that if the vote is no tonight, he wants the no-voters to move to Portsmouth.

Jim McAtavey, 26 Prospect Street – stated he is in favor of the waterfront project and that 20 years ago he sat at meetings trying to get the waterfront project going. He stated that if it is voted down tonight, it will be another 15 years before anything is done. He stated he has read the term sheet and feels it is a well written agreement and that there are no loopholes. In Phase I, Dover gets everything it wants with no taxpayer dollars spent. The site will be cleaned up and there will be \$100,000 in real estate tax every year. He stated this sounds like a no-brainer.

John Scruton, 99 Sixth Street – has a petition with 138 signatures on it against the waterfront development.

Martha Green, 18 Footbridge Lane – stated she is concerned as a Dover taxpayer and resident that the CWDAC has spent much time and talent on planning this with input from residents and that concerns an questions raised have been answered fully by the experts. She asked that the Council vote in favor.

Dot Hooper, 84 Katie Lane – stated she understands that this is a difficult vote and expects her Ward 4 Councilor to vote yes. She stated she feels that the no voters are listening to a minority and that it is okay for a developer to make a profit while giving benefit to the city. She stated that when in doubt the vote should go with the public and not necessarily on a platform they ran on at election time.

Paul Butler, 196A Dover Point Road – stated he has been extremely happy as a resident of Dover and wants the Council to vote yes on the waterfront development. He gave some background information on the estuary system of the rivers and stated that part of this plan allows more people to enjoy the rivers.

Rick Callaghan, 32 Horne Street – stated he is in support of this but feels it shouldn't be rushed into. He feels that the groundwater contamination exceeds minimum standards and feels that the risk should be split with the contractor.

Mark Miller, 103 Cocheco Street – stating that things are starting to happen in the Cocheco Street area and feels that there can be comparisons made to Portsmouth which has done a lot of things right and feels we should follow the same direction.

Barbara _____, 92 Silver Street – likes the idea of the waterfront development but has a problem with the term sheet. She stated she moved here from Minneapolis where there were many lakes and all had a large amount of park land around them and public boating access which she feels this plan lacks. She is concerned that this is not the final plan and that the Council won't have a say in the final plan.



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Anna Boudreau, 9 Northam Drive – is in favor of the waterfront development and also thinks it is a great idea to meet with developers to get educated.

Therese Foster, 192 Dover Pt. Road – stated that Dover is doing positive thinking with their land that goes to the water and feels that everyone should have access to the waterfront. She stated Portsmouth has done it and Dover can too.

Sam Reid, 22 Lexington Street – stated he has read the term sheet and feels it is well-drafted and well thought out and the odor remediation is fair. He stated that CWDAC has done exemplary work and can be proud. He asked the Council to not succumb to negativity and half truths.

Bob Steele, 7 Crescent Avenue – has been a Dover resident for 29 years and only appears before the Council when he feels it is necessary. He is here tonight to speak in favor of the waterfront development and discussed the need to create a balance in the city and expand its revenue source.

John McCooley, 92 Katie Lane – Chair of the Dover Housing Authority, stated that CWDAC members are all property owners who pay taxes and they are not trying to raise taxes. He stated he doesn't feel that there are any loopholes in the term sheet agreement and feels that CWDAC should be very proud of their work no matter what happens and asked the Council for their support.

Karen Weston, 55 French Cross Road - stated she is in favor of the waterfront but feels it is important to ask questions. She referred to an editorial article in Foster's Daily Democrat written by Council DeDe which referred to the "malcontents" stating he should practice what he preaches. She continued that GZA's report suggested more testing and would guarantee that there would be no additional costs. She stated that she feels most people are in favor of developing the waterfront but not this resolution and feels that there should be a spending cap clause included in case the clean up costs go over the projections. She continued reviewing various aspects of the term sheet and feels that the Council should not relinquish their control of the development process.

Ed Bleiler, 28 Isaac Lucas Circle – feels that there isn't anyone in the room who is not in favor of the development but the negative comments are regarding the terms and that the resolution surrenders Council Authority to DHA. He then read the terms and urged the Council to vote no on this resolution and clear up the failings of the term sheet.

Peggy Carter, 2 Cottonwood Drive – stated she and her neighbors invited Councilor Turner to her house for an informational meeting as they needed more answers. She stated that Councilor did his due diligence by meeting with Mr. Dickinson the developer and feels that he has been very up front about it. She thanked CWDAC for their work and hopes that the Council



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is ready to go forward as she is ready to spend her money in downtown Dover and not Portsmouth.

Bill Asbell, 4 Hall Street – stated he is disturbed because this vote has been characterized as it being about going forward or not but it is really about giving up Council prerogative as elected members by the people of Dover or to maintain power and be accountable. He stated that he feels DHA is competent but is not elected by the people and the Councilor should maintain the power to vote. He urged the Council to vote no.

Peter Schmidt, Fourth Street – fundamentally disagrees with Mr. Asbell that the Council should maintain control because each new Council would be able to take back what has already been approved and would cause negative ramifications. He gave the example of the public works facility move when he was on the Council in 1999 which paved the way towards this development even though there were many against it.

Britt Ulinski Schuman, 30 Cushing Street – stated that there was an incredible outpouring of support on May 23rd with many people speaking from various backgrounds who are united by the desire to make Dover a better place to work, live and play and her only vested interest is to see Dover succeed. She stated she has lived in Dover since the 1980's, went away to college and then came back because she likes it here. She stated she looks forward to a respectful, intelligent debate on this issue and feels that the choice to vote no will be a black eye and to vote yes will launch Dover into an era of unprecedented prosperity.

David Bamford, Gulf Road – stated that every decade the Council is summonsed to vote on an issue that can put them in a position of greatness and urged the Council to hear the drumbeat of a new Dover rising.

Glenn Grasso, 1 Pebble Hill Road - stated he ate sushi at the Italian Restaurant downtown and the owner is in favor of the waterfront development and is afraid of what will happen to downtown if it doesn't go forward.

Janet Perry, 37 Arch Street, co-owner of Nicole's Hallmark – stated that the businesses in downtown may benefit from the waterfront development but they may not be here in 5 years if this doesn't go forward. She thanked the DHA and CWDAC for their time and effort as well as the Council as this is not an easy decision. She feels that if this was being developed in Enterprise Park there would be any discussion because of the income it will be generating into this community.

Dan Ayer, 160A Back Road – stated he is not as well informed on this issue but respects the decisions that are being made. He does feel that there are enough condos in Dover and doesn't know if they will work well downtown or not but feels that both sides should be respected.



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Sarah Cox, 189 Dover Point Road – is a 4th generation Dover resident and urged the Council to vote yes on this so that 4 more generations are still deciding this issue in the future.

Vicky Blanchette, 36 Third Street - stated she would like a yes vote on the waterfront, but a no vote on giving away the Council control.

Don Medbury, 3 Covered Bridge Lane – stated he supports waterfront development, but not this version. He referred to a resolution passed on February 9, 2005 which was supposed to avoid making this a political issue, but it has anyway and feels that there have been secret meetings held. He continued to address issues of concern with the proposed agreement and referred to the Foster's editorial stating that they are bullies.

Chris Wyskiel, 15 Lexington Street – legal representative for Mark Dickinson asked if he could yield his time to Mr. Dickinson. Mayor Myers responded "No". Mr. Wyskiel spoke on behalf of Mr. Dickinson outlining the history up to this point and the various changes made to come to the proposed term sheet. He addressed Deputy Mayor Hindle's assertion regarding Councilor Turner's meeting with Mr. Dickinson stating that this was done because Turner wasn't able to attend the April 30th meeting where those concerns were brought up. He stated there was a follow up of this meeting in writing to all of the Council, DHA and CWDAC members as well.

Robert Foster, 192 Dover Point Road – stated he is proud to stand at the podium and is disgusted with the carpetbagger group of people from Massachusetts who want to tell us what to do here in Dover. He stated he is one of the heaviest taxpayers in the city and a 5th generation resident and supports the waterfront development.

Tom Dunnington, 230 Washington Street – stated he grew up in Dover and his family settled here in the 1700's and politics have always been a part of his life. He stated there have been several defining moments in the history of Dover and this is something that has been talked about for 20 years and feels that it is time to put the petal to the metal.

Diana Schuman, 5 Elm Street – discussed strip malls in Florida where she used to live stating that the planners there forgot about the sense of community for people to park, walk and chat as there was no town center. She stated she moved closer to downtown from the north end because she enjoys Dover now and rarely goes to Portsmouth. She feels that this vote was already done in 2005 and urged them not to change it.

Jim McKenna, 22 Reyner's Brook Drive - thanked Turner for listening to the Ward 6 residents and for educating himself.

Tom Hindle, 35 Atkinson Street – stated that the discussion of tax benefits, discretionary benefits and clean up benefits are all legitimate but he feels that this also needs a retail component. He stated a previous speaker spoke about boutiques, etc. which was a part of the



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original charette component and this Dickinson proposal has that component as well now, but the original proposal did not. He stated he is concerned because these can be removed after one year per the agreement but he feels it could be difficult to fill the retail space during Phase I. He feels we need to ensure that retail remains a part of this in order for it to become a destination place as the waterfront is a vital element of downtown and will bring in tourist dollars as well.

Aaron Wensley, 2 Hartswood Road – volunteer for Dover Main Street – thanked Mr. Dickinson for hanging around this long and putting up with all of this stuff. He stated he has faith in the Dover Housing Authority and Jack Buckley and supports the waterfront. He feels people should be asking what happens if we do nothing as he feels that would be the worst thing.

Patty Foster, 194 Dover Pt. Road – thanked everyone involved in bringing this forward and feels that these volunteers should be recognized for their time and credentials. She addressed the concern for retail space stating there are no guarantees and the Foster's building that is being renovated is also supposed to have retail space, but again, not guaranteed.

Doris Grady, Long Hill Road – has lived 62 of her 83 years in Dover and has seen many changes. She has many friends, some in favor, some not and she respects their opinions. She stated she is not a malcontent just because she still has questions after listening to the meetings and reading the term sheet and other information on the web. She reviewed some of the words in the term sheet that she has issues with stating that she does not want the Council taken out of the process.

Chris Laurion, 10 Pleasant View Circle – stated she is against waterfront development and feels that people have raised a lot of key points. She feels that there are other priorities in the city including Dover High School is falling apart, north end water pressure, north end fire station, etc. She stated that she feels that there isn't a lot for kids to do in this town and feels the river isn't the future of Dover, her son and other children are.

Braden Laurion, 10 Pleasant View Circle, 15 year old student - is against the waterfront development because there are problems with the schools.

Jack Buckley, Director of Dover Housing Authority and longtime resident –commented on some misstatements being made by some of the speakers. He stated the DHA's only vested interest is making Dover a better place to live and reminded the Council of the resolution passed 02/09/05 with Keays, DeDe, Hindle, Myers and Trefethen all voting in favor and should do so again. He stated that the vote tonight will determine their legacy and define them as a Council. He concluded by asking that this not be tabled and decided one way or another tonight.

Jan Nedelka, 169 Dover Point Road - stated that public input has been consistent of being in favor of the waterfront development and all of the Council votes to this point have been to go forward including budget decisions and urged the Council to vote yes.



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

Hindle moved to suspend the rules to moved item 11C-1 up on the agenda, seconded by Ciotti. Motion passed on a 9-0 roll call vote.

1. RESOLUTION RE: WATERFRONT DEVELOPMENT OVERSIGHT REAFFIRMATION.
SPONSORED BY MAYOR SCOTT MYERS.

Hindle moved to adopt, seconded by Ciotti.

Mayor Myers thanked everyone for coming out to speak and for the many e-mails stating that this is one of the most important decisions the Council will make and will enhance the city for years to come. He stated this will bring a positive culmination of years and years of work by a handful of people. He then reviewed the history of the Waterfront development beginning 20 years ago.

DeDe addressed comments made concerning inadequacies and loopholes in the term sheet. He stated that the term sheet does reflect the Charette and continued that this development has officially been reaffirmed 9 times. He stated regarding the contaminants in the soil, after 2 years of analysis by GZA the figure has been \$500,000 and doesn't feel that there will be a jump in that figure and that the answer to Councilor Turner's questions regarding GZA's track record of variances it was less than 1%. He then discussed the term "contemplated" which refers to lots of conditions to be met by the developer before going forward. He stated the City Manager works for the Council and if he signs anything without meeting the criteria it would be cause for dismissal and he supports this resolution.

Trefethen stated he served on the Waterfront Committee for three years and assured people that this process has not been rushed. He stated that throughout the process people against it have brought up various issues i.e. charette design, environmental issues, the appraisals and now it is giving up Council control to the City Manager which he can only sign off if all of the conditions have been met. He stated that the public still has many opportunities to speak as it still has to go before the Planning Board and there are always Citizen's Forums.

Ciotti thanked everyone who spoke this evening. He stated that democracy is alive and well in Dover and that change is inevitable and change is growth. He asked where would we be without risk and feels that politics should not steer the project.

Turner stated that a lot of people have spoken in favor of the term sheet but no one has spoken in favor of removing the Council from their responsibility. He stated that tonight is not a vote yes or no on the waterfront, it is to decide if the Council is removed from the process. He also reviewed the history up to this point and then asked that the 03/08/2005 DVD be played with Council consensus. DVD was played.



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Turner stated he has been told many times that the Council is supposed to approve the term sheet. He has attended 5 CWDAC meetings and neighborhood meetings and then addressed the paper he distributed. He stated that it states "upon recommendation of CWDAC, DHA then the Council will approve, but this resolution being voted on tonight, take s that part out of it and wonders where that step went. He stated he supports the waterfront development and wants to support the term sheet, but this resolution gives the power to the City Manager and feels that people have not read the resolution.

Keays stated that he grew up in the waterfront area and has reservations on this development. He stated he is very disappointed with Councilor Turner for having the private meeting with Dickinson and asked the City Manager for a legal opinion. He stated the opinion came back that it was legal, but he feels the morality of it was wrong and that Dickinson was wrong for meeting with Turner as well. He stated his dream for that area was ball fields, tennis courts and recreation for the youth of Dover and agrees with the lady and her son who spoke stating there is nothing for kids to do in Dover. He state he does think Dickinson is a good man.

Cheney stated she is grateful to CWDAC for all of their work and coming up with this plan. She also discussed the recent history awarding Dickinson the bid and the various meetings she has attended. She continued that throughout the process it had been stated that the term sheet would not be legally binding document but would be a working document up to 02/05/2007. She stated now, it comes before the Council as a legally binding document and a resolution to take control away from the Council. She stated she supports the waterfront development but not taking control away from the Council and once it is given to the City Manager it takes away the checks and balances. She stated she counted 5 times in the DVD where a TIF was referred to and if that is done, the tax money generated would go back to the project and not to the city.

Scott stated that what is strange about this resolution is that it is removing the authority from the Council and does not follow the direction of the 2005 resolution. He doesn't know if the Council has the right to give away 22 acres of city land.

Hindle thanked the CWDAC, DHA and the citizens who spoke and e-mailed. He stated for the past few months he has looked back at 20 years of waterfront development proposals and had come here tonight going in one direction and after tonight is going in another direction. He read a prepared statement outlining his concerns with tonight's resolution.

Mayor Myers stated he wanted to address the TIF that was brought up stating that this is not a part of this proposal and was brought up at that time because it is an option. He then addressed the concerns of having the City Manager signing the term sheet stating that he already signs everything with the Mayor only signing resolutions and the county tax bill.

Hindle moved to suspend the rules to go past 10:30 and complete the agenda, seconded by Ciotti. Motion passed on an 8-1 roll call vote, Trefethen opposed.



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Discussion ensued.

Keays moved to table, no second.

Hindle stated he is willing to take Joyce El Kouarti's vacated seat on the Waterfront Advisory Committee once he is off of the City Council.

Discussion ensued.

Scott moved the question, no second.

Discussion ensued.

Motion to adopt passed on a 5-4 roll call vote, Keays, Scott, Cheney and Turner opposed.

Mayor Myers proposed a 5 minute break and will come back to prioritize remaining agenda items.

Reconvened at 11:10 p.m.

Mayor Myers stated the Council will vote on the consent calendar tonight and then reconvene on the 20th to finish this agenda.

7. PUBLIC HEARINGS - NONE

8. CITY MANAGER'S REPORT

9. MINUTES

- A. SPECIAL MEETING – MAY 2, 2007
- B. WORKSHOP – MAY 2, 2007
- C. REGULAR MEETING – MAY 9, 2007
- D. WORKSHOP – MAY 16, 2007

10. MAYOR'S REPORT

11. UNFINISHED BUSINESS

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

C. RESOLUTIONS

- 1. RESOLUTION RE: WATERFRONT DEVELOPMENT OVERSIGHT REAFFIRMATION. SPONSORED BY MAYOR SCOTT MYERS. (*SEE ABOVE*)

12. New Business:



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A. CONSENT CALENDAR

1. RAFFLE PERMIT - GREATER DOVER CHAMBER OF COMMERCE – APPLE HARVEST DAY
2. RAFFLE PERMIT – DOVER HIGH SCHOOL FOOTBALL BOOSTERS – CASH CALENDAR
3. RAFFLE PERMIT – DOVER HIGH SCHOOL FOOTBALL BOOSTERS – 50/50
4. RAFFLE PERMIT – CITY OF DOVER RECREATION – PLAYGROUNDS PROGRAM
5. FIREWORKS PERMIT – CITY OF DOVER RECREATION – 4TH OF JULY

6. RESOLUTION RE: BITUMINOUS CONCRETE – ASPHALT (TO BE PICKED UP). SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.
7. HEATING, VENTILATION, AC (HVAC) TECHNICAL SUPPORT AGREEMENT. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.
8. RESOLUTION RE: WOOD ASH FOR WASTE WATER TREATMENT PLANT. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.
9. RESOLUTION RE: ANIMAL SHELTERING AGREEMENT AND PROTECTIVE CUSTODY SERVICES. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.
10. RESOLUTION RE: PRE-CAST CONCRETE – STRUCTURES AND ACCESSORIES. 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 |
| 5. Joint Building Committee | 10. Transportation Advisory Committee |

Hindle moved to grant items 1-5, adopt 6-10 and accept and place on file committee reports, seconded by Ciotti.

Motion passed on a 9-0 roll call vote.

B. RESOLUTIONS

1. RESOLUTION RE: DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT EMPLOYMENT AGREEMENT WITH CHRISTOPHER G. PARKER. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.
2. RESOLUTION RE: TRANSFER OF APPROPRIATIONS – GENERAL FUND. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.
3. RESOLUTION RE: TRANSFER OF APPROPRIATIONS – RESCIND DEBT. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.



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4. RESOLUTION RE: MERIT PLAN AMENDMENT – PURSUANT TO CITY CHARTER C7-2. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

C. ORDINANCES IN THEIR FIRST READING - NONE

D. COUNCIL CORRESPONDENCE

1. CITIZEN PETITION – WILLAND POND ISSUES
2. COMCAST LETTER – CHANGE IN SERVICE

13. COUNCIL MATTERS OF INTEREST

14. ADJOURN

Hindle moved to adjourn remainder of meeting to 6:30 p.m. Wednesday, June 20th, seconded by Trefethen. Motion passed on an 8-0 vote, Keays out of room.