



CITY OF DOVER

CITY COUNCIL MINUTES

Meeting Type: **WORKSHOP**
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **TUESDAY, May 29, 2007**
Meeting Time: **5:30 pm**

1. PLEDGE OF ALLEGIANCE
2. WATERFRONT DISCUSSION

Mayor Myers opened the floor for discussion.

Keays stated that when he requested to have this meeting he wanted it to be a discussion amongst the Councilors, not all of the “dignitaries” and thought that was understood.

Myers stated that he had asked Keays if he meant it to be a non-public session with the Council only and was told that was not his intention, and therefore, any public meeting can be attended by anyone. He stated there will be no public hearing or citizen’s forum but there are people who can answer questions.

Discussion ensued.

Keays stated he has nothing against Mr. Dickinson but in his research he has found that more than 2000 homes have been built in Dover since 1978, not including condos, and all of this building was supposed to keep the taxes down, but they have gone up every year. He stated he doesn’t want his grandchildren to assume his debt. He cited the McConnell Center and Arena that he feels have been too costly to the city and doesn’t want the same thing to happen with the Waterfront. He asked if the taxpayers will be burdened with this project.

Joyal stated that the Waterfront can’t be categorized the same way and explained the various positive impacts that the waterfront development would have on the City. He stated he can’t predict the future but all evidence suggests a positive net gain.

Keays stated that the Council is being asked to sign off to Dover Housing Authority and the Manager but he wants his question answered, will this be a burden to the taxpayer.

Joyal stated in his opinion, the taxpayers will not be burdened with what goes down there and stated the term sheet has provisions to protect the city’s interests.

Keays stated he wants this put in writing.

Joyal stated it will be in the minutes.

Keays continued that he may not be here when the waterfront project is complete but he doesn’t want his children and grandchildren burdened with this and feels that there are plenty of ways to move within the term sheet which he has taken the time to read and understand.

Joyal asked if he can give an example of an item that is a loophole or issue that he is concerned with.

Keays stated he will give him a list tomorrow.

DeDe stated he would like to see the list as well.

Keays stated that with all of the promises made with the McConnell Center he shouldn’t have to give DeDe a list.

Hindle stated that the city’s financial portion of this project is outlined in the Q & A sheet including the Washington Street Bridge and Pump Station, which have already been appropriated. He asked if these projects come in higher than anticipated will the city will be responsible for that.

Joyal stated that his recollection of the term sheet was that the city is only required to spend the \$1.5 million on the pump station and that Dickinson will be paying more for the Washington



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Street Bridge, so the appropriations already made will be the price to the city. He stated there may also be a 20% share through State or federal grants.

Hindle asked what happens if a project comes in under budget, who will get the savings.

Joyal stated that for example if the funds allocated for the cleanup of the waterfront site is less than projected, the city would. He further explained that if it is for something that involves the public improvements i.e. the park, the bridge or odor control, then with mutual agreement with Dickinson and CWDAC, it could be used for other public improvements, and beyond that, it would be paid back to the city.

Trefethen stated that when we talk about the McConnell Center and Arena we have to remember that those are projects that the Council knowingly borrowed money for and knew that it would have to be paid back. He stated that the Waterfront is different because there is 0 dollars being put up front by the city except for the projects that needed to be done anyway. He stated the taxpayers are only on the hook for things they were already on the hook for that were approved by a majority of the council. He stated this is more of a revolving loan fund and is not bonded by the city and if something should happen, it would have to come back before the Council.

Cheney stated that the citizens of Dover are fully invested in this project and to say that there is no tax money involved is naive. She stated there are plenty of places where she sees legal ramifications and stated she is glad that she is not voting on the term sheet itself because it took 7 attorneys to draft it and feels that this is putting a dead end on the Council representation of the citizens.

Myers stated this is a culmination of many meetings with input from neighborhoods, experts, etc. over many years.

Discussion ensued.

Myers clarified that they are voting the resolution to authorize the City Manager to sign the title to convey the land.

Turner stated that he has come at this with various scenarios and where the line gets drawn to separate this from a gamble as he is not a gambler. He stated that a lot of people came out to speak on this issue and thanked everyone who did and feels that the message sent by that was that it is time to gamble.

Ciotti stated we are meeting to discuss the waterfront now and he wants whatever loopholes people see to be brought up now, not in a couple of days. He stated he only sees outs in the term sheet, not loopholes.

Scott stated he feels that there should be a skilled real estate lawyer representing the city side on this issue as Chris Wyskiel represents Mark Dickinson and Attorney Schulte has been a volunteer for the city.

Myers stated that there have been other legal eyes for the city including the City Attorney, the environmental attorney who is one of the best in the country along with Attorney Schulte who is a resident of Dover and who he has great confidence in his ability to provide advice to the City. Also, Paul Pike who is the attorney for the Dover Housing Authority which makes 4 attorneys not to mention the many consultants who have worked on behalf of the city.

DeDe stated he wants to make sure everyone also understands that the infrastructure that makes this all plausible will require bonding which the developer buys an insurance policy to



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cover the city if something happens. He stated once the designs are done, the developer is responsible to complete it or the city is covered.

Discussion ensued regarding the bonding.

Myers stated he would also like to clarify the confusion of this site being a brown field and not a superfund site. He stated there is a link on the NH Dept of Environmental services website regarding brown fields. He cited an example of developer Eric Chinburg who has experienced this type of development in Tilton which was a very successful project.

Turner asked the representative from GZA what is their accuracy in remediation surveys over the years.

Mike Asselin, GZA Environmental – stated he has personally been involved with brown field sites since the EPA implemented this program in the early 1990's. He stated it is the nature of the business to state there is a risk in anything they do, but they have had a high success rate and none have gone bad. He continued to list the company's credentials and experiences. He stated he has listened to the Councilors who have a fear that this is another Tolend Road Landfill and he will state here tonight that this is a very remote possibility. He stated that the investigation of this property started 30 years ago and he has reviewed everything done from that point on and there were 30 test pits and a total of 94 sampling locations. He distributed a drawing showing the extent of the sampling.

Turner stated he saw this already and is looking for a list of sites with estimated then actual numbers.

Asselin continued his explanation.

Myers stated Turner will be provided the information he has asked for.

Scott asked Mr. Asselin if his company is prepared to provide a bond for anything over \$600,000 they would pay for it.

Asselin stated he is not authorized to answer that and would have to go to management.

Scott asked how long before he could get an answer.

Asselin stated his company would want to see a remediation plan which has not been done.

Scott stated so the answer would be no.

Asselin stated they are not the developers of the site.

Hindle stated he would like to have clarification of the actual debate stating that if the Council is looking to make any changes, it needs to be done with the resolution, not the term sheet itself.

Hindle moved to adjourn into the workshop session at 6:30, seconded by Turner. Motion passed unanimously.

Mayor Myers called for a 5-minute recess/reconvened at 6:45.

3. BUDGET REVIEW

Mayor Myers stated that tonight they will be reviewing the Police, Fire and Community Services budgets.



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POLICE:

Joyal began the review of the police budget (page 185)

DeDe discussed the vehicle replacement program (#4742) stating he was surprised that we are paying the entire amount up front instead of a normal lease which is paid over time.

Joyal explained that the original request was for 5 vehicles which he has reduced to 4 and that his recommendation is to replace the vehicles with smaller vehicles for the trade in value for other staff vehicles. He explained that there are a number of ways to structure leases, but at the end of the day they spend the same amount per year.

DeDe stated that his impression in looking at the analysis was that it was coming out on the high side for leasing. He feels it would be a good thing for the Energy Committee to look into for fuel efficiency ideas.

Chief Tony Colarusso further explained that when looking at this they tried to find an apples to apples comparison but it was hard to do because no one else has their own mechanics.

Myers asked about the Speed Read-Out Trailer (#4741) and if we could share this with another community.

Colarusso stated that the current one is shared but it is currently disabled and we may be able to get 2-3 more years out of it. He stated the share it with Durham and Somersworth, but we are currently using the Town of Lee's for now and we do use it a lot.

Hindle stated the TAC receives a lot of requests from neighborhoods with speeding issues to have the device placed and feels it would be good to get the old one repaired as well as the new one.

Colarusso stated the try to use it year-round, but is sometimes difficult in the winter with snow banks.

Trefethen referred to #4745, computers, stating he remembers previous years' discussions that these computers weren't ones that could be bought at Best Buy because they are a "rugged" PC for use in the vehicles.

Colarusso stated yes that is correct, they are tough books and also have lots of memory and power and is a higher end, more durable computer and they have tried to get the best price possible.

Scott asked how many detectives are on staff.

Colarusso stated 5 in this building and 2 drug officers who work with the State and County.

Scott asked if they investigate criminal activities.

Colarusso stated yes.

Scott asked if they investigate any civil cases.

Colarusso stated no.

Scott stated that previously Chief Colarusso had said he would come in with a break-even budget but this is 6% higher.

Colarusso clarified that he had stated he would scrutinize every dollar which he did line by line and cut positions. He stated his overall increase is 3.7% and this is what he needs to operate the Police Department in the next year.

Scott asked if he presented the 3%, 2% and 0% scenarios and if so, where is it.

Joyal referred to the memo outlining those scenarios.

Scott asked what bad would happen if they went with the reduced budget.



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Colarusso stated it would result in layoffs and it is hard to quantify what "bad" would happen as a result. He stated they would lose grants for ever if those positions were eliminated and also there would be a loss of direct services to citizens.

Turner asked about computers and are all of them being replaced.

Colarusso stated that there are 11 laptops in the cruisers that are getting older and failing. They are only replacing 5 this time, but explained that he can't put an officer in a cruiser with a failing terminal. He stated they try to replace them every 3 years.

Turner asked if we get an refund for the returns.

Colarusso stated that they are cannibalized by other departments.

Cheney asked about overtime and is it given out by seniority.

Colarusso stated only the overtime is on details, which is a revenue source as well.

Cheney then asked about the new computers and will they be coming with the Vista program because she is concerned that the Vista program is having problems.

Colarusso stated they will have Vista but that the I.T. people will be testing them and that they don't think it will be a problem

Joyal continued his review.

Discussion ensued regarding the detail overtime process.

Colarusso explained that we provide detail upon request and that there are situations where they will suggest using flaggers instead of police personnel and cruisers. He stated that certain companies have their own policies that they require police details.

Trefethen asked if we were to no longer provide details are there other options.

Colarusso stated they can go to the State Police or Sheriff's Office.

Next Joyal reviewed the Parking Activity Fund stating he removed the \$75,000 for the parking study.

Keays stated he has been all through the budget and there isn't much more to cut except personnel. He stated he wonders what a 1% cut across the board would give us because we could sit here hour and hour but feels the department heads should cut 1%.

Joyal stated he would not recommend an arbitrary 1% cut across the board as it would not do justice to the priority of services. He continued to explain his priority of services.

FIRE:

Joyal reviewed the Fire and Rescue budget beginning on page 223.

Trefethen asked about the personnel for the North End Fire Station which has been projected for FY 09 and are we no longer bringing in the additional personnel at this time. Joyal stated that is correct.

DeDe clarified that there would be 8 additional personnel for that station.

Joyal stated that 4 have already been added to help offset overtime and also to get ready to staff the new station and the there will be 4 more added when the new station is operational.

DeDe stated there would have been a bigger savings realized in the overtime costs had there not been employee injuries and the Mother's Day flood event.

Hindle stated that with the \$270,000 savings in health insurance couldn't there be 2 new firefighters added with that money. Joyal stated yes it could.



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Scott stated there is a disconnect between what people can afford and what manager wants to spend which is twice the rate of inflation. He stated that the people of Ward 3 could accept maybe a 2% increase but not 6% and feels they should go back and look at the 82% in people and benefits cost.

Mayor Myers once again referred Councilor Scott to the memo issued by the Manager on 04/11/07 which has already given those scenarios.

Discussion ensued.

Joyal stated that if the Council wants to do a staffing analysis through a 3rd party then they can, but he feels that our folks are asked to do a lot and do so very well.

Joyal continued the review of the Fire budget.

Chief Perry Plummer referred the Council to a handout he had distributed previously for their reference.

Hindle asked about the space needs study and will there be a preliminary report.

Joyal stated the actual report will be done in the next couple of weeks.

COMMUNITY SERVICES:

Joyal began to review the C.S. budget beginning on page 249.

In reference to the space needs study, Hindle asked what the recommendations are for the use of the Chapel building at the Cemetery with the recent decrease of the Supervisor position maybe there should be more discussion regarding consolidation and contracting out of services. Joyal stated he is meeting with the Cemetery Board on that subject next week and will let the Council know the feedback.

Scott asked about the Cemetery Fund and the interest that is accrued.

Joyal explained that there are a number of trust funds which are overseen by the Trustees of the Trust Fund including perpetual care funds. He explained that we get payments from the perpetual care funds to offset the cost of maintenance.

Discussion ensued.

Keays asked about the Maintenance Specialist (4115) for \$60,062.00 and why this gets paid more than the working foreman at \$58,000.

Joyal explained the responsibilities and functions and the expanded duties for this position.

Keays questioned other positions and salaries which Joyal explained.

Turner asked if there was still a shadowing program in place.

Joyal stated yes, there are ride-alongs in police vehicles and snow plows, etc and people can contact the department head to set it up

Next page 272, #4432, crosswalk painting, Joyal stated there was an increase because they are being done twice a year now and as of now they have all been painted.

Turner asked if there has been a change in the paint as it doesn't seem as thick or rubberized.

Community Services Director Doug Steele stated it is the same paint, but the thicker paint is the thermal plastic which is used on Miracle Mile and is more expensive.



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Scott stated there was recently a neighborhood meeting with Hawthorn and Applevale residents and wants to know where that issue is addressed in the budget.

Joyal stated it is in streets maintenance #4652 page 273 for repairing potholes.

Scott stated this is not enough money.

Joyal stated this is the minimal amount he feels comfortable with.

Keays asked about small tools and how are these distributed.

Discussion ensued.

Joyal stated he pays a Community Services Director to decide what he needs to get the job done.

Scott went back to the Hawthorn/Applevale asking if the potholes are going to be filled and is this enough money to do the whole city.

Doug stated this is not enough for the whole city.

Joyal stated we have to decide if we are going to keep filling pot holes or are we going to fix the problem.

Myers discussed sidewalks stating that last year the appropriation was for \$300,000 and asked if the \$300,000 was used for repairs or new sidewalks.

Joyal stated it was for repairs but may also have been used to extend some existing.

Myers clarified that when new construction is installed the costs for new sidewalks are a part of that project, Joyal stated that is correct.

Myers stated he would like to reduce the \$500,000 appropriated for sidewalks, reduce it back to \$300,000 which is the current level of funding and use it to reduce \$100,000 from Capital and to bump up the General Street Improvements by \$100,000 to \$275,000.

Keays asked if that is done will it help get Hawthorn Road done.

Joyal stated this is a \$1.4 million job and needs more than patching.

Myers stated the Council needs to make the determination for this project in the CIP.

Trefethen stated that this is an example of the Council needing to step up to the plate and set policy and priorities. He stated that \$200,000 to fix streets is only taking baby steps but if we take giant steps there is an immediate impact on the tax rate. He stated this happens every year and we can't just say "take 1% off of the budget".

Cheney asked if the money is taken out of the sidewalks, what does that mean for accessibility for wheelchairs.

Joyal stated there are issues and less money will mean less repairs but they will target those that need to be addressed.

Myers again clarified that this is not a reduction, but would be level-funding.

Discussion ensued regarding the pavement management plan.

Joyal continued reviewing the Community Services budget.

Regarding spraying for West Nile Virus Myers asked if the area of Willand Pond can be an area that is concentrated on due to the wet areas that have grown over the past year. Joyal stated yes that area will be targeted.

Page 286, Recycling, Keays discussed his issue with staffing levels.



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Hindle asked if the administration has been overall pleased with Pinard.

Joyal stated yes.

Ciotti asked about illegal dumping and does Pinard pick that up.

Joyal stated the city picks it up. He stated this is an issue in every community.

DeDe stated there is pending legislation to bill property owners and asked where that stands?

Joyal is not sure, but the City is in favor of that legislation.

Keays asked if all of the water meters are now readable from outside.

Steele stated almost.

Page 301, Water Fund and page 309 Sewer Fund.

Discussion ensued regarding staffing levels.

Joyal stated other areas of increase relate to the north end water pressure which needs to be addressed through either pumps or a water tower and at this point they are putting aside \$150,000.

4. ADJOURN

Keays moved to adjourn at 9:55 p.m., seconded by Hindle. Motion passed unanimously.