

**MINUTES
DOVER CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR COUNCIL MEETING
DECEMBER 14, 2005
7:00 P.M.**

6:00 P.M.

**NON-PUBLIC SESSION
CITY MANAGER'S OFFICE**

The City Council will meet in executive session to discuss Labor Negotiations.

NOTE: **This meeting is not open to the public per RSA 91-A:2 (b)**

7:00 P.M.

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

Those present: Councilor DeDe, Deputy Mayor Hindle, Councilor Keays, Mayor Myers, Councilors Perry, Lewis, Trefethen and Colwell Ellis. Also present were City Manager Joyal, City Attorney Krans, and the City Clerk. Councilor Mayberry arrived late at 7:40 pm.

4. PROCLAMATIONS / AWARDS

5. CITIZEN'S FORUM

Norm Champagne of 13 Church Street stated he is here to speak on the proposed TIF district in the city. He noted in their own handout it says this gives the power to change the character of a neighborhood of those that live and work in the area. This could force working class people from residing or running a business in the TIF area, those are a couple of reasons that they should not be doing this. The new value from the TIF area will go only for paying off the bonds and won't help the fire, police or the school departments. Another thing he has had a substantial increase on his own property this year in excess of \$6,000; if that had been in a TIF area it would have gone to paying off the bonds of the TIF and having nothing to do with the TIF and all the other taxpayers would have to end up having to pay because of the money going to pay the TIF; if it fails to generate enough money to pay off the bonds, the taxpayers will have to pony up to make the payment. They do not think this is the way to go about this and we should not be providing a parking garage for the City of Dover businesses. This is opening a whole new bureaucracy of the city. The council will have very little control over the bond money. He has to work tonight so he wanted to be first to speak.

Catherine Cheney ward 5 councilor elect came to thank them and the other councilors. She appreciates what Norm Champagne stated. The only possible benefit to a TIF is for the possible potential for development however he is correct if taxes do not increase in the projected amount that developer's project, then all the tax payers would be responsible for the bonds. Conversely last time she stated the council loses power and they already have. All other general funds needs must be met; there are other ways to do this. She has other issues on this TIF and says this area will stay at this assessed value for over 20 years or the life of the TIF. This TIF will only help themselves; not Dover; they drive up property values to the point where people and businesses cannot stay in the city. Who has the power and who pays, she read a prepared statement. She compared us to Chicago where it mentions eminent domain; it also states TIF will lead to higher property bills in her Chicago article. The TIF areas overlap. The Mayor asked her to conclude her notes. She concluded by saying having a TIF in Dover is like having drugs on the table. She gave the timeline of when the new council takes office.

Donald Andolina of Littleworth Road is here to speak about the TIF and he hopes no one gets *tiffed* over it. This is a complex issue; although enacted in 1979, there are only 11 communities in NH that

have adopted TIF. We need to be cautious. What do we know about TIF; we had a power point presentation, he wonders who will administer it, what provisions will it have, and how will it effect us. Let's not rush into this. He urged them to allow the new council to adopt or reject the TIF. As the TIF district develops; the burden that must be born by all other property owners including county and state tax. He then offered two points on the legislation and issuance of bonds, the first payment of principal of any bond must be made no later than 5 years the bond can be extended to 5 years and the last payment of the bond not later than 30 years. He continued reading a prepared statement explaining the TIF, they may acquire through eminent domain property that cannot be acquired by property. Also there is a provision called relocation on persons who would be displaced. Finally today there was a white paper issued by Washington State on tax increment financing and why it is not it working there, he read the article. The Mayor then asked him to wrap it up. Mr. Andolina concluded by saying he can't help thinking of the early Romans if confronted with the decision; "caviat emptor...let the buyer beware"; if it sounds too good to be true it probably is. He urged them to wait for the new council to take a vote on this important issue.

Donna Leighton Chair of the Open Lands Committee is here to present the conservation of Tuttle Farm; she read a prepared statement describing the parcel. It has the distinction of being the oldest family run farm in America. It is important to realize that conserving open space saves taxes.

Susan Medbury of 3 Covered Bridge Lane thanked Mr. Champagne, Mr. Andolina and Mrs. Cheney for speaking their comments tonight. She is here tonight speaking for many taxpayers as well. Mr. Joyal you are heading this city toward bankruptcy for the Dover taxpayers. The CIP could have been trimmed down a little more. They heard Joyal had hired a city attorney at \$87,000 who was the chair of the Charter Commission. She asked Joyal how many of those discussion on average were held and during those discussions and how was the future position of the city attorney discussed and how many emails were passed between the two of you. The citizens were elected to serve on the Charter Commission; she quoted C-10-10 of the charter noting a person cannot be hired by the city for one year after serving. She quoted C10-7 on misuse of information. She asked Mr. Joyal to redeem himself and ask for the immediate resignation of Mr. Krans. The incoming city council can then utilize the new charter to guide them.

Harvey Turner - Ward 6 City Councilor elect of Auburn Street thanked the ones that are not going to be here next year. He also thanked those that spoke on the TIF. He was here to speak on ordinance number 20 but came tonight to find it has changed. He noted what has been cut out of the original ordinance as present. He thinks there are other holes in the code as noted by Sue Medbury. He has issues with the city attorney section. He thinks this should have a new department head, this looks like two new houses he wants this ordinance tabled as there is far more to it than they see.

David Scott 220 Back Road Ward 3 elect stated in the past year Dover residents have witnessed runaway municipal spending and the average homeowner has seen their tax increases of over a 1000 dollars over the past two years. The City Manager has been sending proposals to the city council without the benefit of an evaluation. His request is that they place on the table all requests for tax increases. The City Manager is not listening to what the voters have said. The attitude seems to be hurry up and spend. There should be no vote on the TIF; let the new council vote on it. In Chicago where he was born, the TIF is a disaster. Don't rush into this.

Ted Anglace of 23 Wallace Drive agrees with the previous speakers on the TIF; he also agrees with the comments on the city attorney's position. He has read the contract and he has nothing against Mr. Krans but just the spending. He would like an executive summary on the CIP that an average citizen could understand; he would put forth this suggestion. Then on the conservation easement he is not oppose to it but has an ax to grind though if we are taking property out of residential development, why is one property worth spending a million dollars on. There are two really nice properties near his house, one was Lou Paradise the other was the Mary Kay property that was taken out of circulation for being zoned industrial. The options on this are not good.

Don Medbury 3 Covered Bridge Lane stated he is not a "tiffer" and he supports those that have spoke and that are not tiffers. He is also opposed to the hiring of a city attorney. He brought their attention of

to the 12/7/2005 article in Fosters. It said arrogance gets its just reward and the people of Dover pick up the tab. He read the David Scott article from fosters and a prepared statement on the David Scott case, if the city had read the right to know law and requires to be disclosed to the public. Instead the city manager and George Wattendorf left the taxpayers to pay this bill. Also Mr. Joyal has a fiduciary responsibility to Dover taxpayers. The city feels betrayed by the city manager; they only need to put his name on a ballot to see how the voters feel.

Mary Hebbard of 97 Spruce Lane has prepared comments. She too agrees with Norm Champagne on the TIF and asked them to vote no on it. She commented on the spending limits in Chapter 137, when will this ordinance be removed from Dover's books. She would like to know what our policy is on reviewing old ordinances. When she voted on November 8th, she voted for the charter amendments as did most of the other voters. She does not agree that the city attorney should report to the city manager. She heard transparency and accountability in the campaign; she would like the council to bring this to the next election for the citizens to decide. Seating 3 new councilors that will curb spending is a start in the right direction. She wants to hold our elected official accountable.

Glenn Grasso of 1 Pebble Hill Dr would be remiss as one of the historical comparisons of Iraq this is the governing body until December 31, 2005 regarding of how the people here feel. Many people here tonight are correct the cost of taxes are going up, the cost of food and fuel is going up and home equity is also going up. Another thing that costs money is not planning for the future; he mentioned the General Sullivan Bridge. Analogies have been made to family budgets he offers another analogy what if someone's furnace was to break tonight they would have to fix it immediately with the single digit temperatures. Some things need to be addressed immediately to make the place a better place to live.

Bill Asbell of Hall Street has remarks about Mr. Joyal the city manager. He thinks the city manager is a menace to the bank accounts and paychecks of citizens. During his tenure he was in charge of employee negotiations. He quoted statistics of people's median salary, and the high Dover employee's salaries. According to NHMA Dover is one of the only towns in state to give over 7 week's of paid vacation. Mr. Joyal gets sick days and personal days on an as needed basis. He compared Dover to Rochester as far as benefits for the city attorney and our new city attorney will be working 40 hours per week. Also the city manager wants to add more bonding debt. In regards to the fiasco of Mr. Scott and the law suit he wants to know how much the city spent in defending their illegality. People are having to sell their homes while city employees live way above the local standard of living. He asked about the position of prevention coordinator and wants to know who was that person and what did he or she accomplish and finally why does the city council allow the city manager to run amuck with our money.

John Scruton of 99 Sixth Street is here for open space and traffic congestion, they go together. What are we doing about growth in the City. What do we want to do build a traffic garage for more traffic congestion for more stop and go traffic in the downtown. This Indian Brook project if he understands it right we are going to widen this for Liberty Mutual. Open Space is better than money in the bank; it does not have recurring fees and does not come back every year for CIP or for contracts or for road repairs. We have zoned out our farm land; what are we thinking here. He thanked the council.

Rick Hebbard of 97 Spruce Lane addressed Mr. Joyal as he is in charge of channel 22 and he would like to have it fixed immediately. It is apparent to all of us that the charter amendments passed; the ethics committee passed so where is that. Secondly this is the full agenda packet for this meeting there is no reason that this document is not put on line except for the laziness of our public employees. That saves us from putting our vehicles on the street and coming to city hall to pick up a copy. He mentioned the last night's planning board meeting. There were letters submitted and these letters should be put on line, what would happen if 50 people wanted this information; that means more people on our streets. This should all be available on line. Lastly he mentioned the DUC waiver from the commission. It does not make any sense to have the school go to the government for a handout we should be teaching them and rolling this into the cost of the sale of the house.

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

6. PUBLIC HEARINGS

- A.** Ordinance #20-11/09/05, Chapter 3, Administrative Code, Recreation Department and other housekeeping changes. Sponsored by Mayor Scott Myers, by Request. **(See Item 11A-1)**

The Mayor opened the public hearing seeing no one wishing to speak he closed it.

- B.** Ordinance #21-11/09/05, Chapter 3, Administrative Code, Add Section 3-73, Finance Commission. Sponsored by Councilor Robert Lewis. **(See Item 11A-2)**

The Mayor opened the public hearing seeing no one wishing to speak he closed it.

7. MINUTES

- A. Regular Meeting – October 12, 2005
- B. Special Meeting / Workshop – November 2, 2005
- C. Regular Meeting – November 9, 2005
- D. Council Orientation Meeting Session 1 – December 5, 2005

Hindle moved seconded by Perry to accept with all in favor.

8. REPORTS OF SPECIAL AND STANDING COMMITTEES

- A.** Appointments Committee – Councilor Otis Perry
- B.** Arena Commission – Councilor Darlene Colwell-Ellis REPORT SUBMITTED

The 7th annual hockey jamboree was held on thanksgiving evening, there was a good crowd on hand. The arena also hosted the Great Bay Figure skating sale. Finally the locker room roof will be replaced.

- C.** Arts Commission – Councilor Matt Mayberry
- D.** McConnell Center Committee – Councilor Otis Perry/Councilor Doug DeDe
- E.** Planning Board– Councilor Dean Trefethen REPORT SUBMITTED

Trefethen noted the Planning Board approved 7 lot subdivision on Old Rochester Road also on Dover Point Road a 7 unit condo project was approved along with on Back River a portion of a congregate care facility was approved also last night the Planning Board approved the Liberty Mutual project.

- F.** Cable Franchise Negotiations Committee – Councilor Doug DeDe

DeDe wants to recognize a person in our audience (Mr. Tuttle) and moved to suspend the rules with Mayberry seconding the motion. Motion passed on roll call vote of 6-3 with Trefethen, Hindle, and Keays opposed to suspending. (see resolution 12B-7)

- G.** School Board Liaison – Councilor Doug DeDe
- H.** City/School Joint Services Study Committee – Councilor Doug DeDe
- I.** Solid Waste Advisory Commission – Councilor Otis Perry
- J.** Transportation Advisory Commission – Councilor Jason Hindle
- K.** Joint Building Committee – Councilor Jason Hindle
- L.** Recreation Advisory Board – Councilor Bob Keays

Keays reported they met at the McConnell Center and the City Manager took them through the part of the building that will be renovated for the new recreation center.

- M.** COAST Bus – Mayor Scott Myers

Hindle moved seconded by Mayberry with all in favor of accepting reports.

9. MAYOR'S REPORT

The Mayor reported that he had attended the opening of the Bellamy River Shellfish Bed dealing with pollution on it from a variety of sources. Also his wife and he attended the Las Vegas night held here in the City Hall auditorium, this was a great fundraiser. The following week he went to the Hall of Fame inductees evening. Along with Trefethen he attended Liberty Mutual meetings. He thanked all of them for marching in the holiday parade. Also as Colwell Ellis stated he was one of the celebrity judges for the Great Bay Figure Skating event; then he did a reading (for Santa Claus) at the Café on the Corner

and then attended the Talking Tree at Henry Law Park for the tree lighting also there were several ribbon cuttings. Hindle moved seconded by Mayberry with all in favor of accepting.

Hindle moved to substitute the rules to introduce item 12B-3, (see Item 12B-3) Mayberry seconded the motion. Motion passed on a roll call vote of 8-1 with Trefethen opposed.

10. CITY MANAGER'S REPORT

Joyal noted he has submitted his report in writing to them; it has been a busy month with Liberty and the waterfront situation. There were comments made this evening that he wants to respond to as the Dover city manager. He anticipates and accepts any criticism but what concerns him greatly is people rely on information that is received 2nd 3rd and 4th hand that is simply untrue. Mr. Krans cannot continue with his own practice and be the city attorney as well, this is just not true. He urges citizens to seek to find accurate information. He is willing to find information for them he will try to understand, he cautioned folks that they need to get their facts correct as they are certainly damaging to the people they are directed at. Hindle moved seconded by Perry with all in favor.

11. UNFINISHED BUSINESS

A. ORDINANCES IN 2ND READING –

1. Ordinance #20-11/09/05, Chapter 3, Administrative Code, Recreation Department and other housekeeping changes. Sponsored by Mayor Scott Myers, by Request.

Hindle moved to substitute Mayberry seconded the motion as a whole with all in favor. Hindle moved seconded by Mayberry to adopt. Lewis stated in spite of what has been said this is an ordinance that allows the city manager to make some reorganization that the city manager wants to see. He does not agree with all of it but the city manager is running the city. He will vote for this.

DeDe noted one of the three things that were stricken by the city manager is 3.3B as he needs to deal with the new incoming council on this issue. DeDe also had concerns on the new position but the actions taken by the city manager are proper. He will be voting for this with the understanding that we look at some of the procedural issues in the future. Hindle says there is some clarification for the new councilors and the folks at home. Specifically the executive office the wording is changed to department. He read from the 1994 ordinance which was the last change to this section. He clarified the wording of the new ordinance noting Community Services is the only significant change; he mentioned the recreation department as the city manager feels this should be its own entity; he too agrees that this should be passed. The Mayor echoes these changes as they are not creating new bureaucracy; these truly are housekeeping. Motion to adopt passed on a roll call vote of 9-0.

2. Ordinance #21-11/09/05, Chapter 3, Administrative Code, Add Section 3-73, Finance Commission. Sponsored by Councilor Robert Lewis.

Lewis moved seconded by Mayberry to adopt. Lewis read the ordinance and explained it. DeDe is opposed to this as there are too many gray areas in this administration. He does not feel qualified to contest what Jeff Harrington has stated. This proposal sounds good but the city should not be doing this. Lewis stated he rests his case for this reason we need this ordinance. Trefethen will also be voting against this as the committee will have no real authority. The Mayor asked about section A-1 and if each appointment shall run for staggered terms, and it says the Mayor will appoint a chair but then it says the committee will appoint a chair; he asked which is correct. Lewis answered yes; he then defended his ordinance one more time saying no committee we have makes policy they simply recommend. Perry is concerned about this because of his term on the appointments committee he welcomes advice from people that do have experience, he is concerned about the establishment of a committee that waits for appointments. He will reluctantly vote against this, he feels an ad hoc committee would serve us better. Hindle commends Lewis and concurs with Perry because we already have a Joint Fiscal Committee. Keays asked if this is like a watch dog committee. Lewis stated he would not use these words; it is a committee to look at existing policies in the CIP from time to time.

The Mayor would be willing to sponsor a resolution to create a fiscal look at our financial policies in the next session. Lewis asked to withdraw the ordinance and everyone agreed.

B. ORDINANCES IN 3RD READING – NONE

7 RESOLUTIONS

1. Request for Abatement for Water and Sewer Hookup Fees – Dover Vocational Trust Inc

Hindle moved seconded by Mayberry to adopt. Joyal is looking for a resolution; there is just the previous correspondence. Trefethen asked if this was not the school project a person building a house would have to pay this fee, the city manager confirmed this. If he understands it this is the school requesting an abatement. Larry Raiche, President of the Dover Vocational Trust came forward saying he did want an abatement; he would like it waived. He explained a non profit organization was set up for this and buys the land no one gets paid for doing this; there should be someone from the council on this committee. They are a quasi city organization; and they roll the funds into the next house. Perry asked when you sell the house do you get market price or do you make any effort to solicit first time home buyers. Raiche says typically they are small little capes and everyone else building a house pays these fees and rolls the costs into the house. Keays thinks the way we spend money we could afford this. He asked what it costs to hook up the water and sewer for the city; Doug Steele stated \$800 for water and \$1100 for sewer.

Mayberry stated he could not abate it but he would support a waiver of the fee. Trefethen would support a delay until the building is sold; the fee is to cover the use of the people that are going to live in the building when they flush their toilet it is going many miles sometimes and the user fee is for the people that will be living in the house. Mr. Raiche says the purpose is that the city is charging the city money. He continued in his bylaws if the organization is dissolved, they will give their funds to the city. Lewis moved the question Mayberry moved to delete abatement and add the word "defer". Trefethen seconded the amendment. Lewis says any way you do this starts a precedent and we should not do it. Vote on the amendment passed on a 5-4 vote with Keays, Mayberry, Colwell Ellis and Perry opposed. Vote on the main motion passed on a 7-2 vote with Hindle and Keays opposed. Perry responds to Mr. Raiche about the money coming back to the city if it folds. We are not talking about the city; we are talking about the rate payers. Motion passed to defer the fees on a 6-3 vote with Perry, Lewis and Hindle opposed.

2. Resolution RE: Adoption of RSA 162-K Allowing Establishment of Tax Increment Financing Districts. Sponsored by Mayor Scott Myers by Request.

Hindle moved seconded by Mayberry to adopt. The Mayor stated this adopts language to establish a TIF. Lewis reiterated that the next council will decide if they want to do it. DeDe echoed Lewis' comment on this. It was said at Citizen's Forum that a vote for this will establish a TIF and that is not the case. At some point the city manager will probably be establishing a TIF district. The next council can accept or reject one of the "tools in the tool box". Trefethen moved with Keays seconding the motion to put this on the table until February 2006. Motion passed to table on a 6-3 vote with Myers, Perry and Lewis opposed.

12. NEW BUSINESS

A. CONSENT CALENDAR:

1. Tag Permit – Dover Little Green Cheerleading
2. Raffle Permit – Riverside Rest Home
3. Resolution RE: Award of Bid # B06023 for Excess Workers Compensation and Employer's Liability Insurance Coverage. Sponsored by Mayor Scott Myers, by Request.

4. Resolution RE: Award of Purchase Order for Crime Scene Vehicle Body Custom Fabrication. Sponsored by Mayor Scott Myers, by Request.
5. Resolution RE: Award of Bid # B05060 for Asphalt Trench Patching Services. Sponsored by Mayor Scott Myers, by Request.
6. Resolution RE: Award of Purchase Order for Continued Traffic Intersection Signal Repairs – As Needed. Sponsored by Mayor Scott Myers, by Request.
7. Resolution RE: Award of Bid # B06027 for Snow Plow Equipment / Hook Lift System / Sander / Dump Body. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by DeDe to accept and adopt. Trefethen wants to pull item #4 for discussion. Hindle moved seconded by Mayberry to adopt item 12A-4. Trefethen asked if this is a new vehicle or replacement. The Police Chief came forward and stated this is a replacement vehicle. Trefethen asked how often we use this vehicle; maybe twice a week says the Chief; and this is being purchased with drug forfeiture money. Motion to adopt item 12A-4 was passed by all. Hindle moved seconded by Mayberry to accept and adopt 1 -3 and 5 – 7. Motion passed on a roll call vote of 9-0.

B. RESOLUTIONS

1. Resolution RE: Development Agreement with Liberty Mutual. Sponsored by Mayor Scott Myers by request.

Hindle moved seconded by Mayberry to adopt. Motion passed on a roll call vote of 9-0.

2. Resolution RE: Transfer of Appropriations for Sixth Street and Indian Brook Drive. Sponsored by Mayor Scott Myers by request.

Hindle moved seconded by Mayberry to adopt. Trefethen asked the city manager to explain. The city manager says Liberty approached us this year to see if they can build a 350,000 square foot addition which will generate tax revenue for the city for \$500,000 to \$600,000 per year. This widening will address the development on Sixth Street and Indian Brook of which Liberty Mutual will share in the cost. The building will be on line in 2007 and they have also agreed to donate land for a fire station directly across from Glenwood Avenue on Sixth Street. Liberty's contribution to the traffic improvement project is 1.9 million dollars and the city's is 1.971 million dollars and the State has committed \$400,000.

We recently completed a traffic signalization study in the area and will be re-allocating the money to the project. The Mayor is pleased with the staff and city manager work with Liberty Mutual on the project. There is a lot of growth in the North End. Motion passed roll call vote of 9-0

3. Resolution RE: Collective Bargaining Agreement between the Dover School Board and the Dover Paraprofessional Association. Sponsored by Mayor Scott Myers by Request.

Hindle moved to substitute the rules to introduce item 12B-3, Mayberry seconded the motion. Motion passed on a roll call vote of 8-1 with Trefethen opposed. Hindle moved Colwell Ellis seconded the motion to adopt. Colwell Ellis says last time she had a conflict and now she does not. The Mayor however does have a direct conflict so he will not be voting or in the discussion. Hindle says the superintendent is here to give a brief overview. John O'Connor says the chair of the school board, Marjorie Fisher is present also. O'Connor explained the duties of the paraprofessionals saying there is a slight increase in the contract for the dental plan. He listed the increases in the proposed contract. Lewis added based on the contract recently passed he will vote for it. Mayberry says in visiting 600 residents on Dover Point Road during his campaign; three subjects came up and the third one was what are we doing to the paraprofessionals, these are valued employees in the Dover school system. He too will vote for it. DeDe says there is one significant cost in the contract he does not agree with but he will vote for it. Trefethen echoes what DeDe just said, he talked about the contract and as to what was heard at citizen's forum because in August we told them we could not comprehend what you did

for the schools; he was offended as he has a special needs person in his family but we are only voting on the costs; he knows what it costs and that is what he will be voting on tonight. Motion passed on a roll call vote of 8-0 with the Mayor abstaining.

4. Resolution RE: Formation of the Garrison Phase II and Woodman Park Phase I Joint Building Committee. Sponsored by Mayor Scott Myers.

Hindle moved seconded by Mayberry to adopt. Motion passed with all in favor.

5. Resolution RE: Award of Change Purchase Order for Additional Architectural Design Services – McConnell Center Renovations. Sponsored by Councilor Otis Perry and Council Doug DeDe.

Perry moved seconded by DeDe to adopt Perry moved to substitute Hindle seconded the motion with all in favor. Perry explained this is for additional work for the city portion of occupancy of the building. DeDe added what will happen is the other entities that are planning to come into the building will be using the Lassell firm as well. Trefethen asked is this the additional money or from the current pot. The pot of money that has been approved stated the city manager. Motion passed on a roll call vote of 6-3 with Keays, Lewis and Trefethen opposed.

6. Resolution RE: Award of Change Order for McConnell Center Construction Manager Services in Conjunction with a Guaranteed Maximum Price for Building Renovations. Sponsored by Councilor Otis Perry and Council Doug DeDe.

DeDe moved seconded by Colwell Ellis to adopt. DeDe moved seconded by Hindle to substitute as a whole the change order for the McConnell construction project. Perry says this is a change order in the procedural sense but they passed the construction management contract with only the construction managers fee; this adds all the rest of the work to complete the project. Hindle commended the committee and staff involved. Motion passed on a roll call vote of 6-3 with Keays, Lewis and Trefethen opposed.

7. Resolution RE: Authorization for the Purchase of a Conservation Easement by the City of Dover. Sponsored by Council as a Whole.

DeDe wants to recognize a person in our audience. Mayberry seconded the motion to suspend the rules to introduce item 12B-7. Motion passed on roll call vote of 6-3 with Hindle, Keays and Trefethen.

Hindle moved seconded by Mayberry to adopt item 12B- 7 on conservation preservation. DeDe wants to afford him the opportunity to see this council vote in favor of going ahead with this conservation easement. Mayberry stated he applauds the conservation commission's work and the Tuttle family. He then thanked the Tuttle Family for keeping the rural-ness alive in our City. The Mayor commended the Tuttle's saying as a past neighbor of theirs; he is thrilled the property will remain in a rural form. Motion passed on a roll call vote of 7-0.

8. Resolution RE: Acceptance of a New Easement from Riverside Garage and Leasing, Inc. for access to City of Dover Property along Willand Pond. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Motion passed on a roll call vote of 9-0.

9. Resolution RE: Establishing Rate for Police Services. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt with all in favor.

10. Resolution RE: Award of Bid # B06031 Ice Arena Locker Room Roof Repairs / Replacement. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Hindle asked why this was not part of the original project. The City Manager stated because the funds were not available. Keays asked what is the total cost; the City Manager stated the total is \$17,000. Motion passed on a roll call vote 8-1 with Hindle opposed.

11. Resolution RE: Approval of McConnell Center Bonds for the Purpose of Internal Revenue Code Section 147(f). Sponsored by Mayor Scott Myers, by Request. **(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 11, 2006)**

Hindle moved seconded by Mayberry to refer. Motion passed on a vote of 7-2 with Keays and Trefethen opposed.

Hindle moved seconded by Perry to suspend the rules to introduce the **Fire Fighters Fact finders Report**. (Given to the city council beforehand) Motion passed by all. Hindle moved seconded by Mayberry to accept the fact finders report. The Mayor explained this group went to fact finding if we vote to accept the report we are authorizing the city manager to enter into an agreement. If we reject it we are rejecting the terms of the contract. Trefethen stated he will vote no because of costs. DeDe does not think this is supportable. Motion to adopt fails on a roll call vote of 1-8 with Mayberry in favor.

C. ORDINANCES IN 1ST READING

1. Ordinance # 22-12/14/05, Chapter 170, Zoning. Add Chapter 170-28.2 Residential – Commercial Mixed Use Overlay District. Sponsored by Mayor Scott Myers, by Request. **(To be referred to a public hearing on January 11, 2006)**

Item withdrawn.

2. Ordinance # 23-12/14/05, Chapter 166, Vehicle and Traffic, Section 166-50, Schedule C: Stop Intersections, Hancock Street. Sponsored by Councilor Jason Hindle. **(To be referred to a public hearing on January 11, 2006)**

Hindle moved seconded by Mayberry to refer with all in favor.

3. Ordinance # 24-12/14/05, Chapter 166, Vehicle and Traffic, Section 166-56, Schedule I, No Parking at Any Time, Rogers Street. Sponsored by Councilor Jason Hindle. **(To be referred to a public hearing on January 11, 2006)**

Hindle moved seconded by Mayberry to refer with all in favor.

8 COUNCIL CORRESPONDENCE

1. Memo - Dover Utilities Commission – Bert Spiller – 109 Rutland Street
2. Wetlands Application – Ronald Burd.
3. Wetlands Application – Frank Cassidy.
4. Wetlands Application – Raymond J Martineau, Jr., Revocable Trust.
5. Wetlands Application – Paolini Brothers Development, LLC & Eliot Rose Company.
6. Letter from Comcast – Bryan Christiansen

Hindle moved seconded by Mayberry to accept and place on file with all in favor.

14. ADJOURN

The Mayor stated he wanted to recognize Darlene Colwell Ellis for serving on the council this past term with a certificate of appreciation and gifts from the City along with a book from the Mayor on a hockey family.

He then recognized Otis Perry and read his certificate and presented gifts from the city to him along with a calendar on *Duct Tape* from the Mayor for all of his projects. He recognized Bob Lewis with a certificate and gifts from the city along with a book on Paris from the Mayor.

He then read Matt Mayberry's certificate of appreciation and presented his orange earmuffs and an orange watch to match his orange coat.

Trefethen thanked the four departing councilors saying each of them have helped him in the past 2 years. He added one noteworthy thing is the ability to debate the issue and not hold ill will towards each other. Colwell Ellis then thanked all the voters of ward 5 and the city staff. She stated it has been an honor and pleasure; she admired the city staff and volunteers that are all involved she feels this is the best city in the country to live and work in.

Mayberry then thanked the mayor and council and voters of ward 3 that have allowed him to serve, the great thing is it allows new faces to come in. DeDe wished them all a Merry Christmas. Lewis would like to adjourn. Motion passed by all at 10 pm.

**Judy Gaouette,
City Clerk**