

**MINUTES
SPECIAL MEETING/WORKSHOP
DOVER CITY COUNCIL
CITY COUNCIL CHAMBERS
NOVEMBER 16, 2005**

**6:00 P.M.
CITY MANAGER'S OFFICE
NON-PUBLIC SESSION**

The City Council met in non public session to discuss Labor Negotiations.

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

**7:00 P.M.
SPECIAL MEETING:**

1. Pledge of Allegiance

Councilor Otis Perry led the pledge of Allegiance.

2. Roll Call

Deputy Mayor Jason Hindle, Councilors Bob Keays, Matt Mayberry, Mayor Scott Myers, Councilors, Otis Perry, Bob Lewis, Dean Trefethen, Darlene Colwell Ellis and Doug DeDe. Also present City Manager Mike Joyal.

3. Public Hearings:

- A. Resolution RE: Adoption of RSA 162-K allowing establishment of Tax Increment Financing Districts. Sponsored by Mayor Scott Myers by Request.

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

Tony McManus, member of the Planning Board but speaking on his own behalf, is in favor of this resolution which is meant to acknowledge and adopt the State provisions to allow them to have a TIF district. He then reviewed various successful TIF districts in the State including Keene and Concord.

Catherine Cheney, 9 Snows Court, speaking on behalf of the taxpayers and is against the TIF district. He listed various pros and cons but feels that developers are the only ones who win in this type of arrangement because if it fails, the taxpayers pick up the tab. Even if the project is successful, the taxpayers are covering the additional costs that are added including schools, public safety, maintenance, etc. She then gave examples of other ways to achieve the same benefits without a TIF District. She concluded by stating that the taxpayers should have a FIT over TIF.

David Scott, 220 Back Road – also is not in favor of rushing into a TIF District arrangement and feels it is a double edged sword. He continued by giving examples of different New Hampshire cities comparable in size to Dover who do not have the high bonds that we do. He stated that the senior citizens voted in the Municipal Election that they can't afford any more and stated the Council needs to study this very carefully.

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

- B. Resolution RE: Appropriation for FY07 Capital Improvements Program and Authorization for Bonding. Sponsored by Mayor Scott Myers by Request.

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

Harvey Turner, 4 Auburn Street, Ward 6 City councilor elect, discussed the CIP process once it has reached the Council which should include weighing feedback from the neighbors, deciding whether or not the Planning Board has rehashed every detail, turned every possible stone, which he feels they have done. He stated that this is similar to a homeowner who has to shuffle priorities when something major comes up and find an alternative source of funds. He stated that the taxpayers are the ones having to pay interest on these bonds and feels the Council has to keep the voters in mind and the already tightened income of the seniors citizens, etc.

David Scott, 220 Back Road – is very concerned with the size of the CIP which consists of \$59 million in new spending over the next 2 years compared to \$23 million in Hudson, \$24 million in Londonderry and \$10 million in Merrimack. He stated that people cannot continue to live in Dover and that this will sink many people. The impact is only around \$200.00 on the citizens in other communities but is \$750.00 in Dover. He feels the City Manager should come to the Council with a prioritized list with how much each costs and who benefits. He urged them to leave the decision to the next Council.

Richard Thorpe, 37 Hill Street , member of the Recreation Advisory Board, supports the renovation of the Woodman Park School tennis courts as they will soon be unplayable and unsafe.

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

4. Resolutions:

- A. Resolution RE: Award of Change Order #4 for Additional Construction Administration Services – Dredge Cell Construction. Sponsored by Mayor Scott Myers by Request.

Hindle moved to adopt, seconded by Perry.

Joyal reviewed the background of the dredging project stating that the delay of one year means that they will need to cover the cell to prevent further collection of water and the water that has already been collected needs to be pumped out and treated. This resolution will provide for continued oversight of the cell by Geolnsight Inc.

Keays asked where the water will be pumped to that has already collected in the cell.

Joyal stated that there is a pump in the infrastructure that should pump the water to the River Street Pump Station but because there is a high ph level it has to be treated first.

Discussion ensued.

Dean Peschel, Environmental Projects Manager, explained that because of the delay in the project and the monitoring of the water by Geolnsight, it was discovered that there was a problem with the ph level so they came up with the scenario of treating it and then releasing it by renting a treatment system and putting a temporary cap on to prevent further collection.

Lewis asked if there are other partners involved? Peschel stated PSNH and all costs are all part of the legitimate costs recouped at the end. The City received a per yard fee for disposal of dredge spoils which the agreement calls for a final accounting at the end.

Motion to adopt passed on a 9-0 roll call vote.

- B. Resolution RE: IAFF (Firefighters) Fact Finder Report. Sponsored by Mayor Scott Myers by Request.

Hindle moved to adopt, seconded by Mayberry.

Mayor Myers clarified that if the Council votes to accept the fact finder report, it would be the same as voting in favor of a tentative agreement and would be instructing the manager to enter into an agreement based on those findings. If the Council votes no, then it is not accepted and the report will then become a public document.

Trefethen stated the overall cost is unacceptable.

Keays stated that he was in a union for 37 years and president for 25 years and wants the firemen to know that he has reviewed this closely but can't vote in favor as a representative of the taxpayer.

Motion FAILED on a 1-8 roll call vote, Mayberry in favor.

C. Resolution RE: DPA (Police Officers) Tentative Agreement. Sponsored by Mayor Scott Myers by Request.

Hindle moved to adopt, seconded by Mayberry.

Trefethen stated that when they started down the path with the bargaining units it was with the intention of cost containment and reducing increases as well as recognizing that the world has changed. He stated that overall the cost of the contract is not what he wants but feels they have achieved much of that goal and also sets the city up for further down the road.

Motion passed on a 7-2 roll call vote, Keays and Lewis opposed.

Mayor Myers explained that this contract mirrors the already passed DPAA contract with the COLA being retroactive, 12, 15, 20% over years 1, 2 and 3 in cost share of insurance with new employees starting at 20%.

Hindle moved to suspend the rules to introduce next item, seconded by Perry.
Motion passed on a 9-0 roll call vote.

D. Acceptance of Canvas of Votes for November 8, 2005 Municipal Election

Hindle moved to accept the canvas of votes, seconded by Mayberry.

Hindle explained that the charter changes are effective immediately.
Motion passed on a 9-0 vote.

5. Adjournment into Workshop

Hindle moved to adjourn into workshop, seconded by Mayberry.
Motion passed on a 9-0 vote.

A. Capital Improvements Program (CIP)

The Mayor opened the discussion stating that there will be a special meeting December 7th for the CIP adoption. He explained that there can be informal straw votes taken tonight to see where the group may be heading, but there will be nothing formal.

Joyal explained that when they do formally vote on the 7th, they cannot change the scope of a project or increase the amount that has already been advertised or it would have to go back to another public hearing. Items can be decreased or deleted. Individual items can be voted on by simple majority consensus, but the whole CIP must be passed with a super majority.

Keays asked how much debt is being retired. Joyal referred to the CIP document, page 65.

Trefethen asked for further clarification regarding something being deleted and how they could be brought back for reconsideration.

Joyal explained that only someone who voted against could move to reconsider the item.

Myers asked when the Planning Board will be voting on their recommendations.

Joyal stated 11/22/05.

Lewis further clarified that the CIP vote is to approve bonding for the future but that each project still will come before the Council to vote for actual appropriations.

Keays asked why Woodman Park School renovations are now in Year 1 and 2 instead of spread out over the 6 years as was previously presented.

Joyal stated that it is so that we can secure a contractor who needs to have the commitment that the whole project will be followed through, although the bonds will not be issued in Year 1, but the Joint Building Committee can go out to bid.

Perry clarified that once the authorization for the project is done by the Council, it is no longer the Council's responsibility and the JBC handles the rest.

Next, City Hall improvements, \$350,000, Hindle asked what the improvements include.

Joyal explained there are various repairs that need to be done to the building as well as air conditioning for the Chambers or perhaps the whole building.

Keays stated the front steps of the building are bad and should come before air conditioning.

Myers stated that he would like to know what the future plans for occupancy will be if/when the Police Department moves out of City Hall and the SAU office moves to the renovated Woodman Park School.

Colwell Ellis asked about the municipal records storage/impound facility.

Joyal explained that it will be a small addition to the Mast Road public works building for the records storage and the impound area currently on River Street will also be moved to Mast Road clearing the area for the waterfront development.

Mayor Myers asked about any future changes to statutes accommodating the "paperless" society.

Joyal explained that this is slowly coming but there will still always be a need for "hard copy" storage.

DeDe discussed the relocation of the police department and feels that we will sacrifice the "core" if police services are relocated from the downtown area.

Trefethen commented on focusing on the first year stating that this is a 6 year plan and should be looked at as such. He would also like to go line by line instead of jumping around.

Lewis explained that this money is for Tuttle Farms property and is meant to keep this property as farmland. He asked Joyal what are some other items in the pipeline.

Joyal stated that the immediate need is for the Tuttle property.

Lewis asked if the easement will come back before the Council. Joyal stated yes.

DeDe explained that the Open Lands committee has a list of criteria that must be met before they begin negotiations for property and stated that it is inappropriate to discuss potential properties in this forum as they are of a confidential nature and he has huge confidence in the Open Lands Committee.

Mayberry stated that the Open Lands Committee has done very well without the Council micro-managing.

Trefethen stated he is generally in favor of the open space efforts, but again emphasized approaching the CIP as a whole and make sure they are measuring "wants" against "needs".

Hindle stated he feels this is a great "need" and is an aspect of controlling growth and wants to give more to this and looks forward to the Planning Board recommendations in how much to put aside in outer years.

#2 Municipal Records/Impound facility - \$400,000

Hindle stated this was a major issue during the goal session to formulate a plan to bring the city into the 21st century by putting more information on the web site, eliminating paper agendas, etc.

DeDe is uncomfortable with \$400,000 amount as there is no plan yet.

Joyal stated there is a plan for a metal building addition at the Mast Road facility which would have 4 bays, 3 for equipment storage and 1 bay for records storage. He explained that the Ward house of 5th street is going up for sale and has a lot of stuff stored in there that needs to find a place as well.

Discussion ensued.

DeDe stated that this is an area that should be looked at with a regional approach.

Hindle stated the school department has looked into a private entity for storage needs, has the city looked into this.

Joyal stated it is cheaper to rent pods.

#3 City Hall Improvements - \$315,000

Trefethen stated that the air conditioning for the Council Chambers looks like a "want" but feels that this room is used by many different groups throughout the year and is hot and noisy when fans are being used. He would like to see the whole building done as it is unsightly to see all of the different air conditioners hanging out of the windows of city hall.

Hindle agrees but feels that this particular item should be a part of the operating budget.

Trefethen agrees, but the Council would have to remember to do it in June. He would also like to see money put away in reserve funds for emergency repairs.

Hindle agrees and stated that he and former Councilor Bob Berry introduced a resolution several years ago to do that but it failed.

Discussion ensued regarding what is appropriate for the CIP vs the operating budget.

#4 and 5 – Police Facility – Land Acquisition/Design and Construction

Trefethen stated he keeps hearing that the police department needs to be in the downtown area whenever the idea of a combined public safety building is mentioned for the north end and feels that the land acquisition needs to match the criteria based on that and not buy land just because it is available.

Hindle asked about keeping the cells and communications center in the city hall locating and relocating the rest of the operation.

Joyal stated that would not happen and would all be kept together.

Hindle then asked why does the police department have to be kept downtown and maybe the land at the north end could have a separate building for each function.

Joyal stated that this is a part of the master plan and it doesn't have to be in the downtown, but he and the Chief would recommend that it is.

Joyal then discussed the upcoming expansion of Liberty Mutual stating that he would suggest pushing the police land acquisition out another year or 2 but keep the design as there is a potential to piggyback construction with that contractor to get the same type of building built. Mayberry asked if we make this kind of change to the CIP would we have to redo the public hearing or can we just do a public hearing for that one item.

Joyal stated they can do it however they want to.

Keays asked if Liberty has given us the land yet. Joyal stated not yet.

Keays asked if we will build there. Joyal stated this is not a secret.

Hindle asked how many acres we are talking about. Joyal stated we are negotiating still, but at least 4 acres are needed.

#6 and 7 – Public Works Heavy Equipment/General Street Improvements

Hindle stated that we should take the bull by the horns now and put these into the operating budget.

Myers asked if either of these items are time sensitive.

Joyal stated that the street sweeper is needed for the Spring.

Steele stated that they also need the ground speed control for the sanders.

Mayberry would like to remind the incoming Council that this dance is done every year, taking items out, put in operating budget, then cut out of the budget again.

#8 Transportation Improvement Program (Bridge) – no comments

#9 Tolend Road Landfill Remediation – no comments – required.

#10 Street Improvements – Glenwood Ave - \$350,000

Keays asked wasn't this done last year. Steele stated yes there was \$1,550,000 last year but they need \$350,000 more and the scope remains the same.

DeDe asked if this is because the original estimate wasn't correct.

Steele stated yes.

Joyal explained that this is an issue that has come about several times recently due to projects being estimated and then the actual project not being done for several years and no updating of the costs at current rates.

Discussion ensued.

DeDe then stated it is 9:00 p.m. and we are not even halfway through the list yet and there is still another item after this for discussion. He feels it is poor scheduling.

Myers stated that this is a workshop to discuss CIP issues but there is a whole separate night being dedicated for the CIP adoption. He stated that he also had suggested that the Council submit their questions to the manager ahead of time.

DeDe responded that they are supposed to deliberate in public.

#11 Cochecho River Dredging - \$150,000

Trefethen stated we can include this in the CIP but we may not end up needing it this year, Lewis went back to the want vs. need adding might want vs. need stating that this is \$150,000 to remove soil from the basin but who will actually use this area, 4 or 5 boats maybe and feels we don't need this.

Mayberry stated that this is to provide access for a public boat launch and wasn't a part of the original dredge project and was promised to the citizens as a part of the original approval.

Lewis stated this could be put down at Dover Point.

Hindle stated that this will be done in conjunction with the dredging in 2008 and should be moved back to then.

Joyal stated that the funding has to be authorized in Year I.

#12 – Street Improvements – Sixth Street/Indian Brook Drive - \$1,671,000

Hindle asked if the state will be willing to help with the improvements in this area in conjunction with the Exit 9 improvements.

Joyal explained that the state has already been brought into the discussion by Liberty Mutual, but Exit 9 is a State facility and there will be no local money. He stated we will tie into it if they are done but the project will stand on its own.

Trefethen asked if there is any money left in impact fees from previous development.

Joyal stated the money has been used at Venture Drive/Measured Progress intersection.

Trefethen stated there is a total of \$7,000,000 put aside but clarified we may have other money coming in. Joyal stated yes.

#13 – Rizzo – Upper Square Improvement – No discussion

#14 – Rizzo – Intersection Improvement – Broadway/St. John – No discussion

#15 – Street Reconstruction – Broadway – No discussion

#16 – Woodman Park Tennis Court Reconstruction - \$175,000

Trefethen stated that the first option is to fix this and the 2nd is to close it as it is an accident waiting to happen.

DeDe stated this is a drainage problem there and they can only put a bandaid on this problem.

Hindle asked if the metal fence will be replaced as well.

Joyal stated no, this is primarily for the paving of the court.

#17 – Woodman Park School Renovations - \$9,000,000

DeDe clarified that this is actually \$3,000,000 for each Year 1, 2 and 3.

Trefethen stated that they recently toured the school and contrary to some comments the school is in good shape maintenance wise, but the roof has leakage issues. He doesn't want the public to think that it hasn't been maintained, but we are looking at bringing it up to date for the 21st century. When it was built 50 years ago it was a modern building, but now it is not as standards and ADA requirements have changed.

Perry clarified that this is to bond \$9 million over 3 years but once that is done it is up to the Joint Building Committee to authorize the expenditures, not the Council. He continued that he is concerned that this was projected as a maintenance problem but it is really an update and isn't sure that this is really the way to go as the population at that school is too big for that one location.

Hindle stated that this is near and dear to him as he attended that school and feels that the school department personnel do an excellent job of maintaining their buildings but the electrical outlets, bathroom facilities, boiler room, water heater, etc. are built to 1950's standards. The ideal would be to build a new school, but where could that be done and is a minimum of 10 acres.

#18 – Horne Street School Renovations – No comment

#19 – McConnell Building Renovations – No comment

#20 – Rizzo – Downtown Parking Improvement Study – No comment

#21 – Bouchard Well and Treatment Plan

#22 – Water Main Replacement – Old Rochester/Longhill Rd.

DeDe stated there is a serious water pressure problem in the north end of town with only 30 lbs PSI (per square inch) and feels that there needs to be something done to build up the pressure so that they can fight fires on that end of town. He stated that builders have to spend \$15,000 to boost the water pressure. He is not in favor of the water treatment money but does want something done about the pressure.

Chief Plummer spoke to clarify that the city has it's own pumps and has enough water and pressure to fight fires on that end of town. He stated it is the fire protection sprinkler systems within the building themselves that is the issue.

Joyal explained that this has always been an issue on the north end and is geographical because it is higher than the Garrison Hill pump. He stated they should keep the Bouchard well in Year I as well as it addresses the flow issues and they will look at the pressure issue as well, but it will be expensive.

DeDe stated that the impact fees should fund it.

Keays gave a history of the water system at that end of town and that there should have been a booster station installed when the Garrison Hill pump was put in.

#23 – Sewer Main – Durham Road Rehab

#24 – Sewer – Oak Hill

#25 – Sewer Main – Washington St.

Trethen asked if we were to make all of these improvements on this CIP and with everything that is still waiting to be done, do we have the staff to carry out these projects.

Joyal stated the staff will be challenged.

CIP discussion closed.

B. Recreation Department

Joyal explained that this proposal is to separate the Recreation Department from the Community Services Department so that he can go ahead with the hiring of a Community Services Director. He explained the history of how this Division was added to Community Services based on a recommendation of the Bennett Association during the consolidation of several departments. During that consolidation 7 positions were eliminated and staff was cross-trained. However, he had never felt that Recreation belonged in that Department and should be by itself for better accountability and prioritization of their services. This would also reduce the responsibilities of the next Community Services Director but will not impact on personnel, although it may allow for future reduction in personnel costs. He concluded that there are some other housekeeping issues included with this ordinance.

Hindle asked if the Recreation Advisory Board has been involved in this proposal. Joyal stated yes.

Mayberry stated he feels that this proposal needs to be separated because they are not only housekeeping issues, but building a new house.

DeDe agreed stating that there are new positions being created in this proposal. Although we no longer have the Asst. City Manager we now have a personnel director position @\$87,000.

Joyal clarified that this is the Human Resource Director for \$60,000 -\$65,000.

DeDe then stated that Section 3.3B crosses out the last vestige of any authority the Council has to compensations. He stated the Mark Broth opinions were suppositions and that the same set of circumstances could have been presented another way. He stated that this Council is at a crossroads right now and shouldn't strike it out as it would be a dereliction in duty. He will go along with separating out the Recreation Department portion.

Discussion ensued regarding the Administrative Code and Charter.

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

Valerie A. French
Deputy City Clerk