



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, November 12, 2008**
Meeting Time: **7:00pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Deputy Mayor Trefethen led the Pledge of Allegiance.

3. ROLL CALL

Present: Mayor Myers, Deputy Mayor Trefethen, Councilors Callaghan, Carrier, Cheney, Dede, McCusker, Scott and Weston.

Also Present: City Manager Joyal, City Attorney Krans and City Clerk Lavertu.

4. PROCLAMATIONS – AWARDS

5. APPROVAL OF AGENDA

Councilor Callaghan made a motion to move 11.A.1. to after the Public Hearings; seconded by Deputy Mayor Trefethen.

Vote: 9/0.

Deputy Mayor Trefethen made a housekeeping note that corrected the Resolutions that were handed out to the Council. He said 12.A.2. and 12.A.3. were numbered incorrectly as 11.A.2. and 11.A.3. He said that was the only thing that was changed, and he made a motion to accept the corrected Resolutions in the Agenda Packet; seconded by Councilor DeDe.

Vote: 9/0.

Councilor Callaghan made a motion to move 11.B.1. to after 11.A.1.; seconded by Councilor Scott.

Vote: 8/1; Passed. Councilor DeDe was opposed.

Councilor Callaghan said he would be withdrawing 12.B.1.

Councilor DeDe made a motion to accept the Agenda as amended; seconded by Deputy Mayor Trefethen.

Vote: 9/0.

6. CITIZEN'S FORUM

Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

Edward Bleiler, 28 Isaac Lucas Circle: He said he wanted to bring to the attention of the Council some facts he read in *The Wall Street Journal*. He said the Mass. Board of Real Estate Appraisers at their annual meeting said the consensus was dropping house values for 4 years. He said they're seeing a drop of 70% in income from 2007. Fannie Mae, residential, \$5 trillion, with 10%, \$500 billion recognized as bad so far. He said the commercial side is \$1.5 trillion, a third recognized as bad. He said 401Ks as an investment decreased by 25% to 30%, and as of today it was closer to 45%. He referred to the employment crisis throughout the nation. He said this was not the time to be spending any of the taxpayers' money. He said the City would be lucky, at the middle of December, to pay our own bills.



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Ronald Huml, 199 Mast Road: He said all contracts should be put on hold and he felt the City would see a savings. He referred to the Fire Department contracts and asked where it showed the difference between the amounts budgeted and the amount in the contract.

H. Jerry Lynch, 26B Lincoln Street: He said he was a little dissatisfied with the political system in Dover. He said much is done in secrecy and in back rooms, and at the Public Hearings everything is already decided. He said the citizens don't have much of a say in anything.

Christopher Boldt, 4 Evans Drive: He thanked the City for opening the polls an hour earlier. He asked the City to consider that 7:00 AM be the standard time to open the polls. He said he felt the political system worked fine with 77% turnout for the November 4th Election.

Lee Skinner, 25 Mathes Hill Drive: He said he wanted to talk about the Strafford County tax increases, how they affect the local spending, and what could be done about it. He said he knew the Council had no control over the County tax. He said the City has to send the County \$730,000, which could have been used in the City to hire staff, fix roads, and which was just a start. He said next year the County tax will probably double, causing even more sacrifices in Dover. He said most household incomes have gone up 30% in the last few years, while County taxes have gone up 150%. He said he was speaking to the Council to ask them to organize a program to educate and mobilize Dover taxpayers. He said runaway County taxes need to be brought under control.

Pam Simpson, 11 Toftree Lane, Chairman of Board of Directors for Dover Chamber of Commerce, and owner of Harvey's Bakery: She urged the Council to release the funds for a bridge to be built on Washington Street. She said it would help the Downtown.

Donald Medbery, 3 Covered Bridge Lane: He said he has heard rumors and said they eventually become an actuality. He asked the City Manager to answer about the rumor of turning the indoor pool into a garage. He spoke on the large cities that are filing for bankruptcy and said Dover should take heed to not find us in the same condition. He said the City needs to be cautious and frugal.

Kirt Schuman, 30 Cushing Street, Chairman of the Parking Garage Committee: He wanted to acknowledge Mr. Medbery's rumor and said the indoor pool was never considered as a possible site for the garage.

Brian Fruh, 157 Locust Street: He said he supported the Waterfront project.

Peter Schmidt, 53A Fourth Street: He just wanted to second Attorney Boldt's remarks about the 7:00 AM opening of the polls.

Mayor Myers, seeing no one else wishing to speak, closed the Citizens Forum.



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7. PUBLIC HEARINGS

A. RESOLUTION: B09020 CONSTRUCTION OF NHDOT BRIDGE 136-123 WASHINGTON STREET OVER COCHECHO RIVER SPONSORED BY MAYOR MYERS BY REQUEST

Edward Bleiler, 28 Isaac Lucas Circle: He said he has always tried to share his knowledge in the construction and bridge building business in order to help the Council and community. He said Dover is very important to him and he shares his thoughts because he cares. He shared his concerns with the Dickenson Bridge to River Street. He said he realizes the bridge will be built and he is not against it. He went over his handout of questions regarding the bridge. He asked the Council to table the Resolution in order to do it right and not hastily.

Joyce El Kouarti, 19 Northway Circle: She said she understood that Dickenson and the City have signed an agreement. She said the City will recoup 80% of the costs from a TIP Grant if the bridge is completed. She said the additional funds needed can be provided at no additional tax to the citizens by redirecting the funds left over from other public works and water/sewer projects. She said they need a bridge, but it doesn't have to be one with all the bells and whistles.

Ronald Huml, 199 Mast Road: He referred to the article in the newspaper about the bridge. He said it was his assumption that any additional construction was over and above the tax cap.

Donald Medbery, 3 Covered Bridge Lane: He said he felt they all supported the bridge. He said the commodities market is down and the City received the bid for the bridge while the market was up. He felt the Council should go back to the bidding process.

H. Jerry Lynch, 26B Lincoln Street: He said he was concerned about the environment issues around the site.

Richard Lowell, 3 Browning Drive: He asked for the Council's support to fund the bridge. He said it would increase the traffic safety downtown. He said he used Henry Law Avenue to go to and from the City, but that has changed because it was made into a one way street. He said this wasn't safe. He said the proposal to make it one way was an attempt to promote traffic safety, and provide 13 parking spaces. He said Councilor Cheney was opposed to changing it until after the bridge was built. He said the will of the people hasn't changed, and a "no" vote would be unfair to the taxpayers.

Thomas Hardiman, 5 Locke Street: He said he has lived in Dover for 63 years. He said he voted for the Council to watch his taxes, to make the City better, and make it enjoyable place to live. He said it was time for the bridge.

Maurice Olivier, 67A Glenwood Avenue: He said he supported the bridge. He said they were told to support the bridge through their representative. He said he lived in Ward 6 and



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didn't have a representative that represents him and his wife's interests. He said he was there to speak to the Council directly that he and his wife are in favor of the bridge.

Mark Moeller, 80 Cottonwood Drive: He said he supported the bridge. He said the current traffic flow in downtown is horrendous. He referred to the Rizzo study recommendation that Dover needs the bridge. He referred to the comments that this should go to rebid since prices are going down, and said that the City Manager didn't have a crystal ball every time something goes out to bid. He said the bridge needs to be built now, because of the way it is being funded. He said right now there is federal and state money appropriated for this bridge. He understood that the money is in the budget. He said there was a bridge there in 1907 and there needs to be one there now. He said the City also needs to live up to its commitment with Dickenson to build this bridge. The City has made a commitment to the citizens to build this bridge.

Linda Saucerman, 58 Fifth Street: She said she supported the bridge and asked for the Council's support.

William Garrison, 4 West Concord Street, Chairman of Good for Dover: He said he supported the Washington Street Bridge. He said it was growth and prosperity that would bring revenue, alleviate traffic congestion, and integrate the waterfront project. He said the City would be risking litigation if it is voted down. He strongly urged the Council to vote yes on this Resolution.

Thomas Fargo, 14 Cobble Hill Drive, Chairman of Conservation Commission: He said he supported the project and urged the Council to vote in favor of it. He said there seems to be an effort to cause outrage with regards to the cost of the bridge. He said the preliminary estimates were not accurate. He said they were put into the TIP that way for years in order for the project to move forward. He also said that the bridge is not a simple bridge, because it has to replace the sewer line and it is no longer a straight shot. He said these changes add costs to the actual bids. He said if the City fails to do this bridge now it will have implications to the City's applications for State support in the future.

Dana Lynch, 36 Cardinal Drive: He said he has been involved in the Waterfront project since 1989. He is an engineer with a local engineering firm, not as a bridge expert, but on many construction projects. He wanted to credit the City Staff and Tom Fargo for making this opportunity available to the City. He said he researched the material pricing by calling some vendors, and the cost of steel and concrete have not seen dramatic changes. He said he was concerned about putting the \$3 million at risk, which was an 80% cost savings for the City. He said this was an opportunity that should not be missed.

Kirt Schuman, 30 Cushing Street, Chairman of the Parking Garage Committee: He said the City will be getting a \$4 million bridge for \$900,000, which will open up the realization of \$1 million of property tax revenue from a waterfront development. He said he felt this was a really good deal for the City.



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Jack Buckley, Director of the Dover Housing Authority: He supported the funding for the Washington Street Bridge. He said the City has worked on the Waterfront Project for the past 20 years, spending millions of dollars preparing the area, moving the public works building and the recycling center. He said without the bridge there will be no waterfront development and all the money will have been wasted. He said without the bridge the City will lose millions of dollar in property taxes. He said without the bridge the traffic will still be congested. He urged the Council to vote yes on this Resolution.

Peter Schmidt, 53A Fourth Street: He hoped the Council would address some of the issues brought up by Mr. Bleiler before they voted on this issue. He said he spoke with Councilor Weston on this issue because he felt she would be one of the key votes on this issue. He said he was glad to see that she did her homework and realized the importance of this issue. He said that money with the State was tight, and if the City were to cast aside this opportunity, it would be a substantial delay before the money became available again. He said it would be unwise to leave that money on the table. He said the country has faced much more difficult times. He said this is a vital step in progress for the City. He hoped the Council had the super majority that this project needs.

Christopher Boldt, 4 Evans Drive: He said he was also in favor of the bridge. He said he hoped the Council voted in favor of this Resolution and make a positive statement for the City of Dover. He said the Council had a choice to either have faith in the future or live in fear and doubt.

Gary Green, 18 Footbridge Lane: He referred to a May 2007 newspaper article. He said he wanted to thank everyone that spoke in favor of this Resolution. He said this wasn't going to affect the tax rates and saw no reason for the Council to vote no on it.

Gretchen Hatfield, owner of a studio at 1 Washington Street: She said she was new to Dover. She said she came from New London, Connecticut, where they put in a new waterfront development project and it made New London a better destination point. She said everything the City does to make Dover a better destination point is a win/win for everyone.

Diana Schuman, 5A Elm Street: She said she favored the bridge. She said originally the bridge was going to cost \$1.5 million. She said now it is about \$4 million, but the City will receive 80% from State and Federal funding. She said that left the City responsible for \$900,000, which was still \$600,000 less than the original \$1.5 million.

Patrice Foster, 194 Dover Point Road: She said she was pleased to be an abutter for this project. She said she understood that many councilors ran for election saying they were going to watch the money being spent, but felt that after all the money already spent on this project, she couldn't understand the Council abandoning this project. She said this project can keep the taxes down in Dover.

David Bamford, 296 Gulf Road: He said he is looking at this like any investment, how much it's going to cost and how much will be returned. He said the Council needed to look at what



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the City was going to get for the \$800,000 or \$900,000 outlay. He said not only the traffic flow, but the economic development in downtown Dover. He said if you look at Dickenson's claim, after the build out of the waterfront there will be \$90 million worth of improvements, which is \$1.8 million in the City's coffers. He said if the City builds the bridge, we get a nice new development, bring in tax revenue, with little money going out. He said this is such an obvious great investment for the City.

Mayor Myers, seeing no one else wishing to speak, closed the Public Hearing. Mayor Myers read Glenn Grasso's letter to the Council regarding the Washington Street Bridge.

B. ORDINANCE: CHAPTER 166, VEHICLES AND TRAFFIC SPONSORED BY COUNCILOR WESTON

John Scruton, 99 Sixth Street: He said the City went over the truck routes in 1997. He said there was no reason to have Sixth Street as part of the truck route, and he would like it removed from the Truck Route Ordinance. He referred the Council to the petition and asked the Council not to pass the Ordinance.

Rick LaRue, 90 Sixth Street: He thanked everyone who responded to his email of questions. He said he wasn't happy to find out that Sixth Street was recently added to the truck route. He said he would like to see Sixth Street be removed from the Ordinance.

Mayor Myers, seeing no one else wishing to speak, closed the Public Hearing. Mayor Myers read Glenn Grasso's letter to the Council regarding the City Wide Truck Routes.

C. ORDINANCE: CHAPTER 137, POLITICAL EXPENDITURES AND CONTRIBUTIONS SPONSORED BY MAYOR MYERS BY REQUEST

Mayor Myers, seeing no one wishing to speak, closed the Public Hearing.

11.A.1. B09020 CONSTRUCTION OF NHDOT BRIDGE 136-123 WASHINGTON STREET OVER COCHECHO RIVER SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor DeDe. Councilor DeDe said there was a lot said about the value of the Washington Street Bridge. He referred to the comment that the City should take their time, but the reality was that the time has come. He said there was a bridge there at one time and a new one is needed again. He said the impact to the taxpayers was negligible, unless the positives are considered. He said another issue he has heard concerns about was brown fields. He said the Department of Environmental Services (DES), both at the State and Federal level, has looked at different types of waste sites. He said where the development is going to take place does have contaminants, but does not have any hazardous or toxic wastes. He said there is a dump there that probably has things in it that we don't want to know about, but that is to the east of the site that is going to be developed.



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He said the land where the development is to take place does have contaminants that will be cleaned up when the development starts. He said the allegation that the City is facing \$20 million in clean up costs was a fairy tale. He said having it defined as a brown field is a lot better than having it defined as a super fund site, which is what the City has on Tolend Road. He said it was part of Dickenson's proposal that they needed a vehicular bridge connecting the area to be developed. He said if there was a breach of contract lawsuit, it wouldn't just be for recovery of costs, but also for the anticipated profits. He said he was talking seven figures that would come out of taxpayers' dollars. He said he does believe that the Council understands that the City has an obligation. He said if it is not passed the City loses the bridge and loses the Federal and State money. He thanked everyone for coming down to speak during the Public Hearing.

Councilor Cheney asked what was specifically voted on in Glenn Grasso's memorandum.

Mayor Myers said when they voted on the one-way traffic on Henry Law Avenue it was a 6:1 vote.

Councilor Cheney wanted to address some of the issues brought up by Mr. Bleiler. She asked if there were going to be any other costs after the bridge is built. She asked if the sewer plant has to be moved, or if that is included in the costs the Council is looking at in this Resolution.

City Manager Joyal said the River Street Pump Station does not have to be moved. He said there is a sewer line that goes into the River Street Pump Station that will have to be relocated underneath the bridge. He said it was included in the price of the bridge.

Councilor Cheney asked if there was any money earmarked for the removal of the pedestrian bridge.

City Manager Joyal said there was \$60,000 in the price to remove the pedestrian bridge once the bridge was done. He said they were going to place it on the ground until it is decided where it is going to go. He said the Council will have to make a decision where the bridge will be put. He said currently there is a concept to put the bridge further down across a marshy area to tie into some beach trails. He said another concept is to put the bridge further upstream to provide pedestrian access to stores and art studios in the Mill.

Councilor Cheney asked what assurance the City has that Mr. Dickenson will go forward with this project.

City Manager Joyal said there were provisions in the term sheet for the developer to meet certain obligations, just as there were for the City. He said everything has come to a halt until the bridge is addressed.

Councilor Cheney asked what day of the bid process we are in.

City Manager Joyal said it was Day 50.

Councilor Cheney said that there were emails going around about last week, and the Council didn't get anything on it until Friday in the agenda packet.

Mayor Myers said it was on the October 22, 2008 agenda to be referred to a public hearing.

Councilor Cheney asked when construction would start.

City Manager Joyal said once the bid is awarded they would provide a notice to proceed to the contractor. He said construction should start as soon as the ice breaks in the river, because it was his understanding that they can't be working in the river during the summer season.

Deputy Mayor Trefethen said it was no secret that he was in favor of the bridge and that he is a member of the Cochecho Waterfront Development Advisory Committee (CWDAC). He said Mr. Bleiler said during the Public Hearing that he is in favor of the bridge, but he had sixteen questions that have to be answered or the Council can't vote yes on this Resolution. He said



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every one of these questions can be answered to his satisfaction, but he'll come up with more questions. He said most of the questions were answered tonight, and some could be searched in the CWDAC minutes, but he had two he wanted to address. He referred to the question regarding the assurance that Mr. Dickenson will go forward with this project. He said if Mr. Dickenson wanted to bail on the City he has had ample reason and opportunity to do so. He said the delays on this project sit 100% with the City, and not Mr. Dickenson. He said Mr. Dickenson has proven himself to be an honorable man, a man of compromise, and a man who is willing to work with the City. He said this is one of those questions that was designed to raise doubts in the people not following the process. He said the City has plenty of assurance that Mr. Dickenson will continue with the project. He referred to the second question that asked why the City waited until the end of the 60-day bid process to bring this before the Council. He said there was a process to follow. You have to review the bids and go to the State to get approval on the bids. He said this Resolution was on the October 22, 2008 agenda and it was unanimously voted to refer to public hearing tonight. He said that was the middle of the process. He said there is a very small group of people who don't want this to happen, or anything to happen on the waterfront. He said the reason is they don't want these people to be successful. He said Mr. Bleiler said he was in favor of the bridge, but had a list of sixteen "buts", and there will be sixteen more tomorrow. He said if you don't keep your word, you get what you deserve. He said it was hard to get your integrity back once it is lost.

Councilor Weston said she didn't think it was fair to have a Councilor badger one of the citizens, who have genuine concerns. She said she had a lot of these concerns herself. She said she truly feels that Mr. Bleiler and Mr. Medbery want the bridge, but they want answers to their questions. She said she met with the City Manager and told him that this would never happen underneath her watch. She said she didn't believe in the SWAG [sic] bids. She said she now understands why it went from \$1.5 million to \$4 million. She said she will be making an amendment to this Resolution. She said she also had questions about the commodities, like Mr. Lynch, and she researched the steel market, along with the China market. She said the red spike is the increase in steel prices, which is the highest steel has ever gone in history. She said it has dropped 12% in the last 20 days. She felt the citizens had every right to question this. She doesn't feel it was fair to say that these citizens' goals were to question the City.

Mayor Myers said the City Council since 2004 has authorized three separate CIP fundings for the bridge; two were bonded and one through the TIP program. He said the State has taken new bridges off their priority list, and if the City passes this funding up then it probably will fall off the State's list. He said he was also concerned about the cost of the bridge. He did some research on other new bridges in the area, and referred the Council to a bridge on Route 33 in Portsmouth. In the 2005-2014 ten-year plan for the State the bridge was projected at \$4.3 million. In the 2007-2016 ten-year plan for the State the bridge was projected at \$4.6 million. He said it is under construction today and the current estimate is \$7.5 million. He said he saw a pattern. He said the report would show updates of costs, increased to reflect inflation. He said he didn't think the State was going to keep the funding available if the City doesn't do something about it. He appreciated everyone coming to speak. He referred to the Council's unanimous vote in favor on the Resolution in June 2008 to purchase the land easement for the bridge.

Councilor Carrier said he supported this bridge. He said he spoke with Councilor Weston on this and commended her on all her research. He said he was concerned about the costs. He said a lot of steel is going to China, steel workers are union, and prices aren't going to go down. He



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said with his work he has noticed concrete has gone up 20%. He said he has seen opportunities blown because of the cost, and the City needs to look beyond, to look to the future.

Councilor Scott said he felt it wasn't the issue of whether the City builds the bridge or not, but the City has a legal obligation to build a bridge. It doesn't say how much the City should spend, or when it should be built. He said the issue is, can the City get it for a lower price? He said the \$4.5 million cost for the bridge, up from 1.35 million, has not been explained adequately. He said the question is, does the City lose their place if the City decides to go out for a rebid? He said this isn't State money, but Federal money from the gasoline tax. He said he spoke to a Project Manager who said that the Federal dollars are secured for that project. He said he spoke to George Campbell, a new Commissioner for the DOT, who said he didn't know for sure, but thought it would be okay for a short period of time. He said Mr. Campbell also doubted the City would lose their place. He felt the City should go out to bid again. He said he wasn't sure of Mr. Dickenson's obligation if we build this bridge. He said with the economy the way it is Mr. Dickenson may not be able to sell the condominiums.

Mayor Myers asked Councilor Scott if he had a letter from the Project Manager.

Councilor Scott said he did and would get a copy to everyone. He made a motion to table the Resolution for two weeks, pending a response from the Commissioner.

City Manager Joyal said it would be himself that contacted the Commissioner on behalf of the City. He said it could be a violation of the City Charter if a Councilor contacted the State on behalf of the City.

Councilor Scott said he didn't understand how that was in violation of the City Charter.

Mayor Myers said the City Manager needs to get the commitment from the State on behalf of the City. Mayor Myers asked for a second to Councilor Scott's motion.

There was no second to Councilor Scott's motion.

Councilor Callaghan said the City Manager will be giving the Council a presentation, and he was hoping to hear that. He also said that two weeks from today would be past the bidding process of 60 days, and asked if that meant it was no longer good.

City Manager Joyal said that was correct. The bid will expire at the end of next week.

Councilor Callaghan asked for a special meeting on November 19, 2008. He referred to one of the speakers from the Public Hearing about building a simpler bridge. He agrees the bridge is needed, but would like to do it as prudently as possible. He said he has seen many projects exceed the initial cost estimates and can understand the citizens' frustration that this may be happening again.

City Manager Joyal said he was prepared to answer some questions asked by the Council. He referred to Councilor Callaghan's comments about over-budget projects, and said for the three years he has been City Manager the City has come in under budget. He went down Mr. Bleiler's list and gave the following answers to the Council:

1. The Council was provided with a Resolution in June of 2004 to authorize the City to enter into an agreement with the State of New Hampshire to manage the bridge project. He said the amount was \$1.5 million. He handed out the TIP program, which is built into the CIP program, to the Council. He said the Planning Department in the late 1990's very aggressively pursued funding opportunities for this bridge and made justification for this bridge with the State. As a result it made it on the State's 10-year plan for Transportation Projects back in 2000 or 2001. He said the estimate that was used at that time was \$1.5 million, and was comparable to other projects being built at that time. He said in June of 2004



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the City Council adopted a bonding resolution, by a two-thirds vote, to appropriate \$300,000 of bond funds to recognize the City's share of the \$1.5 million. He said in the following year the amount committed to by the State is still \$1.5 million, still in the absence of any engineering designs. He said in August of 2005 the City commissioned an engineering study in order to get conceptual designs and cost estimates. He said on 12/7/2005 the Council appropriated an additional \$231,000. He said the combination of the \$300,000 and \$200,000 appropriated by the City was intended to be the City's match of the \$2,650,000, which is reflected in the 2007-2012 CIP. He said the completed study showed a cost range of \$2.8 and \$3.2 million, which was primarily due to the orientation of the bridge. He said the following year's TIP showed an updated figure of \$3.3 million. He said on January 19, 2007 the City appropriated an additional \$139,800 for the City's share. He said in November of 2007 the design was completed, approved by the State DOT, and sent out to bid. He said the low bid came in at \$3.306 million. He said they had issues with acquiring the land on Washington Street, and the 60-day window for the bid expired. He said the City settled the land easement in June of 2008. He said in September of 2008 the project went back out to bid, and the bid was \$3.9 million.

2. He said the 2004 estimate was not a wild guess.
3. \$327,686.65 has been expended. \$20,197.27 has been encumbered.
4. The expectation is upwards to \$1 million -- \$897,427.78. He said that number will vary depending on whether or not the contingency amount is used or not.
5. Yes, there is \$60,000.
6. There is a signed agreement in place.
7. Again, there is a signed agreement in place.
8. The history can be explained.
9. He said it was unlikely that the City would see any significant savings and risk the possibility that the bids will come in higher. He was concerned about the City's integrity and reputation if we go out to bid for a third time. He said in spite of what Councilor Scott has been told, the City is at risk of losing the funding, and he would ask Mr. Bruce Woodruff, City Planner, to address that.
10. Day 50.
11. That was the day that the bids were opened.
12. The City did not wait until the end of the 60-day period. He said the Council has had this Resolution since October 17, 2008.
13. Allows for ordering of materials and it allows the contractor to get into the river to start some of the preliminary work.
14. The City is expecting to get reimbursed for the oversight fee by the State.
15. There are provisions that have been addressed in the terms sheet.
16. Prices are not crashing in every commodity.

He said Mr. Woodruff has been the lead on this project since Day 1 and asked him to address the Council.

Mr. Woodruff said he wanted to address the cost of the project. He said in 1996 the Planning Department submitted a grant to the Federal Program entitled Enhancements to build a bridge across the Cochecho River. He said the estimate at the time was \$1.25 million. He said that grant application was denied by the State Enhancement Committee. He said that estimate, with inflation factored in, was to get a placemark for funding. He said the \$1.5 million amount stays



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the same until 2005, because in 2006 the State approved the engineering study. In March of 2006 the amount was estimated at \$2.898 million. He said every year that goes by, the construction costs go up 19% to 20%. He said he spoke today with DOT Project Manager Jim Marshall, who told him if the City does not award the bid for this project that the City won't lose the project, but will lose the Fiscal Year 2008 dollars for this project. He said the City will no longer be in the driver's seat as to when the project can be prosecuted, because there was no guarantee on 2009, 2010, or 2011 monies. He said if the City decided not to do the project at all, the \$70,499.62 the City has received will have to be returned.

Councilor Scott asked why in October 2006 it showed \$1.3 million and not the new amount of \$2.89 million.

Mr. Woodruff said he really couldn't explain that except to say that all their projects over the years were undershown in the tables.

City Manager Joyal said regardless of the amount shown, the State was committed to the project for 80%, and since 2005 we have kept the City's portion updated.

Mayor Myers said that was the State Planner's mistake, and not the City Planner's mistake.

Mr. Woodruff said that was correct.

City Manager Joyal said he wanted to address one last question regarding how long before the city sees a return on their investment. He said once the development proceeds, the developer is required to make a \$1 million payment to the City, which would cover the costs the City is paying for the bridge. He said looking at one building proposal; the City can expect \$50,000 a year beyond what the City is paying in debt service. He said the bridge pays for itself once the project proceeds.

Councilor Weston asked about the environmental hazard.

City Manager Joyal said anyone that is suggesting there is anything down there other than some ground water contamination is misinformed. He said there is an ample amount of studies and information out there, and he was told that the ground water is contaminated. He said the EPA and DES want that addressed. He said any development that takes place down there will address that. He said there isn't anything there that would cause development not to take place.

Councilor McCusker questioned Councilor Scott's inability to produce the name of Jim Marshall, the DOT Project Manager. He said he questioned Councilor Scott's and Mr. Woodruff's conflicting conversation with Mr. Marshall. He said the Council almost tabled this Resolution until the City heard back from the Project Manager. Councilor Scott denied he had the information when it is sitting right here in front of him. He said every week the Council meets, the City Manager's, City Attorney's, the Mayor's integrity are questioned. He said these people come up to the podium, set these little traps, hope you step on one so it will blow up in your face, and we can make a mockery of you. He said he didn't know the question Councilor Scott asked of Mr. Marshall, but he was certain he could trust Mr. Woodruff's answer.

Mayor Myers asked Councilor McCusker to address him.

Councilor McCusker apologized. He didn't mean this as a personal attack, but needed to state this as it happened. He said Councilor Scott sat there and watched it, and he couldn't stay quiet. He asked the Mayor to ask Councilor Scott if he could resurrect that email from Mr. Marshall, because it conflicted with what Mr. Woodruff said.

Mayor Myers asked Councilor Scott if he had any additional information from the State to share with the Council.

Councilor Scott said he was expecting a call from Mr. Campbell.



CITY OF DOVER

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Mayor Myers asked if he had anything in writing from Mr. Marshall.
Councilor Scott said he did, but he wanted to contact Mr. Marshall first.
Councilor Weston made a motion to amend the Resolution to change the amount to \$4,006,305 and strike the contingency of \$91,482; seconded by Councilor Callaghan.
Councilor Weston said she did her homework, and said she has had undue pressure put on her. She spoke of her conversation with the City Manager, and all his explanations.
Councilor DeDe said in the spirit of cooperation that he would support the amendment.
Deputy Mayor Trefethen said he commended the time Councilor Weston spent on this, and feels she has come to the right conclusion.
Councilor Carrier said he would support the amendment. He asked the City Manager how he felt about it.
City Manager Joyal said it was workable, but he preferred a reasonable contingency for a project this size.
Mayor Myers asked for a vote on the amendment to the Resolution.
Vote: 9/0.
Mayor Myers asked for a roll call vote on the Resolution.
Roll Call Vote: 8/1; Passed. Councilor Scott was opposed.

11.B.1. CHAPTER 166, VEHICLES AND TRAFFIC SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Councilor Callaghan.
Councilor Weston said this was an Ordinance trying to control truck traffic in the City. She asked for Mr. Woodruff to come up and speak on this Ordinance.
Mr. Woodruff gave a presentation on the Ordinance.
Councilor Scott asked: what size truck will Sixth Street accept?
Mr. Woodruff said 26,000 lbs. or any truck that has two axles. He said 26,000 lbs. is the State's definition of a commercial vehicle. He said this Ordinance would restrict tractor-trailers on Sixth Street.
Councilor Scott asked which streets would be affected in Ward 3. He asked about Dover Point Road.
Mr. Woodruff said Dover Point Road is a State-maintained highway, and the City doesn't have any say over that road.
Deputy Mayor Trefethen said he had empathy for the people on Sixth Street, but felt something was finally being done for most streets.

Councilor DeDe made a motion to suspend the rules to continue past 10:30 pm to complete the agenda; seconded by Councilor Weston.
Roll Call Vote: 9/0.

Councilor Cheney said Sixth Street has had a lot of development, and the Ordinance originally had restrictions on Sixth Street. She said Sixth Street will see trucks through a funnel effect, and the Council has to think of the whole City. She said Sixth Street should not be a thru-way, and felt Sixth Street should be put back on the list. She said she wouldn't support this Ordinance as it is now.



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Councilor Callaghan said he has received many calls regarding this. He said the citizens understand that this will decrease truck traffic on Sixth Street, but felt it wasn't enough. He made a motion to amend the Ordinance to strike Sixth Street on Page 2, in Section 2.B.; seconded by Councilor Scott.

Deputy Mayor Trefethen asked if he wanted to strike Sixth Street on Page 2.

Mayor Myers said he didn't feel comfortable making the change. He said TAC has held several meetings. He said it should be passed as it is, and recommended that TAC review it in six months.

Councilor McCusker asked, if the Council removes Sixth Street, what happens to trucks that travel Maple Street and Horne Street?

Councilor Callaghan said the Ordinance is not so restrictive as to prevent deliveries. He said it was to stop through traffic.

Councilor McCusker said he had a problem with changing this on the fly.

Councilor Weston said this Ordinance is a start, and it can always be revised. She said Sixth Street was constructed for commercial traffic.

Mr. Woodruff said the percentage of truck traffic is 5% Sixth Street, which would be reduced 1% to 2% with the elimination of tractor trailer trucks; approximately 126 tractor trailer trucks.

Councilor Carrier said he lives on Maple Street. He said this is the first time he has seen the petition, and he is totally with these people. He does agree with Councilor Weston that this is a start. He said he doesn't see an answer at this point. He feels the Council should pass the resolution to lighten the load tomorrow, and revisit the issue after more traffic studies.

Councilor Cheney said the Council needed to do what was right for the City as a whole, and felt Sixth Street should be off the list. She felt it wouldn't be looked at again in six months.

Councilor Callaghan said TAC had four public hearings. He said it was after the fourth public hearing that they put Sixth Street on this list, and the residents didn't have a chance to speak regarding it.

Councilor Scott said this was a quality of life issue and the need to protect it. He said these people made an effort to prepare a petition, and he didn't want the City to ignore them.

Councilor Weston said she sits on TAC and will guarantee that it will be looked at. She said the public hearings were published. She said it was TAC's job to look at the entire City. She said this was something to start with.

Councilor Callaghan asked to remove Sixth Street now, respecting the wishes of the residents first, and look at the change later.

Councilor Weston asked about the people on Stark Avenue and Jenness Street. She said TAC wanted to see the traffic pattern, and if there is a funneling effect it can be addressed.

Mayor Myers asked for a vote on the amendment to the Ordinance.

Vote: 3/6; Failed. Councilors Callaghan, Cheney and Scott voted in favor.

Mayor Myers asked for a Roll Call Vote on the original Ordinance.

Roll Call Vote: 7/2; Passed. Councilors Callaghan and Cheney were opposed.

Councilor Scott made a motion to adjourn and complete the agenda on November 17, 2008; seconded by Deputy Mayor Trefethen.

Roll Call Vote: 3/5; Failed. Deputy Mayor Trefethen, Councilors Cheney and Scott voted in favor. Councilor Callaghan was absent from Council Chambers.



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8. CITY MANAGER'S REPORT

City Manager spoke of the repairs needed for the Whittier Street Bridge. He said he issued an emergency purchase order for \$9,876. He said there was a steel plate sitting on top of the Whittier Street Bridge that needs to be removed before the first snow.

Councilor DeDe made a motion to accept the City Manager's Report; seconded by Councilor Weston.

Vote: 8/0. Councilor Callaghan was absent from Council Chambers.

9. MINUTES

A. MINUTES FROM OCTOBER 15, 2008

B. MINUTES FROM OCTOBER 22, 2008

C. MINUTES FROM OCTOBER 29, 2008

Deputy Mayor Trefethen moved for their approval; seconded by Councilor DeDe.

Vote: 8/0. Councilor Callaghan was absent from Council Chambers.

10. MAYOR'S REPORT

Mayor Myers said he attended the USS New Hampshire reception on October 24, 2008 at the Wentworth-by-the-Sea, along with the actual commission of the submarine at the Naval Yard on Saturday, October 25, 2008. He went to the ground breaking for Watson Field. He spoke of the "Coffee with the Mayor" event at Café on the Corner. He attended the Woodman Park renovations celebration. He went to a few ribbon cuttings, including Maple Suites. He wanted to recognize the City Clerk and all the election workers for a job well done. He said everything seemed to run smoothly. He said the Dover Business Industrial Development Authority (DBIDA) has advertised for an Economic Development Director position. He spoke on the adopted design guidelines of the Cochecho Waterfront Development Advisory Committee (CWDAC). Veteran's Day was celebrated on Monday in the City. He said he has invited the newly-elected State Representatives and Senator-Elect to be here on November 19, 2008 at 6:30 pm.

Councilor Callaghan made a motion to accept the Mayor's Report; seconded by Councilor DeDe.

Vote: 9/0.

11. UNFINISHED BUSINESS

A. RESOLUTIONS

- 1. B09020 CONSTRUCTION OF NHDOT BRIDGE 136-123 WASHINGTON STREET OVER COCHECHO RIVER**
SPONSORED BY MAYOR MYERS BY REQUEST

Moved forward on Agenda to after 7.C. Public Hearing.



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2. COLLECTIVE BARGAINING AGREEMENT DPFOA (TO BE REMOVED FROM THE TABLE) SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen made a motion to remove the Resolution from the table; seconded by Councilor DeDe.

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor DeDe.

Deputy Mayor Trefethen said he first wanted to thank the Fire Department for coming to an agreement that is at an absolute minimal cost to the City. He said he would not be voting for either one, because the implementation of either of these Resolutions will be setting the City up for potential major costs that the City can't afford.

Councilor Cheney said she agreed with Deputy Mayor Trefethen and would not be voting to support this. She asked about Mr. Huml's comment that they needed the 2007-2008 actual figures.

City Manager Joyal said the 2007-2008 amounts are really irrelevant. He said the main thing the Council needed to look at is the difference in costs if the City did nothing, and referred to the table that showed that.

Councilor Cheney moved to add the table as background to the Resolution; seconded by Councilor McCusker.

Vote: 9/0.

City Manager Joyal went over the table to explain the difference.

Mayor Myers said this was a great contract with the Firefighters. He said where it was not supportable is dealing with the New Hampshire Retirement System. He said the City could get hit with a huge bill that has not been budgeted for.

Roll Call Vote: 1/8; Failed. Councilor McCusker voted in favor.

3. COLLECTIVE BARGAINING AGREEMENT IAFF (TO BE REMOVED FROM THE TABLE) SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen made a motion to remove the Resolution from the table; seconded by Councilor DeDe.

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor DeDe.

Deputy Mayor Trefethen made a motion to add the table as background to the Resolution; seconded by Councilor Cheney.

Roll Call Vote: 1/8; Failed. Councilor McCusker voted in favor.

B. ORDINANCES IN THE SECOND READING

1. CHAPTER 166, VEHICLES AND TRAFFIC SPONSORED BY COUNCILOR WESTON

Moved forward on Agenda to after 11.A.1., which was moved to after the Public Hearings.



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2. CHAPTER 137, POLITICAL EXPENDITURES AND CONTRIBUTIONS SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor DeDe.
 Councilor Cheney made a motion to table this Ordinance; seconded by Councilor Weston.
 Vote: 9/0.

12. NEW BUSINESS

A. CONSENT CALENDAR

- 1. RAFFLE – RIVERSIDE REST HOME**
- 2. RESOLUTION: AWARD OF #B09025 FOR SEGRETATION AND RECYCLING OF CONSTRUCTION DEBRIS AND DEMOLITION WASTE
 SPONSORED BY MAYOR MYERS BY REQUEST**
- 3. RESOLUTION: CHANGE ORDER TO PO18-240688 ENGINEERING SERVICE OF NHDOT BRIDGE 136-123 WASHINGTON STREET OVER COCHECO RIVER
 SPONSORED BY MAYOR MYERS BY REQUEST**

COMMITTEE REPORTS

- | | |
|---|--|
| 1. Appointments Committee – Mayor Myers | 8. Solid Waste Advisory Commission – Councilor DeDe |
| 2. Arena Commission – Deputy Mayor Trefethen | 9. Transportation Advisory Commission – Councilor Weston |
| 3. Arts Commission – Councilor McCusker | 10. Joint Building Committee – Councilor Cheney |
| 4. McConnell Center Committee – Councilor DeDe | 11. Recreation Advisory Board – Councilor Carrier |
| 5. Planning Board – Deputy Mayor Trefethen | 12. Coast Bus |
| 6. Cable Access Committee – Councilor DeDe | 13. Joint Fiscal Committee – Councilor Trefethen |
| 7. School Board Liaison – Councilor Callaghan | 14. Legislative Liaison |

Deputy Mayor Trefethen moved to accept the Consent Calendar; seconded by Councilor Carrier.

Mayor Myers said he would like to pull the Appointments Committee Report. He asked for a roll call vote on the remaining items in the Consent Calendar.

Roll Call Vote: 9/0.

Mayor Myers said the Appointments Committee met this evening. He said there was one re-appointment; Donald Cichon to the Trustees of the Trust Fund. He said they're recommending a new appointment to the Arts Commission: Joyce El Kouarti. He said the Dover Utility Commission they are recommending Mark Moeller to a regular seat and Martin Coyle to an alternate seat.

Councilor DeDe made a motion to accept the appointments; seconded by Councilor Callaghan.

Vote: 9/0.



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B. RESOLUTIONS

**1. RELEASE OF CITY ATTORNEY OPINION DATED OCTOBER 21, 2008
SPONSORED BY COUNCILOR CALLAGHAN**

Councilor Callaghan withdrew the Resolution.

**2. APPROPRIATION FOR FY2010 CAPITAL IMPROVEMENTS PROGRAM –
NON-DEBT FINANCED PROJECTS
(TO BE REFERRED TO PUBLIC HEARING ON DECEMBER 3, 2008)
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved to be referred to a public hearing on December 3, 2008;
seconded by Councilor Callaghan.

Vote: 9/0.

**3. APPROPRIATION FOR FY2010 CAPITAL IMPROVEMENTS PROGRAM AND
AUTHORIZATION FOR BONDING
(TO BE REFERRED TO PUBLIC HEARING ON DECEMBER 3, 2008)
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved to be referred to a public hearing on December 3, 2008;
seconded by Councilor Callaghan.

Vote: 9/0.

C. ORDINANCES IN THE FIRST READING – NONE

D. CORRESPONDENCE – NONE

13. COUNCIL MATTERS OF INTEREST

Councilor Cheney asked for another public hearing on Chapter 137, Political Expenditures
and Contributions.

Mayor Myers asked for a show of hands from the Council.

Vote: 9/0.

14. ADJOURN

Deputy Mayor Trefethen moved to adjourn; seconded by Councilor McCusker.

Vote: 9/0.