

**MINUTES
COUNCIL WORKSHOP
DOVER CITY COUNCIL
WEDNESDAY
MARCH 31, 2004
7:00 P.M**

A. PLEDGE OF ALLEGIANCE

Councilor Perry led the Pledge of Allegiance.

All nine councilors were present along with City Manager Beecher. Perry stated because of a contractual arrangement with DHA he must abstain from the discussion so he left the meeting.

B. DISCUSSION RE:

1. RIVERFRONT DEVELOPMENT

The Mayor stated they were here to discuss the riverfront development in a workshop. The Mayor says there have been a variety of groups that have stepped up to the plate and expressed their interest in offering their services to help the City. This seems to be a power play. He had introduced the resolution on the DEDC and waterfront at their last meeting. He reviewed the history going back to 1991 when the DEDC had directed the council to proceed with this project. In 1994 the Cochecho Waterfront partnership was formed, additionally when Dover Housing Authority came up with an option recently to continue moving ahead with the process it was their intent to help out the City as well.

The City Manager suggested that the City Attorney, George Wattendorf give a background on the legal opinions that have surfaced recently.

George came forward with an overview handout. He first began researching the DEDA option when this issue came up a few weeks ago; he went over the memo he had distributed. SB450 (see 3/31/2004 council folder) set up and amended the statute, it had a sentence amending Dover's DEDC powers, when started looking into the original bill from 1971; it established the powers to set up economic development. This had to go to a vote of the people in the 1971 municipal election, the vote carried by a substantial majority; the law went into effect in 1972 to develop industrial parks. That was the basic law, if they are going to amend this; it has to go back to the voters. Therefore it was his opinion that the bill was invalid and that is backed up by constitutional law. The 1971 law limits DIDA to develop a business type structure in a city. There is no broader authority than that. They are limited by that law. They could form an advisory board under RSA 162-K to delegate authority as described in option two. The Mayor asked is it limited to ownership of the land or the development of the land, George says it speaks to ownership.

The City Manager clarified that it has been alluded to that these three approaches are very narrow, there are several other options but the Council would have final authority over it; and they could delegate the authority to DEDC and/or any other authority and they would have to come back for approval in steps along the way. DeDe says it seems there was a move to vest the development with the DEDC. The City Manager stated it was in the year 1992 he says DEDC thought they had this authority until research showed they did not. DeDe's question is what was different this time that stimulated a search. The City Manager says now the request is to have the ownership of the land be transferred over to the DEDC, this sparked the concern. DeDe asked if the City council were to move forward what step would be necessary to move it along and to give them the power. George says in 1992 when the SB (senate bill) was introduced, maybe they could now go back and amend it, he is not sure. DeDe says if this were to be changed with the senate to include the language, we would need a referendum. George says the SB language did not stipulate that they

had this authority in the referendum. The Mayor says to put a referendum out now would not be the proper thing to do, he feels there are DEDC's all over the state that have broadened powers. George says we would need to adopt RSA -162-G.

Reese stated he was here on the Council in 1991 and does not recall they gave DIDA the opportunity to own the land. That is George's understanding as well. Mayberry thinks looking at the Monadnock region that they used 162-K to make them an advisory board of the abutters. Trefethen asked is that an advisory board in general or for each project they take on. This would be for each project George says. Trefethen is still confused over the separation of DIDA and the whole concept or just the concept of transferring the ownership of land. If we decided we wanted to delegate negotiation of the projects and have the City retain ownership of the land. George says that would involve the council in each and every discussion and every step of the way. Trefethen says he understood that what DIDA has been doing and what we are asking them to do is the private individuals who owned that land and thru a bond situation, now we own the land, we could by pass the acquisition step. George feels we should retain the development options such as eminent domain, a tax incentive, and to issue bonds etc. The powers spelled out in the statute are specific to redevelopment. Trefethen says if we go with option 2: 162-K, could George give us a time line. The City Manager feels we are over complicating the subject, the first question the council needs to answer is do they want to retain ownership of the land or turn it over to another authority. That is the question, George says in both of the options 1 and 2 they have the right to ownership. The Mayor read the three options. Colwell-Ellis asked if they chose to delegate third party volunteer such as Dover Housing Authority would they still retain the ownership. George says yes. DeDe says this is predicated on how the council wants to delegate the authority for the development project. If the council does not turn it over to an entity that can see this thru because the council is only elected for two years and this approach is herky, jerky, it could be extremely problematic in the development process. Reese does not usually agree with DeDe, but he is now and says we are only here for two years; this is a project that will affect the whole city for years and years. We need to adopt a process to benefit the whole city not just any of us. The City Manager says typically the approach they take now is where it really becomes appropriate to use their authority, we don't happen to gain if they retain control of the project and the council changes with this particular approach, this council will be involved right up to the contractor signing time but after that there will be someone else. Trefethen feels if we have not pulled this off by 12/31/05, then they will have been a failure. Those councils before us have made some hard decisions, he now feels that was the easy part, now what do we do with that land is hard. Reese agrees that was the easy part, he is still not sure they are going to get there by the end of their term. On the other hand he is willing to try and accommodate what Trefethen wants to do. In 1989 they appropriated the money for the Weeks Traffic Circle and it took seven years to complete that project.

Keays asked how long is the term of the DIDA members; the Mayor says it is a 3 year term and they are all staggered terms. Keays says so you are rotating volunteers that sit on DIDA just as quickly as you are rotating councilors. Hindle says we all agree the future of the waterfront starts tonight. He has seen developments work and prosper and become successful, he would like to see us utilize that particular model with a broad range of community members from the public, this entity would become a non profit entity and they would be able to get State money, or Federal money and local money and they would have the power to get bond money as well. He had printed out an article about the DEDC of Monadnock that he retrieved from the internet. We would still have the authority through the Planning staff and the City will retain ownership and we would have business and community members, etc.

Mayberry feels we could have this option quicker if we used the Dover Housing Authority. The Mayor jumped in with two observations, this is really a long process that has been going on for some time. And he agrees with Reese and DeDe, he feels we could come back and visit the ownership option in the near future, he does feel it has to be an all or nothing scenario. DeDe says with the references to money, there will be other infrastructure projects that are not complete such

as the dredging and the Washington Street Bridge. Wouldn't it be the responsibility of the developer that is putting lights up, etc. The question is what part is the City going to need to pay for, and who will stand to profit from this. The City Manager says this will come out in the RFP negotiation process. He also feels the Council needs to be involved in these processes. The Mayor asked about the make up of a 162-K advisory board. George read the RSA stating it includes the housing chairman of the housing authority and sufficient members so far as practical to represent the community. The members shall be appointed by the chair of Dover Housing Authority.

The Mayor called Jack Buckley, director of Dover Housing Authority, he apologized for any controversy. This is for them to decide, as Dover Housing Authority has the legal authority to execute contracts, acquire property. In fact many housing authorities do have the power to do any and all things necessary to carry out a redevelopment plan, the Dover Housing Authority would indeed set up an advisory board, he would appoint people that are involved in the community and who have already served on some of the past committees. He feels what is really important is that we need to do this in a manner of what is right for Dover and something we can all be proud of. Mayberry asked who would get the final authority. Jack Buckley told him Mr. John McCooey, Jack deferred to Mr. McCooey who is the chairman of the Dover Housing Authority and he agrees with the Mayor. Mr. McCooey came forward and assured everyone, this is a lot of work. At one time we took a member from the DEDA board to serve on the Dover Housing Authority board; there was a time that we would have adopted a slightly different roll. The subject at hand is it would be our intention to find members among the members of public, a Main Street representative, someone from Open Lands and a neighborhood representative and two citizens. If the City Councilors wanted someone on the board, that would be advisable also. We would keep the council informed on a regular basis and a final development plan would be brought to the council. Mayberry says so we would have the final say of a development Charrette and final approval. DeDe added with the process itself and the fine tuning of the type of housing and businesses there, DHA would pick up the ball and run from there. Jack says they would use the design Charrette's recommendations. He feels there may be minor adjustments that the council would have to make to the Charrette and then turn it over to the Dover Housing Authority.

Mayberry asked for the chair of DEDC to come forward. The Mayor asked Bob Long to speak briefly on what George had commented on earlier. Bob stated as long as he has been on the board they have operated with nine members and have attempted to tailor the board to someone from the banking, engineering backgrounds as well as members of the conservation commission, etc. They had been previously limited to only 7, if George's research is correct then this will give them the opportunity to bring in more talent. It can now expand from 9 to 15 members. Mayberry commented this will start the ball rolling for more members to be appointed. He then mentioned the name change of the DEDC from DIDA in 1993 because they said it sounded better. He wondered if it had been officially changed with the State. Bob is not aware of any filing with the Secretary of State's office. If DEDC took on the waterfront as well as the industrial parks, would that be too much on their plate, Bob Long does not feel this would be true. Bob does not see this as one body carrying this thru to completion. Keays asked if appropriate at this time to go back to 1991 when the industrial park was built on Sixth Street and DIDA borrowed 2.5 million dollars to put in roads and sewers at Venture Park; who paid that note. The City Manager says the city assumes responsibility for this. The City Manager would have to research this, but today it is covered. Keays continues what amazes him is everyone says what a great job DIDA is doing but if they cannot handle their money and the City has to pick up the note, then he does not want them to handle the waterfront. It took him a long time to find this information out. We have been paying that debt right up to the past couple of years. The City Manager clarified that when the industrial park was first developed the economy was bad; then it turned around. The City has always been on the hook for the bonds; however the bonds have been offset by the revenue of property taxes. You now have open space plus you have created around 500 jobs within the parks. Keays says if tax payers in Dover can't pay for their home, they will be taken away; he feels if DIDA can't pay, the City will step in and pay for them.

Trefethen comments the length of their term and the term of DIDA is only so long, this is also true of Dover Housing Authority so no matter whom you choose you will have turnover.

Trefethen feels it would be appropriate to go back to something the City Manager said and figure out the immediate direction about the land here tonight and take a straw poll as well. Hindle has a problem with this, because we have not had a public hearing as yet. He would like a consensus from the council to see if these members of the public can speak tonight. The Mayor is not in favor of having a public forum tonight as he would like to wait until the April 14th meeting; the City Manager says for edification of the current meeting, workshops are more casual affairs; there is really no specific item/resolution to discuss. The public is certainly welcome to come to the next council meeting and speak. The Mayor's resolution will be on the next agenda and perhaps we could have additional resolutions and once that is done then it should be opened up for public input. Reese echoed the City Manager's sentiments. We could hold a public forum, but it would not be a public hearing. Also the public has several had over the past several years there have been lots of chances to speak on this issue. We still do not have a formal proposal. DeDe says the idea of a straw poll may have some popular appeal but there may be some people that wanted to speak that may not be here this evening. In as much as the press would say there should be ample opportunity for the public to address this at a public hearing, he feels this is probably not a good idea. Trefethen understands what everyone is saying but he is trying to move this forward, we are having a workshop about the waterfront for us to move forward we need to vote down your original resolution or as the City Manager says we can amend it. We are no where near having a final approval. He would like some consensus of where we are going with this. If we leave tonight and still don't know, it will be a waste. Reese feels the same way and he would like to go with the Dover Housing Authority as an advisory board. Mayberry would like to bring a resolution for the Dover Housing Authority as an advisory board. Mayberry would also like a public forum tonight.

Colwell-Ellis feels what Hindle is saying about making a decision on this tonight without the public's input is right. She does not feel comfortable about making a decision. Hindle says we actually begin the budget process starting tomorrow. He agrees with a brief public hearing tonight. After tonight his focus is on the budget. The Mayor says to Trefethen, it is too early for him to make a decision. He would be willing to hold a public forum tonight though and by a show of hands all were in favor of the public forum.

John Scruton of 99 Sixth Street stated this council could do a lot to help the waterfront in Dover and by ruling out automobiles in that area, and make it all green space, every time he hears the word development, the hairs on the back of his neck stand up, the air quality is going down; we need to design a park down there that can be used by the people.

Glen Grasso of 1 Pebble Hill Drive stated from what he has heard this evening it sounds like the council is trying to put an off the rack suit on something that really requires a tailor made garment. However, what they are trying to do is do-able. One of the things he has heard quite a bit from economic development is the fear of politics, this is a red herring about future councils stopping the project; he is not really concerned with this. He feels the development of waterfronts require more than building on the outskirts of town. He mentioned a good waterfront in Seattle, WA and a bad one in New London CT. as he formally lived in CT. He does not feel Dover is the same as it was nine years ago when this project started. They should not be working under the assumption of an eight year old plan; he feels it is critical that the council retain ownership of this parcel, he is happy this has been brought up this evening and he is glad they opened up a public forum as this body serves at the pleasure of the voters. He supports Mayberry's position of transferring authority to the housing authority.

Bob Marston of Katie lane has something he has been thinking about for sometime and that is if we are going to develop the 35 acres we would need to look at the bridge and land on the other side of the river, you have to decide about the land across from the old Clarostat building, also the bridge should go across Cocheco Street instead of Washington Street. At rush hour it is pretty tough to

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find a way to get thru town. All this needs to be taken into account in addition to the 35 acres. They need to look at the whole area around the project.

Earle Goodwin of 34 Arch Street has been highly involved in the waterfront for the last 14 years. He even wrote a report on the waterfront in 1990 and his name is also on the Dover Recycling Facility. He reminded them of the Risso study that is on going and won't be complete until this summer.

Art Corte of 1 Glenhill Road feels the City of Dover is an absolute jewel in this country where New Hampshire was voted the number one State for livability in the country recently, he listed our advantages. This project deserves a world class developer and he urged them to seek this out. The principal use of the land should be to build housing for the baby boom generation.

Jack Story, President of the Greater Dover Chamber of Commerce, the past three weeks have been the strangest in his time as president of the Chamber, everyone is struggling for control of these 35 acres. Aren't these events an indication of what could happen if they don't thoughtfully develop a plan. However you define a process, he urged them to do just that, define it.

Aviva Meyer of 1 Pebble Hill Drive has one thought on cleaning up the industrial contamination at the site, just keep in mind that whoever takes over this project determines what funds can come in to assist with that cleanup.

B. ADJOURN

Hindle moved seconded by Reese to adjourn at 8:55 PM, all were in favor.

Judy Gaouette
City Clerk