

**MINUTES
WORKSHOP
DOVER CITY COUNCIL
ARENA
WEDNESDAY
FEBRUARY 28, 2001**

6:00 P. M.

NON PUBLIC SESSION RE: Legal Matters

7:00 P.M.

SPECIAL COUNCIL MEETING

1. ROLL CALL

Members Present: Hindle, Nossiff, Schmidt, Andrews Parker, Berry and Boc.

Members Absent: Mayberry, Reese and Dunnington.

2. RESOLUTIONS:

A. Resolution RE: Change Order – Horne Construction. Sponsored by Mayor Wil Boc by Request.

Berry moved to adopt, seconded by Schmidt.

Asst. City Manager, Mike Joyal, explained that this would allow the construction of a sewer line along Mast Road for the new public works facility and has already been funded.

Nossiff asked what is the change.

Community Services Director, Pete Lavoie, explained that the original proposal was to charge this to the Sewer Fund with the intent that contractors would pay a fee to tie in when putting in new buildings along this line. He stated that because the CIP has not yet been funded, a change order was needed to get the project going. It is not adding any additional money.

Nossiff stated he has a problem with change orders and does not intend to hand them out like candy. He stated a contract is set for a certain amount for certain work and if they are not doing the work originally contracted for the set amount, then it is a change order, otherwise it is new work.

Joyal stated this is a change order because 3.6 million was originally funded through the budget and then an additional 1.2 million was put in the CIP to finish the entire scope of the project, but the 1.2 million was not yet contracted. This is a change order to allow for this portion to go forward as part of the contract.

Schmidt stated that the building committee had always thought that each of the components should be dealt with separately, including the recycling center and sewer line, to make it

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clear as to what money was spent for what purpose. He stated that the intent all along was to fund the sewer line from the sewer enterprise fund and have contractors pay to hook into the system as it would benefit future development.

Nossiff stated he wants it understood that we are doing it backwards and that we are telling Horne Construction that we will keep coming up with more money as we go along.

Andrews Parker stated that the Council voted on the CIP and were aware of its content so this should not be a surprise.

Nossiff stated we didn't approve the contract until after we funded it and feels there is no choice but to approve it now.

Motion to adopt passed on a 6-0 roll call vote.

- B. Resolution RE: Increase of the Property Tax Exemptions for Elderly, Blind and Disabled. Sponsored by Councilor Matt Mayberry and Mayor Pro Tem Robert Berry.

Berry moved to refer to a public hearing on 03/14/01, seconded by Schmidt.
Motion passed on a 5-1 vote, Nossiff opposed.

- C. Resolution RE: Optional Date for Filing for Elderly Exemption per NH RSA 72-33b. Sponsored by Councilor Matt Mayberry and Mayor Pro Tem Robert Berry.

Berry moved to refer to a public hearing on 03/14/01, seconded by Hindle.
Motion passed on a 6-0 vote.

3. ADJOURNMENT

Hindle moved to adjourn into a workshop session, seconded by Schmidt.
Motion passed unanimously.

WORKSHOP:

1. DISCUSSION RE:

A. Riverfront Environmental Cleanup

Environmental Projects Manager Dean Peschel explained the background of the underground storage tanks which were removed in 1996, at which time it was determined that they had leaked. A consultant was hired to determine the extent of contamination, and the ground water was monitored to see whether the contamination was going into the river or not. A remedial action plan was presented at the end of 1999. He stated that the groundwater was monitored and the contaminated soil was excavated in July of 2000. It was then discovered that there was more contamination than originally thought, and the

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project had to be stopped because the state reimburses the city for the work and must be notified immediately. He stated they then had to present a Plan of Action, and CAB Services was chosen to complete the excavation which ended up being 1100 tons (10 times more than original estimate). He stated that there are several areas that remain that we can't get to at this time including an area near an active sewer line and also under the existing public works facility near a water line. He stated that when the facility is decommissioned, we can do more testing in that area and we will be reimbursed by the State. The State will cover up to one million dollars and we have spent \$200,000 so far.

Dean then discussed the development of the site and explained that the city owns 2 parcels including the site of the old county jail and a former city dump. A consultant has identified the area through an aerial photo; and the testing pit revealed that there was a large amount of solid waste remaining, including tannery waste, coal and ash. He stated that the soil samples show all different types of contamination, but they are only a few degrees above the State requirements. There are activity use restrictions and a remedial action plan was completed in August 2000 and forwarded to the Dept. of Environmental Services Hazardous Waste Division. He stated that they could come back with a directive to cover it up to prevent contact, but it won't prevent development of this site. During the design of the buildings developers will have to do test pits, remove any contaminants found as well as having a health and safety plan in place to protect workers that will be installing sewer lines, etc. This is also in the Groundwater Management Zone and therefore, there is restricted use of the groundwater. He concluded by stating that the bottom line is that he is fairly confident that the site will be able to be developed.

Andrews Parker asked if this will be costly to developers.

Peschel stated it will depend on the location of the building, but feels that this process makes builders more comfortable by knowing what they are dealing with ahead of time.

Andrews Parker asked if there are any examples of locations that were developed after being covered.

Peschel stated that the EPA is in favor of doing this because this problem has created blight in cities and sprawl.

Mayor Boc asked for an update of the river dredging.

Peschel explained that they have applied for a permit to place dredge spoils in a lined cell with the DES and will be appearing before the Conservation Commission on 03/05/01 to present the wetlands application so that hopefully the dredging can begin in November. He explained that the dredging time is limited to between November and February so as to have as little impact as possible on wildlife.

Schmidt asked what the status is of the State legislation to put a cap on the cost, which the Council recently endorsed through a resolution.

Peschel stated that it has been introduced into the State legislature and the Wetlands Bureau is in support as well.

B. Holley Property

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Tom Fargo, Conservation Commission Chair, Open Lands Committee member – explained that the Society for the Protection of New Hampshire Forests (the Forest Society) has been negotiating with Edith Holley to purchase a conservation easement on approximately 187 acres of her “Jeness Farm” located partly in Dover (Sixth Street) and partly in Rochester (Pickering Road) for a price not to exceed \$575,000. He explained that the Forest Society has taken the lead in preparing two grant applications to purchase the easement and also cover a portion of the transaction costs because this property has outstanding historic, conservation, and other resource values. The first application, to the state’s LCHIP program was submitted on 02/19/01. The second application, to the Federal Farmland Protection Program (FPP) will be due on March 8th. The Forest Society intends to use the funds provided by these grants to complete the transaction and will hold the easement. This application requires the Forest Society to have in its possession by March 8th a pledge of cash from any source for half of the easement’s purchase cost and is why the City of Dover has been requested to participate. The City of Dover will need to make a pledge by March 8th of a contribution not to exceed \$292,500 to cover up to one half of the purchase cost of the easement and a portion of the transaction expenses. He stated that if the LCHIP and FPP provide all funds requested, Dover would grant to the Society only \$5,000 for transaction related expenses which would come out of the Conservation Fund. He stated that Rochester has already pledged \$15,000 as 2/3 of the property is located in Rochester and needs the City Council to come to a consensus now, as the application is due March 8th.

Brian Hutz of the Forest Society explained that although competition for these funds is considerable, he feels that the endorsement of the City Council would make this grant a strong candidate for funding, due to its high conservation value.

Boc stated that essentially we are pledging to cover \$292,500 and feels this is a tough thing to commit to.

Andrews Parker stated that the funding is coming out of the Conservation Fund and is not taxpayer money.

Bob Lewis, Chair of the Open Lands Committee stated that currently there is \$243,000 in the fund with some outstanding uncollected funds as well.

Finance Director, Jeff Harrington, clarified that there is actually \$327,000 in the fund.

Andrews Parker agrees that the ranking of this application is high on the list and it will only help the process to have the City show its commitment. She stated that the Conservation Fund is dedicated for this type of expense per RSA and feels that this is a gorgeous piece of property that should be conserved.

Boc asked about the water development rights, which have been an issue in the past.

Fargo stated that the water rights need to be addressed separately from this grant application.

Boc asked if we could make that a part of the City’s pledge.

Mr. Hutz stated that this would lower the ranking of the application because there would be the appearance of unresolved issues.

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Nossiff stated he agrees with Andrews Parker that this fund is to be used to acquire properties such as this, but would like to know if this will take the property off of the tax rolls.

Joyal stated that it affects the assessed value of the property.

Mr. Hutz explained that the LCHIP program is only funded for one year and therefore, time is of the essence to acquire the property.

Council consensus was to direct the City Manager to go forward with a letter of support of the grant applications.

C. Arena Update

Recreation Director Gary Bannon welcomed everyone to the new arena facility and explained that the scope of the project has been downsized from the original proposal but feels it is still a great facility without the feel of overkill.

Sam Allen, Chair of the Joint Arena Building Committee, thanked everyone for the support given so far. He explained that the Fundraising Committee has been very active and is actually broken up into two separate groups; major gifts and grassroots. He explained that fundraising is an arduous process, which takes a lot of experience to undertake seriously. He feels that the people involved with this particular campaign, although untrained and inexperienced, have crammed 5 years of effort into a 7- month period and have done a great job so far. He concluded by reviewing the various groups and organizations who have contributed thus far.

Boc stated that he feels that this fundraising effort is wonderful, but thought that the City was paying for this through the CIP. He asked if the project is costing more than projected, therefore requiring this fundraising money.

Bannon explained that 3.6 million was bonded but was based on estimates that was 2-3 years old and, when the bids came in, it was 4.2 million. He stated that the design was trimmed down to a basic facility to meet the \$3.6 million budget amount. The Park and Ride area cost more than expected as well, but the State Transportation Improvement Plan has reimbursed the City for that expense.

Nossiff asked what is being asked of the Council at this point and will it be a change order. Bannon explained that he is looking to upgrade the quality of the materials being used for the rubber flooring, fixtures in the bathroom, etc. so as to have lower maintenance expenses in the long run.

Andrews Parker asked about the remaining 400 bleacher seats and if we have to wait until people “purchase” them to get them installed.

Sam Allen explained that people are “purchasing” seats in name only as part of the fundraising effort and the money will be put back into the fund as it comes in. He stated the seats will be installed as part of the completion of the project.

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Nossiff asked for further clarification as to what the money is being spent on and if the contractor is saying they can't complete the contract for the \$3.6 million.

Bannon reviewed the handout entitled "Dover Arena Renovation and Expansion Project Construct Budget Review" (see attached).

It was clarified that the additional money will be used to upgrade materials, renovation of the old arena facility, for seats and the zamboni. It does not include renovation of the locker rooms. 80% of the additional funding is being used for renovations of old arena, which were not part of the original contract.

Nossiff asked about using the existing zamboni for both rinks.

Sam Allen explained that the existing zamboni is electric and can't handle the workload of 2 rinks without time to recharge.

Hindle clarified that there is still will be an additional \$89,000 bonding resolution for the long term interest for the arena at the next regular meeting.

Andrews Parker asked how we can transfer CIP money when the funding is still in question.

Harrington stated he feels that the impact of the funding crisis will be more to the counties than to the cities.

Schmidt stated that he had attended meetings of the Joint Arena Building Committee in the beginning stages and feels the various funds that were being discussed have come through and feels confident it will continue.

Lesa Oliver, Arena Commission member, spoke from the audience stating that she has been working with large corporations, but because you have to go through the national headquarters, it takes much longer.

Boc stated he doesn't understand the whole fundraising aspect of this project anyway. This is a city-owned and run facility, as are the library, schools, etc. and feels that it should be finished with city money and done right the first time. He stated that the arena will bring in additional revenue as time goes on.

Andrews Parker stated that is not necessarily so and gave the ice rink in Exeter as an example. She stated the Council needs to be responsible with taxpayers' money.

Discussion ensued regarding the economic pros and cons of the arena facility.

Bannon appreciates all of the support from the community, user groups, and city council and concluded with a tour the facility.

Valerie A. French
Deputy City Clerk