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1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL ATTENDANCE

5. PROCLAMATIONS/AWARDS

6. APPROVAL OF AGENDA

7. PUBLIC HEARINGS

**A. CHAPTER 121 – SEWERS AND WATER, SECTIONS 1, 5, AND 11
SPONSORED BY MAYOR CARRIER BY REQUEST**

8. WARD 4 CITY COUNCIL CANDIDATE PRESENTATIONS

9. CITIZEN'S FORUM

Taxpayers, Business owners, and Residents are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

Email correspondence must be directed to CityCouncil-All@dover.nh.gov, Voicemails must be left at (603) 516-6338, and written letters or correspondence must be directed to City of Dover, ATTN: City Council, 288 Central Avenue, Dover, NH 03820.

Correspondence that does not state the individual's name and Dover address shall not be placed on file with the Council public meeting record.

10. CITY MANAGER'S REPORT

11. APPROVAL OF MINUTES

- A. December 9, 2020 – Regular Meeting**
- B. January 6, 2021 – Special Meeting**
- C. January 6, 2021 – Workshop Session**

12. MAYOR'S REPORT

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13. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. **CHAPTER 121 – SEWERS AND WATER, SECTIONS 1, 5, AND 11**
SPONSORED BY MAYOR CARRIER BY REQUEST

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

14. NEW BUSINESS

A. CONSENT CALENDAR

1. **B21032 FURNISH AND INSTALL TRAFFIC SIGNAL GRIDSMART VIDEO DETECTION**
SPONSORED BY MAYOR CARRIER BY REQUEST
2. **B21037 PURCHASE OF 2021 MODEL YEAR VEHICLES - STATE OF NH CONTRACT**
SPONSORED BY MAYOR CARRIER BY REQUEST
3. **B21040 CATERPILLAR GENERATOR FOR THE NEW FACILITIES, GROUNDS AND CEMETERIES BUILDING – SOURCEWELL CONTRACT**
SPONSORED BY MAYOR CARRIER BY REQUEST
4. **B21042 HOLMATRO RESCUE TOOLS - STATE OF MA CONTRACT WITH INDUSTRIAL PROTECTION SERVICES, LLC**
SPONSORED BY MAYOR CARRIER BY REQUEST
5. **PURCHASE OF ZOLL ZVENT PORTABLE VENTILATORS - SOLE SOURCE PURCHASE**
SPONSORED BY MAYOR CARRIER BY REQUEST
6. **AUTHORIZATION TO COMMIT ADDITIONAL FUNDS - GREAT BAY ESTUARY – RETENTION OF OUTSIDE LEGAL COUNSEL**
SPONSORED BY MAYOR CARRIER BY REQUEST
7. **AUTHORIZATION TO COMMIT FUNDS FOR THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT**
SPONSORED BY MAYOR CARRIER BY REQUEST



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Conference Room**
Meeting Date: **Wednesday, January 13, 2021**
Meeting Time: **7:00 pm**

**8. APPROVAL FOR LOT LINE RESTORATION ON 88 OLD ROCHESTER ROAD
(TAX MAP A13, LOT L)**

SPONSORED BY MAYOR CARRIER BY REQUEST

**9. APPROVAL OF COMMITTEE FOR RACIAL EQUITY AND INCLUSION
AMENDMENTS TO OPERATING RULES**

SPONSORED BY MAYOR CARRIER BY REQUEST

**10. DISSOLUTION OF THE AD HOC DOVER 400TH ANNIVERSARY COMMITTEE AND
AUTHORIZATION TO GRANT APPROPRIATED FUNDS TO THE INDEPENDENT
NON-PROFIT DOVER400**

SPONSORED BY MAYOR CARRIER BY REQUEST

COMMITTEE REPORTS

- | | |
|---|--|
| 1. School Board | 17. Racial Equity and Inclusion Ad-Hoc Committee |
| 2. Planning Board | 18. Recreation Advisory Board |
| 3. 400th Anniversary Committee | 19. Solid Waste Advisory Commission |
| 4. Appointments Committee | 20. Stormwater and Flood Resilience Funding Ad-Hoc Committee |
| 5. Arena Commission | 21. Transportation Advisory Commission |
| 6. Arts Commission | 22. Waterfront TIF Advisory Board |
| 7. Conservation Commission | 23. City Council / School Board Collaborative Committee |
| 8. Downtown TIF Advisory Board | 24. Joint Building Committee – Dover High School and Regional Career Technical Center |
| 9. Energy Commission | 25. COAST |
| 10. Heritage Commission | 26. Cocheco Waterfront Development Advisory Committee |
| 11. Legislative Liaison | 27. Dover Main Street |
| 12. Library Board of Trustees | 28. Strafford Regional Planning Commission |
| 13. McConnell Center Advisory Committee | 29. Tri-City Homelessness Task Force |
| 14. Ordinance Committee | |
| 15. Parking Commission | |
| 16. Pool Advisory Committee | |

B. RESOLUTIONS

**1. DECENNIAL CONSIDERATION OF CHARTER COMMISSION PURSUANT TO
CHARTER SECTION C11-11**

SPONSORED BY MAYOR CARRIER BY REQUEST

**2. APPROPRIATION FOR FY2022 WATER METER REPLACEMENTS PROGRAM –
NON-DEBT FINANCED PROJECT**

(REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL.)

(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 27, 2021)

SPONSORED BY MAYOR CARRIER BY REQUEST



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Conference Room**
Meeting Date: **Wednesday, January 13, 2021**
Meeting Time: **7:00 pm**

- 3. EXPANDING THE PROVISIONS OF RSA 79-E RELATIVE TO THE COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM
(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 27, 2021)
SPONSORED BY MAYOR CARRIER BY REQUEST**

- 4. ACCEPTANCE AND AUTHORIZATION OF DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DOVER AND CHINBURG MANAGEMENT, LLC
(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 27, 2021)
SPONSORED BY MAYOR CARRIER BY REQUEST**

C. ORDINANCES IN 1ST READING

- 15. COUNCIL CORRESPONDENCE**
- 16. COUNCIL MATTERS OF INTEREST**
- 17. ADJOURN**

CITY MANAGER'S REPORT

January 13, 2021

Reporting On:
December 2020

By: J. Michael Joyal, Jr.
City Manager

Legal Department

Joshua Wyatt, City Attorney

The Office of General Legal Counsel provides legal support to the City Council, City Manager, city staff and volunteers on boards, commissions and committees of the City of Dover to assist efforts in providing services to our constituents and/or customers. In addition, legal support is also provided to the Dover School Board and Superintendent of Schools.

	For Month	FY21	FY20	FY19
Legal Matters/Questions Handled	55	330	466	342
Document Creation & Review Including Contracts	35	165	256	269
Right to Know Requests Processed	04	33	49	41
Resolutions	08	37	75	53
Ordinances	01	11	10	18

Customer Focused Outcomes: Right to Know

Pursuant to RSA 91-A, the following Right to Know requests were received this month:

- MK Asset Recovery Group – Excess Funds List
- Atlantic Broadband – Franchise Agreement
- Planning & Resource Co – Silver Street
- Amanda Analytics – Plaza Drive & Princeton Way

**Product & Process Outcomes:
Assistance to City Departments**

City Council	Assistance to the City Council and other City boards: Attention to resolutions and ordinances as needed or requested by City Council. Assistance with formation of new ad hoc committees and rules for those committees. Assistance with Charter amendment/revision research. Assistance with RSA chapter 91-A compliance questions as requested by City bodies/boards;
Community Services	Assistance with Great Bay Draft Permit; Assistance with Broadway culvert project; Assistance with code enforcement; Assistance with code enforcement; Assistance with water/sewer issues; Assistance with public sewer easements; Assistance with procuring other easements; Assistance with right-of-way clearing enforcement; Assistance with signs in public ways; Assistance with proposed public road acceptances; Assistance with personnel matters;
Executive	Assistance with personnel matters; Assistance with New Hampshire Retirement System matters;
Fire & Rescue	Assistance with compliance questions; Assistance with grant acceptance;
Finance	Prepare and review various contracts; track and file City claims with Primex; Assistance with procurement and use of grant funds;
Planning	Assistance with development-related contracts; assistance with ordinances and re-zoning; assistance with enforcement issues; assistance with lot line restoration requests; assistance with CDBG program;
Police	Assistance with Right to Know matter; Assistance with purchasing and procurement;
Public Library	No legal assistance needed.
Public Welfare	Assistance with compliance questions; Assistance with questions related to a prior fair hearing;
Recreation	Assistance with certain leases; Assistance with LWCF grant matter; Assistance with record retention requirements; Assistance with lease questions;
School	Assistance with contracts; Assistance with electricity procurement contract; Assistance with Right to Know requests;
Committees	No legal assistance needed.

Financial Outcomes: Litigation

Opioid Epidemic Litigation: Retained services of Robbins Geller of Boca Raton, Florida for fraudulent marketing practices of pharmaceutical manufacturers. Suit filed in USDC in Concord. Case has been transferred to federal court in Ohio as part of a multi-district litigation consolidation.

McQuade Realty, Inc v. JAD Investments LLC & City: City Attorney filed an Answer and Appearance. File sent to outside counsel. Case is being put on track for new discovery and trial deadlines.

Mary Hebbard v. City of Dover, John & Karen Brough and Ryan Colbath: Case is in general discovery. Trial scheduled for October 2020 has been continued. No new trial notice has issued. In February 2020, the City filed a partial motion for summary judgment, which is now fully briefed and awaiting decision. The Court recently issued a trial notice scheduling bench trial in February 2021.

Mary & Rick Hebbard v. City: Complaint filed in October 2019 concerning drainage in the Tanglewood Subdivision. Case is undergoing temporarily extended discovery, now that the State is a party. The trial scheduled for November 2020 has been continued. No new trial notice has been received. A partial summary judgment motion was filed in April 2020 and is now believed to be fully briefed and awaiting decision. The Court recently issued a trial notice scheduling bench trial in April 2021.

Stergiou et. al. v. City of Dover: Planning Board appeal filed in August 2020 by certain abutters. The City accepted service in September 2020. In October 2020, the City Attorney filed an appearance, certified record, and answer to the Complaint. The applicant has retained counsel and intervened. In December 2020, the Court conducted a hearing on a motion to dismiss filed by the intervenor. No decision has yet issued on the motion to dismiss. A final hearing on the merits has not yet been scheduled.

Town of Durham et al v. Consolidated Communications: This PUC docket was initiated in July 2020. The City of Dover is a party and the City Attorney has appeared. Several Seacoast communities have filed a joint complaint about the backlog of "double poles" in their communities. These are poles that have been replaced, but the old pole has not yet been removed. A formal adjudication has commenced in the PUC. The first substantive hearing was held on October 6, 2020. The case is now undergoing periodic "work sessions" by a subgroup attempting to develop a stipulated resolution.

The use of outside counsel to handle specialty matters continues and consists of environmental matters and labor negotiations. There are a small number of attorneys hired on a variety of smaller matters.

Dover Business & Industrial Development Authority

by Daniel Barufaldi

Leadership & Governance Outcomes:

Summary:

The downtown restaurants that reopened with outside seating, the relaxation of indoor capacity utilization with social distancing and barriers are now facing the onset of cold weather, snow removal issues and increasing dependency on takeout business. This is important to all downtown businesses as the restaurants attract customers to all other downtown merchants. One bright spot this month was the Dover unemployment rate, at the height of the initial pandemic peak, Dover's unemployment rate was 17.3 %. At the end of November, it had declined to 3.5%. One significant effect was the resurgence of the restaurant sector due to the extraordinary efforts of the City of Dover to provide outdoor table seating with delivery of water filled Jersey barriers, allowing overhead covers and parking space conversion where necessary. That benefit has been significantly attenuated by the onset of winter weather. Dover's hotels are doing better than expected and are enjoying an average occupancy rate of 75%. The corporate market has declined but the trades, utilities and medical markets have expanded. We are beginning to see increased vacancies developing in leased office space and expect to see more as leases expire. This is due to the realization that remote working works for some firms and the overhead expense of office space can be eliminated.

The NH MSRP 2.0 support program has provided some relief to small businesses as a bridge until the expected second federal stimulus program rolls out. The most recent delay brought on by the President's last minute call for \$2,000 stimulus checks versus the \$600 amount agreed by Congress after long delays has further delayed issuance of critical small business support. It is expected to cause some Dover small businesses to close to save operating costs.

The stock market, though somewhat volatile in the oil and commodities sectors in December, has shown enough strength to increase consumer spending and has raised people's confidence going forward. It is anticipated that some volatility will continue through Q3. The durable goods sector reported some significant sales gains after the previous sales declines. Dealerships are trying to sell cars on line and are experiencing some success with lower pricing. The manufacturing sector, including capital goods and aircraft related parts, continues to show declines including some major layoffs due to the economic paralysis engendered by the coronavirus in international trade and tourism and the Boeing MAX problems. Most downtown retailers are on reduced hours and staffing. Staffing firms reported a small but persistent rising tide of employment. Commercial real estate activity continues for projects already started. A few new commercial/ industrial projects were greenlighted in November/ December. Residential real estate markets saw some major increases in closed single family home sales at sustained high prices and multifamily residential apartment projects continue strong for the moment. Most recently the US economy was growing at a record pace (GDP growth at 2.6% over Q2, 2019 but declining to a recessionary state at least up to the beginning of the third quarter of 2020. Mortgage interest rates most recently again declined slightly with the Federal Reserve near zero interest rates now a great value.

Selected Business Services:

Demand for consulting and advertising is down sharply over last year at this time. Software and IT services providers are experiencing a pause in activity. Some consolidation is now being experienced in the institutional healthcare sector. Wentworth Douglas Hospital's merger with Mass General and possibly Exeter is part of an overall consolidation trend in institutional healthcare. This is expanding the range of medical specialties available to the Dover market. WDH has opened a medical practice facility at the Pease Development Authority and has another urgent care center planned on a Dover Point Rd. site. Portsmouth Regional Hospital has opened a stand-alone ER building at Exit 7 in Dover. Tele-med service is expanding and may become a more permanent segment of medical services after the pandemic abates. Wages, while historically up significantly in critical skill areas have flattened with the loss of elective procedures during the pandemic. Increased health insurance costs remain a concern with the uncertainty of the future reform of the Affordable Care Act and the challenge of being able to increase pricing to cover the increased cost.

Predictions for 2020 revenue growth in the services sector are now in doubt.

Commercial Real Estate:

Non-residential commercial real estate sales activity continued at about 70% of the previous rate locally, and with flat activity in the Portland markets and declines in Connecticut. Boston and Rhode Island markets in this period. New build costs for needed 20,000 SF – 30,000 SF manufacturing/ assembly/ warehouse/ office spaces at Enterprise Park are causing sticker shock for several prospects and delaying project initiation but with two breakthrough projects beginning to be considered this coming month. The lack of at site utilities on Innovation Way has limited the developments considering that location. Accelerator units of 1,200 – 2,500 SF are sorely needed to house small post startup companies to get underway and to grow in Dover. The Orpheum co-worker space will help alleviate this problem to a very small degree. Office leasing was non-existent this month. Land sales have tanked this month. The lending environment remains highly favorable to brave borrowers, with historically low interest rates but with somewhat tighter lending standards. The flow of investment capital declined for commercial lease properties across the Seacoast, sourced from private equity firms, pension funds, foreign investors, REITS and high net worth individuals. Leverage ratios are on the rise among some investors, but remain low in absolute terms. Local multi-family and mixed use construction remains active so far with local inventory in this category rising rapidly. The outlook remains cloudy across the region so far in this sector. Forecasts call for more uncertainty in fundamentals moving forward. Fiscal policy and uncertainty around the business and employment effects of the pandemic uncertainty at both the state and federal levels are causing a reluctance to commit assets until things calm down.

See Local Major Development Projects Section below.

Residential Real Estate:

Residential real estate markets are now contributing strong performance on the Seacoast. Home buyer confidence still appears to be there for higher priced homes which seems counter intuitive unless these are investments in non-monetary assets in anticipation of rising inflation as the Treasury prints money to pay off Federal deficits with cheap dollars. Completed sales of single family homes increased year-over-year in Q1 and Q2 but Q3 and Q4 unit sales in 2019 declined slightly and 2020 unit sales to date declined slightly due to lack of inventory. Rising prices are convincing sellers to put homes on the market. Median selling prices continue to rise locally and are up another 6.7% year-over-year 2019-2020. Condo sales though somewhat mixed regionally, are up slightly locally as well as condo pricing and pending sales. Median sale

prices in NH and in Dover increased again in the period for single family homes to the \$367,000 range. Pending sales suggest the markets for high-end single family houses and condo's will continue, though abated, throughout 2020 with a probable more significant pause in growth in late 2021. Realtors are having more luck trying to sell homes on-line.

Manufacturing & Related Services:

Most local manufacturers supplying domestic markets are now reporting flat results with 85% reporting severe market weakness. One point-of-purchase systems supplier is experiencing sales decreases significant enough to require 80% layoffs. Local manufacturing has grown 400 jobs this year but last quarter Safran and Albany International announced some layoffs due to the airline problems mentioned above. ACLARA in Somersworth has closed the former GE meters plant and is changing their business model to outsource production. Measured Progress has been sold and will be moved to the buyer's HQ in the South. The Phase 1 Chinese trade agreement is not expected to have a substantive positive effect as tensions between the U.S. and China continue to mount. The one exception is some soybean products being purchased to offset crops lost to flooding in China. Manufacturing firms reporting on inventory levels are citing higher levels. Most contacts in the manufacturing sector indicate that both staffing levels and wage growth are now in decline especially in the airplane parts business. Capital investment is stable locally except for some new builds being deferred due to building costs exceeding the value of the completed building at present and the Corona virus effect. Foreign investment in the US is growing rapidly due to the uncertainties rampant in the Chinese, Brazilian, Venezuelan and European economies. Some major capital spending projects are now delayed. The Silver Square development is now making Phase II progress on this \$50 million dollar development.

Regional manufacturers are now governed by caution and uncertainty.

Labor demand has been strong in IT and software, electronics, engineering, quality assurance tech and legal skills. This is expected to change shortly as manufacturers deal with reduced demand. Talks with the Chamber of Commerce Education Committee, Dover High School CTC, Great Bay Community College, Somersworth High School CTC and UNH for BIZEDConnect have now resumed but have been slowed by schools switching to remote learning. Recent reductions in the NH BPT and EPT are being maintained by the Governor's veto so far. The FY2020 property tax increase, with the tax cap budget from the School District, is causing concern at several local businesses when combined with high electric energy costs and water processing costs and their concerns about their survivability. New Hampshire has the 6th best total tax burden in the U.S., and far better than the other New England states. This is partially offset by the high energy and water processing costs.

Retail & Tourism:

Due to the limits on gatherings necessitated by the pandemic and the fear surrounding it, local retail and tourism activities are highly curtailed. Local hotels having gone from an occupancy rate of just under 90% to 30% occupancy with several postponed weddings, are now back to an average of 75% occupancy. One hotel has converted a part of their spaces to homeless housing being managed by Community Action Partners. On-line shopping has, prospered due to the brick and mortar small retail closings and customer needs for non-exposure to others. Many regional malls are being repurposed to other uses and many national/international retail chains have closed in the US, Canada and worldwide. Many large retailers are making infrastructure investments to participate more fully in on-line sales with on-site drive through pick up points and deliveries to your door. It is anticipated that some of the big box medium sized chain stores in neighboring municipalities will close when their leases expire.

Local retailers and all local businesses have been informed of the recent SBA Emergency loans and grants programs, SELF Program and most recently, the GAP Program, and NH Chamber Relief Program as well as the DoverCARES Emergency Loan Fund.

Employment and Wages:

Local labor market pressure initially collapsed with the widespread business closures and layoffs. It is estimated by EMSI Data Analytics that of Dover's 3.5% unemployment rate, 2.2% is directly related to the effects of COVID-19. Wages for wait staff and experienced retail workers have begun to move upward but the \$600 a week addition to unemployment checks was pulling wait staff out of the labor market as they made a lot more money staying home. Unless extended by Congress, it is gone for the moment and did not exceed \$300 extra per week in the subsequent presidential executive order. The anticipated stimulus package is expected to raise the unemployment monthly amount and extend the weeks paid by another 11 weeks.

In the higher skill set categories, doctors, paramedics, physician's assistants and nurses are no longer in short supply as elective procedures were suspended in anticipation of COVID-19 surges that didn't materialize in the magnitude anticipated in NH but are once again at peak levels but with fewer hospitalizations. NH hospitals are in deficit and some doctor and nurse layoffs are expected as elective procedures are back on track again locally for the time being but not in heavily infected states. Holiday related COVID-19 surges may once again preclude elective procedures being done.

Local Major Development Projects:

- First Street Development Phase 2 (River Mark) is nearing completion.
- Third Street Development (Changing Places) is nearing completion.
- Silver Square Development: Phase 1 completion, Phase 2 underway.
- 49,000 SF at 27 Production Drive I reported to have a buyer.
- Cathartes Project (Orpheum completing occupancy).
- Well over \$100,000,000 in Dover development underway.
- Enterprise Park Developments suffering from "sticker shock" for new builds. Two projects expected to begin in 2020.
- Fosters Building sold for \$1.5 million / Kostis Brothers (renovation in process).
- The Old courthouse Building on First and 2nd may have a buyer shortly.
- 6 Grove St. Project is underway but paused.
- The Fosters building on Venture Drive has a buyer that is expanding the building.
- Birch Hill Armory on Industrial Park Dr. is completed.
- The H. Morris building on Venture Dr. is nearing completion.
- Several mixed use and multi-family residential projects are at the TRC stage and heading for Planning Board approval.

Parking Division

Meter Activity

	November 2020	November 2019	November 2018
Meter Transactions – City Total	22,926	46,010	34,774
Income from Meters – City Total	\$41,124	\$85,839	\$48,624
Meter Days	22	22	19
Average Meter Transactions Per Day	1,042	2,091	1,830

	Fiscal YTD 2021	Fiscal Year 2020	Fiscal Year 2019
Meter Transactions – City Total	155,793	397,008	467,734
Income from Meters – City Total	273,653	\$706,215	\$672,945
Meter Days	125	290	253
Average Meter Transactions Per Day	1,246	1,369	1,849

Meter Activity – Parking Garage

	November 2020	November 2019	November 2018
Meter Transactions - Garage	1,009	4,096	3,068
Income from Meters - Garage	\$2,563	\$9,948	\$5,266
Meter Days	22	22	19
Average Meter Transactions Per Day-Garage	46	186	161

	Fiscal YTD 2021	Fiscal Year 2020	Fiscal Year 2019
Meter Transactions - Garage	7,540	34,178	21,535
Income from Meters - Garage	\$19,807	\$88,142	\$61,468
Meter Days	125	292	249
Average Meter Transactions Per Day-Garage	60	117	86

Parking Ticket Activity

	November 2020	November 2019	November 2018
Parking Tickets Issued - Total	422	795	703
Accessible Space Parking Tickets Issued	0	3	3
Winter Restriction Parking Tickets Issued	0	0	0
Parking Ticket Income	\$10,333	\$17,381	\$15,168

	Fiscal YTD 2021	Fiscal Year 2020	Fiscal Year 2019
Parking Tickets Issued - Total	2,388	7,881	8,236
Accessible Space Parking Tickets Issued	9	47	77
Winter Restriction Parking Tickets Issued	0	169	223
Parking Ticket Income	\$55,666	\$180,148	\$168,062

Parking Permit Activity

	November 2020	November 2019	November 2018
Parking Permits Issued - Total	635	609	580
Residential Permits Issued	41	36	68
Business Permits Issued	594	573	512
Permit Income	\$25,176	\$22,489	\$19,645

	Fiscal YTD 2021	Fiscal Year 2020	Fiscal Year 2019
Parking Permits Issued - Total	3,655	6,809	6,767
Residential Permits Issued	239	441	637
Business Permits Issued	3,416	6,499	6,130
Permit Income	\$106,920	\$246,485	\$232,682

Electric Vehicle Charging Stations

	November 2021	November 2020
Charging Stations - Times Used	2	23
Charging Station - Income	\$10	\$87

	Fiscal YTD 2021	Fiscal Year 2020
Charging Stations – Times Used	34	177*
Charging Station - Income	\$201	\$634*

*Totals from October 2019 to June 2020, when metrics first tracked.

COAST

Ridership Activity

New Coast routes began end of June 2020. Those pertaining to Dover are below:

Month	Route 1 Dover/Somersworth/ Berwick	Route 13 Dover/Somersworth	Route 33 Downtown Dover/County Complex/Portland Ave	Route 34 Downtown Dover/Knox Marsh Rd
July 2020	3,103	2,313	1,042	133
August 2020	2,812	2,484	1,040	178
September 2020	3,225	2,577	1,011	271
October 2020	3,331	2,700	1,148	266
November 2020	2,942	2,148	1,121	327

J. MICHAEL JOYAL, JR.
CITY MANAGER

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1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Williams led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Carrier, Deputy Mayor Ciotti, Councilor Cullen, and Councilor Shanahan.

Remote: Councilor Muffett-Lipinski, Councilor O'Connor, Councilor Thibodeaux, and Councilor Williams.

Also Present: City Manager Joyal, City Attorney. Remote: City Clerk Mistretta.

5. PROCLAMATIONS/AWARDS

6. APPROVAL OF AGENDA

Deputy Mayor Ciotti moved to approve the Agenda as presented; seconded by Councilor Shanahan.

Roll Call Vote: 8/0

7. PUBLIC HEARINGS

A. FINE SCHEDULE

SPONSORED BY MAYOR CARRIER BY REQUEST

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

B. CHAPTER 141 – VEHICLES AND TRAFFIC

SPONSORED BY MAYOR CARRIER BY REQUEST

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

8. CITIZEN'S FORUM

Taxpayers, Business owners, and Residents are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

Email correspondence must be directed to CityCouncil-All@dover.nh.gov, Voicemails must be left at (603) 516-6338, and written letters or correspondence must be directed to City of Dover, ATTN: City Council, 288 Central Avenue, Dover, NH 03820.

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Mayor Carrier, seeing no one wishing to speak, closed the Citizen's Forum.

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9. CITY MANAGER'S REPORT

City Manager Joyal submitted his report in writing. He gave the Council an update on the COVID-19 pandemic. He said the Police Department is in the process of developing a group to create a dialogue between the police and the community.

Councilor Shanahan asked about the public being able to address the Council remotely. Director of Media Services Gillis gave an overview of public forum changes the City is addressing.

Mayor Carrier asked for an update on the Broadway culvert project.

Community Services Director Storer gave an overview of the project to the Council.

Councilor Cullen voiced his concerns about media access to the City Council – All emails. City Manager Joyal explained the process and why it is required that the City release this information.

City Attorney Wyatt said there has been no formal opinion or case regarding this process. He has researched other communities.

Deputy Mayor Ciotti moved to accept the City Manager's Report; seconded by Councilor O'Connor.

Roll Call Vote: 8/0.

10. MINUTES

- A. November 18, 2020 – Workshop Session
- B. November 18, 2020 – Special Meeting
- C. December 2, 2020 – Non-Public Session
- D. December 2, 2020 – Special Meeting
- E. December 2, 2020 – Workshop Session

Deputy Mayor Ciotti moved to approve the Minutes; seconded by Councilor Thibodeaux.

Councilor Shanahan referred to the November 18, 2020 Special Meeting, Section 6.B. and moved to change the wording from: "Mayor Carrier asked for further discussion before the motion to strike" and change to: "Mayor Carrier asked that all Councilors be allowed to speak to the ordinance before making motions to revise it."

Roll Call Vote: 8/0.

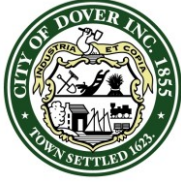
11. MAYOR'S REPORT

Mayor Carrier spoke about COVID-19, and helping local businesses. He attended the virtual tree lighting ceremony. He said 10 years of Christmas parades were available to view on Channel 22. Dover Main Street is going to have Mr. and Mrs. Claus parade through Dover on December 19th in the afternoon. He spoke about the ongoing work for the homeless situations throughout the tri-city area.

City Manager Joyal gave an update regarding the Emergency Warming Center in Somersworth.

Deputy Mayor Ciotti moved to accept the Mayor's Report; seconded by Councilor Williams.

Roll Call Vote: 8/0.

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12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. FINE SCHEDULE

SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Thibodeaux.
Roll Call Vote: 8/0.

2. CHAPTER 141 – VEHICLES AND TRAFFIC

SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Shanahan.
Councilor Shanahan asked for an update on the Parking Garage.
Parking Manager Simons gave an overview of the Parking Garage permitting and meter usage.
Roll Call Vote: 8/0.

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

13. NEW BUSINESS

A. CONSENT CALENDAR

1. B21023 GENERAL CARPENTRY, SHEETROCK & PAINTING SERVICES

SPONSORED BY MAYOR CARRIER BY REQUEST

2. B21028 ELECTRICAL CONTRACTOR SERVICES

SPONSORED BY MAYOR CARRIER BY REQUEST

3. COMPUTER SOFTWARE - STATE OF NH CONTRACT WITH SHI INTERNATIONAL CORPORATION

SPONSORED BY MAYOR CARRIER BY REQUEST

4. INTERNATIONAL TRUCK REPLACEMENT PARTS - STATE OF NH CONTRACT WITH LIBERTY INTERNATIONAL

SPONSORED BY MAYOR CARRIER BY REQUEST

5. JANITORIAL SUPPLIES - STATE OF NEW HAMPSHIRE CONTRACTS WITH W.B. MASON CO., INC. AND CENTRAL PAPER CO.

SPONSORED BY MAYOR CARRIER BY REQUEST



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Conference Room**
Meeting Date: **Wednesday, December 9, 2020**
Meeting Time: **7:00 pm**

- 6. AUTHORIZATION TO MODIFY PRIOR DEBT AGREEMENT WITH DOVER CHILDREN'S CENTER AND ACCEPT PROMISSORY NOTE AND MORTGAGE FROM CAPSC DAYCARE, LLC**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 7. AUTHORITY TO ACCEPT POINTE PLACE DRIVE AS A PUBLIC ROAD**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 8. MERIT PLAN AMENDMENT**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 9. APPROVAL OF PROCEDURAL RULES FOR AD-HOC COMMITTEE FOR RACIAL EQUITY AND INCLUSION**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 10. APPROVAL OF PROCEDURAL RULES FOR AD HOC COMMITTEE TO STUDY STORMWATER AND FLOOD RESILIENCE FUNDING**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 11. CONSENT TO AND ACCEPTANCE OF LAND AND EASEMENT CONTRIBUTION FROM STF DEVELOPMENT CORPORATION IN LIEU OF IMPACT FEES**
SPONSORED BY MAYOR CARRIER BY REQUEST

COMMITTEE REPORTS

- | | |
|---|---|
| 1. School Board | 17. Racial Equity and Inclusion Ad-Hoc Committee |
| 2. Planning Board | 18. Recreation Advisory Board |
| 3. 400th Anniversary Committee | 19. Solid Waste Advisory Commission |
| 4. Appointments Committee | 20. Stormwater and Flood Resilience Funding Ad-Hoc Committee |
| 5. Arena Commission | 21. Transportation Advisory Commission |
| 6. Arts Commission | 22. Waterfront TIF Advisory Board |
| 7. Conservation Commission | 23. City Council / School Board Collaborative Committee |
| 8. Downtown TIF Advisory Board | 24. Joint Building Committee – Dover High School and Regional Career Technical Center |
| 9. Energy Commission | 25. COAST |
| 10. Heritage Commission | 26. Cocheco Waterfront Development Advisory Committee |
| 11. Legislative Liaison | 27. Dover Main Street |
| 12. Library Board of Trustees | 28. Stafford Regional Planning Commission |
| 13. McConnell Center Advisory Committee | 29. Tri-City Homelessness Task Force |
| 14. Ordinance Committee | |
| 15. Parking Commission | |
| 16. Pool Advisory Committee | |

Deputy Mayor Ciotti moved for the adoption of the Consent Calendar; seconded by Councilor O'Connor.

Mayor Carrier asked the Council if they had items they would like pulled for further discussion.

Councilor O'Connor pulled Items 13.A.6., 13.A.7., and 13.A.11.

Councilor Williams added a Conservation Commission Report and a Stafford Regional Planning Commission Report.

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Councilor Cullen pulled Items 13.A.1. and 13.A.9.

Deputy Mayor Ciotti added an Appointments Committee Report.

Mayor Carrier asked for a roll call vote on the remaining items on the Consent Calendar.

Roll Call Vote: 8/0.

Deputy Mayor Ciotti moved for the adoption of Item 13.A.1.; seconded by Councilor Shanahan.

Mayor Carrier gave an overview of the Resolution to the Council.

Roll Call Vote: 8/0.

Deputy Mayor Ciotti moved for the adoption of Item 13.A.6.; seconded by Councilor Williams.

City Manager Joyal gave an overview of the Resolution to the Council.

Councilor O'Connor asked why Community Action Partnership of Strafford County (CAPSC) was involved.

Assistant City Manager Parker explained CAPSC's involvement with the Children's Center.

City Manager Joyal explained that CAPSC will retain the debt obligation.

Roll Call Vote: 8/0.

Deputy Mayor Ciotti moved for the adoption of Item 13.A.7.; seconded by Councilor O'Connor.

City Manager Joyal gave an overview of the Resolution to the Council.

Roll Call Vote: 8/0.

Deputy Mayor Ciotti moved for the adoption of Item 13.A.9.; seconded by Councilor Shanahan.

Councilor Cullen asked for clarification on limited duration.

Councilor Shanahan gave an overview of the Resolution to the Council.

Roll Call Vote: 8/0.

Deputy Mayor Ciotti moved for the adoption of Item 13.A.11.; seconded by Councilor O'Connor.

Councilor O'Connor voiced his concerns with this Resolution and suggested it be tabled.

Assistant City Manager Parker gave an overview of the Resolution to the Council, and said the City can do some more work on the Resolution if the Council would like to table at this time.

Councilor O'Connor moved to table; seconded by Deputy Mayor Ciotti.

Roll Call Vote: 7/1; Passed. Councilor Williams was opposed.

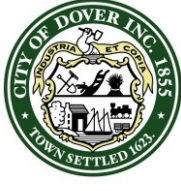
Councilor Williams asked for Anna Boudreau, Chairperson for the Open Lands Committee, to give the Council an update.

Chairperson Boudreau gave an overview of the Open Lands Committee's activities.

Councilor O'Connor recognized the work of the Open Lands Committee.

Deputy Mayor Ciotti moved to accept the Conservation Commission – Open Lands Committee Report; seconded by Councilor Thibodeaux.

Roll Call Vote: 8/0.

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Deputy Mayor Ciotti gave an overview of the Appointments Committee Report to the Council and recommended the following appointments to Boards and Commissions:

Steve Brown – Open Lands Committee
 Marion Cheney – Ethics Commission
 Nate Stewart – Arts Commission
 Jon-Erik Tryggstad – Recreation Advisory Board
 Nancy Volpe – Open Lands Commission
 Bill Stafford – Solid Waste Advisory Commission

Appointments:

Zachary Koeler – Energy Commission
 Linnea Nemeth – Arts Commission
 Nancy O'Connor – Open Lands Committee
 Jeff Roemer – Downtown TIF Advisory Board
 Otis Perry – Heritage Commission
 David Emery – Heritage Commission
 Periklis Karoutas – Parking Commission
 Dustin Gray – Transportation Advisory Commission
 Brian Murphy – Recreation Advisory Board – change in status from alternate to regular member
 Melanie Burger – Recreation Advisory Board – change in status from alternate to regular member

Deputy Mayor Ciotti moved to accept the Appointments Committee Report; seconded by Councilor Cullen

Roll Call Vote: 8/0.

Councilor Muffett-Lipinski left the meeting at 9:00 pm.

Councilor Shanahan gave an overview of the Legislative Liaison Report to the Council.

He asked for a letter from the City Council to the Governor regarding RSA 91-A.

Deputy Mayor Ciotti moved to accept the Legislative Liaison Report; seconded by Councilor O'Connor.

Roll Call Vote: 7/0.

Councilor Thibodeaux gave an overview of the Library Board of Trustees Report to the Council.

Deputy Mayor Ciotti moved to accept the Library Board of Trustees Report; seconded by Councilor Williams.

Roll Call Vote: 7/0.

Councilor Shanahan gave an overview of the Ordinance Committee Report to the Council.

Deputy Mayor Ciotti moved to accept the Ordinance Committee Report; seconded by Councilor Thibodeaux.

Roll Call Vote: 7/0.

 CITY OF DOVER	CITY COUNCIL - MINUTES Meeting Type: Regular Meeting Meeting Location: City Hall, Council Conference Room Meeting Date: Wednesday, December 9, 2020 Meeting Time: 7:00 pm
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Councilor O'Connor gave an overview of the Pool Advisory Committee Report to the Council.
Deputy Mayor Ciotti moved to accept the Pool Advisory Committee Report; seconded by Councilor Williams.
Roll Call Vote: 7/0.

Deputy Mayor Ciotti and Councilor Shanahan gave an overview of the Racial Equity and Inclusion Ad-Hoc Committee Report to the Council.
Deputy Mayor Ciotti moved to accept the Racial Equity and Inclusion Ad-Hoc Committee Report; seconded by Councilor Thibodeaux.
Roll Call Vote: 7/0.

Councilor O'Connor gave an overview of the Recreation Advisory Board Report to the Council.
Deputy Mayor Ciotti moved to accept the Recreation Advisory Board Report; seconded by Councilor Williams.
Roll Call Vote: 7/0.

Councilor Shanahan gave an overview of the Stormwater and Flood Resilience Funding Ad-Hoc Committee Report to the Council.
Deputy Mayor Ciotti moved to accept the Stormwater and Flood Resilience Funding Ad-Hoc Committee Report; seconded by Councilor O'Connor.
Roll Call Vote: 7/0.

Councilor Williams gave an overview of the Strafford Regional Planning Commission Report to the Council.
Deputy Mayor Ciotti moved to accept the Strafford Regional Planning Commission Report; seconded by Councilor Shanahan.
Roll Call Vote: 7/0.

B. RESOLUTIONS

1. REVIEW AND APPROVAL OF AMENDMENTS TO CITY OF DOVER'S WINTER OPERATIONS SNOW REMOVAL AND ICE CONTROL POLICY SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Shanahan
City Manager Joyal gave an overview of the Resolution to the Council.
Roll Call Vote: 7/0.

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2. CITY OF DOVER'S SUPPORT FOR 2021-2023 NEW HAMPSHIRE STATEWIDE ENERGY EFFICIENCY PLAN AND CONTINUATION OF THE NHSAVES PROGRAM
SPONSORED BY COUNCILORS SHANAHAN AND THIBODEAUX

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Williams. Councilor Shanahan and Councilor Thibodeaux gave an overview of the Resolution to the Council.

Roll Call Vote: 6/1; Passed. Councilor Cullen was opposed.

3. B21026 JOHN DEERE MODEL 710L BACKHOE
SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Thibodeaux. City Manager Joyal gave an overview of the Resolution to the Council.

Roll Call Vote: 7/0.

C. ORDINANCES IN 1ST READING

1. CHAPTER 121 – SEWERS AND WATER, SECTIONS 1, 5, AND 11
(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 13, 2021)
SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved to refer to the Ordinance Committee for review and a public hearing on January 13, 2021; seconded by Councilor Thibodeaux.

Community Services Director Storer gave an overview of the Ordinance to the Council. Roll Call Vote: 7/0.

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

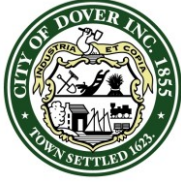
Councilor O'Connor recognized Matt Mayberry's work with organizing a "Wreaths Across 'NH Dover'" event to be held on December 19, 2020, 11:00 am, at the Pine Hill Cemetery.

Deputy Mayor Ciotti talked about the COVID-19 impact on small businesses. He asked that donations remain locally.

Mayor Carrier said the NH Speaker of the House just passed away. School Board/City Council Collaborative meeting will be held Tuesday, December 15, 2020 at 6:00 pm.

16. ADJOURN

Councilor O'Connor moved to adjourn; seconded by Councilor Thibodeaux. Vote: 7/0.

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1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Deputy Mayor Ciotti led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Carrier, Deputy Mayor Ciotti, Councilor Cullen, and Councilor O'Connor. Councilor Muffett-Lipinski, Councilor Thibodeaux, and Councilor Williams attended virtually.

Absent: Councilor Manley.

Also Present: City Manager Joyal, City Attorney Wyatt, and City Clerk Mistretta.

5. CITIZEN'S FORUM

Taxpayers, Business owners, and Residents are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

Email correspondence must be directed to CityCouncil-All@doover.nh.gov, Voicemails must be left at (603) 516-6338, and written letters or correspondence must be directed to City of Dover, ATTN: City Council, 288 Central Avenue, Dover, NH 03820.

Correspondence that does not state the individual's name and Dover address shall not be placed on file with the Council public meeting record.

Marcia Gasses, 114 Garrison Road: She said she is interested in filling the Ward 4 vacancy on the City Council.

Mark Speidel, 28 Leathers Lane: He said he is interested in filling the Ward 4 vacancy on the City Council.

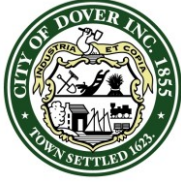
Mayor Carrier, seeing no one else wishing to speak, closed the Citizen's Forum.

6. NEW BUSINESS

A. ACCEPTANCE OF RESIGNATION BY WARD 4 CITY COUNCILOR JOSHUA MANLEY, DECLARATION OF VACANCY, AND COMMENCEMENT OF PROCESS TO FILL VACANCY PURSUANT TO CHARTER SECTION C3-5 SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor O'Connor.

Mayor Carrier read the letter of resignation from Councilor Manley.

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City Manager Joyal gave an overview of the resolution to declare a vacancy and the process to apply to the Council. He recommended an amendment to the resolution, second Further be it Resolved, to delete “through its Appointments Committee” so the whole Council interview the candidates.

Councilor Cullen asked when the vacancy occurred and if the City should be considering a special election.

City Attorney Wyatt discussed the areas in the Charter and why it was acceptable for the Council to appoint the new Councilor.

Councilor Williams asked they concentrate on what is best for the City.

Councilor Thibodeaux recommended that the Council do this as expeditiously as possible.

Councilor Shanahan made the motion to amend the Resolution by deleting “through its Appointments Committee” from the second Further be it Resolved, and the correct the year to 2021 in the third Further be it Resolved; seconded by Deputy Mayor Ciotti.

Roll Call Vote: 8/0.

City Manager Joyal gave an overview of the voting process to the Council. He stated that the final vote has to be a majority of the City Council. If it is a tie the Council will ask the candidates if one wishes to concede, or they will flip a coin to decide the winner.

Councilor O'Connor made the motion to amend the Resolution to require a majority vote of five members of the City Council, or to flip a coin in the case of a tie; seconded by Councilor Shanahan.

Roll Call Vote: 8/0.

Deputy Mayor Ciotti moved for the adoption of the amended Resolution; seconded by Councilor Shanahan.

Roll Call Vote: 6/2; Passed. Councilor Cullen and Councilor O'Connor were opposed.

Councilor Williams moved to suspend the rules to make a Councilor Matters of Interest comment; seconded by Deputy Mayor Ciotti.

Roll Call Vote: 8/0.

Councilor Williams referred to the events in Washington D.C., and read a brief statement regarding the people who breached the security of the Capital building today.

7. ADJOURN

Councilor O'Connor moved to adjourn; seconded by Councilor Shanahan.

Roll Call Vote: 8/0.



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: Workshop Session
Meeting Location: City Hall, Council Conference Room
Meeting Date: **Wednesday, January 6, 2021**
Meeting Time: **To immediately follow Special Meeting**

1. CALL TO ORDER

2. ~~MOMENT OF SILENCE~~

3. ~~PLEDGE OF ALLEGIANCE~~

4. ROLL CALL ATTENDANCE

Present: Mayor Carrier, Deputy Mayor Ciotti, Councilor Cullen, and Councilor O'Connor. Councilor Muffett-Lipinski, Councilor Thibodeaux, and Councilor Williams attended virtually.
Also Present: City Manager Joyal, City Attorney Wyatt, and City Clerk Mistretta.

5. CITIZEN'S FORUM

Citizens are invited to speak on the subject matter of the Workshop. Statements shall be limited to five minutes.

Mayor Carrier, seeing no one wishing to speak, closed the Citizen's Forum.

6. TOPIC OF DISCUSSION

A. GREAT BAY TOTAL NITROGEN GENERAL PERMIT UPDATE

Gretchen Young, Environmental Projects Manager, gave a PowerPoint presentation to the Council regarding the NPDES Great Bay Total Nitrogen General Permit.

Jennifer Perez, Deputy City Attorney, gave a PowerPoint presentation to the Council regarding the Great Bay Inter-Municipal Agreement.

B. NH RSA 79-E DOWNTOWN REDEVELOPMENT DISTRICT

Assistant City Manager Parker gave a PowerPoint presentation to the Council regarding the Community Revitalization Tax Relief Incentive (AKA RSA 79-E).

7. ADJOURNMENT

Councilor O'Connor moved to adjourn; seconded by Councilor Thibodeaux.
Roll Call Vote: 8/0.

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.A.1.

Ordinance Number: **O – 2020.12.09 – 016**
Ordinance Title: Sewers and Water
Chapter: 121
Sections: 1, 5 and 11

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 121 Sewers and Water. Modifications to this Chapter have been made in consultation with the EPA in order to :

2. AMENDMENT

Chapter 121 entitled “Sewers and Water” is hereby amended by revising Sections 1, 5 and 11.

a. THE FOLLOWING ARE AMENDED:

**Chapter 121
Sewers and Water**

[HISTORY: Adopted by the City Council of the City of Dover as indicated in article histories. Amendments noted where applicable.]

**Article I
Sewer Use**

[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 147, Art. I, of the 2013 Code.]

§ 121-1 Definitions and word usage.

Unless the context specifically indicates otherwise, the meanings of terms used in this article shall be as follows. "Shall" is mandatory; "may" is permissive.

APPLICANT

Any person requesting approval to discharge industrial or domestic wastewaters into facilities of the City.

BEST MANAGEMENT PRACTICES or BMPS

Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BOD (denoting "biochemical oxygen demand")

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard

CITY OF DOVER - ORDINANCE

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laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING DRAIN

That part of the lowest horizontal piping of a drainage system which receives the discharge from inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER

The extension beyond five feet from the building drain to the public sewer or other place of disposal.

BYPASS

The intentional diversion of wastewater streams from any portions of a wastewater treatment facility and/or of an industrial user's pretreatment system.

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD or PRETREATMENT STANDARD

Any requirement or any regulation containing pollutant discharge limitations promulgated by the United States Environmental Protection Agency in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. § 1317) which apply to industrial users and which are found in the Code of Federal Regulations, 40 CFR, Chapter I, Subchapter N, Parts 403 through 471.

COMBINED SEWER

A sewer intended to receive both surface runoff and sewage.

COMPOSITE SAMPLE

A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample, composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample, collected either as a constant sample volume at time intervals proportional to stream flow or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots. (The permit writer should determine the most appropriate composite sampling method to be used by the permittee.)

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.A.1.

Ordinance Number: **O – 2020.12.09 – 016**
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DILUTE

To reduce in concentration, or thin down, or weaken by mixing with water or other liquids.

DIVISION

The New Hampshire Water Division.

[Amended 2-12-2020 by Ord. No. 2020.01.08-001]

DOMESTIC WASTEWATER or SANITARY SEWAGE

Normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding groundwater, surface water or stormwater.

DOVER UTILITIES COMMISSION

As set forth in Chapter 9, Boards, Commissions and Committees.

ENFORCEMENT RESPONSE PLAN(ERP)

A required plan by 40 CFR 403.8(f)(5) that provides for the City to enforce its Industrial Pretreatment Program. The plan explains its purpose and outlines the steps the City can and will take to enforce the requirements of Dover's Industrial Pretreatment Program.

EPA

The Environmental Protection Agency of the United States government.

EXCESSIVE

Amounts or concentration of a constituent of a wastewater which, in the judgment of the Community Services Director, or designee:

- A. Will cause damage to the City's wastewater facility.
- B. Will be harmful to a wastewater treatment process.
- C. Cannot be removed in the City treatment works to the degree required to meet the limiting stream classification standards of the receiving water and/or EPA effluent standards.
- D. Can otherwise endanger life, limb or public property.

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E. Can constitute a nuisance.

FACILITIES

Includes structures and conduits for the purpose of collecting, treating, neutralizing or disposing of domestic wastewater and/or industrial or other wastewaters as are disposed of by means of such structures and conduits, including treatment and disposal works necessary, intercepting, outfall and outlet sewers and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

FLOATABLE OIL

Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

GARBAGE

The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

GRAB SAMPLE

A single sample collected in less than 15 minutes at a particular time and place which represents the composition of the waste stream.

INCOMPATIBLE POLLUTANT

Any pollutant, other than biochemical oxygen demand, suspended solids, pH, coliform bacteria or additional pollutants identified in the permit, which the treatment works was not designed to treat and does not remove to a substantial degree.

INDUSTRIAL DISCHARGE PERMIT (IDP)

The official document issued by the publicly owned/operated treatment works (POTW) to an industrial user of the Dover sewer system and treatment works that outlines the general and specific conditions under which the industrial user may discharge wastewaters into the City's collection system or POTW.

INDUSTRIAL ESTABLISHMENT

Any room, group of rooms, building or other enclosure used or intended for use in the operation of one business enterprise for manufacturing, processing, cleaning, laundering,

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assembling or preparing any product, commodity or article or from which any process waste, as distinct from domestic wastewater, may be discharged.

INDUSTRIAL PRETREATMENT PROGRAM(IPP)

A program by which the federal, state, and local governments are authorized to implement a part of the Clean Water Act which identifies and controls industrial discharges from adverse effects to the POTW and/or the environment.

INDUSTRIAL USER

A person who discharges industrial wastes to the wastewater facilities in Dover.

INDUSTRIAL WASTE

The liquid wastes from industrial manufacturing processes, trade or business as distinct from domestic wastewater.

INSTANTANEOUS LIMIT

The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE

A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment process or operations or its sludge processes, use or disposal and therefore is a cause of a violation of the City of Dover's NPDES permit or the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Clean Water Act, as amended; the Solid Waste Disposal Act, including Title II, commonly referred to as the "Resource Conservation and Recovery Act (RCRA)"; any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; 40 CFR Part 503, Standards for the Use or Disposal of Sewage Sludge; and RSA 485-A:4, XVI-a.

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MANAGER

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The City Manager or the top executive and administrative officer of the City or his duly authorized agent.

NATURAL OUTLET

Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NEW SOURCE

- A. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under Section 307(c) of the Clean Water Act, as amended, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that: **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**
- (1) The building, structure, facility or installation is constructed at a site at which no other source is located;
 - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection **A(2)** or **(3)** of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
- C. Construction of a new source as defined under this subsection has commenced if the owner or operator has:
- (1) Begun, or caused to begin, as part of a continuous on-site construction program:
 - (a) Any placement, assembly or installation of facilities or equipment; or

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- (b) Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities, which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

PASS THROUGH

The discharge of pollutants through the POTW into navigable waters in quantities or concentrations which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirements of the POTW's National Pollutant Discharge Elimination System Permit, including an increase in magnitude or duration of a violation, or of applicable water quality criteria.

PERSON

Any individual, firm, company, partnership, state, association, society, corporation, group, or municipality, commission, government facility or governmental subdivision of a state or any interstate body, or responsible corporate officer.

pH

The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POLLUTANT

Includes but is not limited to the materials identified in § 121-5 of this article and Article II, § 121-12.

POTW or PUBLICLY OWNED TREATMENT WORKS

A wastewater treatment works which is owned by a state or a municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW wastewater treatment works. The term also means the municipality which has jurisdiction over discharges to and the discharges from

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such a treatment works.

PRELIMINARY TREATMENT or PRETREATMENT

The conditioning of a waste at its source before discharge to remove or to neutralize substances injurious to the facilities of the City or to effect a partial reduction in the load on the treatment process.

PRETREATMENT REQUIREMENT

Any substantive or procedural requirement related to pretreatment in addition to pretreatment standards imposed on an industrial user.

PROPERLY SHREDDED GARBAGE

The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER

A sewer in which all owners of abutting properties have equal rights and which is controlled by a municipality.

RECEIVING WATERS

Any watercourse, river, pond, ditch, lake, aquifer or other body of surface water or groundwater receiving discharge of wastewater.

SANITARY SEWER

A sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

SCREENING LEVEL

That concentration of a pollutant which under baseline conditions would cause a threat to personnel exposed to the pollutant or would cause a threat to structures of wastewater facilities. To be administered as limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge which differ from baseline conditions.

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SEWAGE

A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

SEWER

A pipe or conduit for carrying sewage.

SIGNIFICANT INDUSTRIAL USER (SIU)

A user of the sewer system which:

- A. Discharges 10,000 gallons per day or more of process wastewater, excluding sanitary, noncontact cooling and boiler blowdown wastewater;
- B. Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic (BOD, total suspended solids, etc.) capacity of the treatment plants;
- C. Has a reasonable potential, in the opinion of the City Manager or his authorized representative, to adversely affect the operation of the POTW;
- D. Violates any pretreatment standard or requirement in accordance with 40 CFR 403.8(f)(6);
- E. Is subject to categorical pretreatment standards as outlined in 40 CFR 403.6 and 403.8 and 40 CFR Chapter I, Subchapter N; or
- F. Is a discharger of medical/infectious waste, pharmaceutical waste, radiological waste, or wastewater from a hospital process or system that, in the opinion of the Community Services Director, or designee, could have an adverse effect on the POTW.

SIGNIFICANT NONCOMPLIANCE or SNC

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric categorical pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

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- B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric categorical pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l), multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH);
- C. Any other violation of a categorical pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City's authorized agent's exercise of the emergency authority under 40 CFR 403.8(f)(1)(vi)(B) "imminent endangerment" to halt or prevent such a discharge;
- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of best management practices, which the Community Service Director, or designee, determines will adversely affect the POTW operation or implementation of the local pretreatment program.

SLUG

Any discharge of water, sewage or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration or flow during normal operation or which shall adversely affect the collection system and/or the performance of the treatment works.

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SPILL

The release, accidental or otherwise, of any material not normally released to the facilities which, by virtue of its volume, concentration or physical or chemical characteristics, creates a hazard to the facilities, their operation or their personnel. Such characteristics shall include, but are not limited to, volatile, explosive, toxic or otherwise unacceptable materials.

STORM DRAIN (sometimes termed "storm sewer")

A pipe or conduit which carries stormwater and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT

The Community Services Director, or designee.

SUSPENDED SOLIDS

Solids that either float on the surface or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TOTAL TOXIC ORGANICS (TTOs)

Any of the organic substances, alone or in combination, as determined by the Community Services Director, or designee, to sufficiently inhibit the operation of the public treatment works or endanger its employees, which may result in violation of air or water quality criteria or which could result in sludge reuse limitations.

UNPOLLUTED WATERS

Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to sanitary sewers and wastewater treatment facilities provided.

USER

Any person who discharges wastewater to the facilities of the City.

WASTEWATER

The same materials as described in the definition of "sewage."

WASTEWATER TREATMENT PLANT

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Any arrangement of devices and structures used for treating and disposing of sewage.

WASTEWATER WORKS

All facilities for collection, pumping, treating and disposing of sewage.

WATERCOURSE

A channel in which a flow of water occurs, either continuously or intermittently.

§ 121-2 Prohibited acts; connection to public sewer required.

- A. It shall be unlawful for any person to place, deposit or permit to be deposited any sewage, human or animal excrement, garbage or other objectionable waste on public or private property within the City of Dover or in any area under the jurisdiction of said City.
- B. It shall be unlawful to discharge to any natural outlet within the City of Dover or in any area under the jurisdiction of said City any wastewater, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- D. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City are hereby required at their expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the building.
- E. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal wastewater works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§ 121-3 Private wastewater disposal.

- A. Where a public sanitary sewer is not available under the provisions of § 121-2D, the building sewer shall be connected to a private wastewater disposal system complying with the provisions

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of Chapter **113**, Plumbing, as amended, and the Division rules and regulations.

- (1) Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain design approval from the Division and a written permit signed by the City Engineer. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the City Engineer. A permit and inspection fee shall be paid according to the Fee Schedule and shall be paid at the time the application is filed. In case of community systems, the fee shall be for each leach bed system. **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**
- (2) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City Engineer. The City Engineer shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the City Engineer when the work portions are uncovered. This inspection shall be made within 24 hours of the receipt of notice from the applicant.
- (3) The type, capacities, location, layout and installation of a private wastewater disposal system shall comply with all requirements of the New Hampshire Water Division. No septic tank or cesspool shall be permitted to discharge to any natural outlet. **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**
- (4) The owner(s) shall operate and maintain private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City. Sludge from private disposal systems shall be removed only by licensed operators. Disposition will be made within the City and will be accepted into the sewer system at a designated receiving structure within the treatment plant area and at such times as are established by the Community Services Director, or designee, provided that such wastes do not contain toxic pollutants or materials and provided that such surcharge does not violate any other special requirements established by the City. Permits and fees as approved by the City Council to use such facilities shall be under the jurisdiction of the Dover Utilities Commission or its duly authorized representatives. Fees for dumping septage will be established as part of the user charge system. The Director of Community Services, or designee, shall have authority to limit such wastes, if such disposal would interfere with treatment plant operation. Municipalities need not accept septage if it would interfere with proper operation of the municipal treatment and disposal facilities (RSA 486:13). Procedures for the disposal of such wastes shall be in conformance with the operating policy of the Community Services Director, or designee, and disposal shall be accomplished under his

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supervision unless specifically permitted otherwise (RSA 147).

- B. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer in compliance with this article within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the building.
- C. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

§ 121-4 **Building sewers and connections.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Community Services Director, or designee/City Engineer.

A. There shall be three classes of building sewer permits:

- (1) For residential service.
- (2) For commercial service producing only domestic wastewater.
- (3) For service to establishments producing industrial wastes.

B. In all cases, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by the plans, specifications or other information considered pertinent in the judgment of the Community Services Director, or designee/City Engineer. A permit and inspection fee set by the City for either a residential, commercial or industrial building sewer permit shall be paid to the City at the time the application is filed. Transfer of use from one industrial or commercial use to another industrial or commercial use will constitute the need for a new permit.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building, unless a special

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exception is granted, in writing, by the Dover Utilities Commission, and except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the City will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

- E. An old building sewer may be used in connection with new buildings when the new building replaces an old one, provided that the existing sewer and connection are exposed for the examination and test by the Community Services Director, or designee/City Engineer, and are found to meet all requirements of this article.
- F. The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City and the Division. In the absence of code provisions to cover a specific project or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials and Water Pollution Federation Manual of Practice No. 9 shall apply.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means, at the owner's expense, and discharged to the building sewer.
- H. No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building drain which in turn is connected, directly or indirectly, to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the American Society for Testing and Materials and Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Community Services Director, or designee/City Engineer, before installation.

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- J. The applicant for the building sewer permit shall notify the Community Services Director, or designee, at least 24 hours prior to commencement of the work proposed and again for inspection purposes at least 24 hours prior to the covering of any underground portions of the installation. The physical connection to the public sewer shall be made under the supervision of the Community Services Director, or designee.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City, at the expense of the owner.
- L. Any person proposing a new discharge into the system or a discharge of listed or characteristic hazardous waste, or an increase in the volume beyond limits previously permitted, or in the strength or character of pollutants that are discharged into the system shall notify the Community Services Director, or designee, at least 60 days prior to the proposed change or connection.
- M. Proposed new discharges from residential or commercial sources involving loading exceeding 50 population equivalence (5,000 gpd), any new industrial discharge, or any alteration in either flow or waste characteristic in industrial discharge must be approved by the Division. It is understood that, absent special circumstances, the Division will approve plans for new systems, extensions, or replacement sewers only when designed upon the separate plan, in which rainwater from roofs, streets, and other areas and groundwater from foundation drains are excluded. **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**

§ 121-5 Use of public sewer.

- A. A user may not introduce into any POTW any pollutant(s) which may cause pass through or interference. These general prohibitions and the specific prohibitions in this section apply to each user introducing pollutants into a POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.
- B. No person or industrial user shall ever increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for treatment. Dilution is prohibited to achieve compliance with all applicable pretreatment standards and requirements. No wastewaters which otherwise will not meet the requirements of this article shall be diluted with river water or other unpolluted water in order to render the wastewater acceptable as

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meeting the requirements of this article.

- C. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet. Industrial cooling water or unpolluted process waters require an NPDES permit prior to discharge to a storm sewer or natural outlet.
- D. Prohibitions. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
- (1) Pollutants which create a fire or explosion hazard in the POTW, including but not limited to gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas, any waste stream with a closed-cup flashpoint of less than 140° F., using test method from 40 CFR 261.21, pollutants causing toxic gases, vapors, or fumes that may cause worker health and safety problems, or any pollutant(s) which causes pass through or interference.
 - (2) Any water containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure, pass through, or cause interference with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters or the wastewater treatment works.
 - (3) Waters or wastes which interfere with safety, operation and maintenance, or performance of the POTW or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater works, such as, but not limited to, ashes, cinders, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, unground garbage, whole blood, paunch manure, hair and fleshings, leather dust, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 - (5) Wastewater sufficiently hot to cause the influent at the wastewater treatment facilities to exceed 104° F. (40° C.) or cause inhibition of biological activity in the POTW, resulting in interference.

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- (6) Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference or pass through at the POTW.
 - (7) Petroleum oil greater than 100 mg/l, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
 - (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
 - (9) Wastewater alone or in conjunction with other sources that causes the treatment plant's effluent or sludge to fail a toxicity test.
 - (10) Household hazardous waste, including but not limited to paints, stains, thinners, pesticides, herbicides, antifreeze, transmission and brake fluids, motor oil, and battery acid.
 - (11) Any hazardous waste listed or designated by the New Hampshire Department of Environmental Services (NHDES) under Chapter Env-Hw 400 of the Administrative Rules.
[Amended 2-12-2020 by Ord. No. 2020.01.08-001]
 - (12) Any discharge by a healthcare provider of pharmaceuticals, as 40 CFR 266.505 prohibits all healthcare facilities from discharging any hazardous waste pharmaceutical to the POTW. Therefore, the discharge of pharmaceuticals either listed or exhibiting hazardous waste characteristics as defined in subpart C, D and appendices in 40 CFR 261 generating from healthcare facilities or reverse distributors is prohibited.
- E. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or cannot otherwise endanger life, limb or public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, consideration may be given to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant and other pertinent factors. The substances prohibited are:
- (1) Waters or waste containing animal or vegetable type oil and grease, or wax, whether emulsified

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or not, in amounts that will cause interference or pass through and containing substances which may solidify or become viscous at temperatures between 32° F. and 104° F. (0° C. and 40° C.).

- (2) Garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor 3/4 horsepower or greater shall be subject to the review and approval of the Community Services Director, or designee.
- (3) Waters or wastes containing strong-acid iron-pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (4) Any wastewaters containing an increase in caustic alkalinity in the raw waste recalculated as CaCO₃(calcium carbonate) in excess of 75 milligrams per liter (mg/l) or in volumes which may be excessive.
- (5) Waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such a degree that any such material received in the composite sewage at the wastewater treatment works exceeds the limits established for such materials.
- (6) Any waters or wastes containing odor-producing substance exceeding limits established by the Community Services Director, or designee. **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**
- (7) Any medical/infectious wastes, pharmaceutical waste, or radiological waste except as specifically authorized in an industrial discharge permit. Additionally, any radioactive wastes or isotopes of such half-life or concentration as may exceed limits in compliance with applicable state or federal regulation.
- (8) Waters or wastes having a pH less than 6.0 or in excess of 11.0.
- (9) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and/or treatment processes.
- (10) Wastewater with any of the following constituents at ~~loadings~~ concentrations greater than those indicated below. If applicable, see procedures for net/gross determination at 40 CFR 403.15.

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These ~~Local limits~~ are - Maximum Allowable Industrial Loading (MAIL) in (Lbs/day) available to the SIUs. SIUs should refer to the individual industrial user permit for a more site-specific limit(s). ~~uniform concentration limits expressed as "total" limit of each parameter in mg/l.~~

Cadmium (Cd)	0.06620	Zinc (Zn)	1.730433
Chromium (Cr)	4.63003	Silver (Ag)	56.000713
Copper (Cu)	2.950346	Nickel (Ni)	1.41007
Cyanide (CN)	1.5400363	Mercury (Hg)	0.05904
Lead (Pb)	1.1800806	Arsenic (As)	0.130400
Total Nitrogen ~~Phenol~~	379482	Selenium	0.345855

Screening levels in mg/l:

Wastewater which has a concentration of any pollutant above the following screening levels shall be limited in its discharge to the POTW by the Community Services Director, or designee. Such screening levels, generated on the basis of standard conditions, shall be adjusted for the particular conditions applicable to the specific discharge. Fume toxicity screening levels shall be adjusted when administered as limits to account for the pH, temperature, dilution, other toxic fumes and ventilation present at the site of the particular discharge. The screening level for sulfate shall be adjusted when administered as a limit to account for the type of concrete used in sewer construction and the dilution present. Specific list of screening levels:

Ammonia	90.000	Bromomethan	0.002
Vinyl chloride	0.003	Carbon disulfide	0.060
Chloromethane	0.007	Acrylonitrile	1.240
Chlorobenzene	2.350	1,2-Dichlorobenzene	3.740
Chloroform	0.420	1,4-Dichlorobenzene	3.540
Napthalene	3.340	Dichlorodifluoro-methane	0.04
Methane	0.040	1,1-Dichloroethane	4.580
Vinyl acetate	1.210	1,2-Dichloropropane	3.650
1,3-Dichloropropene	0.090	Tran-1,2-dichloro-ethylene	0.28
Sulfate	150/1500	Trichlorofuorome - thane	1.220
Thylene	0.280	Ethylene dichloride	1.050
Sulfide	1.000	Heptachlor	0.003
Sulfite	2.000	Hexachloro-1,3 butadiene	0.0002
Acetone	1.176	Hexachloroethane	0.960
Ethyl benzene	1.590	Tetrachloroethylene	0.530
Toluene	1.350	1,2,4-Trichlorobenzene	0.430
Methylene chloride	4.150	1,1,1-Trichloroethylene	1.550
Formaldehyde	0.070	Methyl ethyl ketone	2.49
Polychlorinated biphenyls	0.002	Trichloroethylene	0.710

(11) Materials which exert or cause:

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- (a) Unusual concentration of inert suspended solids, such as but not limited to fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate.
- (b) Excessive discoloration such as but not limited to dye wastes and vegetable tanning solution or dyes that pass through the wastewater treatment plant and visibly color effluent. **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**
- (c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
- (d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
- (12) Waters or wastes containing substances which are not amenable to treatment or reduction by the processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to receiving waters.
- F. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection **E** of this section and which, in the judgment of the Community Services Director, or designee, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Community Services Director, or designee, may take any or all of the following actions:
 - (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (3) Require control over the quantities and rates of discharge.
 - (4) Require payment to cover the added cost of handling and treating the wastes.
 - (5) Impose additional discharge limits on a user.
- G. If the Community Services Director, or designee, permits the pretreatment or equalization of

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waste flows, the design and installation of equipment for such shall be subject to the review and approval of the Division and subject to the requirements of all applicable codes, ordinances and laws.

- H. Such facilities shall not be connected until said approval is obtained in writing. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirements of this article. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional engineer registered in New Hampshire in the field of sanitary or chemical engineering.
- I. To determine compliance with respect to prohibited discharges and categorical limitations on wastewater discharges and discharge permits, prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of the wastewater. The nature and time span of sampling shall be determined by the Community Services Director, or designee. The City may also conduct sampling of either scheduled or random nature to ensure compliance.
- J. Grease, oil and sand interceptors shall be provided when, in the opinion of the Community Services Director, or designee, they are necessary for the proper handling of liquid wastes containing grease, oil, sand or other materials which, in the opinion of the City Engineer/Community Services Director, or designee, will damage or interfere with the operation of sewers or drains or give rise to hazardous conditions therein. All interceptors shall be of the type and capacity approved by the City Engineer and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction and shall be gastight and watertight. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner at his expense in continuously efficient operation at all times. Appropriate means of disposal shall be subject to review by the Community Services Director, or designee. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Community Services Director, or designee. **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**

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- K. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- L. All industrial wastes shall be pretreated in accordance with federal and state regulations and this article to the extent required by applicable categorical pretreatment standards, state pretreatment standards or standards established by the Community Services Director, or designee, whichever is more stringent. When required by the Community Services Director, or designee, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the City Engineer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. The owner shall perform or have others perform at his expense all tests and monitoring required by the Community Services Director, or designee. Completed reports of all tests shall be submitted to the Community Services Director, or designee, for his records.
- M. The Community Services Director, or designee, may require a user of sewer services to provide information needed to determine compliance with this article. These requirements may include but are not limited to:
- (1) Wastewater discharge peak rates and volume over a specified period.
 - (2) Chemical analysis of wastewaters.
 - (3) Information on raw materials, processes, and products affecting wastewater volume and quality.
 - (4) Quality and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use and control.
 - (5) A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
 - (6) Details of pretreatment facilities.
 - (7) Details of systems to prevent and control the losses of materials through spills to the municipal

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sewer.

N. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with methods and procedures as set forth in 40 CFR Part 136. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Community Services Director, or designee. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- (1) Except as indicated in Subsection ~~N~~(2) and (3) below, the user must collect wastewater samples using twenty-four-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Community Services Director, or designee. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.
- (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (3) For sampling required in support of baseline monitoring and ninety-day compliance reports required in 40 CFR 403.12(b) and (d), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data does not exist; for facilities for which historical sampling data is available, the Community Services Director, or designee, may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and (h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

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- O. All applications to discharge any industrial wastewater, substances, or wastes directly into any sewer under the control of the City, or into any tributary thereof, shall be accompanied by an industrial discharge permit (IDP) stating that the applicant agrees to abide by all ordinances and rules and regulations of the City, that the applicant will provide such works for the preliminary treatment of the wastewater, substances or wastes as may be required by the City, and that the applicant will permit duly authorized representatives of the City to enter the premises of the industry to sample and measure wastewaters, as needed to check characteristics of the wastewaters, when so directed by the City.
- P. When required by the permit, each industrial permittee shall submit a duly signed report to the Community Services Director, or designee, containing all information requested. If insufficient data has been furnished, additional information may be required.
- Q. Each significant industrial user shall be required to submit a semiannual report on the first of June and the first of December each year containing information as to the minimum, average and peak flows of industrial wastewater discharges during the previous six months, accompanied by designated analysis and wastewater samplings taken by an approved EPA method and at appropriate times during the flow measuring periods. A nonsignificant industrial user will be required to submit the above information, but on an annual basis, on the first of July each year. A nonsignificant industrial user will be required to submit the above information, after evaluation, at the discretion of the City's authorized agent.
- R. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis as specified in the industrial permit.
- S. All users shall notify the Community Services Director, or designee, at least 60 days prior to the discharge of all pollutants which would cause a substantial change in the volume or character of the pollutants entering the treatment plant. In addition to receiving a permit to enter the public sewer, the new user shall notify the Community Services Director, or designee, at least 60 days before any discharge begins. Any user whose discharges would be subject to Section 301 of Public Law 92-500 shall notify the Community Services Director, or designee, at least 60 days prior to any discharge of pollutants.
- T. The Community Services Director, or designee, and other duly authorized employees of the City bearing proper credentials and identifications shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in

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accordance with the provisions of this article.

- U. The Community Services Director, or designee, the Division, EPA, or their duly authorized employees are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the public sewer. **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**
- V. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, provided that such agreements do not contravene any requirements of existing federal or state laws, and/or regulations promulgated thereunder, are compatible with the Fee Schedule, and do not waive applicable categorical pretreatment standards.
- W. If sampling performed by an industrial user indicates a violation, the user shall notify the City within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation, except that the industrial user is not required to resample if:
 - (1) The City performs sampling at the industrial user at a frequency of at least once per month; or
 - (2) The City performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the industrial user. If the City performed the sampling and analysis in lieu of the industrial user, the City will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.
- X. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharges shall be provided and maintained at the industrial user's expense.
- Y. Bypass is prohibited except where the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. The industrial user shall notify the POTW immediately in the event of any bypass.

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§ 121-6 **User charges and industrial cost recovery.**

- A. All users, including residential, commercial and industrial, shall pay a user's fee to cover the costs involved in processing their portions of the total wastewater treated.
- B. Any industrial user whose wastes will significantly influence the capital costs of the treatment works by virtue of abnormal strength, volume, rate of flow or any other design factor shall be required to pay an industrial cost recovery (ICR) fee. The Dover Utilities Commission shall use the sewer user charge, industrial survey results, and chemical analysis reports of the industrial pretreatment program, as prepared by the City of Dover, as a guideline for determining which industries fall under this section and the method by which the fees will be applied. As a minimum, the industrial cost recovery fee shall be proportional to the user's flow and in addition to the basic user's fee.
- C. The user charge system, as established by resolution of the City Council, shall generate sufficient revenue to offset the cost of all treatment works operation, maintenance and repair provided by the City and shall be reviewed annually in accordance with recommendations of the Dover Utilities Commission.

§ 121-7 **Restricted acts.**

[Amended 2-12-2020 by Ord. No. 2020.01.08-001]

To uncover the public sewer for any purpose or make connection therewith or to uncover the public sewer for inspection or connection to branches thereof or to open any manhole, unless and except with the written consent and under the supervision of the Community Services Director, or designee, shall constitute a violation of this article. The powers and authority of the Manager and his duly authorized agents are set forth in § 121-8.

§ 121-8 **Right of entry.**

[Amended 2-12-2020 by Ord. No. 2020.01.08-001]

- A. The Community Services Director, or designee, shall be permitted to enter all properties, including dwellings, for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The Community Services Director, or designee, shall have authority to inquire into any processes, including but not restricted to metallurgical, chemical, oil, refining, ceramic, tanning, paper or other industries, that have a bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. The Community Services Director, or designee, shall have access to and permission

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to copy all records and inspect all equipment installed as required by § **121-5G** of this article.

- B. The Community Services Director, or designee, shall be permitted to enter all private properties through which the City holds an easement for the purposes of but not limited to inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewage works lying within said easement.

§ 121-9 **Variances.**

- A. Any person seeking a variance from any of the provisions of this article shall file a written request with the Dover Utilities Commission setting forth the reasons for the variance. Categorical pretreatment standards are exempt from variances, waivers, or agreements.
- B. The Dover Utilities Commission, upon receipt of a request for a variance from this article, shall within 30 days act on such request and promptly notify the applicant, in writing, of its decision to grant or deny the variance.

§ 121-10 **Permit applications.**

[Amended 2-12-2020 by Ord. No. 2020.01.08-001]

The required application forms to carry out the provisions of this article are hereby incorporated by reference and made a part of this article. The application forms can be obtained from the Community Services Department.

§ 121-11 **Violations and penalties.**

- A. After review or reasonable testing in accordance with the requirements of § ~~121-5N~~ **or Chapter 121**, any person found by the Community Services Director, or designee, to be violating any discharge limitation or any other provision of ~~this Article I~~ or Article **II** of this chapter, ~~or any pretreatment standard, or to be in noncompliance with an IDP~~ shall be served by the City with written notice stating the nature of the violation. At the discretion of the Community Services Director, or his designee where immediate action is not warranted due to a serious noncompliance of this chapter and providing a reasonable time limit for the satisfactory correction of the violation(s) shall be provided thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person in noncompliance as listed above in subsection A, or who shall continue any violation beyond the time limit provided for in sSubsection A of this section ~~can be subject to a fine of not less than \$100.00 nor more than ten thousand dollars (\$10,000.00) for each~~

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~~violation~~ as provided in the City Fine Schedule. Enforcement actions taken by the City are carried out with respect to the City's Enforcement Response Plan (ERP) in remedy to noncompliance with Dover's SUO, federal pretreatment standards, or an IDP. ~~shall be fined in the amount provided in the City Fine Schedule for each violation.~~ Each day in which any such violation shall continue shall be deemed a separate offense. (House Bill 980, which established a limit in RSA 149-I:6, effective January 1, 1989.) **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**

- C. Any person failing to obtain permits as required by § **121-3A(1)** to **(4)** or **B** shall be in violation of this article.
- D. Any person violating any of the provisions of this article shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.
- E. Any person in noncompliance with ~~At this article I or Article II~~ shall be subject to the following enforcement responses, not necessarily in this order: notice of violation, administrative or compliance order, noncompliance fees or fines, termination of service, civil litigation, or criminal prosecution.

Article II Industrial Pretreatment

[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 147, Art. II, of the 2013 Code.]

§ 121-12 **Applicability.**

All persons discharging industrial process wastes into public or private sewers connected to the City's wastewater facilities shall comply with applicable requirements of local, state and federal industrial pretreatment regulations and pretreatment standards for new and existing sources set out in 40 CFR Chapter I, Subchapter N, Parts 403 to 471 (as amended).

§ 121-13 **Industrial discharge permit (IDP).**

- A. Permit required. Effective 120 calendar days after this provision is adopted by the City, the discharge of any industrial waste to the City's wastewater works or to a public or private sewer connected to the City's wastewater facilities is prohibited without a valid industrial discharge permit (IDP).
- B. Permit application. Within 60 days after the effective date of these industrial pretreatment rules,

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persons subject to these rules shall submit an application for an IDP containing the information required below:

- (1) The name and address of the facility, including the name of the operators and owners.
 - (2) A list of all environmental permits held by or for the facility.
 - (3) A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility.
 - (4) An identification of the categorical pretreatment standards applicable to each regulated process.
 - (5) An analysis identifying the nature and concentration of pollutants in the discharge.
 - (6) Notification to the City, EPA Waste Management Division, and the state hazardous waste authority of any proposed or existing discharge of listed or characteristic hazardous waste as required by 40 CFR 403.12(p). In those instances in which the industrial user provides notification of discharge of hazardous wastes, the industrial user shall also provide the following certification; "I certify that the company has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree the company has determined to be economically practical." Reference 40 CFR 403.12(j) and (p).
 - (7) Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
 - (8) A schedule of actions to be taken to comply with discharge limitations.
 - (9) Additional information as determined by the Community Services Director, or designee, or his representative may also be required. **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**
- C. Provisions. The IDP will outline the general and specific conditions under which the industrial process waste is accepted for treatment at the City's wastewater treatment plant. Specifically included in the IDP are the following:
- (1) Pretreatment and self-monitoring facilities required.

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- (2) Parameters to be monitored, type of samples, and monitoring frequencies required.
 - (3) Effluent limitations, including best management practices, on the industrial process waste, using the combined waste stream formula where applicable, also considering federal categorical pretreatment standards, and local limits, then applying the more stringent of the two sets of pretreatment standards.
 - (4) Reporting requirements.
 - (5) Location of sampling site.
 - (6) Notification by the industrial user of slugs, bypass or noncompliance.
 - (7) Penalties for noncompliance.
 - (8) Compliance schedule.
- D. Permit duration. The IDP shall be issued for a period of time not to exceed five years from the date it is issued. The user shall apply to the POTW for permit renewal a minimum of 60 days prior to the expiration of any existing IDP. Any changes or new conditions in the IDP imposed on the user by the POTW shall include a time schedule for compliance.
- E. Permit transfer. An IDP is issued to a specific user for a specific operation. An IDP shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the POTW. Any succeeding owner or user shall comply with the terms and conditions of the existing permit until such time that the POTW issues a new IDP.
- F. Accidental discharge/slug discharge control plans. The Community Services Director, or designee, shall evaluate whether each significant industrial user needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The Community Services Director, or designee, may require within any user's control mechanism (permit) the user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the Community Services Director, or designee, may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following: description of discharge

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practices, including nonroutine batch discharges; description of stored chemicals; procedures for immediately notifying the Community Services Director, or designee, of any accidental or slug discharge, as required by § **121-18** of this article; and procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

- G. Significant industrial users are required to notify the POTW immediately of any changes at their facility affecting the potential for a slug discharge.

§ 121-14 Industrial user reporting.

- A. All significant industrial users are required to submit periodic compliance reports. All significant industrial users must, at a frequency determined by the Community Services Director, or designee, submit no less than twice per year [June and December (or on dates specified)] reports indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Community Services Director, or designee, on the pretreatment standard necessary to determine the compliance status of the user. Sampling for all significant industrial users for periodic reports must be performed during the period covered by the report. Extra sampling data from categorical significant industrial users must be included in the periodic reports. The reports shall state whether the applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operations and maintenance practices and/or pretreatment is necessary. Additional requirements for such reports may be imposed by the Community Services Director, or designee, or his representative.
- B. Reports submitted under this section shall be signed by an authorized representative and shall contain the certification statement of 40 CFR 403.6(a)(2)(ii); an authorized representative may be as specified in Subsection **C**.
- C. Signature for reports. The reports required by Subsections **A** and **B** shall include the certification as set forth in Subsection **D** and shall be signed as follows:

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- (1) By a responsible corporate officer, if the industrial user submitting the reports required this article is a corporation. For the purpose of this subsection, a "responsible corporate officer" means:
 - (a) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policymaking or decision_making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided that the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) By a general partner or proprietor if the industrial user submitting the reports required by this article is a partnership or sole proprietorship, respectively.
- (3) By a duly authorized representative of the individual designated in Subsection **C(1)** or **(2)** if:
 - (a) The authorization is made, in writing, by the individual in Subsection **C(1)** or **(2)**;
 - (b) The authorization specified either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well or well field, superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**
 - (c) The written authorization is submitted to the City.
- (4) If an authorization under Subsection **C(3)** is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of Subsection **C(3)** must be submitted to the City prior to or together with any reports to be

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signed by an authorized representative.

- D. Certifications. All reports required to be signed as specified in Subsection **C** shall include the following certification:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

§ 121-15 Monitoring records.

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under **§ 121-13C(3)** to implement discharge limits and requirements of Article **I**, **§ 121-5**. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. Additionally, flow rate and production rate may be required. These records shall remain available for a period of at least five years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the City's authorized agent.

§ 121-16 Additional conditions.

- A. The IDP will contain a statement of duration, but in no case shall the duration be for more than five years.
- B. The IDP is nontransferable and may be revoked for noncompliance, or modified so as to conform to discharge limitation requirements that are enacted by federal or state rules and/or regulations.
- C. An industry proposing a new discharge or a change in volume or character of its existing discharge must submit a completed IDP application to the City at least 60 days prior to the

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commencement of such discharge. The submitted application must include plans and engineering drawings, stamped by a registered professional engineer, of the proposed pretreatment facilities. Upon approval of the application by the City, a discharge permit request is submitted by the community to the Division. The industry and the City will enter into a new or amended IDP in accordance with the procedure outlined in this article. **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**

- D. Industrial users will be assessed an annual fee by the City to defray the administrative costs of the IDP program.
- E. For industrial users whose discharge is in noncompliance with this article, the local or federal pretreatment programs, as amended, shall meet the requirement of 40 CFR 403.8(f)(1)(iv).

§ 121-17 **Categorical pretreatment standards.**

- A. Notification. The Community Services Director, or designee, shall provide timely notification to appropriate industries of applicable categorical pretreatment standards.
- B. Deadline for compliance with categorical standards. As defined in 40 CFR 403.6(b).
- C. Amendment to IDP required. An industrial user subject to categorical pretreatment standards shall not discharge to wastewater facilities after the compliance date of such standards unless an amendment to its IDP has been issued by the Community Services Director, or designee.
- D. Application for IDP amendment. Within 180 days after the effective date of a categorical pretreatment standard, an industry subject to such standards shall submit an application for an IDP amendment. The application shall contain the information noted under Subsection **G(2)** of this section.
- E. Categorical compliance schedule reports. Each user subject to a compliance schedule as required under 40 CFR 403.8(f)(1)(iv) or § **121-13B(8)** shall report on progress, to include 40 CFR 403.12(c), toward meeting compliance with these regulations as follows:
 - (1) Not later than 14 days following each date in the schedule, and the final date for compliance, the industrial user shall submit a progress report to the Community Services Director, or designee, indicating whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply, the reason for the delay, and the

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steps being taken by the industrial user to return the progress to the schedule established.

- (2) The time for any increment in the schedule, or the interval between reports required in Subsection **E(1)**, shall not exceed nine months. An "increment" is the time between the dates for commencement and completion of major events leading to the construction and operation of pretreatment facilities necessary to achieve compliance with this article and categorical pretreatment standards.
- F. Report on compliance with categorical standard deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new industrial user, following introduction of wastewater into City sewer, any industrial user subject to pretreatment standards and requirements shall submit to the Community Services Director, or designee, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and the average and maximum daily flow for these process lines. The report shall state whether the applicable pretreatment standards are being met on a consistent basis, and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative (see § **121-14C**) and certified by a qualified professional engineer.
- G. Baseline monitoring reports. Reporting requirements for industrial users upon the effective date of a categorical pretreatment standard baseline report shall be in accordance with 40 CFR 403.12(b).
- (1) Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the City's authorized agent a report which contains the information listed in Subsection **G(2)** below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the City's authorized agent a report which contains the information listed in Subsection **G(2)** below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged [40 CFR 403.12(b)(4) and (5)].

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- (2) Users described above shall submit the information set forth below:
 - (a) Identifying information. The name and address of the facility, including the name of the operator and owner.
 - (b) Environmental permits. A list of any environmental control permits held by or for the facility.
 - (c) Description of operations. A brief description of the nature, average rate of production, including each product produced by type, amount, processes, and rate of production, and Standard Industrial Classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (d) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 - (e) Measurement of pollutants.
- [1] The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.
- [2] The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Community Services Director, or designee, of regulated pollutants in the discharge from each regulated process. **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**
- [3] Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
- [4] The sample shall be representative of daily operations and shall be analyzed in accordance with 40 CFR Part 136. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the City's authorized agent or the applicable standards to determine compliance with the standard.
- [5] The user shall take a minimum of one representative sample to compile that data necessary to

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comply with the requirements of this subsection.

- [6] Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Community Services Director, or designee. **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**
- [7] Sampling and analysis shall be performed in accordance with, and as outlined in, the user's control mechanism (permit).
- [8] The City's authorized agent may allow the submission of a baseline report which utilizes only historical data, so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
- [9] The baseline report shall indicate the time, date and place of sampling and methods of analysis and shall certify that such sampling and analysis are representative of normal work cycles and expected pollutant discharges to the POTW.
- (f) Compliance certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, what additional operation and maintenance practices and pretreatment are necessary. **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**
- (g) Compliance schedule. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or operation and maintenance must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this subsection must meet these requirements as set forth:
 - [1] The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional

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pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- [2] No increment referred to above shall exceed nine months;
- [3] The user shall submit a progress report to the Community Services Director, or designee, no later than 14 days following each date in the schedule and the final date of compliance, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- [4] In no event shall more than nine months elapse between such progress reports to the City's authorized agent.
- (3) Signature and report certification. All baseline monitoring reports must be certified in accordance with 40 CFR 403.6(a)(2)(ii) and signed by an authorized representative.
- H. For the POTW developing a pretreatment program pursuant to 40 CFR 403.8, specific discharge limits on pollutant(s) shall be developed and continue to be developed as necessary and effectively enforced by the City.
- I. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with Subsection **H** above, such limits shall be deemed pretreatment standards for the purposes of Section 307(d) of the Clean Water Act.
- J. By the legal authority obtained through Article **I**, Sewer Use, of this chapter, compliance with applicable pretreatment standards and requirements by industrial users shall be enforced.

§ 121-18 **Slug or spill discharge notification.**

Industrial users shall immediately notify the Superintendent of the Wastewater Treatment Plant of any slug or process waste discharged by such user to the City's system. A written report shall be sent by the user to the Community Services Director, or designee, within five days of the incident describing reason for the slug or spill, remedial action taken, and steps taken to prevent its reoccurrence, all complete and concise.

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- A. Any damage experienced by the City as the result of a spill or slug is considered a violation of this article and costs for repair, replacement or other associated costs shall be recoverable.
- B. The Community Services Director, or designee, shall evaluate, at least once every two years, whether each significant industrial user needs a plan to control slug discharges. For purposes of this subsection, a "slug discharge" is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or noncustomary batch discharge. The results of such activities shall be available to the Community Services Director, or designee, upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements: **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**
- (1) Description of discharge practices, including nonroutine batch discharges.
 - (2) Description of stored chemicals.
 - (3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days.
 - (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment necessary for emergency response.

§ 121-19 **Imminent endangerment.**

The Community Services Director, or designee, may, after formal notice to the industry discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of persons, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the City include ex parte temporary judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the industry.

§ 121-20 **Monitoring and surveillance.**

The City shall, as necessary, sample and analyze the wastewater discharges of contributing industries

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and conduct surveillance and inspection activities to identify, independently of information supplied by such industries, occasional and continuing noncompliance with industrial pretreatment standards. Additionally, the City will sample the effluent from each significant industrial user and inspect it at least annually. Each industry will be billed directly for costs incurred for analysis of its wastewater. All industries discharging to the City system shall allow unrestricted access by City, Division, and EPA personnel for the purposes of investigating and sampling discharges from the industries.

§ 121-21 Investigations.

The City shall investigate instances of noncompliance with industrial pretreatment standards and requirements.

§ 121-22 Public information.

Information and data submitted to the City under its industrial pretreatment program and this article relating to process and/or wastewater discharge characteristics shall be available to the public in accordance with those conditions as set forth in 40 CFR 403.14.

§ 121-23 Public participation.

[Amended 2-12-2020 by Ord. No. 2020.01.08-001]

The City shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of national pretreatment standards. The Community Services Director, or designee, shall publish annually, in newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall be applicable to all significant industrial users (or any other industrial user) that violate Subsection C, D or H of the definition of "significant noncompliance" in Article I, § 121-1.

Article III Sewer and Water Mains

[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 147, Art. III, of the 2013 Code.]

§ 121-24 Petition for construction.

[Amended 2-12-2020 by Ord. No. 2020.01.08-001]

All applications for the construction of sewer and water mains, whether by persons, developers, corporations, contractors, or otherwise, shall be in the form of a petition addressed to the City Council, in compliance with the rules of the Council and having inscribed on the face thereof a recommendation by the Community Services Director, or designee, and by the Planning Board,

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signed by the Chair and Secretary of the Planning Board; provided, however, that in the case of water main extension or sewer lines, the petition shall also bear the approval of the Utilities Commission.

§ 121-25 **Investigation.**

The Council in finance session, upon investigation of costs of construction, materials or any other factor involved in such installation, may, by majority vote, grant the petition at any regular or special meeting of the Council.

§ 121-26 **Supervision of construction.**

All construction shall be under the supervision of the Community Services Director, or designee.

§ 121-27 **Filing of instruments.**

The Council may require that a petitioner file with the City Clerk such rights-of-way, releases, completion bonds, payment bonds or any other instruments reasonably consistent with any such construction, and the City of Dover shall be the grantee, insured or payee of any such instrument.

§ 121-28 **Construction cost; title.**

The petitioner shall pay full costs for any such construction of sewer or water mains and installation, and full title to the same shall, upon acceptance by the City Council, be in the City of Dover.

§ 121-29 **Control of construction.**

All construction of water mains and sewers shall be under the direct control of the City Council and Dover Utilities Commission, but any heads of departments having the duty of repair and/or maintenance of these installations may make rules and regulations governing the same, subject to confirmation by the Council.

§ 121-30 **Special assessments.**

- A. Special assessments may be created in response to petitions for the extension of water or sewer lines in accordance with the provisions below.
 - (1) If other property owners intervene between the land of the petitioner and the end of the City's water or sewer facilities, they may join by application, in writing, with the petitioner. The application must be made through the office of the City Clerk.
 - (2) The Community Services Director, or designee, City Engineer, representative of the Utilities Division and a representative of the Waste Water Treatment Plant shall act as a board to determine the proportionate cost to each intervening applicant. However, after determining the proportionate cost, it shall be duty of the Finance Director to carry out all financial details of the board.

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- (3) The basis of determining such shall be the proportion of the frontage owned by the applicant by which the extension extends to the total distance of the extension. The sewer line may be figured on a per-lot basis.
 - (4) No property owner shall be forced to join with the petitioner, but if, after the facilities have been installed to the petitioner and any intervening applicants, an intervening landowner desires to take advantage of said facilities, he may petition the Community Services Director, or designee, for such right.
 - (5) If the aforementioned petition is granted, the board shall tax the latter petitioner his proportionate share, and said proportionate share, when paid, shall be refunded to the first petitioner, except where Subsection **C(1)** hereof applies.
- B. Special assessments may be developed for water or sewer line extensions that are initiated by the City in accordance with the follow provisions:
- (1) The City Council may, by resolution, enact specific rules and procedures for said assessment that establish the cost of the proposed improvement, identify the boundaries of a betterment district, establish the percentage of the cost of the proposed improvement that is to be borne by the City, establish the pro rata share assigned to each property owner within the betterment district, and identify the maximum number of installments in which the special assessment may be paid. Any such proposal for the establishment of a special assessment for the extension of a water line and any such proposal for the establishment of a special assessment for the extension of a sewer line shall be referred to the Dover Utilities Commission for its review and recommendations.
 - (2) The special assessment may be based upon the length of frontage, amount of land area, or other factors deemed appropriate by the City Council.
 - (3) If the expenditures of the proposed improvement are to exceed \$1,000, a public hearing shall be held by the City Council, and action by the Council shall not be taken earlier than seven days after said hearing.
- C. The proportionate share of each abutter along the line of construction and installation, or the proportionate share of each property owner within the betterment district, shall become a lien on such property as to real estate taxes until full payment of said proportionate share of full

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costs, including financing, is made. Payment may be as follows:

- (1) The petitioner, applicant or late petitioner may pay his proportionate share in cash for the full amount at the time the obligation is incurred or enter into an agreement with the City of Dover that said proportionate share of all costs may be paid in equal installments over a period of time equal to the full term of the bond or a lesser period. Said agreement is to be recorded with the Strafford County Registry of Deeds at the expense of the petitioner, applicant or late petitioner. All the funds relating to sewer and water extensions under these provisions shall be placed in a special fund for payment of bonds, interest and charges pertaining thereto.
- (2) All fees for permits, licenses, etc.: see Fee Schedule.
- (3) Abatements may be granted in accordance with the rules and regulations of the Dover Utilities Commission.

§ 121-31 **Board of Appeal.**

- A. There hereby is created a Board of Appeal, composed of the Mayor, Finance Director and the City Assessor, to hear appeals from § 121-30C.
- B. Any petitioner, applicant or late petitioner dissatisfied with the determination of his proportionate share of costs by the Board of Appeal as set forth above may appeal said assessment to the Dover Utilities Commission.

§ 121-32 **Manner of waiver.**

Upon recommendation of the Mayor and the Dover Utilities Commission, the Council, by a two-thirds vote, may suspend the provisions of this article. All recommendations and the evidence supporting the same shall be in writing and submitted to the City Clerk, according to the rules of the Council.

§ 121-33 **Conflict with other provisions.**

If a provision of this article is found to be in conflict with any provision of any zoning, building, safety or health or other ordinance of the City of Dover, that ordinance which, in the judgment of the Director of Community Services or the Board of Health, establishes the higher standard of safety and protection of health shall prevail, and that ordinance or provision which sets the lower standard is hereby declared to be invalid to the extent that is found to be in conflict with the ordinance or provision which sets the higher standard.

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§ 121-34 **Severability.**

The invalidity of any section, clause, sentence or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.

§ 121-35 **Violations and penalties.**

[Amended 2-12-2020 by Ord. No. 2020.01.08-001]

Any person, firm or corporation violating any provisions of this article shall, upon conviction, be subject to a fine as provided in the City Fine Schedule for each violation. Each day in which any such violation shall continue beyond the time limit shall be deemed a separate violation.

Article IV

Cross-Connections and Backflow Prevention

[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 148, Art. I, of the 2013 Code]

§ 121-36 **Findings and purpose.**

- A. Cross-connections between water supplies and nonpotable sources of contamination are significant threats to health in the water supply industry. This article is designed to maintain the safety and potability of the water in the Community Services Department by establishing rules and procedures to prevent the contamination of public drinking water by the backflow of water from an approved source or other fluids.
- B. The purpose of this regulation is:
 - (1) To protect the public water supply of the Community Services Department from the possibility of contamination by isolating contaminants which could backflow or backsiphon into the public water system within its customers' internal distribution system(s);
 - (2) To promote the elimination or control of cross-connections, actual or potential, between its customers' in-plant drinking water system(s) and anything that could contaminate or pollute it; and
 - (3) To provide for the maintenance of a cross-connection control program to effectively prevent the contamination or pollution of all drinking water systems.

§ 121-37 **Authority.**

[Amended 2-12-2020 by Ord. No. 2020.01.08-001]

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This article is adopted pursuant to the following:

- A. New Hampshire Administrative Rules Part Env-Dw 505, Backflow Prevention, or subsequent rules.
- B. The Dover Utilities Commission rules and regulations approved by the Dover City Council. Under these rules and regulations, the Community Services Department has the primary responsibility for protecting the public water supply from the backflow and cross-contamination of dangerous substances which would endanger the public health or physically damage the public water system.

§ 121-38 **Definitions.**

As used in this article, the following terms shall have the meanings indicated:

AIR GAP

A physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system. Physically defined as a vertical distance equal to twice the diameter of the supply pipe but not less than one inch.

ATMOSPHERIC VACUUM BREAKER

A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or subatmospheric pressure in a water system.

AUXILIARY WATER SUPPLY

Any water supply on or available to the premises other than the purveyor's approved public potable water supply.

BACKFLOW

The flow of water or other fluids, mixtures or substances into the distribution pipes of a potable water system from any source other than the intended approved source of supply.

BACKFLOW PREVENTER

A device or means designed to prevent backflow or backsiphonage.

BACKPRESSURE

A condition in which the owner's system pressure is greater than the supplier's system pressure.

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BACKSIPHONAGE

The flow of water or other fluids, mixtures or substances into the distribution pipes of a potable water system from any source other than its intended source caused by the sudden reduction of pressure in the public water system.

BAROMETRIC LOOP

A fabricated piping arrangement rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water systems to protect against backsiphonage.

CONTAINMENT

A method of backflow prevention which requires a backflow prevention device at the water service entrance.

CONTAMINANT

A substance that may impair the quality of the water, creating a potential health hazard to the public.

CROSS-CONNECTION

Any actual or potential connection between the public water system and any source of contamination or unapproved water source.

DOUBLE CHECK VALVE ASSEMBLY

An assembly of two independently operating, spring-loaded check valves with tightly closing shut-off valves on each side of the double check valve, plus properly located test cocks for the testing of each check valve.

DUAL CHECK VALVE WITH INTERMEDIATE ATMOSPHERIC VENT

A device having two independently operating, spring-loaded check valves separated by an atmospheric vent chamber.

FIXTURE ISOLATION

A method of backflow prevention in which a backflow preventer, such as a hose bib or an atmospheric vacuum breaker, is located to correct a cross-connection at an in-plant location rather than at a water service entrance. This protects the drinking water in the building.

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HOSE BIB VACUUM BREAKER

A device which is connected to a hose bib and which acts as an atmospheric vacuum breaker.
Not to be used under constant pressure.

OWNER

Any person who has legal title to, or license to operate or habitat in, a property upon which a cross-connection inspection is to be made or upon which a cross-connection may be present.

PERSON

Any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.

PRESSURE VACUUM BREAKER

A device containing one or two independently operated, spring-loaded check valves and an independently operated, spring-loaded air inlet valve located on the discharge side of the check valve(s). The device includes tightly closing shutoff valves on each side of the check valve(s) and properly located test cocks for the testing of the assembly.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER

An assembly consisting of two independently operating, spring-loaded check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shutoff valves on each side of the check valves, plus properly located test cocks for the testing of the check valves and the relief valve.

RESIDENTIAL DUAL CHECK

An assembly of two spring-loaded, independently operating check valves. Generally employed immediately downstream of the water meter to act as a containment device in a single- or two-family residence.

WATER SERVICE ENTRANCE

That point in the owner's water system beyond the sanitary control of the water supplier; generally considered to be the outlet end of the water meter or where the water service first enters the building.

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WATER SUPERINTENDENT

The official, or his delegated representative, in charge of the Community Services Department who is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this article.

WATER SUPPLIER

The public water supply system.

§ 121-39 Protection requirements.

The Water Superintendent shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollution through the water service connection. If, in the judgment of the Water Superintendent, an approved backflow prevention device is required at the City of Dover's water service connection to any customer's premises for the safety of the water system, the Water Superintendent or his designated agent shall give notice, in writing, to said customer to install an approved backflow prevention device at each service connection to his premises. The customer shall, within 90 days, install the approved device or devices at his own expense. Failure, refusal, or inability on the part of the customer to install said device or devices within 90 days shall constitute grounds for discontinuing water service to the premises until such device or devices have been properly installed.

§ 121-40 Administration.

- A. The Community Services Department will operate an approved cross-connection control chapter, including the keeping of necessary records to fulfill the requirements of the New Hampshire Department of Environmental Services' backflow rules, regulations, and related laws.
- B. The owner shall allow the City of Dover to inspect his property for possible cross-connections and shall follow the provisions of this article and the rules of the Dover Utilities Commission.
[Amended 2-12-2020 by Ord. No. 2020.01.08-001]
- C. If the City of Dover requires that the public supply be protected by containment, the owner shall be responsible for the water quality beyond the outlet end of the containment device and should utilize the appropriate device approved for that purpose.

§ 121-41 Responsibilities.

- A. Community Services Department.

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- (1) On new installations, the City of Dover will provide an on-site evaluation and/or inspection and review of plans in order to determine the type of backflow preventer, if any, that will be required.
- (2) On new installations, the City of Dover will issue a permit and perform inspection and testing.
- (3) For premises existing prior to the start of this program, the City of Dover will:
 - (a) Perform an assessment of the function of the premises and determine if it poses a cross-connection risk.
 - (b) If a risk is present, assess the risk as high-hazard or low-hazard.
 - (c) Inform the owner, in writing, of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, 30 days will be allowed. However, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s) in question.
- (4) The City of Dover will not allow any cross-connection to remain unless it is isolated by an approved backflow prevention assembly, commensurate with the degree of hazard, for which a permit has been issued and which will be regularly inspected/tested to ensure satisfactory operation.
- (5) The City of Dover shall inform the owner, in writing, of any failure to comply and the time allowed for the correction to be made. If upon reinspection the owner has not complied, the City of Dover may allow an additional 15 days for the correction. In the event the owner fails to comply with the necessary correction by the time of the second reinspection, the City of Dover will inform the owner, by certified letter, that the water service to the owner's premises will be terminated within a period not to exceed five days. In the event that the owner informs the City of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Community Services Director.
- (6) If the City of Dover determines at any time that a serious threat to the public health exists, the water service shall be terminated immediately.
- (7) The City of Dover shall begin inspections to determine the nature of existing hazards and

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corrections to be made, following approval of the program by the New Hampshire Department of Environmental Services (NHDES). Initial focus will be on high-hazard water use.

- (8) Certified backflow prevention device inspectors must be certified through the New England Water Works Association (NEWWA) Certified Backflow Prevention Device Inspectors/Testers Program.
- (9) The City of Dover shall also develop installation standards and specifications for each type of backflow preventer to ensure they are installed in a manner in which they have been evaluated and approved and to allow for periodic testing and maintenance.

B. Owner.

- (1) The owner shall be responsible for the elimination, or isolation with the proper installation of an approved backflow preventer commensurate with the degree of hazard, of all cross-connections on his premises.
- (2) The owner, after having been informed by a letter from the City, shall, at his expense, install, maintain, and inspect or have inspected (as determined by the City of Dover) all backflow preventers on his premises.
- (3) The owner shall correct any deficiency of a backflow preventer which is revealed by inspection or testing. This shall include the replacement of parts or the replacement of the backflow preventer, if deemed necessary by the Community Services Department.
- (4) The owner shall inform the Community Services Department of any proposed or modified cross-connections and also existing cross-connections of which the owner is aware but which have not been found by the Community Services Department.
- (5) The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operations for inspecting of the device(s) must supply additional devices necessary to allow inspecting to take place.
- (6) The owner shall install backflow preventers in a manner and location approved by the Community Services Department.

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- (7) The owner shall only install approved backflow preventers from a list adopted by the Community Services Department and NHDES.
- (8) Any owner having a private well or other private water source must:
 - (a) Have a permit if the well or source is cross-connected to the Community Services Department's system. Permission to cross-connect may be denied by the Community Services Department. The owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross-connected to the Community Services Department's system.
 - (b) In the event the owner installs plumbing to provide drinking water for domestic purposes which is on the City public water system's side of the backflow preventer, such plumbing must have its own backflow preventer installed.
- (9) The owner shall be responsible for the payment of all fees for permits, annual or semiannual device inspections, retesting in the case that the device fails to operate correctly, and reinspections for noncompliance with the Community Services Department or NHDES requirements.

§ 121-42 **Degree of hazard.**

The Community Services Department recognizes the threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of approved backflow prevention devices for high and low hazards.

- A. Low degree of hazard. If backflow were to occur, the resulting effect on the water supply would be a change in its aesthetic qualities. The foreign substance must be nontoxic to humans.
- B. High degree of hazard.
 - (1) If backflow were to occur, the resulting effect on the water supply could cause illness or death if consumed by humans. The foreign substance may be toxic to humans from either a chemical, bacteriological or radiological standpoint. The effects of the contaminants may result from short- or long-term exposure.
 - (2) Only the following types of backflow prevention devices may be used for the containment of

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on-site contaminants for high- and low-hazard situations, respectively:

(a) High hazard.

[1] Air gap (AG).

[2] Reduced pressure principal backflow preventer (RPZ).

[3] Combination of the above.

(b) Low hazard.

[1] Air gap (AG).

[2] Pressure vacuum breaker (PVB).

[3] Double check valve assembly (DCVA).

[4] Reduced pressure principal backflow preventer (RPZ).

[5] Combination of the above.

§ 121-43 **Permits.**

The Community Services Department shall not permit a cross-connection within the public water system unless it is considered necessary and cannot be eliminated.

A. Cross-connection permits that are required for each backflow prevention device are obtained from the Community Services Department. A fee will be charged for the initial permit and for the renewal of each permit as found in the Fee Schedule.

B. Cross-connection permits shall be renewed every five years and are nontransferable. Permits are subject to revocation and become immediately revoked: **[Amended 2-12-2020 by Ord. No. 2020.01.08-001]**

(1) If the owner should change the type of cross-connection or degree of hazard associated with the service type of device;

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- (2) Upon replacement of the device with a new device; or
- (3) Upon change of ownership.
- C. A permit is not required when fixture isolation is achieved with the utilization of a nontestable backflow preventer in the case of residential dual checks.

§ 121-44 **Existing in-use backflow devices.**

Any existing backflow preventer shall be allowed by the Community Services Department to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer, or unless an unreasonable risk to the public health results.

§ 121-45 **Periodic testing.**

- A. Backflow prevention devices shall be inspected and tested at least semiannually for high hazard devices and annually for low hazard devices.
- B. Periodic inspections and testing shall be performed by an inspector certified through the NEWWA Backflow Prevention Device Inspectors/Testers Program. The inspections will be done at the owner's expense.
- C. When performed by an inspector from the Community Services Department, the inspections shall be conducted during the Community Services Department's regular business hours. Exceptions to this, when at the request of the owner, may require additional charges to cover the increased costs to the Community Services Department.
- D. Any backflow preventer which fails the inspection test during a periodic inspection will be repaired or replaced. When repairs are necessary, upon completion of the repair, the device will be inspected a second time at the owner's expense to ensure correct operation. High-hazard situations will not be allowed to continue unprotected if the backflow preventer fails the inspection and cannot be repaired immediately. In other situations, a compliance date of not more than 30 days after the inspection date will be established. The owner is responsible for spare parts, repair tools, and/or a replacement device. Parallel installation of two devices is an effective means of the owner ensuring that uninterrupted water service is provided during inspections or repair of devices and is strongly recommended when the owner desires such continuity.
- E. These devices shall be repaired or replaced at the expense of the owner whenever said devices

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are found to be defective. Tests and repairs shall be recorded on forms approved by the Water Superintendent, and copies shall be distributed to the owner and Water Superintendent within 10 days of the actual test.

- F. Backflow prevention devices may be inspected more frequently than specified in Subsection **A** above in cases where there is a history of test failures and the Community Services Department feels that, due to the degree of hazard involved, additional inspections are warranted. Cost of the additional inspections will be borne by the owner.

§ 121-46 Records and reports.

- A. Records. The Community Services Department will initiate and maintain the following for a minimum of five years:

- (1) Master files on customer cross-connection inspections and/or tests.
- (2) Master files on cross-connection permits.
- (3) Copies of permits and permit applications.

- B. Reports. Each year, by April 1, the Community Services Department will submit a summary of inspection results to NHDES that includes the following:

- (1) The name, certifying organization, and certification number of the certified backflow prevention device inspector who performed the inspection and test on the device;
- (2) The permit number;
- (3) The name of the owner and the location of the device;
- (4) The purpose of the device and its hazard class;
- (5) The type of device;
- (6) The date and result of each test; and
- (7) If the test failed, the subsequent test date and result until the device passes.

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§ 121-47 Fees and charges.

The Community Services Department will publish a list of fees or charges. See Fee Schedule.

§ 121-48 Violations and penalties.

[Added 2-12-2020 by Ord. No. 2020.01.08-001]

Violation of this article shall be subject to a fine as provided in the City Fine Schedule.

Article V Water System Use

[Adopted 7-25-2018 by Ord. No. 2018.07.11 (Ch. 148, Art. II, of the 2013 Code)]

§ 121-49 Purpose.

The purpose of this article is to protect public health, welfare and safety, as well as the City's water system during an emergency water shortage.

§ 121-50 Authority.

The provisions of this regulation are adopted pursuant to RSA 38:26 and 47:17, XV.

§ 121-51 Emergency water shortage.

Whenever an emergency exists by reason of a shortage of water due to drought conditions, inadequate supply, limited treatment or distribution capacity, or failure of equipment, material or infrastructure, the City Manager is authorized to restrict or prohibit the use of water from the City water system. Such restriction and/or prohibition of the use of water from the City water system shall be implemented in the following manner:

- A. Declaration of emergency. A water emergency exists whenever the City Manager makes a written determination that the City's water system is unable to or will, within 60 days of such written determination, become unable to supply the full commercial, domestic and residential needs of the users of the City's water system, including needs for adequate fire protection, based on average water system usage over the prior twenty-four-month period, or whenever drought conditions exist as defined in § 121-56.
- B. Issuance of notice of emergency. Upon the declaration of a water emergency, the City Manager shall issue a written emergency notice declaring the emergency and setting forth with particularity an order restricting the use of water from the City's water system.
 - (1) Such order may:

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- (a) Restrict water system usage during certain periods during the day or week or according to any orderly and nondiscriminatory scheme; and
- (b) Prohibit water system usage not essential to public health and safety.
- (2) The order, as issued, may be revised from time to time as the City Manager deems necessary.
- C. Public notification of emergency.
 - (1) Publication and/or posting of notice. The written emergency notice provided for in Subsection **B** above shall be published in a newspaper of general circulation within 72 hours after the issuance of such notice. In addition to publication as provided for in the previous sentence, the written emergency notice shall be posted in two places within the City, one of which may be the City website. The water emergency and the emergency restriction and/or prohibition of water usage shall be in full force and effect upon the earlier of the compliance with the publication or posting requirements set forth in this subsection. Substantial compliance with this subsection shall be sufficient to implement the effect of the emergency notice.
 - (2) Immediate threat to public health or safety. Whenever a sudden or unexpected event so reduces the availability of water or water pressure as to create an immediate threat to public health or safety, the emergency notice provided for in the preceding subsection may be given by any reasonable means, including electronic means. The water emergency and any restrictions and/or prohibition of water usage promulgated therewith shall be in full force and effect upon the giving of such notice, provided that, if any such means is other than that required in Subsection **C(1)**, the emergency notice shall be promulgated in accordance with the provisions of Subsection **C(1)** within 72 hours of the first emergency notice.
- D. Length of emergency. A duly proclaimed water emergency shall continue and the terms of the restriction and/or prohibition of water uses as set forth in the written emergency notice shall be in force until such time as the City Manager shall cause to be published a notice that the emergency has ended consistent with Subsection **C** above, unless the City Council, by resolution, extends the emergency notice.
- E. Appeals of water emergency declaration. Any person aggrieved by a declaration of water emergency by the City Manager shall have the right to present the matter, in writing, to the next regular or special meeting of the City Council or any emergency session of the Council called to

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discuss the water emergency. The City Council may exempt such aggrieved person, in whole or in part, from the compliance with such order upon a showing that compliance with such order creates an immediate threat to such person's health or safety. A ruling by a majority vote of the City Council with regard to such appeal shall be final and binding. Until and unless the action of the City Manager is modified or revoked by action of the City Council, all water system usage shall be bound by the terms of the emergency notice issued by the City Manager.

§ 121-52 Violations and penalties.
[Amended 2-12-2020 by Ord. No. 2020.01.08-001]

Any person who, in any manner, directly or indirectly, violates or permits others under his/her custody or control to violate any terms of a duly issued written emergency notice shall be guilty of a violation. Each separate day of water use in violation of such emergency notice shall constitute a separate offense, and each separate prohibited water use in excess of one on the same day shall constitute a separate offense. Violation of this article shall be punishable by a fine as provided in the City Fine Schedule.

Article VI
Outdoor Lawn Watering Restrictions

[Adopted 7-25-2018 by Ord. No. 2018.07.11 (Ch. 148, Art. III, of the 2013 Code)]

§ 121-53 Purpose.

The purpose of this article is to protect public health, welfare, and safety by restricting the use of water from the City water system and private water wells during a state or federally declared drought.

§ 121-54 Authority.

The provisions of this article are adopted pursuant to RSA 41:11-d.

§ 121-55 Applicability.

The requirements of this article shall apply immediately after the public notice period described in **§ 121-58** to all described uses of water within the City of Dover from the City water system and from private water wells when administrative agencies of the state or federal government have designated the City or region as being under a declared state or condition of drought.

§ 121-56 Definitions.

As used in this article, the following terms mean:

DROUGHT

A sustained and regionally extensive occurrence of appreciably below average natural water

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availability in the form of precipitation, stream flow or groundwater. One or more of the following resources are used by the City of Dover to determine the declaration of a drought condition:

- A. The New Hampshire Drought Management Team, as designated by the New Hampshire Drought Management Plan.
- B. State of emergency declaration by the Governor's office.
- C. United States Drought Monitor.

RESIDENTIAL LAWN WATERING

The application of water to decorative grass at property that's primary use is to provide living accommodations for people.

§ 121-57 Restrictions under drought conditions.

The following limits to residential lawn watering will apply under drought conditions. The specified levels (Level 1 through 3) will be determined by the City Council, upon the recommendation of the Dover Utilities Commission or City staff, and will be included in the public notice required under **§ 121-58** of this article.

- A. If the City issues a Level 1 restriction, then:
 - (1) Residential lawn watering by odd-numbered addresses is permitted only on Mondays, Wednesdays, and Fridays.
 - (2) Residential lawn watering by even-numbered addresses is permitted only on Tuesdays, Thursdays, and Saturdays.
 - (3) Residential lawn watering shall not occur between the hours of 8:00 a.m. and 7:00 p.m.
- B. If the City issues a Level 2 restriction, then:
 - (1) Residential lawn watering by odd-numbered addresses is permitted only on Mondays and Thursdays.
 - (2) Residential lawn watering by even-numbered addresses is permitted only on Tuesdays and

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Fridays.

(3) Residential lawn watering shall not occur between the hours of 8:00 a.m. and 7:00 p.m.

C. If the City issues a Level 3 restriction, then residential lawn watering is prohibited.

§ 121-58 **Public notification of water use restrictions.**

Notification of any intention to restrict water use and the requirements associated with § 121-57 shall be given at least three calendar days before implementation. Notice of the restrictions shall be posted in a newspaper of general circulation and in at least two public places, one of which may be the City website.

§ 121-59 **Termination of water use restrictions.**

The City Council shall terminate the water use restriction when it determines conditions warrant. Public notification of termination of a water use restriction shall be given consistent with the notice requirements of § 121-58.

§ 121-60 **Violations and penalties.**

[Amended 2-12-2020 by Ord. No. 2020.01.08-001]

Any person who, in any manner, directly or indirectly, violates or permits others under his/her custody or control to violate any terms of a duly issued outdoor water use restriction notice shall be guilty of a violation. Each separate day of water use in violation of such outdoor water use restriction notice shall constitute a separate offense, and each separate prohibited water use in excess of one on the same day shall constitute a separate offense. Violation of this article shall be punishable by a written warning for the first offense and a fine as provided in the City Fine Schedule for the second and each subsequent offense.

3. TAKES EFFECT

This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18.

REQUIRES PUBLIC MEEETING

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Ordinance Title: Sewers and Water
Chapter: 121
Sections: 1, 5 and 11

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By request

Approved as to Legal Joshua M. Wyatt
Form and Compliance: City Attorney

Recorded by: Susan M. Mistretta
City Clerk

DOCUMENT HISTORY:

First Reading Date: 12/09/2020
Approved Date:

Public Hearing Date: 01/13/2021
Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Vacant, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

The City utilizes the services of Wright-Pierce. Project Manager, Neil Cheseldine provided the following as way of background for the proposed ordinance changes:

Document Created by: Legal
Document Posted on: January 8, 2021

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Industrial Pretreatment Program – Technically Based Local Limits

Wright-Pierce performed an evaluation and update of the City of Dover Industrial Pretreatment Program (IPP) Technically Based Local Limits (TBLLs) and submitted the final report in August 2020. The following is a summary of the purpose and need for this work.

The City of Dover is required to administer an IPP as a condition of its NPDES discharge permit. Development of TBLLs is required under the IPP. The TBLLs must be reassessed with each renewal of the NPDES permit (typically 5-year intervals). The purpose of the IPP is to protect the City's wastewater treatment facility (WWTF) also referred to as the publicly owned treatment works (POTW), from adverse impact caused by industrial wastewater pollutant loadings. Every community that administers an IPP must also develop and enforce TBLLs, which are intended to address the unique site-specific characteristics of the City's WWTF. The following criteria are considered in the development of TBLLs:

- NPDES discharge limits
- Water quality criteria of the receiving water (Piscataqua River)
- Treatment process inhibition
- Sludge or biosolids disposal or beneficial use criteria
- Health and safety of operational staff

The existing TBLLs were last updated by the City in 1990. Presently, the City's Sewer Use Ordinance includes numeric local limits for 12 pollutant parameters. The Dover WWTF and significant industrial users (SIUs) characteristics have changed significantly since 1990, therefore the TBLLs must be updated in order to be justified. The changes include the following:

- Reduced industrial wastewater flows
- More stringent NPDES permit discharge limits
- Implementation of receiving water nitrogen water quality criteria
- Upgrade of the WWTF to achieve enhanced nitrogen removal
- Improved WWTF removal efficiency of other pollutants

Based on our evaluation we recommend that the City implement numeric local limits for zinc and total nitrogen. We also recommend that the City implement screening limits for the 11 other pollutant parameters that the City has historically monitored. Utilization of screening limits in conjunction with the numeric limits will provide the City with greater flexibility to regulate the SIUs. The City will be able to impose discharge limits and monitoring requirements on each industrial user for the specific pollutant parameters as appropriate based on the characteristics of each user. Based on review of the industrial users discharge data, we do not foresee any compliance problems for any of the users when the new limits are implemented into the SIU discharge permits.

The City must adopt the new TBLLs into its IPP and Sewer User Ordinance in order to be able to implement the new limits in the SIU discharge permits.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.1.

Resolution Number: **R – 2021.01.13 – 002**
Resolution Re: B21032 Furnish and Install Traffic Signal Gridsmart Video
Detection

- WHEREAS: A sealed Request for Proposal #B21032 was issued and received to Furnish and Install Traffic Signal Gridsmart Video Detection on December 23, 2020 at 2:00 PM. One response was received and reviewed for necessary experience, skills, project understanding, approach and ability to comply with proposed scope of services; and
- WHEREAS: The City is a recipient of a grant as part of New Hampshire's Congestion Mitigation Air Quality (CMAQ) Program through the New Hampshire Department of Transportation (NH DOT); and
- WHEREAS: Electric Light Company, Inc. is the sole source provider for Gridsmart solutions in the State of New Hampshire, it is the recommendation to award to Electric Light Company, Inc. in the amount of \$98,508.00 contingent upon final approval by the NH DOT.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

Upon receipt of approval of the NH DOT, the Purchasing Agent is hereby authorized to issue a Purchase Order to Electric Light Company, Inc. of Cape Neddick, ME to furnish and install traffic signal Gridsmart video detection in the amount of \$98,508.00. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
4019.1.300.43121.4741.03154.19.	Machinery & Equipment	100,000.00	100,000.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

Approved as to Legal
Form and Compliance: Joshua Wyatt
City Attorney

Recorded by: Susan Mistretta
City Clerk



CITY OF DOVER

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Agenda Item#: 14.A.1.

Resolution Number: **R – 2021.01.13 – 002**
Resolution Re: B21032 Furnish and Install Traffic Signal Gridsmart Video
Detection

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Vacant, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.1.

Resolution Number: **R – 2021.01.13 – 002**
Resolution Re: B21032 Furnish and Install Traffic Signal Gridsmart Video Detection

RESOLUTION BACKGROUND MATERIAL:

The City of Dover was selected by the New Hampshire Department of Transportation (NH DOT) as a recipient of a grant as part of New Hampshire's Congestion Mitigation Air Quality (CMAQ) Program. The City issued and received a bid requesting pricing information and availability to furnish and install Gridsmart video detection equipment at four city owned/maintained intersections.

This project will allow the City to improve intersection vehicular detection on NH Route 108 and Route 9 in the area of Week's Crossing. The new video detection will be installed at four existing signalized intersections on Central Avenue, New Rochester Road, and Indian Brook Drive to replace existing in-pavement loops.

Pricing information is as follows.

Intersection	Amount
Central Avenue at Webb Place (2 cameras)	\$26,234.00
New Rochester Road at Hotel Drive (1 camera)	\$23,020.00
Indian Brook Drive at Weeks Lane (2 cameras)	\$26,234.00
New Rochester Road at Long Hill (1 camera)	\$23,020.00
Total Bid	\$98,508.00

Bid Information:

A sealed Request for Proposal #B21032 was issued and received to Furnish and Install Traffic Signal Gridsmart Video Detection on December 23, 2020 at 2:00 PM.

Award Information:

A purchase order will be issued to the vendor selected to authorize expenditures as outlined in this resolution.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Emailed:	67	Number of Responses:	1
Warranty:	Per Manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	One year	Estimated Delivery:	As needed
Recommended Award to:	Electric Light Company, Inc.	Fund:	CIP
Other Approvals Required:	Yes, NH DOT	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation.

[B21032 Bid Documents and Vendor Lists](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.2.

Resolution Number: **R – 2021.01.13 – 003**

Resolution Re: B21037 Purchase of 2021 Model Year Vehicles - State of NH
Contract

WHEREAS: A sealed Request for Bid #2383-21 was solicited and received by the State of New Hampshire in November 2020 for pricing of various 2021 model year vehicles. Contracts were awarded to twelve vendors for several vehicles for the period of 12/1/2020 to 12/1/2021; and

WHEREAS: The City would like to make purchases, as needed, off these State of New Hampshire contracts utilizing the low bid pricing for various 2021 model year vehicles including any adjustment costs for additional options and or trim levels as deemed necessary, and while using available appropriations; and

WHEREAS: Per 5-29B, Exemptions to Competitive Bidding of the Dover Purchasing Procedure, the Purchasing Agent may, with approval of the City Manager, waive bidding procedures when purchasing through the State of New Hampshire or at State bid prices.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The purchasing agent is hereby authorized to issue purchase orders to various vendors for the purchase of 2021 model year vehicles at costs that correspond with prices provided in State of New Hampshire Bid#2383-21.

The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
xxxx.1.xxx.xxxxx.4742.xxxxx.xx.	Light Vehides	313,732.18	250,761.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

Approved as to Legal: Joshua Wyatt
Form and Compliance: City Attorney

Recorded by: Susan Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.2.

Resolution Number: **R – 2021.01.13 – 003**
Resolution Re: B21037 Purchase of 2021 Model Year Vehicles - State of NH
Contract

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Vacant, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.2.

Resolution Number: **R – 2021.01.13 – 003**
Resolution Re: B21037 Purchase of 2021 Model Year Vehicles - State of NH Contract

RESOLUTION BACKGROUND MATERIAL:

A sealed Request for Bid #2383-21 was solicited and received by the State of New Hampshire in November 2020 for pricing of various 2021 model year vehicles. Contracts were awarded to twelve vendors for several vehicles for the period of 12/1/2020 to 12/1/2021.

The City would like to make purchases off this State bid, utilizing the low bid pricing for various vehicles including any options deemed necessary while using only available appropriations.

Bid Information:

State of New Hampshire bid solicitation. Per 5-29B, Exemptions to Competitive Bidding of the Dover Purchasing Procedure, the Purchasing Agent may, with approval of the City Manager, waive bidding procedures when purchasing through the State of New Hampshire or at State bid prices.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	N/A	Number of Responses:	N/A
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	12/1/2020-12/1/2021	Estimated Delivery:	As needed
Recommended Award to:	Various Vendors as identified under State of NH Bid#2383-21	Fund:	CIP
Other Approvals Required:	Yes, awarded by the State of NH 12/7/2020	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval.

B21037 - State of NH Bid #2383-21 Results



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.3.

Resolution Number: **R – 2021.01.13 – 004**
Resolution Re: B21040 Caterpillar Generator for the new Facilities,
Grounds and Cemeteries Building – Sourcewell Contract

WHEREAS: The City of Dover is a member of Sourcewell, formally the National Joint Powers Alliance (NJPA), a member-focused public cooperative of more than 50,000 member agencies throughout the United States and, therefore, may purchase utilizing any of their cooperative purchasing agreements. In December 2017, the NJPA solicited RFP#120617 and entered into agreement NJPA Contract#120617-CAT with Caterpillar, Inc. for Electrical Energy Power Generation with Related Parts, Supplies, and Services through January 29, 2022; and

WHEREAS: The equipment for consideration to be installed at the new Facilities, Grounds and Cemeteries Building is a new outdoor Caterpillar Model DG100 Natural Gas Emergency Packaged Generator Set in the amount of \$43,237.00; and

WHEREAS: Per 5-29B, Exemptions to Competitive Bidding of the Dover Purchasing Procedure, the Purchasing Agent may, with approval of the City Manager, waive bidding procedures when purchasing through the State of New Hampshire or at State bid prices, other governmental agencies or cooperative buying groups.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The Purchasing Agent is hereby authorized to issue a Purchase Order to Milton CAT of Milford, MA for the purchase of a new outdoor Caterpillar Model DG100 Natural Gas Emergency Packaged Generator Set in the amount of \$43,237.00. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
4020.1.300.41951.4725.01105.20	Building Improvements - Chapel	2,400,000.00	536,217.50

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

Approved as to Legal: Joshua Wyatt
Form and Compliance: City Attorney

Recorded by: Susan Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.3.

Resolution Number: **R – 2021.01.13 – 004**
Resolution Re: B21040 Caterpillar Generator for the new Facilities,
Grounds and Cemeteries Building – Sourcewell Contract

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Vacant, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.3.

Resolution Number: **R – 2021.01.13 – 004**
Resolution Re: B21040 Caterpillar Generator for the new Facilities,
Grounds and Cemeteries Building – Sourcewell Contract

RESOLUTION BACKGROUND MATERIAL:

The equipment for consideration to be installed at the new Facilities, Grounds and Cemeteries Building is a new outdoor Caterpillar Model DG100 Natural Gas Emergency Packaged Generator Set in the amount of \$43,237.00. The generator is sized accordingly to protect the entire facility in the event of a power outage.

The City has approximately twenty (20) Caterpillar emergency generators at various wells and pump stations, the fire stations, police station, Community Services Facility, City Hall and McConnell Center. The purchase of this new Caterpillar generator will continue to maintain consistency within the City.

Bid Information:

The City of Dover is a member of Sourcewell, formally the National Joint Powers Alliance (NJPA), a member-focused public cooperative of more than 50,000 member agencies throughout the United States and, therefore, may purchase utilizing any of their cooperative purchasing agreements. In December 2017, the NJPA solicited RFP#120617 and entered into agreement NJPA Contract#120617-CAT with Caterpillar, Inc. for Electrical Energy Power Generation with Related Parts, Supplies, and Services.

Award Information:

A purchase order will be issued to the vendor selected to authorize expenditures as outlined in this resolution.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Emailed:	N/A	Number of Responses:	N/A
Warranty:	Per Manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until Complete	Estimated Delivery:	As needed
Recommended Award to:	Milton CAT, local representative to Caterpillar, Inc.	Fund:	CIP
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval.

[B21040 – NJPA RFP#120617 Results and Award](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.4.

Resolution Number: **R – 2021.01.13 – 005**

Resolution Re: B21042 Holmatro Rescue Tools - State of MA Contract with Industrial Protection Services, LLC

WHEREAS: There are several State of Massachusetts contract pricing schedules available for municipal use with various vendors that offer discounts off manufacturer's suggested retail pricing for public safety equipment, supplies, services and repairs under contract #FIR04 and #FIR04A. Industrial Protection Services, LLC of Salem, NH is one such participating vendor with whom the City has previously worked with; and

WHEREAS: The City received a quote from Industrial Protection Services, LLC to purchase Holmatro rescue tools in the amount of \$32,469.00. While typically a 2% discount, this pricing represents a discount of approximately 24% off list prices; and

WHEREAS: Per 5-29B, Exemptions to Competitive Bidding of the Dover Purchasing Procedure, the Purchasing Agent may, with approval of the City Manager, waive bidding procedures when purchasing through the State of New Hampshire or at State bid prices, other governmental agencies or cooperative buying groups.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The Purchasing Agent is hereby authorized to issue a Purchase Order to Industrial Protection Services, LLC of Salem, NH for the purchase of Holmatro rescue tools in the amount of \$32,469.00 The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
1009.1.220.42220.4741.00000.90.	F&R Suppression - Machinery & Equipment	36,841.64	36,841.64

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

Approved as to Legal Joshua Wyatt
Form and Compliance: City Attorney

Recorded by: Susan Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.4.

Resolution Number: **R – 2021.01.13 – 005**

Resolution Re: B21042 Holmatro Rescue Tools - State of MA Contract with Industrial Protection Services, LLC

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Vacant, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.4.

Resolution Number: **R – 2021.01.13 – 005**

Resolution Re: B21042 Holmatro Rescue Tools - State of MA Contract with Industrial Protection Services, LLC

RESOLUTION BACKGROUND MATERIAL:

Dover Fire carries hydraulic rescue tools on its Heavy Rescue vehicle, and on the fire engine that responds first due to the Spaulding Turnpike (currently assigned to the South End Fire Station). These tools, commonly referred to as the “Jaws of Life”, provide extrication and vehicle stabilization ability at car accidents involving patient entrapment. In 2013, the hydraulic tools on the Heavy Rescue were replaced, and those tools were assigned to the South End Engine. At the time of their replacement, they were 22 years old. These new hydraulic tools, now with “cordless” battery powered technology, will replace the outdated tools transferred from the Heavy Rescue. The 8 year old corded tools on the Heavy Rescue will be replaced in conjunction with that vehicle’s planned CIP replacement (currently estimated FY26).

Fire & Rescue personnel invited 4 different manufacturers to bring their tools in for use on donated vehicles in a training environment. Personnel had the opportunity to try all 4 types in realistic vehicle/rescue scenarios. Holmatro was chosen for the features, comfort, design, weight, functionality, and ability to remain charged using the vehicle’s on-board electrical system (vs removeable batteries).

Award Information:

A purchase order will be issued to the vendor selected to authorize future expenditures.

Purchasing Information:

Type:	Purchase Order	Advertised:	No
Invitations Mailed:	N/A	Number of Responses:	N/A
Warranty:	N/A	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	No
Prices will hold for:	12/31/2021	Estimated Delivery:	Immediately
Recommended Award to:	Industrial Protection Services, LLC	Fund:	CIP
Other Approvals Required:	Yes, contract extension approved through 12/31/2021 by the State of MA	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval.

[B21042 – State of MA Contract#FIR04 Award and Pricing](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.5.

Resolution Number: **R – 2021.01.13 – 006**
Resolution Re: Purchase of Zoll ZVent Portable Ventilators - Sole Source Purchase

WHEREAS: The City received a quote from Zoll Medical Corporation to purchase two ZVent Portable Ventilators and accessories in the amount of \$34,228.76; and

WHEREAS: Zoll Medical Corporation is the only company that manufacturers and markets the ZVent Portable Ventilator, thereby creating a sole source purchase. In addition, this piece of equipment is the same model being used by Wentworth-Douglass Hospital; and

WHEREAS: Funds for this purchase have been approved through the State of NH Department of Justice Coronavirus Emergency Supplemental Funding Program; and

WHEREAS: Per 5-29.F Exemptions to Competitive Bidding: Sole Source purchases where the proposed purchase is manufactured or provided by only one entity.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The Purchasing Agent is hereby authorized to issue a Purchase Order to Zoll Medical Corporation of Chelmsford, MA for the purchase of two ZVent Portable Ventilators and accessories in the amount of \$34,228.76. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
2210.1.220.42220.4741.02280.20	Machinery & Equipment	84,090.63	46,403.69

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

Approved as to Legal
Form and Compliance: Joshua Wyatt
City Attorney

Recorded by: Susan Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.5.

Resolution Number: **R – 2021.01.13 – 006**
Resolution Re: Purchase of Zoll ZVent Portable Ventilators - Sole Source Purchase

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Vacant, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.5.

Resolution Number: **R – 2021.01.13 – 006**
Resolution Re: Purchase of Zoll ZVent Portable Ventilators - Sole Source Purchase

RESOLUTION BACKGROUND MATERIAL:

Fire and Rescue, in accordance with Section 2 of its Strategic Plan, continues to identify infrastructure and equipment needs that require upgrades, replacement or initial purchases in order to align with the changing needs and landscape of our community healthcare system. In the current Covid-19 pandemic, the organization's lack of portable ventilators on its Advanced Life Support (ALS) ambulances was identified as a gap in our service delivery capability. Fire & Rescue is frequently called upon to provide emergency transport services from Wentworth Douglass Hospital (WDH) to acute care facilities in Boston, MA, Portland, ME, and Hanover, NH. These patients frequently require the assistance of a ventilator and to date, whenever a transport occurs from WDH, their equipment and trained staff are required to accompany the patient on what is frequently a 5 hour round trip service. By outfitting the (2) front line ambulances with portable ventilators, it will allow WDH to maintain this critical equipment in their own facility, giving DFR the capability to fully support this need, in addition to any other ventilator-assistance that may be required of any patient we transport in other emergent situations. Fire & Rescue staff identified the State of NH Department of Justice Emergency Supplemental Funding program as a means to fund this critical need. Our application was successful, providing the opportunity for the cost for this equipment to be fully funded via the federal grant.

Bid Information:

No bid solicitation as this is a sole source purchase.

Award Information:

A purchase order will be issued to the vendor selected to authorize future expenditures.

Purchasing Information:

Type:	Purchase Order	Advertised:	No
Invitations Mailed:	N/A	Number of Responses:	N/A
Warranty:	N/A	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	No
Prices will hold for:	Until Completion	Estimated Delivery:	Immediately
Recommended Award to:	Zoll Medical Corporation	Fund:	DOJ Grant
Other Approvals Required:	Yes, approved through State of NH DOJ	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.6.

Resolution Number: **R – 2021.01.13 – 007**

Resolution Re: Authorization to Commit Additional Funds - Great Bay
Estuary – Retention of Outside Legal Counsel

WHEREAS: On October 14, 2020, the Council authorized \$50,000.00 via resolution [R-2020.10.14-165](#) to engage a nationally renowned law firm, Aqualaw, PLC of Richmond, VA, which specializes in assisting municipal clients with Clean Water Act regulations; and

WHEREAS: The projected funding needed to continue fees incurred to date are approximately \$30,000.00 for an estimated total cost of \$80,000.00, thereby exceeding the threshold of \$25,000.00 and requiring Council approval; and

WHEREAS: Per 5-28, competitive bidding, if it applies, may be waived by vote of the Council, and this vendor is well-qualified and, through its past work, is already familiar with the matters at hand.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The Purchasing Agent is hereby authorized to issue a Purchase Order to Aqualaw, PLC of Richmond, VA to continue to assist the City through counseling and representation, on an as needed basis, regarding permit compliance for the Great Bay Total Nitrogen Permit in an amount not to exceed \$30,000.00. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
5320.1.300.43256.4334.00000.00	CS - Sewer - WWTP - Legal Services	55,000.00	34,237.48

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

Approved as to Legal
Form and Compliance: Joshua Wyatt
City Attorney

Recorded by: Susan Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.6.

Resolution Number: **R – 2021.01.13 – 007**
Resolution Re: Authorization to Commit Additional Funds - Great Bay
Estuary – Retention of Outside Legal Counsel

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

In January 2020, the United States Environmental Protection Agency issued its Draft Great Bay General Permit for public notice and comment, which presented complex legal and regulatory issues and therefore has required retention of specialized legal services.

The permit has now been finalized and the City has been reviewing the permit with counsel, and is preparing to undertake permit compliance tasks.

The City has retained outside legal counsel experienced in the federal Clean Water Act (“CWA”) to assist on federal and state regulatory aspects of the Great Bay Estuary. Aqualaw PLC’s applicable rates, valid through December 31, 2021, are as follows:

Lead Attorney	\$530.00 per hour
Attorneys	\$340.00 - \$530.00 per hour
Paralegals	\$195.00 per hour



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.7.

Resolution Number: **R – 2021.01.13 – 008**

Resolution Re: Authorization to Commit Funds for the National Pollution Discharge Elimination System Permit

WHEREAS: The Environmental Protection Agency (EPA) has issued the National Pollutant Discharge Elimination System (NPDES) Great Bay Total Nitrogen General Permit for Wastewater Treatment Facilities in New Hampshire; and

WHEREAS: The NPDES permit will require ambient water quality monitoring, nitrogen pollution tracking and reporting these findings to the EPA which will be undertaken by collaborative efforts among permittees, regulators, the Piscataqua Region Estuaries Partnership (PREP), and other stakeholders; and

WHEREAS: The City wishes to participate in multi-community cost sharing, with the City of Rochester undertaking the engagement of Brown and Caldwell and seeking reimbursement from other communities. Brown and Caldwell will assist the cities with permit compliance and in the research and monitoring plan currently begin developed for the Great Bay Estuary, for which Dover's share of the total amount would not exceed \$21,843.33; and

WHEREAS: Per 5-28.B, Competitive Bidding Purchase; Waiver: Competitive bidding may be waived by a majority vote of the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

Competitive bidding is waived. The Purchasing Agent is hereby authorized to issue a Purchase Order to the City of Rochester for Dover's portion of cost sharing for the engagement of Brown and Caldwell. The City Manager, or designee, is hereby authorized to contract with the vendor or otherwise commit the City of Dover to funding an amount not to exceed \$21,843.33, consistent with the Purchase Order authorized herein.

Financing

Account	Description	Appropriation	Balance
5320.1.300.43256.4341.00000.00	CS - Sewer - WWTP - Technical Services	133,000.00	128,429.66

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

Approved as to Legal Joshua Wyatt
Form and Compliance: City Attorney

Recorded by: Susan Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.7.

Resolution Number: **R – 2021.01.13 – 008**
Resolution Re: Authorization to Commit Funds for the National Pollution
Discharge Elimination System Permit

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Vacant, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

Brown & Caldwell (BC) is the largest environmental engineering and construction firm solely focused on the U.S. water and environmental sectors. The arrangement proposed in this resolution has not only cost saving advantages and efficiencies, but also enhances collaborative efforts to undertake permit compliance and monitoring of the Great Bay and water quality.

Brown & Caldwell has remained involved in Great Bay-related data analysis and monitoring, either funded directly by Rochester, or through a collaborative effort amongst Great Bay Coalition Communities. Brown & Caldwell has conducted benthic studies within Great Bay, along with algal analyses in the estuary and along some of the contributing tributaries.

The lead scientist representing Brown & Caldwell will be Clifton Bell. Mr. Bell serves as BC's Technical Leader for Water Quality and TMDLs. He is recognized nationally for his expertise in Clean Water Act compliance, crafting solutions to complex water quality challenges and fostering consensus among public and private stakeholders. A former hydrologist with the U.S. Geological Survey, Clifton has led water quality management, NPDES, and TMDL projects across the country, from Florida to California. He is especially noted for his expertise in nutrient science and standards development. Related experience includes major contribution to the Chesapeake Bay Restoration efforts, co-authoring WERF guidance on nutrient modeling, leading a national review of nutrient permitting methods, and service on state science panels for nutrient criteria development.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.8.

Resolution Number: **R – 2020.01.13 – 009**

Resolution Re: Approval for Lot Line Restoration on 88 Old Rochester Road (Tax Map A13, Lot L)

WHEREAS: RSA 674:39-aa allows property owners whose property has been involuntarily merged by a municipality prior to September 18, 2010 to apply to the City Council to unmerge the lots, provided certain statutory criteria have been met; and

WHEREAS: Saul and Mildred Cote, owners of 88 Old Rochester Road (Tax Map A13, Lot L), have applied for a lot restoration of their property into two former lots that had historically existed; and

WHEREAS: City staff have reviewed the application and found no or insufficient evidence of voluntary lot merger that might otherwise preclude restoration.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL:

Pursuant to RSA 674:39-aa, the lot restoration application of Saul and Mildred Cote is approved and the former lot lines of the property owned by the at 88 Old Rochester Road (Assessor's Map A13, Lot L) are hereby restored to two lots, as shown on the plan entitled Plan for Lots Pine Acres, Dover New Hampshire dated November 1955 referenced in the background of, and attached to, this resolution (and recorded with the Strafford County Registry of Deeds at Pocket 6, Folder 2, Plan 39).

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By request

Approved as to Legal
Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Susan M. Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.8.

Resolution Number: **R – 2020.01.13 – 009**

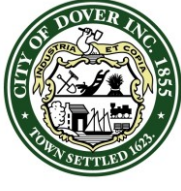
Resolution Re: Approval for Lot Line Restoration on 88 Old Rochester Road (Tax Map A13, Lot L)

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Vacant, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

 CITY OF DOVER	CITY OF DOVER - RESOLUTION Agenda Item#: 14.A.8. Resolution Number: R – 2020.01.13 – 009 Resolution Re: Approval for Lot Line Restoration on 88 Old Rochester Road (Tax Map A13, Lot L)
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RESOLUTION BACKGROUND MATERIAL:

See (1) application submitted by owner and related materials, and (2) plan entitled Plan for Lots Pine Acres, Dover New Hampshire dated November 1955 (recorded with the Strafford County Registry of Deeds (“SCRD”) at Pocket 6, Folder 2, Plan 39). On the accompanying plan, City staff have outlined the two restored lots in red border on the attached 1955 map. The owners have submitted two deeds for the lots, one recorded with the SCR D at Book 642, Page 261, and another recorded with the SCR D at Book 657, Page 299. City staff researched the property and found no or insufficient evidence of voluntary merger as to the proposed restoration of lots.

By way of background, RSA 674:39-aa allows property owners whose property has been involuntarily merged by a municipality to apply to the City Council to unmerge the lots. A copy of the statute appears below:

I. In this section:

- (a) "Involuntary merger" and "involuntarily merged" mean lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.
- (b) "Owner" means the person or entity that holds legal title to the lots in question, even if such person or entity did not hold legal title at the time of the involuntary merger.
- (c) "Voluntary merger" and "voluntarily merged" mean a merger under RSA 674:39-a, or any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.

II. Lots or parcels that were involuntarily merged prior to September 18, 2010 by a city, town, county, village district, or any other municipality, shall at the request of the owner, be restored to their premerger status and all zoning and tax maps shall be updated to identify the premerger boundaries of said lots or parcels as recorded at the appropriate registry of deeds, provided:

- (a) The request is submitted to the governing body prior to December 31, 2021.
- (b) No owner in the chain of title voluntarily merged his or her lots. If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be estopped from requesting restoration. The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots.

III. All decisions of the governing body may be appealed in accordance with the provisions of RSA 676.

...



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.8.

Resolution Number: **R – 2020.01.13 – 009**

Resolution Re: Approval for Lot Line Restoration on 88 Old Rochester Road (Tax Map A13, Lot L)

V. The restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing local land use ordinances.

...

RSA 673:39-aa.

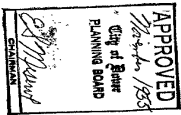


1. LEAD TO ENTIRE TRACT :
LEAH E. CLEVELLE TO J. CARLYLE
ROBERTS, OCT 6, 1955 BK 652 PG 157
2. WATER SUPPLY - BY INDIVIDUAL WELLS,
SEWAGE DISPOSAL BY SEPTIC TANK.
3. NO PRIVATE SEWAGE DISPOSAL SYSTEM MAY BE
WITHIN 15 FEET OF A WELL OR HOUSE OTHER
THAN THAT TO WHICH IT IS APPARENTLY
WITHOUT APPROVAL. BY THE HEALTH OFFICER
(SECTION 6 CHAPTER 135 R. 1-1-74)

PLAN FOR LOTS
PINE ACRES
DOVER, NEW HAMPSHIRE

SCALE — 1 INCH = 50 FEET

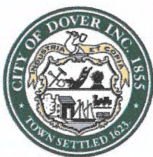
NOVEMBER 1955



FILE 31-45

Products, Studies, Plans #39

10:10 am. July 8, 1958



City of Dover, New Hampshire APPLICATION FOR LOT RESTORATION

[Revision Date: July 27, 2017]

RECEIVED
Planning Office

Office Use Only

Date Received **NOV 26 2020**

In accordance with RSA 674:39 aa, lots or parcels that were involuntarily merged by municipal action for zoning, assessing, or taxation purposes prior to September 18, 2010 shall be restored to their premerger status provided that request is submitted to the City Council prior to December 31, 2021 and no owner in the chain of title voluntarily merged his or her lots.

APPLICANT AND OWNER INFORMATION

Name of Applicant: SAULA & MILDRED COTE Telephone # 603-767-1654
Address of Applicant: 88 OLD ROCHESTER RD E-Mail Address PAMELAC55@YAHOO.COM
Name of Property Owner (if different from applicant): _____ Telephone # _____
Address of Property Owner: _____ E-Mail Address _____

PROPERTY INFORMATION

Assessor's Map # A-13 Lot # L Zoning District(s) RESIDENTIAL

Please provide:

- A Copy of the deed for the parcel(s)/lot(s)
- A Copy of any recorded plans or surveys which may depict the premerger configuration of any lots.
- If any part of the existing map/lot is improved by a structure, the applicant must provide a signed & stamped as-built survey which reflects the location of the structure.
- If the applicant is someone other than the property owner, a letter from the property owner authorizing the applicant to submit this application and make the request to restore the property owner's lot(s) to pre-merger status.

REQUEST CERTIFICATION

I/we hereby verify by signing this application that I/We understand that the restoration of the lots to their premerger status shall not cure any non-conformity with existing land use ordinances. It is further understood that the above described lots shall no longer be assessed as one lot for property tax evaluation purposes.

Signature of Property Owner: Saul A Cote Pamela J Cote (POA) Date: 11/23/20

Signature of Applicant (if different from owner): _____ Date: _____

=====

(For Office Use Only)

In accordance with RSA 674:39 aa, we have found no evidence of voluntary lot merger.

Tax Assessor Don Zyglis Date 12/9/20

Zoning Administrator Elena Pichot Date 12/7/20

**Property Information**

Property ID G0024-J00003
Location COLUMBUS AV
Owner LADEBUSH RAYMOND
Land Use 130



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 5/20/2020
Data updated Daily





CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.9.

Resolution Number: **R – 2021.01.13 – 010**

Resolution Re: Approval of Committee for Racial Equity and Inclusion
Amendments to Operating Rules

WHEREAS: By resolution passed on December 9, 2020 (R-2020.12.09 – 204), the City Council approved the Operational Rules for the Ad Hoc Committee for Racial Equity and Inclusion;

WHEREAS: The Ad Hoc Committee for Racial Equity and Inclusion met on December 16, 2020, and voted to amend its Operating Rules as set forth in the attachment to this resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The City Council approves the amendments adopted by the Operational Rules for the Ad Hoc Committee for Racial Equity and Inclusion on December 16, 2020.

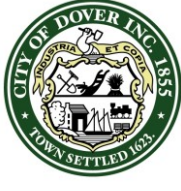
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By request

Approved as to Legal
Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Susan M. Mistretta
City Clerk

 CITY OF DOVER	CITY OF DOVER - RESOLUTION Agenda Item#: 14.A.9. Resolution Number: R – 2021.01.13 – 010 Resolution Re: Approval of Committee for Racial Equity and Inclusion Amendments to Operating Rules
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DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Vacant, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

See attached amended Operational Rules for the Ad Hoc Committee for Racial Equity and Inclusion, which were adopted by the committee on December 16, 2020.

[Dover Code Section 9-1\(F\)](#) requires that the City Council approve committee rules.

Joshua M. Wyatt
City Attorney
j.wyatt@dover.nh.gov



288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 516-6520
Fax: (603) 516-6523
www.ci.dover.nh.gov

OPERATING RULES

COMMITTEE FOR RACIAL EQUITY AND INCLUSION

Article I. Name

The name of the Committee is the **Ad-Hoc Committee for Racial Equity and Inclusion** (hereinafter “Committee”).

Article II. Purpose, Authority, Duties and Termination

- A. The purpose and authority of this Committee is to review data, hold listening sessions, and recommend to the City Council and City Manager, an action plan outlining existing and new steps to be taken to work to eliminate ~~any potential relies of past~~ systemic racism in municipal operations, including boards and commissions, and foster a welcoming and inclusive environment for all. The Committee shall work closely with City staff through the City Manager to gather necessary information on municipal operations, and will coordinate as necessary with the Dover Schools Racial Equity Vision Keepers Committee.
- B. The Committee’s authority and existence shall be advisory and for a limited duration.

Article III. Membership

- A. **Membership.** The Committee shall be composed of the following members:
- (a) One City Councilor recommended by the Mayor and ratified by the City Council, appointed on an ex officio basis;
 - (b) One School Board Member appointed by the School Board on an ex officio basis;
 - (c) Nine members of the community at large with knowledge, interest, and/or experience in addressing systemic racism and bias, as recommended by the City Council’s appointments committee and ratified by City Council;
 - (d) Up to two alternate members fulfilling any of the criteria above as recommended by the City Council’s appointments committee and ratified by City Council;
 - (e) Exceptions to the Dover residency requirement within Dover Code § 9-1(E) may be made if recommended by the City Council’s appointments committee and approved by the City Council.

- B. **Attendance, Vacancies and Removal.** Unless otherwise provided by the appointing authority, all appointments to the Committee shall serve for a designated term and are expected to attend all schedule and properly noticed meetings of the committee. Attendance shall be recorded for all meetings and absences may be excused in advance by ~~the~~a Chair. Any appointments made to fill any vacancies shall be for the full remainder of the predecessor's term, to begin the date of appointment by the appointing authority unless otherwise provided. Conditions for removal of any Committee member, including for lack of attendance, shall be defined by statute, ordinance, Charter, or common law.

Article IV. Officers and Staffing

- A. **Officers.** The officers consist of two a Co-Chairs, Vice Chair, ~~and~~ Secretary, and Alternate Secretary, who shall be selected by the membership and who shall serve at the pleasure of the membership for one-year terms, though such terms shall expire sooner if and when the committee itself lapses or ceases to exist. Officers may be re-elected.
- B. **Duties of the Co-Chairs.** The ~~Chair~~Co-Chairs shall have general supervisory and directional powers over the Committee. The Co-Chairs ~~Chair~~ shall preside at all Committee meetings and, in consultation with the Vice Chair, shall set the Committee's agenda. The ~~Chair~~Co-Chairs shall also be ~~an~~ex-officio members of all subcommittees and shall be the sole spokespersons for the Committee, unless this responsibility is delegated by vote of the committee and recorded in the meeting minutes.
- C. **Vice Chair.** The Vice Chair shall execute all powers of the Co-Chairs ~~Chair~~ in the absence of the ~~Co-Chairs~~Chair.
- D. **Secretary/Alternate Secretary.** The Secretary/Alt Secretary shall take written minutes and make an audio recording of each meeting and transmit them promptly to the City Clerk in conformance with the- requirements established by the City Clerk.
- E. **Staff.** The City of Dover may provide staff support to the Committee for meeting notification, typing, copying, and information gathering to the extent permitted by the City budget and within the authority vested in the City Manager. All staff shall remain under the direction of the employer.

Article V. Procedures

- A. **Meetings.** The Committee shall hold regular meetings as necessary at a time and place designated by ~~the~~a Co-Chair. The business of the public shall be conducted in public session unless otherwise permitted by state law. All meetings of the Committee and subcommittees shall be posted to comply with state law in accordance with procedures established by the City Clerk. State law requires all meetings to be posted in two (2) places with a minimum of twenty-four (24) hours notice.
- B. **Quorum.** Six (6) members of the voting membership of the Committee shall constitute a quorum.
- C. **Parliamentary Authority.** The parliamentary authority for the Committee is *Robert's Rules of Order Revised, 11^b ed*, except as provided by these rules or local, state or federal law.
- D. **Minutes.** Written minutes shall be kept for all meetings of the Committee. The minutes shall include the names of the members in attendance, all actions, motions and resolutions

coming before the public body including the votes of the members, and a summary of all discussions. Draft minutes shall be provided to the City Clerk within five (5) business days of each meeting for posting on the city website in draft form. Draft minutes shall be clearly marked "DRAFT". Draft minutes with or without revisions shall be approved by the committee at the next meeting of the committee, or as soon as possible. Final approved minutes shall be provided to the City Clerk for posting on the city website.

- E. **Recording of Meetings.** The Committee shall arrange for video or audio recording of all meetings consistent with the requirements of Dover's Code. All recordings shall be provided to the City Clerk within five (5) business days of the meeting.
- F. **E-mail accounts.** Committee members who do not already have a City of Dover e-mail address may obtain same to facilitate communications regarding meetings, agendas and the dissemination of information. Committee members shall refrain from using e-mail to discuss issues with other members where the e-mail discussion directly or indirectly involves a quorum of the committee. In addition, committee members shall refrain from conducting the official business of the Committee outside the view of the public and the news media unless permitted by state law.
- G. **Nonpublic meetings.** The Committee shall conduct only nonpublic meetings pursuant to the laws of the State of New Hampshire. The Chair shall conduct nonpublic meetings utilizing the Checklist prepared by the City Attorney for nonpublic meetings.
- H. **Amendment of Rules.** These rules may be repealed or amended by a vote of the Dover City Council based upon the recommendation of the Committee.

APPROVED AND RECOMMENDED BY THE COMMITTEE ON December 16, 2020

APPROVED BY THE DOVER CITY COUNCIL ON _____



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.10.

Resolution Number: **R – 2021.01.13 – 011**
Resolution Re: Dissolution of the Ad Hoc Dover 400th Anniversary
Committee and Authorization to Grant Appropriated
Funds to the Independent Non-Profit Dover400

- WHEREAS: The year 2023 will mark the 400th anniversary of the settling of Dover—the 7th oldest settlement in the United States and the oldest settlement in New Hampshire; and
- WHEREAS: By resolution in May 2017 ([R-2017.05.24-054](#)), subsequently repealed and replaced by resolution in October 2017 ([R-2017.10.11-137](#)), Dover’s 400th Anniversary Committee has been created as an ad-hoc committee pursuant to Dover’s Code (*see* [Dover Code § 9-1\(j\)](#)); and
- WHEREAS: Dover’s 400th Anniversary Committee was scheduled to lapse on March 31, 2024, unless earlier terminated by the City Council; and
- WHEREAS: Dover’s 400th Anniversary Committee has been diligently undertaking its business, but has found that there are advantages to converting to a nonprofit corporation, rather than operating as an ad hoc committee of the City Council; and
- WHEREAS: Members of Dover’s 400th Anniversary Committee have formed a New Hampshire nonprofit corporation known as Dover400, with the intention of shifting the committee’s existence and activities to Dover400; and
- WHEREAS: This resolution is intended to facilitate the transition of Dover’s 400th Anniversary Committee from an ad hoc committee of the City Council, to the nonprofit organization known as Dover400.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

Dover’s 400th Anniversary Committee is hereby dissolved and R-2017.10.11-137 is hereby rescinded effective upon passage of this resolution. The City Council encourages Dover400 to accept the current members of Dover 400th Anniversary Committee as members, directors and/or officers of Dover 400.

AND, FURTHER BE IT RESOLVED THAT:

The mission and purposes of Dover400 serves the public benefit. The City Manager is hereby authorized to negotiate, finalize, and enter into a multi-year grant agreement with Dover400 to allow for appropriated funds and funds collected through donations and the City’s sales of 400th merchandise to be granted and provided to Dover400 by the City of Dover, provided the grant agreement contains sufficient and reasonable controls and oversight to ensure all funds are used for the intended public purpose of benefitting the City of Dover through honoring the City’s past, celebrating its present, and inspiring the its future through meaningful and creative community engagement culminating in one or more 400th anniversary celebrations to be held in the City of Dover in 2023 .



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.10.

Resolution Number: **R – 2021.01.13 – 011**
Resolution Re: Dissolution of the Ad Hoc Dover 400th Anniversary
Committee and Authorization to Grant Appropriated
Funds to the Independent Non-Profit Dover400

AND, FURTHER BE IT RESOLVED THAT:

Once a grant agreement between the City and Dover400 is executed, the City Manager and Purchasing Agent are authorized to grant and expend to Dover400 the remainder of the existing FY2021 appropriation and funds collected through donations and the City's sales of 400th merchandise without further action of the City Council, as well as grant and expend future annually appropriated funds for Dover's 400th anniversary celebration without further action of the City Council. This resolution is intended to authorize all grants and expenditures without competitive bidding or other purchasing approvals as may otherwise be required in Dover Code Chapter 5, and to authorize the granting and expenditure of such appropriated funds by the Purchasing Agent without further action or approval of the City Council.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By request

Approved as to Legal
Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Susan M. Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.10.

Resolution Number: **R – 2021.01.13 – 011**
Resolution Re: Dissolution of the Ad Hoc Dover 400th Anniversary
Committee and Authorization to Grant Appropriated
Funds to the Independent Non-Profit Dover400

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Vacant, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.10.

Resolution Number: **R – 2021.01.13 – 011**
Resolution Re: Dissolution of the Ad Hoc Dover 400th Anniversary
Committee and Authorization to Grant Appropriated
Funds to the Independent Non-Profit Dover400

RESOLUTION BACKGROUND MATERIAL:

Dover's 400th Anniversary Committee has been hard at work and meeting regularly. Though it has accomplished a significant amount of planning during its existence, it has determined that converting to a nonprofit would have significant advantages to the accomplishment of its mission. Performing its services as a nonprofit would increase its flexibility for administration and fundraising, as well as expanded membership and involvement by the community. Planning and execution of the event by a nonprofit, rather than through government, is expected to result in a more inclusive, dynamic, and successful process. At least one other community in the region is successfully conducting similar historical celebration planning by way of municipal contributions toward a nonprofit. It is and will also be expected, however, that Dover400 support itself in substantial part through private fundraising activities.

Importantly, Dover400 would remain subject to multiple levels of control and oversight. At the City level, the grant agreement would provide contractual controls over the use of any public funds. At the State level, Dover400's status as a nonprofit corporation means it is a "charitable trust" within the meaning of New Hampshire law, see RSA 7:21, II, subject to oversight of the Charitable Trusts Director within the New Hampshire Department of Justice. For reference, the Articles of Agreement for Dover400 filed with the Secretary of State are attached to this resolution. Dover400 is on the list of New Hampshire registered charities. (available at: <https://www.doj.nh.gov/charitable-trusts/documents/registered-charities.pdf>).

Granting of public funds to Dover400 is also permitted by New Hampshire law governing budgets and use of public funds. RSA 31:4 authorizes cities, via RSA 47:1, to appropriate money for any purpose that "is not prohibited by the laws or constitution of this state." So long as there is a public benefit, see *Opinion of the Justices*, 88 N.H. 484 (1937), and money is not being directly given to a for-profit company, see *N.H. CONST.* Part II, Article 5, public funds may be provided to a nonprofit such as Dover400. Dover400's work serves a public purpose and benefits the City of Dover by raising the City's profile and ensuring a well-planned, quality, and meaningful celebration of the City's past, present, and future by way of the 400th anniversary events in 2023.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.1.

Resolution Number: **R – 2021.01.13 – 012**

Resolution Re: Decennial Consideration of Charter Commission Pursuant to Charter Section C11-11

WHEREAS: Pursuant to Section C11-11 of the City of Dover's Charter, at least once every ten years beginning in 2011 the City Council must consider whether to form a Charter Commission to review and make recommendations concerning the City's Charter; and

WHEREAS: As stated in the background of this resolution, a Charter Commission is required whenever a City undertakes a proposed "revision" to the City Charter, as defined in RSA 49-B:4-d to mean a change in the City's form of government.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

Shall a Charter Commission be created to review and make recommendations concerning the provisions of the Charter of the City of Dover?

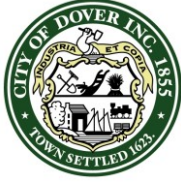
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By request

Approved as to Legal Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Susan M. Mistretta
City Clerk

 CITY OF DOVER	CITY OF DOVER - RESOLUTION	
	Agenda Item#: 14.B.1.	
Resolution Number: R – 2021.01.13 – 012 Resolution Re: Decennial Consideration of Charter Commission Pursuant to Charter Section C11-11		

DOCUMENT HISTORY:

First Reading Date: Approved Date:	Public Hearing Date: Effective Date:
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DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Vacant, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

[Section C11-11](#) of the City’s Charter requires that the City Council periodically consider whether to form a Charter Commission to review and make recommendations concerning the City’s Charter.

By statute, a Charter Commission is only required where a City undertakes a “revision” to the City’s Charter, which the statutes governing municipal charters define as a change to the City’s form of government. *See* [RSA 49-B:4-d](#); *see also* [RSA 49-B:4-e](#).

Minor “amendments” to the City’s Charter, such as those being studied currently by resolution authorizing the Ordinance Committee ([R-2020.10.28-186](#)), do not require the formation of a Charter Commission.

Accordingly, unless the City Council would like to form a Charter Commission to explore changing the City’s current Council/City Manager form of government, there is no need or requirement to form a Charter Commission at this time.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.2.

Resolution Number: **R – 2021.01.13 – 013**

Resolution Re: **Appropriation For FY2022 Water Meter Replacements
Program – Non-Debt Financed Project**

WHEREAS: The City Council desires to make public improvements and to finance these improvements with transfers from Reserve Trust Fund; and

WHEREAS: The City's Water Utility still has a substantial number of old water meters in service that need replacement to improve customer service for usage reading, billing processes, and leak detection; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL, THAT:
The following capital outlay is appropriated as part of the FY2022 Capital Improvements Program for the purposes so designated and the Finance Director is authorized to transfer the funds from the respective Reserve Fund in the amount listed.

Item	Description	Appropriation	Funding	Fund
1	Water Meter Replacement Program	\$704,000	Water Fund Capital Reserve	Trust
	Total	\$704,000		

Note: This resolution requires a public hearing and a 2/3 majority vote according to C6-6 of the charter.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

Approved as to Legal: Joshua Wyatt
Form and Compliance: City Attorney

Recorded by: Susan Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.2.

Resolution Number: **R – 2021.01.13 – 013**
Resolution Re: **Appropriation For FY2022 Water Meter Replacements
Program – Non-Debt Financed Project**

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti, Ward 2		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Vacant, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.2.

Resolution Number: **R – 2021.01.13 – 013**
Resolution Re: **Appropriation For FY2022 Water Meter Replacements
Program – Non-Debt Financed Project**

RESOLUTION BACKGROUND MATERIAL:

This resolution appropriates Water Fund capital reserve funds to finance a portion of the remaining funding needed to complete the replacement of water meters from old Trace and Orion to the new Galaxy meters. There is currently 1,862 Trace meters and 2,176 Orion meters that need to be replaced at an estimated cost of \$1,177,326.

The City currently has \$298,326 available in FY2019 CIP appropriation for Water Meter replacement program, and the FY2022 proposed Water Fund operating budget will contain an appropriation of \$175,000 for water meter replacement. The remaining funding needed to achieve replacement of all the old meters is \$704,000.

The Community Services department has been making substantial progress in changing out the Trace and Orion meters and the goal would be to continue that momentum and get all the meters changed out within 12 to 14 months.

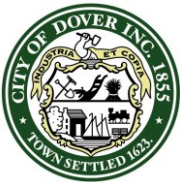
The importance of obtaining the funding now is to be able to order the replacement meters from Badger as soon as possible, as the City is finding that the lead time for having orders fulfilled is increasing.

The City was lucky to be able to obtain used meter reading technology from a community in the mid-west to allow for reading Orion meters. The City's Orion meter reading device failed at the start of our last quarterly billing cycle. Absent obtaining that used device would have resulted in the manual reading of approximately 2,176 meters. Even with the meter reading devices, there are still a lot of the Trace and Orion meters that require manual reads for each billing cycle. This manual process of reading meters has resulted in some billing cycles for quarterly meters being 100 plus days instead of the standard 90 day billing cycle.

The sooner all meters are converted to Galaxy would improve billing cycles, timeliness of billings, and provide additional customer service to aid in leak detection for homeowners since the Galaxy meters have the ability to track hourly water use.

The following table reflects the amount to be appropriated from the Water Fund capital reserve and the projected balance as of 6/30/2021:

	Proposed	Balance
Description	Appropriation	6/30/2021
Water Fund Capital Reserve	\$704,000	\$2,152,900
Total	\$704,000	



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.3.

Resolution Number: **R – 2021.01.13 – 014**

Resolution Re: **Expanding the Provisions of RSA 79-E Relative to the Community Revitalization Tax Relief Incentive Program**

WHEREAS: The Planning Board of the City of Dover adopted the Master Plan Visioning Chapter on August 28, 2012 and a Land Use Analysis Chapter on February 24, 2015, which specifically identify the need for infill redevelopment and continued development in the downtown area; and

WHEREAS: On June 24, 2015, the Dover City Council adopted resolution [R-2015.06.10-077](#), implementing the provisions of RSA chapter 79-E in a limited area around City Hall; and

WHEREAS: Expanding the provisions of RSA 79-E, which have been successfully used on Washington Street, would be a beneficial economic development tool for other areas of the Central Business District where deemed appropriate by the City Council; and

WHEREAS: The City Council wishes to encourage the preservation of historic buildings located in the Central Business District and incentivize affordable housing be provided in addition to market rate housing within those structures; and

WHEREAS: RSA chapter 79-E "Community Revitalization Tax Relief Incentive" declares it a public benefit to encourage the rehabilitation of underutilized structures in urban and town centers as a means of encouraging growth of economic, residential and municipal uses in a more compact pattern, in accordance with RSA 9-B.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL:

Dover hereby expands the provisions of the City's existing RSA chapter 79-E "Community Revitalization Tax Relief Incentive" enabling municipalities to provide for short-term property assessment tax relief.

"Substantial rehabilitation" shall mean rehabilitation of a qualifying structure which costs at least 220 percent of the pre-rehabilitation assessed valuation.

The City shall require the signing of a Developer's Agreement documenting a commitment of a guaranteed tax assessment equal to or exceeding 220 percent of the pre-rehabilitation assessed valuation.

"Tax relief period" shall mean that for a period of time up to five years, as determined by the City Council, the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation thereof. An additional year, up to four additional years, may be added upon the five years, for each provision that ten percent of the housing created will have rental rates which do not exceed the HUD 80% Rent Limit for the Portsmouth/Dover/Rochester MSA and shall be rented to tenants earning no more than 80% of the median income for the Portsmouth/Dover/Rochester MSA.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.3.

Resolution Number: **R – 2021.01.13 – 014**

Resolution Re: **Expanding the Provisions of RSA 79-E Relative to the Community Revitalization Tax Relief Incentive Program**

The City shall require the property owner to grant to the City a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted, including prohibiting conversion to a tax exempt property and shall require the property owner to obtain casualty insurance, and flood insurance if appropriate, for twice the term of the tax relief. Should the affordable housing provisions be used, the covenant shall protect those units for three times the life of the relief period.

The City shall require the property owner to grant to the City a lien against the property for the purpose of ensuring proper restoration or demolition of damaged structures and property.

If the covenant is terminated for any reason, the City shall assess all current and arrears taxes to the owner as though no tax relief was granted, with interest in accordance with RSA 75.

That the accompanying map titled "RSA 79-E Community Revitalization Tax Relief Incentive January 2021" is hereby adopted and complements the map entitled "RSA 79-E Community Revitalization Tax Relief Incentive June 2015" as the districts where properties are eligible for consideration of this program.

TO BE REFERRED TO A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding:

Daniel R. Lynch
Finance Director

Sponsored by:

Mayor Robert Carrier
By request

Approved as to Legal Form
and Compliance:

Joshua Wyatt
City Attorney

Recorded by:

Susan Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.3.

Resolution Number: **R – 2021.01.13 – 014**

Resolution Re: **Expanding the Provisions of RSA 79-E Relative to the Community Revitalization Tax Relief Incentive Program**

DOCUMENT HISTORY:

First Reading Date:

Public Hearing Date:

Approved Date:

Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Vacant, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

 CITY OF DOVER	CITY OF DOVER - RESOLUTION	
	Agenda Item#: 14.B.3. Resolution Number: R – 2021.01.13 – 014 Resolution Re: Expanding the Provisions of RSA 79-E Relative to the Community Revitalization Tax Relief Incentive Program	

RESOLUTION BACKGROUND MATERIAL:

Several years ago, at the City Council workshop meeting on June 3, 2015, the Council received a presentation from staff relative to RSA 79-E "The Community Revitalization Tax Relief Incentive" program. This is a program that provides short-term property assessment tax relief and a related covenant to protect the public benefit that is being created. The City Council adopted the provisions on June 24, 2015, including a map designating a portion of the Central Business District between Central Avenue, Washington, Chestnut and St Thomas Streets, as outlined on the adopted map titled: "RSA 79-E Community Revitalization Tax Relief Incentive."

At the City Council workshop meeting on January 6, 2021, further information was provided to the City Council about the expanded RSA 79-E district proposed in this resolution.

The purpose of the program is to encourage reinvestment in existing buildings/structures within the downtown area. This would include either the demolition or subsequent rebuilding of a structure, or the rehabilitation of the existing structure. To qualify, the building must be a "qualifying structure," which means it is a building located in a district officially designated by the municipality master plan, or by zoning ordinance, as a downtown, town center, central business district or village center.

In addition, the value of the rehabilitation must be equal to at least 220 percent of a building's pre-rehab assessed value, and that value must be agreed to by the developer in the form of a guaranteed tax assessment. Finally, the proposed substantial rehabilitation must provide a public benefit. In order to be considered a public benefit the substantial rehabilitation must provide at least one of the following, and the proposed replacement must provide one or more of the public benefits:

- It enhances the economic vitality of the downtown.
- It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of the downtown.
- It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.
- It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9B.
- It increases residential housing in urban or town centers.

The tax relief would be for a finite period of time during which time the property tax on the structure would not increase. When the finite tax relief has expired, the structure would be taxed at its full market value. The City Council may grant such tax assessment relief for a period of up to five years, beginning with the completion of the substantial rehabilitation.

 CITY OF DOVER	CITY OF DOVER - RESOLUTION Agenda Item#: 14.B.3. Resolution Number: R – 2021.01.13 – 014 Resolution Re: Expanding the Provisions of RSA 79-E Relative to the Community Revitalization Tax Relief Incentive Program
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The basic elements of the program, if adopted as presented, are:

- City Council needs to declare each project a public benefit to enhance downtown.
- Qualifying structures must be in the officially designated district.
- Substantial rehabilitation must equal or exceed 220 percent of original assessed value.
- Tax relief shall be only on the value of the new improvements.
- Tax relief period may be up to five years.
- For every 10% of units designated as rent-restricted, an additional year may be added to the tax relief period.
- Covenants shall assure the property is maintained and used for the intended purpose.
- Failure to maintain or utilize property as intended shall require full payment of all taxes.
- Liens shall be held for unpaid exempted taxes.
- Property owners must apply to the City Council, who shall hold a public hearing and determine it is a qualifying structure, it is substantial rehabilitation, there is a public benefit and for what duration the tax relief shall be granted.
- The Heritage Commission and Downtown TIF Advisory Commission shall review and endorse any application.

The above bulleted conditions give the City Council the controls necessary to assure tax exemptions are granted to projects that meet the objectives of the program and comply with the standards established. All redevelopment projects must be approved by the Planning Board as per normal Site Plan review procedures.

The City Council's granting of relief is discretionary and can be denied for any reason. The Council's decision to deny can only be set aside by the Superior Court or the Board of Tax and Land Appeals for bad faith or discrimination. In addition, the City Council may rescind the adoption of RSA 79-E at any time following the procedures provided in Section 79-E:3, which are the same procedures for adopting the RSA.

The resolution expands upon the existing relief by adding provisions that can expand the five-year tax relief period by up to four additional years if there are provisions for rent restricted housing. This expansion is being added to stress the community's desire to encourage a diversity of housing in Dover, particularly in adaptive reconstruction or new construction within the Central Business District.

By this resolution, the district is expanded, per the attached map, to include an additional area between the northerly side of First Street, the southerly side of Second Street, the easterly side of Central Avenue and the westerly side of Chestnut Street, totaling 3.6 acres, encompassing Assessor's Map 6 Lots 10, 10A, 11, 12, 14, 16, 17, 18, 19, 20, 21-1, 21-2, 21-3, 21-A, 22, 24, 25, 26, 27, 28, and 29. This area was identified because the properties are ones which are underutilized, and have potential for a higher and better use upon them via redevelopment. Typically, one to three story buildings exist with older infrastructure, within the area. Furthermore, there are examples of architecture that the community wishes to preserve. They are parcels which, with added commercial and residential opportunities, will positively contribute to Dover's economic vitality and contribute to overall growth in Dover's downtown.

RSA 79-E Community Revitalization Tax Relief Incentive January 2021

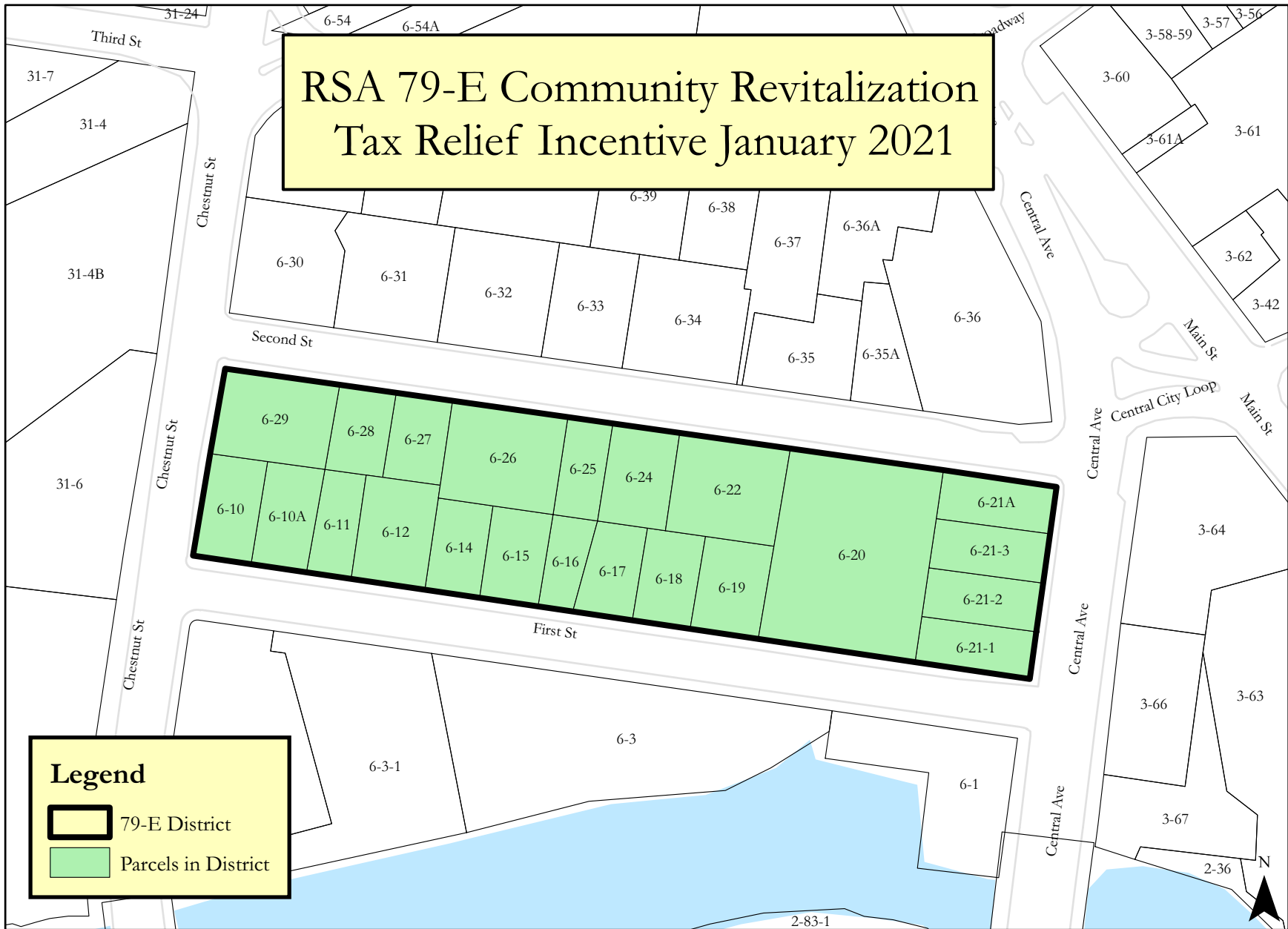
Legend



79-E District



Parcels in District



0 50 100 200 300 Feet



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.4.

Resolution Number: **R – 2021.01.13 – 015**

Resolution Re: Acceptance and Authorization of Development Agreement
Between the City of Dover and Chinburg Management, LLC

WHEREAS: The City of Dover is committed to development as part of its economic development goals and objectives in order to create a vibrant city; and

WHEREAS: Chinburg Management, LLC (also referred to hereinafter as “Developer”), who has a purchase and sales on the property located at Tax Map 6, Lot 20, consisting of 0.53 acres +/- along Second Street and First Street (commonly known as the “Old Courthouse”), is interested in redeveloping the property to the highest and best use; and

WHEREAS: City staff are negotiating a Development Agreement between Chinburg Management, LLC and the City of Dover for the redevelopment of the property. Pursuant to that draft agreement, the redevelopment of the property is projected to be valued at a minimum of \$7,000,000.00 by Tax Year 2024, which would serve as the Guaranteed Tax Assessment Value for the project site; and

WHEREAS: As part of the draft Development Agreement, the Developer would convey to the City a permanent easement underneath the Transportation Center, as well as a permanent easement for the Community Trail trailhead to the City of Dover, in exchange for impact fees associated with public safety and recreation. ; and

WHEREAS: The Developer hopes to take advantage of the provisions of RSA 79-E, recently enacted by the City Council; and

WHEREAS: The property will be redeveloped in a manner which will preserve the existing structure along Second Street and create an addition to the building over the parking lot on First Street consistent with the massing, design and architecture of the existing building, and will include affordable housing units for a period of 21 years; and.

WHEREAS: The property will be redeveloped in a manner consistent with the City's Master Plan, and consistent with a pro-diverse economic development policy endorsed by the Dover Business and Industrial Development Authority and Planning Board.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL:

The Term Sheet dated November 23, 2020 referenced in the background of this resolution and attached is approved and the City Council consents to and accepts such terms. The City Manager is authorized to enter into a Development Agreement with Chinburg Management, LLC related to development of the property known as Map 6, Lot 20, which fronts First Street and Second Street, consistent with the attached Term Sheet, and, provided any and all other approvals as may be necessary are obtained (e.g., Planning Board), to sign and execute such documents to be recorded with the Registry of Deeds, including any deed(s) and/or easement(s), consistent with the terms of the Development Agreement.

REFER TO A PUBLIC HEARING

Document Created by: Legal
Document Posted on: January 8, 2021

R-2021.01.13-Acceptance of Development Agreement Between
the City of Dover and Chinburg Management, LLC
Page 1 of 3



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.4.

Resolution Number: **R – 2021.01.13 – 015**

Resolution Re: Acceptance and Authorization of Development Agreement
Between the City of Dover and Chinburg Management, LLC

AUTHORIZATION

Approved as to Funding:

Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By request

Approved as to Legal
Form and Compliance:

Joshua Wyatt
City Attorney

Recorded by:

Susan Mistretta
City Clerk

DOCUMENT HISTORY:

First Reading Date:
Approved Date:

Public Hearing Date:
Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Vacant, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.4.

Resolution Number: **R – 2021.01.13 – 015**

Resolution Re: Acceptance and Authorization of Development Agreement
Between the City of Dover and Chinburg Management, LLC

RESOLUTION BACKGROUND MATERIAL:

See attached Development Agreement Term Sheet dated November 23, 2020.

**Development Agreement terms between City of Dover, New Hampshire (“City”) and
Chinburg Management, LLC (the “Developer”)**

Revision Date: November 20, 2020

1. The Developer seeks to redevelop the property known as Map 6, Lot 20, consisting of .53 acres, more or less, and which fronts First Street and Second Street, between Central Avenue and Chestnut Street (the “Project Site”). A more detailed agreement will be signed by the parties with the terms set forth herein and additional terms as is customary in New Hampshire (the “Development Agreement” or the “LDA”).
2. The Developer shall obtain final, unappealable site plan approval for the full build-out of the Project Site, by December 31, 2021, unless extended with the consent of the City which shall not be unreasonably withheld. If such approvals lapse for a period in excess of thirty (30) days, either party may terminate their obligations or the parties may provide for additional time, depending on the circumstances at that time.
3. The Developer shall hold meetings with the abutters prior to the Planning Board approval, and commencement of construction. These meetings shall be noticed to the City, and use the same abutting property list generated for the site plan submission to the Planning Board. The Developer shall invite the City and provide a copy of the attendance list to the City upon completion of the meeting.
4. As part of the development of the Project Site, the Developer desires to enter into a seven (7) year period where the taxes for the Project Site shall be set, as per New Hampshire RSA 79-E, at the assessed value for the Project Site in place at the time of the signing of this Term Sheet. The Dover City Council would need to enact the provisions of RSA 79-E, and the Developer, at its election, may apply for such tax relief. Adoption of RSA 79-E by the City is not a guarantee that the City will grant the Developer such requested relief if the application fails to meet requirements under RSA 79-E. Any tax relief granted shall be consistent with and in compliance with RSA 79-E. If granted, the period of tax relief pursuant to RSA 79-E shall commence upon the issuance of the first certificate of occupancy for any building to be developed on the Project Site (including a partial certificate of occupancy for that building); the parties agreeing that such certificate or partial certificate constitutes completion of a replacement structure for purposes of RSA 79-E:5.
 - a. If the City Council does not grant either the designation of the RSA 79-E district around the structure, or does not grant the relief sought by the Developer, either party may terminate their obligations or the parties may provide for additional time, depending on the circumstances at that time.
 - b. Beginning with Tax Year 2029 (assessment as of April 1, 2028 and first payment due December 1, 2028) the minimum Guaranteed Tax Assessment Value for the Project Site shall be seven million dollars (\$7,000,000.00). In Tax Year 2029 and each relevant tax year thereafter if the actual tax assessment is less than the Guaranteed Tax Assessment Value, the Developer shall owe and pay the tax shortfall to the City as if the Project Site was assessed at the Guaranteed Tax Assessment Value.
 - c. The parties acknowledge that upon issuance of certificates of occupancy for the improvements developed on the Project Site, the City will establish the actual assessment value of each respective improvement for which a certificate of occupancy is sought. During the period that the Guaranteed Tax Assessment Value for the Project Site is in place, if the actual assessment value for the Project Site decreases more than twenty-five percent (25%) from the most recent establishment of the actual assessment value of the Project Site in any five year period, and provided that the resulting actual assessment value is less than the Guaranteed Tax Assessment Value, the parties agree to discuss whether and how to continue with the Developer’s obligations to pay ad valorem taxes

based on the Guaranteed Tax Assessment Value for the Project Site, but the City is not required to grant any such relief.

5. The Developer shall provide the following Private Improvements:
 - a. Redevelopment of the site, including retaining the existing building. The existing building may be renovated for mixed-use with a minimum square footage of 3,500 SF for non-residential uses which may be located anywhere in the building. If said Commercial uses are not at the street level, the Developer may be required to request a Conditional Use Permit from the Planning Board. So long as the minimum non-residential square footage is satisfied, the existing building may have residential on the street level.
 - b. If redevelopment of the site creates a new building on the area currently used as a parking lot, the building's architecture shall complement and maintain the historic character of the existing building. The new building may be considered an addition to the existing building and may contain solely multi-family residential over street level parking. If there is no non-residential use on the street level, the Developer may be required to request a Conditional Use Permit from the Planning Board.
 - c. 20% of the residential units created shall be reserved, for three times the life of the 79-E period, for rental rates not to exceed the HUD 80% Rent Limit for the Portsmouth/Dover/Rochester MSA and shall be rented to tenants earning no more than 80% of the median income for the Portsmouth/Dover/Rochester MSA (the "Restricted Units").
 - i. The Restricted Units are permitted to float within the building; the designated units may change over time so long as the total number of Restricted Units remains constant.
 - ii. At each lease-up of a Restricted Unit, the tenant and property manager shall fill out a tenant income certification form and keep on file at the property manager's office. The City shall have access to the form and should any violation be found, the property manager shall have sixty (60) days to cure the violation. If the violation is not cured, the City may impose a penalty by requiring an additional Restricted Unit for a period of up to 12 months.
 - iii. The tenant income certification forms shall be updated every twelve (12) months. Should any tenant no longer meet the income eligibility requirements of the Restricted Units, the unit will continue to count towards the total for up to twelve (12) months while the property manager identifies and leases a different unit to a tenant who complies with the income requirements. The Restricted Unit designation will transfer to the newly leased unit.
6. The Developer shall grant a permanent easement to the City for the land underneath the "Dover Transportation Center" and an access easement to the Dover Transportation Center from Chestnut Street. The easement area shall be further described, but is displayed on exhibit A of this term sheet. The Developer shall work with the City to jointly develop the plan for the access easement whether a shared access or independent access from Chestnut Street for vehicles and pedestrians.
 - a. The granting of this easement shall be in lieu of the Developer paying Fire and Police Impact Fees for the proposed development on the Project Site
7. The Developer shall grant a permanent easement to the City for the land underneath the Community Trail as it crosses Map 31 Lot 4B, known as the Dover Transportation Center lot.
 - a. The granting of this easement shall be in lieu of the Developer paying Recreation Impact Fees for the proposed development on the Project Site.
8. Once this term sheet is accepted, approved, and signed off on by Eric Chinburg, representing the Developer, and the City Manager, the parties will work in good faith to formalize this term sheet within

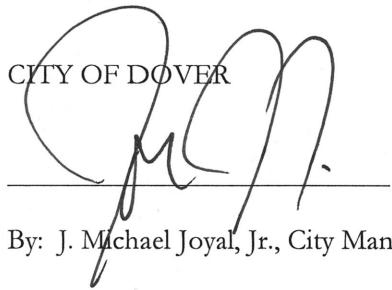
a comprehensive Development Agreement, which may contain additional terms deemed necessary or advisable by the parties. Any resulting Development Agreement will supersede this term sheet.

9. The City Manager shall seek to obtain approval from the City Council to draw a Community Revitalization District, separate from the previously established one off Washington Street. Should the City Council approve the designation, the Developer shall, at its sole expense, apply for relief as provided, for a term of no more than 7 years. Approval of said period is at the sole discretion of the City Council. The City Manager shall present the request to the City Council no later than January 27, 2021.
10. The City Manager shall seek to obtain approval from the City Council to execute the Development Agreement consistent with the terms and conditions in this term sheet. Any terms or conditions in the Development Agreement that represent changes or additions to the terms and conditions in this term sheet shall be subject to the consent and approval of the City, acting by and through its City Manager. Changes or additions considered material by the City Manager, in the City Manager's sole discretion, shall require approval by the City Council.
11. Nothing within this term sheet or any resulting Development Agreement shall in any way constitute or imply a required approval by the City Council or any City board, department, office, agency, or employee. Nothing within this term sheet or any resulting Development Agreement shall in any way relieve any of the parties from going through all required process and obtaining all required approvals from the City Council or any City board, department, office, agency, or employee, including but not limited to land use approvals, requirements for the provision of public utilities or services, or any other administrative, judicial, quasi-judicial, or legislative action.

ACKNOWLEDGEMENT

Negotiated in good faith and accepted by the undersigned on November 23, 2020.

CITY OF DOVER



By: J. Michael Joyal, Jr., City Manager

DEVELOPER
CHINBURG MANAGEMENT, LLC



By: Eric J. Chinburg, Manager