



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, January 12, 2022**
Meeting Time: **7:00 pm**

1. **CALL TO ORDER**
2. **MOMENT OF SILENCE**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL ATTENDANCE**
5. **2022-2023 CITY COUNCIL PROCEDURAL RULES & DECORUM GUIDELINES**
(TO BE REMOVED FROM THE TABLE)

6. **PROCLAMATIONS/AWARDS**

7. **APPROVAL OF AGENDA**

8. **PUBLIC HEARINGS**

9. **PUBLIC 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.

10. **CITY MANAGER'S REPORT**

11. **APPROVAL OF MINUTES**

- A. **December 8, 2021 – Regular Meeting**
- B. **January 3, 2022 – Organizational Meeting**

12. **MAYOR'S REPORT**

13. **UNFINISHED BUSINESS**

- A. **ORDINANCES IN THE 2nd READING**
- B. **ORDINANCES IN THE 3RD READING**
- C. **RESOLUTIONS**

14. **NEW BUSINESS**

A. **CONSENT CALENDAR**

1. **ADDITIONAL SCOPE OF WORK ASSOCIATED WITH THE PUDDING HILL**
AQUIFER ARTIFICIAL RECHARGE FACILITY - EMERY & GARRETT
GROUNDWATER INVESTIGATIONS LLC
SPONSORED BY MAYOR CARRIER BY REQUEST



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2. **ADDITIONAL SCOPE OF WORK FOR DREDGE CELL CLOSURE – GEOINSIGHT INC.**
SPONSORED BY MAYOR CARRIER BY REQUEST
3. **AUTHORIZATION TO UTILIZE SAINT ANSELM COLLEGE'S CENTER FOR ETHICS IN SOCIETY**
SPONSORED BY MAYOR CARRIER BY REQUEST
4. **ACCEPTANCE OF PEAR DRIVE, AUTHORIZATION TO ISSUE LICENSE FOR MAINTENANCE, AND RENAMING OF PEAR DRIVE TO PEAR LANE PURSUANT TO RSA:231:133**
SPONSORED BY MAYOR CARRIER BY REQUEST
5. **ACCEPTANCE OF SHORE LANE AND RELATED UTILITY EASEMENTS**
SPONSORED BY MAYOR CARRIER BY REQUEST
6. **RESCIND CAPITAL IMPROVEMENTS PROGRAM (CIP) SMALL BALANCES FOR FISCAL YEAR 2013 AND FISCAL YEAR 2018 NON-DEBT FINANCED FIRE DEPARTMENT PROJECTS**
SPONSORED BY MAYOR CARRIER BY REQUEST
7. **AWARD OF ANNUAL PREVENTIVE MAINTENANCE AGREEMENT TO STRYKER MEDICAL FOR STRYKER EQUIPMENT**
SPONSORED BY MAYOR CARRIER BY REQUEST
8. **APPROVAL OF DEPUTY CITY MANAGER OF THE CITY OF DOVER EMPLOYMENT AGREEMENT**
SPONSORED BY MAYOR CARRIER BY REQUEST

COMMITTEE REPORTS

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



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B. RESOLUTIONS

1. **B21048-RFP22-002 DESIGN CONSULTING SERVICES FOR THE FIFTH AND GROVE STREETS RECONSTRUCTION PROJECT**
SPONSORED BY MAYOR CARRIER BY REQUEST
2. **B21048-RFP22-003 CONSULTING DESIGN SERVICES FOR THE DOWNTOWN PEDESTRIAN AND VEHICULAR ACCESS IMPROVEMENTS PROJECT**
SPONSORED BY MAYOR CARRIER BY REQUEST
3. **B22015 DOVER PUBLIC LIBRARY SLATE ROOF REPLACEMENT**
SPONSORED BY MAYOR CARRIER BY REQUEST
4. **B22037 PURCHASE OF 2022 VEHICLES - STATE OF NH CONTRACTS**
SPONSORED BY MAYOR CARRIER BY REQUEST
5. **APPROVAL OF PURCHASE AND SALE AGREEMENT BETWEEN ARCH STREET DOVER, LLC AND CITY OF DOVER**
SPONSORED BY MAYOR CARRIER BY REQUEST
6. **AUTHORIZATION TO ACCEPT AND EXPEND THE NH STATE LIBRARY GRANT FOR PUBLIC LIBRARY WEBSITE IMPROVEMENTS**
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)
(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 26, 2022.)
SPONSORED BY MAYOR CARRIER BY REQUEST
7. **REPROGRAM UNEXPENDED BOND PROCEEDS FROM FIRE & RESCUE EMERGENCY SHELTER GENERATOR TO SOUTH END FIRE STATION BUILDING IMPROVEMENTS PROJECT**
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)
(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 26, 2022, WITH CITY COUNCIL VOTE OCCURRING ON FEBRUARY 9, 2022)
SPONSORED BY MAYOR CARRIER BY REQUEST
8. **FISCAL YEAR 2023 CAPITAL IMPROVEMENTS PROGRAM (CIP) APPROPRIATION AND AUTHORIZATION FOR CLEAN WATER STATE REVOLVING FUND (CWSRF) LOAN FOR WASTEWATER TREATMENT FACILITY (WWTF) SECONDARY CLARIFIER AND ACCEPTANCE OF AMERICA RESCUE PLAN ACT (ARPA) GRANT FUNDING**
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)
(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 26, 2022, WITH CITY COUNCIL VOTE OCCURRING ON FEBRUARY 9, 2022)



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9. **AUTHORIZATION TO ACCEPT AND EXPEND THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES ARPA GRANT FOR PUMP STATION EVALUATION PROJECT**
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)
(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 26, 2022, WITH CITY COUNCIL VOTE OCCURRING ON FEBRUARY 9, 2022)
10. **FISCAL YEAR 2023 CIP APPROPRIATION AND AUTHORIZATION FOR CWSRF LOAN FOR HENRY LAW PARK STORMWATER BEST MANAGEMENT PRACTICES AND ACCEPTANCE OF ARPA GRANT FUNDING**
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)
(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 26, 2022, WITH CITY COUNCIL VOTE OCCURRING ON FEBRUARY 9, 2022)

C. ORDINANCES IN 1ST READING

1. **CHAPTER 17, SECTIONS 12 & 13 - ELECTIONS**
(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 26, 2022.)
SPONSORED BY MAYOR CARRIER BY REQUEST
2. **CHAPTER 121, SECTIONS 1 & 5 - SEWER USE**
(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 26, 2022.)
SPONSORED BY MAYOR CARRIER BY REQUEST

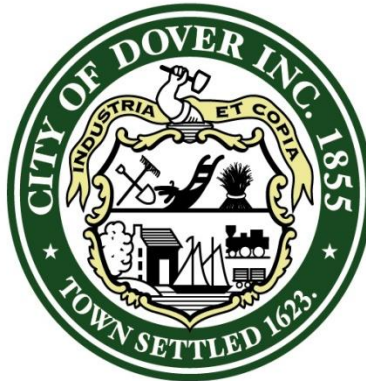
15. COUNCIL CORRESPONDENCE

16. COUNCIL MATTERS OF INTEREST

17. ADJOURN

2022-2023

City Council Procedural Rules & Decorum Guidelines



Adopted:
January ??, 20??

2022-2023 City Council Procedural Rules and Decorum Guidelines

I. Purpose

This document establishes the procedural rules and decorum guidelines for the 2022-2023 City Council of the City of Dover, New Hampshire. The purpose of these rules is to allow for the orderly conduct of City business that is convenient for the public, fair to all Council Members and, above all else, essential for open, transparent and effective local governance.

II. Use of Robert's Rules for Deliberations

- A. Robert's Rules of Order, Newly Revised, 12th edition shall govern all Council deliberations except where modified or otherwise exempted herein.
- B. The presiding officer shall decide all questions of order, subject to appeal by a Council Member.
 - i. The presiding officer may choose to submit a question of order to the Council, in which case a simple majority vote shall prevail.
 - ii. Any ruling of the presiding officer may be appealed by request of any member.
 - a. The presiding officer shall call for a roll call vote to determine if the ruling shall be upheld.
 - b. If the said vote passes or results in a tie vote, the presiding officer's ruling shall stand. If said vote fails, the decision or ruling of the presiding officer is reversed.

III. Presiding Officer

- A. As established by provisions of the Dover City Charter, the Mayor shall serve as the presiding officer of all Council deliberations and shall have all the same powers and privileges as other Council Members. Should the Mayor be absent, incapacitated or in abstention during part or all of a Council meeting, the Deputy Mayor shall serve as presiding officer.
 - i. In case of absence of the Mayor and Deputy Mayor, the City Clerk shall call the City Council meeting to order and call the roll of the members. If a quorum is found to be present, the Council shall choose one of its members to act as the presiding officer until the Mayor or Deputy Mayor arrives or until the meeting is adjourned, whichever may occur first.
 - ii. In case of absence of the Deputy Mayor, the presiding officer shall select a member of the Council, on a rotating basis, to act as Deputy Mayor until the Deputy Mayor arrives or until the meeting is adjourned, whichever may occur first.

IV. Council Meetings

- A. Type and Frequency
 - i. Regular Meetings – are for the purpose of deliberating and voting upon City business. Agendas will generally follow the order of business

established in Section VII-B below and shall include on the agenda an opportunity for ~~citizen~~-public comment related to the matter(s) included on the agenda and/or pertaining to the business of the City Council.

- a. Regular Meetings are to be scheduled on the second and fourth Wednesday of each month, except on designated holidays.
- ii. Special Meetings – are for the purpose of deliberating and voting upon City business at times other than during a Regular Meeting. Such meetings are "special" because the Mayor, upon request of the City Manager, or five (5) Council Members, one of whom may or may not be the Mayor, by written request submitted to the Mayor, can call them on a minimum of 24 hour notice. Agendas will generally follow the order of business established in Section VII-C below limited to one or more items requiring Council action and shall include on the agenda an opportunity for ~~citizen~~-public comment specifically related to the matter(s) included on the agenda.
 - a. Special Meetings may be scheduled for any day provided sufficient notice is afforded in accordance with provisions of State law.
- iii. Workshop Meetings – are for the purpose of the Council receiving information about City business in an informal setting during which no formal action can be taken. Workshops shall be scheduled upon the request of the Council or the City Manager. The workshop agenda format is intended to encourage in-depth presentations by City Boards, Commissions, Committees and/or staff (including consultants engaged for purposes of advising the Council), and detailed questioning and brainstorming by Council Members. The Council may discuss the material freely without following formal rules of parliamentary procedure, subject to the direction of the presiding officer. Although formal action may not be taken during Workshop Meetings, the presiding officer may poll Council Members during the meeting to determine the general consensus of the Council in order to bring matters back for consideration at future meetings. Agendas will generally follow the order of business established in Section VII-D below limited to one or more items for Council review and discussion and shall include on the agenda, prior to the end of the meeting, an opportunity for ~~citizen~~-public comment related to the matter(s) included on the agenda. The Decorum Guidelines still apply to the behavior of the Council and public during Workshop Meetings.
 - a. Workshop Meetings typically are to be scheduled on the first Wednesday of each month and may be scheduled more frequently should a need arise.
- iv. Non-Public Meetings – are held to discuss only certain items specified in State law during which the public cannot attend. Non-Public Meetings shall be properly noticed and State law pertaining to the appropriateness

2022-2023 City Council Procedural Rules and Decorum Guidelines

and necessity of holding such meetings shall be strictly adhered to in all cases.

- a. Non-Public meetings are typically scheduled as necessary, before or after other Council meetings.
- v. Executive Sessions - are held solely for purposes of receiving legal counsel and/or for collective bargaining matters relating to strategy or negotiations during which the public cannot attend.
 - a. Executive Sessions are typically scheduled as necessary, before or after other Council meetings.

B. Schedule

- i. Regular and Workshop Meetings - typically will be scheduled for Wednesday evenings to begin at 7:00 p.m.. Earlier start times may occur depending on the anticipated length of time necessary to complete an agenda.
 - a. Regular Meetings will typically be held on the 2nd and 4th Wednesday of each month.
 - b. Workshop meetings will typically be held on the 1st Wednesday of each month.
- ii. Non-Public Meetings and Executive Sessions - typically will be scheduled to begin prior to starting a Regular or Workshop meeting on Wednesday evenings.
- iii. On occasion, Council meetings may be scheduled to start or continue on other than Wednesday evenings as particular needs may arise.
- iv. Cancellation or Postponement - The City Clerk will notify Council Members by both e-mail and telephone upon determination of a meeting cancellation or postponement.
 - a. The Mayor, Deputy Mayor and City Manager shall confer and determine if insufficient business or other non-urgent matter warrants postponement or cancellation of a scheduled Council meeting.
 - b. The Mayor and City Manager shall determine if inclement weather or other emergency warrants postponement or cancellation of a scheduled Council meeting,
- C. Location – Council meetings typically will be held in the Council Chambers at City Hall unless specified on the meeting notice as being held elsewhere.
- D. Notice – All Council meetings shall be noticed in accordance with State law by the City Clerk with a posting of the agenda accessible to the public from the City web site, a copy placed on the meeting bulletin board located on the first floor of City Hall and e-mailed to Council Members. Meeting notices will be posted by noon on the Friday preceding the meeting date, unless circumstances require otherwise.
- E. Quorum – In accordance with the City Charter, a quorum shall consist of a majority (greater than 50%) present of all members of the 2022-2023 Council.

- i. During a meeting, any Council Member may leave the meeting room only after providing notice of pressing business and provided there is no loss of quorum as determined by the presiding officer. Due consideration by Council Members shall be given not to create a deficit in the quorum.
- F. Council Seating - Council members shall be seated in the meeting room as directed by the Mayor.

V. Procedures for Conduct of Meetings

- A. Role of Council Members - All Council Members have a responsibility to adhere to the highest ideals of civility and decorum while participating in all meetings conducted on behalf of the community. In doing so, Council Members are expected to abide by the Decorum Guidelines included as an addendum to these procedural rules and shall, at all times, honor the public trust and dignity bestowed upon them as elected community leaders.
- B. Role of Presiding officer – the presiding officer shall be responsible for ensuring all meetings are conducted in accordance with the requirements of these procedural rules ensuring, at all times, the orderly conduct of City business that comes before the Council. The presiding officer shall have the cooperation and support of fellow Council Members in maintaining order and civility throughout Council meetings.
- C. Orderly Conduct of Meetings - Council Members, members of the general public, the City Manager and staff shall address all questions or remarks to the presiding officer; confine their remarks to the merits of pending questions; and shall not engage in personal attacks or accusations not related to official duties.
 - i. Personal attacks, personal accusations, irrelevant or unduly repetitious communications or other disruptive behaviors that actually disrupt, disturb or impede the orderly conduct of the business of the Council may, at the discretion of the Presiding Officer, incur a warning, recess of the meeting, or other appropriate actions, to allow the Council to resume the orderly conduct of city business.
- D. Public Hearings – To receive ~~citizen~~-public input and feedback on certain specific matters that have been placed on the meeting agenda for consideration and action by the City Council, Public Hearings will be scheduled and held as required by law and/or whenever referred by simple majority vote of Council Members present. Upon being referred by Council vote, Public Hearings will be noticed for and held during a subsequent Regular and/or Special Meeting. Ordinances or Resolutions scheduled on an agenda for public hearing will be briefly introduced with appropriate explanations by staff. ~~Citizens~~-Members of the public will then have the opportunity to address the Council speaking to the specific item(s) subject to public hearing.
 - i. All speakers shall be residents of the City of Dover, property owners in the City of Dover, and/or designated representatives of recognized civic organizations or businesses located in the City of Dover;

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- ii. All speakers shall address their comments to the presiding officer and the Council as a body and not to any individual member;
 - iii. Speakers shall first recite their name and address for the record;
 - iv. For each public hearing item, a speaker shall be provided a single opportunity for comment, limited to five (5) minutes;
 - v. Speakers requiring more than the allotted time are encouraged to submit their comments in writing to the City Clerk at the conclusion of their remarks for inclusion with the meeting record;
 - vi. Public Hearings are not intended to be utilized for a two-way dialogue between speaker(s), Council Member(s), and/or the City Manager.
 - vii. The presiding officer shall preserve strict order and decorum for and by all speakers appearing before the Council.
 - viii. Any correspondence received by the Mayor and/or members of the City Council pertaining to a public hearing agenda item may be acknowledged at the time of the public hearing and included with the meeting record.
- E. ~~Citizen~~ Public Forum – To encourage and allow ongoing input and feedback from ~~citizens~~ the public, Regular, Special and Workshop meetings shall include on the agenda an opportunity for ~~citizens~~ members of the public to address the Council. In addition to public hearings that may be scheduled for public comment on specific matters (see Section V.D. above), the ~~Citizen~~ Forum will ensure ~~citizens~~ that members of the public have the opportunity to speak to all other items on a meeting agenda and/or matters pertaining to the business of the Council.
- i. Speakers shall be residents of the City of Dover, property owners in the City of Dover, and/or designated representatives of recognized civic organizations or businesses located in the City of Dover;
 - ii. Speakers shall address their comments to the presiding officer and the Council as a body and not to any individual member;
 - iii. Speakers shall first recite their name and address for the record;
 - iv. Each speaker shall be provided a single opportunity for comment, limited to five (5) minutes with the five (5) minutes beginning after the obligatory statement of name and address by the speaker;
 - v. Speakers requiring more than the allotted time are encouraged to submit their comments in writing to the City Clerk at the conclusion of their remarks for inclusion with the meeting record;
 - vi. ~~Citizen~~ The Forum shall not be a two-way dialogue between speaker(s), Council Member(s), and/or the City Manager.
 - vii. The presiding officer shall preserve strict order and decorum for and by all speakers appearing before the Council.
- F. Background Information - The City Manager shall be responsible for providing the Council with necessary background information on all Resolutions and Ordinances, and all questions requiring an administrative response shall be directed to the City Manager who may, when necessary, defer to a Department Head or other staff member present.

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- i. In order to make the most efficient use of Council Member's time, ensure adequate information is available during deliberations and, focus Council meetings on consideration and debate of policy issues, Council Members are encouraged to direct questions to the City Manager as far in advance of a meeting as possible so that a thorough response may be researched and presented at the Council meeting. Any clarifications or technical questions that can be readily answered should be handled before the meeting.
- G. Motions – In conformance with the meeting agenda, any Council Member may bring a matter of business requiring a vote before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the presiding officer shall open the matter for full debate offering the first opportunity to speak to the moving Council Member.
- H. Debate – Discussions and deliberations at meetings of the Council are to secure the sound reasoning and mature judgment of Council Members on matters submitted to the Council for decision. This purpose is best served by an open exchange of thought and ideas through an orderly discussion and debate assuring every Council Member a reasonable and equal opportunity to be heard.
 - i. Council Members must raise their hand to be recognized by the presiding officer for a turn to speak.
 - ii. A Council Member who makes a motion will be recognized by the presiding officer to briefly speak first for the sole purpose of introducing that motion. Thereafter, every Council Member may be recognized and allowed to speak to the motion two times only. The introducing Council member may also address the motion two times, thereby allowing them the right to address his or her motion a total of three times (once when introducing the motion plus two more times).
 - a. Specific inquiries including points of order made to the presiding officer by a Council Member or responses to inquiries requested by the presiding officer shall be excluded from these limits, but all such inquiries and responses shall be specific to the question being debated.
 - iii. The introduction of a resolution by the moving Council Member shall be limited to five (5) minutes. All subsequent addresses made by any Council Member to a motion on the floor will be limited to three (3) minutes for each address. These limits on debate shall apply to all motions whether they are main, subsidiary, privileged, or incidental as defined in Robert's Rules of Order.
 - iv. Relevancy of Debate – During debate, a Council Member obtains the floor only for the purpose of discussing the pending question or to raise a point of order. All discussion by Council Members must be relevant to the motion before the Council.

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- v. Interruptions - Except for a call to order made by the presiding officer or point of order raised by another Council Member, a Council Member once recognized and having obtained the floor to speak, shall not be interrupted while speaking. A Council Member called to order while speaking shall cease speaking until the question or order is determined, and, if in order, said Council Member shall be permitted to proceed.
 - vi. Decorum - The nature and consequences of a motion or any other matter before the Council may be discussed vigorously but it shall not be permissible to attack the motives, character or personality of a Council Member either directly or by implication.
- I. Voting
- i. Although every Council Member, in the absence of a conflict of interest or other need for abstention, has a duty as an elected representative to vote on matters before the Council, they may not be compelled to vote.
 - ii. Upon a vote being called for by the presiding officer, votes of Council Members shall be recorded and reported to the presiding officer by the City Clerk in accordance with the following methods:
 - a. Show of Hands – Council Members shall raise their hand to be counted. Those voting in the affirmative to approve a motion shall be called upon to raise their hand to be counted and then those voting in the negative to disapprove of a motion shall be called upon to raise their hand to be counted.
 - b. Roll Call – Council Members shall vote upon their name being called by the City Clerk. Names will be called alphabetically by last name, said name to be called on a rotating basis so that the name first called at the previous Regular Meeting shall be the name last called at the following meeting. Upon calling of their name, those voting in the affirmative to approve a motion shall state “yes” and those voting in the negative to disapprove of a motion shall state “no”.
 - 1. A roll call vote shall be required on the main motion for approval of the annual budget, debt authorizations, spending resolutions and final adoption of ordinances and, pertaining to any other matter being voted by the Council, at the discretion of the presiding officer or upon request of two (2) or more Council Members.
- J. Voting Results – unless otherwise required by law and provided a quorum is maintained throughout voting, a question being voted upon shall prevail with a simple majority (greater than 50%) of Council Members present voting in the affirmative.
- K. Abstention – Council Members should only abstain from voting on a matter before the Council in limited circumstances involving a conflict of interest or other potential Oath of Office, City Charter or ordinance violation. The Council Member shall inform the presiding officer of their intention and reason for

abstaining immediately following the motion and seconding of the question pertaining to the matter but prior to the start of debate (the Council Member abstaining may not move or second the question to be considered)

- i. Only the Council Member may decide if there is a need for their abstention based on a conflict of interest or other potential Oath of Office, City Charter or ordinance violation. Compliance with Chapter 22 of the Dover ordinances is required.
 - a. In the event of an abstention the abstainer in effect, "consents" that a majority of the Council Members present may act for him or her.
 - b. Council Members abstaining from consideration of a particular item shall leave the Council dais and join the public observing the proceedings until conclusion of action upon the item as determined by the presiding officer.

VI. Agenda Setting

- A. Agenda Items Initiated by Council Members – Any Council Member shall have the right and may initiate resolutions or ordinances to be placed on an agenda for Council consideration. Each resolution or ordinance before the Council should typically involve a two week vetting process occurring before the vote by the Council at a Regular or Special Meeting. The vetting process includes consultation with the City Manager, staff reviews, and placement on the agenda. Council Members should notify the Mayor of their intentions to bring forward a proposal and discuss the initiative with the City Manager to ensure a complete understanding of their proposed policy objective and administrative implications.
 - i. The City Manager shall assist each Council Member with coordinating the drafting of a proposed resolution or ordinance to ensure it may be presented to the Council in a correct and complete form. The City Manager shall review a draft of the proposal with the Council Member and seek the Council Member's approval prior to formally submitting the item for agenda setting.
 - ii. To ensure sufficient time for proper research, drafting and approval of proposed resolutions or ordinances to come before the Council, a Council Member should notify the Mayor and request the assistance of the City Manager at least one week prior to the agenda submission deadline.
- B. Agenda Items Requested by City Manager - Ordinances and resolutions involving routine and administrative matters may be introduced by the Mayor upon request of the City Manager.
 - i. Resolutions or ordinances submitted on behalf of the City Manager shall be noted with the phrase "by request".
- C. Agenda Submission Deadline - Every ordinance, resolution, and document to come before the Council for consideration must be submitted for agenda setting, in compliance with guidelines established by the City Clerk, by noon on the

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Wednesday before the week on which the Council is scheduled to hold a Regular Meeting.

- i. To be submitted for agenda setting, each resolution and ordinance shall first be approved as to form by the City Clerk, as to financing by the Finance Director, and as to legal compliance by the City Attorney.
- D. Scheduling of Agenda Items - The Mayor, Deputy Mayor and City Manager will consult as needed during the period between the agenda submission deadline and the agenda publication deadline preceding every Regular Meeting to determine what items are of such importance that they must be moved to the front of the agenda. If the Mayor so determines, he or she may disregard Section VII (Order of Business) in the positioning of an item on the agenda.
- E. Publication of Agenda - the City Clerk or designee will e-mail to each Council Member and post for the public to review by noon on the Friday before each Council meeting an agenda identifying by number and descriptive title, all matters including titles of ordinances, resolutions, documents and/or topics to come before the Council for consideration, unless circumstances require otherwise.
- F. Agenda materials – the City Clerk will have available by 4:00 p.m. on the Friday before each Council meeting the agenda materials to be considered during the meeting including resolutions, ordinances and/or documents, unless circumstances require otherwise. The agenda materials will be e-mailed and, upon request, a copy placed in a Council Member’s mailbox at City Hall. The agenda materials will also be made accessible to the public from the City web site and copies will be available in the City Clerk’s Office in City Hall during regular business hours and the Dover Public Library during regular business hours.

VII. Order of Business

- A. A regular format for meeting agendas is hereby established to facilitate the orderly and efficient conduct of Council business. This recognizes the value of establishing a common understanding of both meeting procedures and topics so that the public is informed and afforded opportunities to provide comment. This regular format also ensures that Council Members have a common approach to the discussion and debate of City business so that meetings are both streamlined and thorough.
- B. Regular Meetings - The order of business to come before the Council during Regular Meetings shall be as follows (items ii and iii below may be eliminated if they have already occurred during a prior Council meeting held on the same date):
 - i. Call to Order – the presiding officer shall call the meeting to order as close as reasonably practical to the time previously noticed.
 - ii. Moment of Silence – all in attendance will be requested to observe a moment of silence for reflection.

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- iii. Pledge of Allegiance –all in attendance will be requested to recite the Pledge of Allegiance, led by a Council Member or other dignitary in attendance as selected by the presiding officer.
- iv. Roll Call Attendance –the City Clerk shall record attendance by means of roll call announcing Council Member names consecutively, consistent with the rotating order of voting. Members in attendance shall verbally indicate they are in attendance by using a word like “present” or “here”.
- v. Proclamations/Awards – the presiding officer may present and/or announce Proclamations/Awards made by the Mayor on behalf of the City of Dover.
- vi. Approval of Agenda – While remaining cognizant of the intent to provide reasonable public notice of items coming before the Council for consideration, Council Members may request a change in order, removal or additions of items on the agenda.
 - a. Changes, removals or additions to the agenda as posted shall be allowed during the portion of the meeting entitled “Approval of Agenda” by a majority vote of Council Members present. Likewise, the agenda shall be finally approved by a simple majority vote of those Council Members present. Changes in order of consideration of matters, or additions to the agenda, after the Approval of the Agenda, shall only be permitted by a two thirds (2/3rd) majority vote.
 - b. The addition of items to the agenda should be limited to those of such priority that it would be detrimental to hold it over until the next Regular Meeting.
 - c. Items for substitution on the Agenda should be germane to the original agenda item subject to the discretion of the Mayor.
 - d. Once the agenda has been approved, an item may be withdrawn by a sponsoring Council Member upon the mere request of the member. Once a resolution has been moved and seconded, however, the unanimous consent of the Council is required to withdraw a resolution from consideration, discussion and vote of the Council.
- vii. Public Hearings - in accordance with provisions of Section V-D above
- viii. ~~Citizen's~~ Public Forum – in accordance with provisions of Sections IV-A(i) and V-E above
- ix. City Manager's Report - The Manager's Report shall include, but not be limited to the following: Budget Overview – actual vs planned to include expected corrective action where necessary; Personnel – New hires, terminations, safety. Staffing, actual vs planned; Economic Development – Number of contacts vs. commitments, value of building permits issued for month and value year to date; Report on goal achievement; Report on all other activities of significance; CIP project progress. The report shall be presented in a written format and provided to the Council in

conjunction with the monthly meeting agenda. Copies shall be made available for the public at the city clerk's office and also on the city's website.

- x. Approval of Minutes – Council Members identifying a need for changes other than clerical in nature in the minutes as drafted should submit proposed changes in writing to the City Clerk at least 24 hours prior to the meeting so that there can be verification. Amendments and final approval of meeting minutes shall be made by simple majority vote of those present.
- xi. Mayor's Report
- xii. Unfinished Business
 - a. Ordinances in 2nd Reading
 - b. Ordinances in 3rd Reading
 - c. Resolutions -to be used when items from a previous agenda have not been addressed or items have been referred from previous meetings.
- xiii. New Business
 - a. Consent Calendar - Items may be placed upon the consent calendar if such items have been identified during agenda setting to be routinely approved without discussion or debate. However, purchasing related items greater than \$150,000 and not previously discussed by the Council shall not be placed on the Consent Calendar. The consent calendar shall be voted upon as one item.
 - 1. Council Comment. No discussion or debate shall be permitted upon items upon the consent calendar unless removed prior to voting;
 - 2. Council Requests to Remove Item. The presiding officer shall inquire and any Council Member may request that an item be removed from the consent calendar prior to voting;
 - 3. Disposition of Removed Items. Removed items will be addressed individually immediately following voting upon the Consent Calendar;
 - 4. Roll Call Vote - All items remaining on the Consent Calendar will collectively be approved by a majority roll call vote of the Council.
 - b. Resolutions
 - c. Ordinances in 1st Reading
- xiv. Council Correspondence – Written correspondence sent or otherwise submitted to the City Council (excluding advertisements, flyers, brochures, copyrighted materials, media clippings) shall be accepted and placed on file with the Council public meeting record. An E-mail sent to all City Council members will also be accepted and placed on file when

requested by a Council member. Unsigned communications shall not be introduced nor accepted by Council Members. Submissions by a Council Member will also be considered Council Correspondence when requested by a Council member.

- xv. Council Matters of Interest - to allow individual Council Members to make general comments in reference to factual matters of community concern, make brief announcements of interest to the public or provide feedback to the City Manager on matters upon which the Council has taken action or given direction. Items for further follow-up by the Council and/or City Manager may be discussed or considered by the Council. To the extent possible, Council Members will confer with the City Manager before raising matters for follow-up under this agenda item.

- xvi. Adjournment

- C. Special Meeting - The order of business to come before the Council during Special Meetings shall be similar to that of Regular Meetings but may not include all items. At a minimum, the following items must be included (items ii and iii below may be eliminated if they have already occurred during a prior Council meeting held on the same date) :

- i. Call to Order
 - ii. Moment of Silence
 - iii. Pledge of Allegiance
 - iv. Roll Call Attendance
 - v. Public Hearings - in accordance with provisions of Section V-D above
 - vi. Citizen's Public Forum - in accordance with provisions of Sections IV-A(ii) and V-E above.
 - vii. Unfinished Business
 - viii. New Business
 - ix. Adjournment

- D. Workshop Meeting – The order of business to come before the Council during Workshop Meetings shall include, at a minimum, the following items (items ii and iii below may be eliminated if they have already occurred during a prior Council meeting held on the same date) :

- i. Call to Order
 - ii. Moment of Silence
 - iii. Pledge of Allegiance
 - iv. Roll Call Attendance
 - v. Citizen's Public Forum - in accordance with provisions of Sections IV-A(iii) and V-E above.
 - vi. Discussion/Presentation – Pertaining to a matter(s) of Council interest
 - vii. Adjournment

VIII. Ordinances and Resolutions

- A. Ordinances - Any Ordinance to be considered by the Council other than those to be enacted for purposes of addressing emergency circumstances as specified in

the City Charter shall be initiated and acted upon in accordance with the requirements established herein.

- i. A proposed Ordinance shall appear on a meeting agenda for a first reading after which it may be referred to the Ordinance Committee, if deemed necessary, and/or a future Public Hearing date shall be set.
 - ii. After a Public Hearing relating to a proposed Ordinance has been held and testimony allowed in accordance with Rule VII B-vii, the proposed Ordinance shall be brought before the Council for a second reading during the same meeting, together with any and all recommendations of the Ordinance Committee for passage, rejection, referral to a workshop, or to a third reading.
 - iii. Any proposed Ordinance submitted for consideration by the Council, may be amended and/or enacted by a majority roll call vote in conjunction with the second and/or subsequent readings.
 - iv. If a proposed Ordinance is extensively amended following the first reading and the Council wishes further review, or additional time is needed for the public to express its opinion on the issue, it may be held for a third reading, on a simple majority vote of Council Members present.
 - v. Unless otherwise provided, each Ordinance approved by the Council shall become effective upon its passage, after it has been duly advertised within 7 business days of the Council meeting at which time the ordinance was adopted.
 - vi. The City Clerk shall certify that the amendments are incorporated into the original ordinance with the proper reference to the amended ordinance number and date.
- B. Resolutions - Resolutions subject to public hearings will be subject to the following:
- i. Proposed Resolutions requiring a public hearing will normally appear on a meeting agenda to be referred to a future meeting date for the public hearing and subsequent vote.
 - ii. After the proposed Resolution has been presented at the required public hearing in accordance with Rule VII B-vii, it shall then be brought before the Council at the same meeting, together with any and all recommendations, for passage, rejection, referral to a workshop or other meeting.
 - iii. If a proposed Resolution requiring a public hearing is extensively amended following the public hearing and the Council wishes further review, or additional time is needed for the public to express its opinion on the issue, it may be held and referred for action at a future meeting, on a simple majority vote of Council Members present.

IX. Council Committee Assignments

2022-2023 City Council Procedural Rules and Decorum Guidelines

- A. Nomination and Appointment of Council Members: The Mayor will nominate Council Members to serve as members of and/or liaisons to the various City boards, committees and commissions. Other nominations may also be brought forward by any Council Member. All nominations shall be subject to approval by a majority of the Council.
- B. Appointments Committee: There shall be a standing Council committee for screening candidates and recommending appointment of interested ~~citizens~~ members of the public to the various boards, commissions and committees of the City.
 - i. The Appointments Committee shall be comprised of three (3) Council Members recommended by the Mayor and affirmed by the Council.
 - ii. The Appointments Committee's duties shall include, but are not limited to, conducting a regular review of the membership status of all City boards, commissions and committees subject to appointment by the Council, and making recommendations to the Council for ~~citizen~~ appointments or removal, as appropriate.
 - iii. The Appointments Committee shall meet as may be required. The City Clerk shall send the agenda to the entire City Council with a list of the names of persons to be considered for recommendation by the Appointments Committee, if known.
 - iv. All committee members with terms expiring shall be contacted by the Chair or designee to affirm interest in reappointment.
 - v. The Chair will be responsible to inform committee applicants that there is a requirement for a signed oath. This requirement may also be acknowledged on the application form to be completed by interested ~~citizen~~-volunteers.
 - vi. The Chair will inform the City Council of any ~~citizen~~-volunteers that:
 - a. have asked for reappointment to a committee that were not recommended for reappointment.
 - b. are recommended for appointment or reappointment to a committee that are not residents of Dover.
 - vii. Applicants will be contacted by the Chair or designee when 1 year has passed from their application date to see if they wish to remain current for consideration.
- C. Ordinance Committee: There shall be a standing Council committee advising the City Council regarding the content of ordinances coming before the Council.
 - i. The Ordinance Committee shall be comprised of three (3) Council Members recommended by the Mayor and affirmed by the City Council and the City Attorney as ex-officio non-voting member.
 - ii. The Ordinance Committee will typically meet as needed following the first reading of an Ordinance. The City Clerk shall send the agenda to the entire City Council.
 - iii. The Ordinance Committee's duties shall include conducting a regular review of proposed ordinance changes including punctuation and

reference to current RSA's and making recommendations to the City Council for those ordinances.

- iv. All changes to a proposed Ordinance recommended by the Committee will be noted in a substitute version provided to the entire City Council for consideration prior to the second reading of an Ordinance.
 - v. The City Attorney shall identify when any significant changes recommended by the Committee to a proposed ordinance following the first reading and initial public hearing will require a subsequent public hearing and additional reading.
- D. Other Committees: The Mayor and/or Council, from time to time, shall propose by resolution other standing Council or ad hoc ~~citizen~~-committees as may be necessary to study and advise regarding various community matters. The Mayor, the Appointments Committee, or any Council Member may recommend and nominate members thereof, subject to approval by a majority of the Council.
- E. Council Members will submit periodic written reports summarizing their board, commission and committee activities to the City Clerk for inclusion with Council meeting agenda materials and/or provide oral reports when requested during a Council meeting. The minutes of a board, commission or committee meeting may serve as a written report to the Council or a separate report may be provided in writing and/or presented orally by the Council Member.

X. Council Records

- A. The City Clerk will keep minutes and record votes taken during Council meetings and perform such other functions and further duties during meetings as may be directed by the Council.
- B. After each Council Meeting, the City Clerk will post to the city website and e-mail to each Council Member draft minutes.
 - i. Minutes of each Council Meeting will be approved at the earliest practicable council meeting and posted as approved minutes. All copies of draft minutes shall remain posted along with the approved minutes.

XI. Amendment of Council Rules

- A. At any Regular Meeting following adoption of these rules, the rules may be amended or new rules adopted by a two-thirds (2/3rd) roll call vote of all members of the 2022-2023 Council. Any such alteration or amendment shall be submitted in writing in the form of a resolution placed on a Regular Meeting agenda as new business and then referred to be voted at a subsequent Regular Meeting.
 - i. This requirement shall be waived only by unanimous consent with a roll call vote of all members.
- B. Council rules may be suspended by a two-thirds (2/3rd) roll call vote of all members of the 2022-2023 Council except when the purpose of the suspension is to change the Council rules to avoid the unanimous consent regarding

2022-2023 City Council Procedural Rules and Decorum Guidelines

notification of a proposed rule change. The purpose for suspension must be limited in scope and clearly stated before the vote is taken.

- i. In suspending rules to address a matter not previously placed and approved on the current agenda, the matter must be of such priority that it would be detrimental to hold it over until the next Regular Meeting.

CITY OF DOVER, NH GUIDELINES FOR CITY COUNCIL DECORUM 2022-2023

All Council Members

All members of the City Council, including those serving as Mayor and Deputy Mayor, have equal votes. No Council Member has more power than any other Council Member, and all should be treated with equal respect.

All Council Members should:

- Demonstrate honesty and integrity in every action and statement
- Comply with both the letter and spirit of the laws and policies affecting the operation of government
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Dover government
- Work for the common good, not personal interest
- Prepare in advance of Council meetings and be familiar with issues on the agenda
- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- Participate in scheduled activities to increase Council effectiveness
- Review Council procedures, such as these Council Decorum Guidelines, at least annually
- Represent the City at ceremonial functions at the request of the Mayor
- Be responsible for the highest standards of respect, civility and honesty in ensuring the effective maintenance of intergovernmental relations
- Respect the proper roles of elected officials and City staff in ensuring open, transparent and effective government
- Provide contact information to the City Clerk in case an emergency or urgent situation arises while the Council Member is out of town

Council Conduct with One Another

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to improve the quality of life in the community. In all cases, this common goal should be acknowledged even as Council Members may "agree to disagree" on contentious issues.

2022-2023 City Council Procedural Rules and Decorum Guidelines

In Public Meetings

- Use formal titles.

The Council should refer to one another formally during Council meetings as Mayor, Deputy Mayor or Council Member followed by the individual's last name.

- Practice civility and respect in discussions and debate.

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. Be respectful of diverse opinions.

- Honor the role of the presiding officer in maintaining order and equity.

Respect the Chair's efforts to focus discussion on current agenda items. Objections to the Chair's actions should be voiced politely and with reason, following the parliamentary procedures outlined in the City Council Procedural Rules.

- Demonstrate effective problem-solving approaches.

Council Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. Council Members are role models for residents, business people and other stakeholders involved in public debate.

- Be respectful of other people's time.

Stay focused on the matter being discussed and act efficiently during public meetings.

In Private Encounters

- Treat others as you would like to be treated.

Ask yourself how you would like to be treated in similar circumstances, and then treat the other person that way.

Council Conduct with City Staff

The key provision on Council-staff relations can be found in section C-5-8 of the Dover City Charter:

“Neither the council nor any of its members shall direct or request the appointment of any person to office or employment or his removal, suspension or discipline by the Manager or any of the administrative officers. Neither the Council nor any member thereof shall give orders to nor interfere with the performance of the duties of any of the administrative officers or employees either publicly or privately. Nothing contained in this section shall prohibit the Council from meeting with the City Manager to discuss the operation or conduct of any administrative department or officer and to recommend any investigation of any complaint by

2022-2023 City Council Procedural Rules and Decorum Guidelines

the City Manager. Any violation of the provisions of this section by a Councilor shall be a violation, conviction of which shall constitute immediate forfeiture of his/her office”

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, which analyze issues, make recommendations, and implement and administer the Council’s policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- Treat all staff as professionals.

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with your Council colleagues, practice civility and respect in all interactions with City staff.

- Channel communications through the appropriate senior City staff.

Questions of City staff should be directed only to the City Manager, City Attorney, City Clerk, or Department Heads. The City Manager should be copied on any request to senior staff. When in doubt about what staff contact is appropriate, Council Members should ask the Mayor and/or City Manager for guidance.

- All Council Members should have the same information with which to make decisions.

The City Manager, City Attorney, City Clerk and Department Heads will all endeavor to ensure Council Members are provided with clear and consistent information upon which to base decisions.

- Never publicly criticize an individual employee. Criticism is differentiated from questioning facts or the opinion of staff.

All critical comments about staff performance should only be made to the City Manager through private correspondence or conversation.

- Do not get involved in administrative functions.

Avoid any interactions with staff that may be construed as trying to shape staff recommendations. Council Members shall refrain from coercing staff in making recommendations to the Council as a whole.

- Be cautious in representing City positions on issues.

Before sending correspondence related to a legislative position, check with the City Manager to see if a position has already been communicated. When corresponding with representatives of other governments or constituents, remember to indicate if appropriate that the views you state are your own and may not represent those of the full Council.

- Respect the competing demands for staff work.

Requests for information should be made through the City Manager, according to the protocol for channeling communications. Any request, which would require an inordinate amount of

2022-2023 City Council Procedural Rules and Decorum Guidelines

staff time to research a problem or prepare a response, may be referred to the full council for direction to ensure that staff resources are allocated in accordance with overall council priorities.

- Support a positive and constructive work place.

Council Members should support the maintenance of a positive and constructive work place environment for City staff and for ~~citizens~~ residents and businesses dealing with the City.

- Depend upon the staff to respond to ~~citizen~~ concerns and complaints.

It is the role of Council Members to pass on concerns and complaints on behalf of their constituents. It is not, however, appropriate to pressure staff to solve a problem in a particular way. Refer ~~citizen~~ complaints to the City Manager who will coordinate follow-up by the appropriate staff member(s). The assigned staff member(s) should respond according to the procedure outlined in the Citizen's Guide for Complaints, Compliments and Suggestions. The City Manager is responsible for making sure the Council Member knows how the matter was resolved.

Council Conduct with Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. ~~Citizens~~ Members of the public who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect. Council Members serve as liaisons to many Boards and Commissions, according to appointments made by the Mayor and City Council, and in this role are expected to represent the full Council in providing guidance to the Board or Commission. In other instances, Council Members may attend Board or Commission meetings as individuals, and should follow these protocols:

- If attending a Board or Commission meeting, identify your comments as personal views or opinions.

Council Members may attend any Board or Commission meeting, which are always open to any member of the public. Any public comments by a Council Member at a Board or Commission meeting, when that Council Member is not the liaison to the Board or Commission, should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

- Remember that Boards and Commissions are advisory to the Council as a whole, not individual Council Members.

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. Individual

2022-2023 City Council Procedural Rules and Decorum Guidelines

Council Members should not feel they have the power or right to unduly influence Board and Commission members in any way if they disagree about an issue. A Board or Commission appointment should not be used as a political "reward."

- Concerns about an individual Board or Commission member should be pursued with tact.

If a Council Member has a concern with the effectiveness of a particular Board or Commission member, the Council Member should consult with the Mayor and/or Appointments Committee Chair, who can bring the issue to the Council as appropriate.

- Be respectful of diverse opinions.

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair to and respectful of all ~~citizens~~ individuals serving on Boards and Commissions.

- Keep political support away from public forums.

Board and Commission members may offer political support to a Council Member, but not in a public forum while conducting official duties. Conversely, Council Members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Council Member.

- Maintain an active liaison relationship.

Appointed Council liaisons are encouraged to attend all regularly scheduled meetings of their assigned Board or Commission, or to arrange for an alternate.

Staff Conduct with City Council

- Respond to Council questions as fully and as expeditiously as is practical.

Senior staff will strive to respond to all Council Member inquiries completely and quickly as practical. The guideline for allocating an inordinate amount of staff time to research and response to Council Member inquiries will apply. If a Council Member forwards a complaint or service request to the City Manager, there will be follow-through with the Council Member as to the outcome.

- Respect the role of Council Members as policy makers for the City

Staff is expected to provide its best professional recommendations on issues. Staff should not try to determine Council support for particular positions or recommendations in order to craft recommendations. The Council must be able to depend upon the staff to make independent recommendations. Staff should provide information about alternatives to staff

2022-2023 City Council Procedural Rules and Decorum Guidelines

recommendations as appropriate, as well as pros and cons for staff recommendations and alternatives

- Demonstrate professionalism and non-partisanship in all interactions with the community and in public meetings
- It is important for the staff to demonstrate respect for the Council at all times. All Council Members should be treated equally.

Other Procedural Issues

- Don't politicize procedural issues (e.g. minutes approval or agenda order) for strategic purposes.
- Submit questions on Council agenda items ahead of the meeting.

In order to focus the Council meetings on consideration of policy issues and to maintain an open forum for public discussion, questions which focus on the policy aspects of agenda items should be discussed at the Council meeting rather than administrative minutia. Any clarifications or technical questions that can be readily answered can be handled before the meeting. Council Members are encouraged to submit their questions on agenda items to the City Manager as far in advance of the meeting as possible so that staff can be prepared to respond at the Council meeting.

- Respect the work of the Council standing committees.
- Commit to periodically review procedural rules and guidelines and advise presiding officer of any issues or concerns.

Throughout the year, Council Members should routinely review the Council Procedural Rules and these Decorum Guidelines. Questions or unresolved issues should be brought to the attention of the presiding officer for clarification or to schedule follow-up with the full Council during a future public meeting.

Enforcement

Council Members have the primary responsibility to assure that these guidelines are understood and followed, so that the public can have full confidence in the integrity of their local government. These guidelines are intended to be self-enforcing thereby requiring an ongoing commitment by Council Members to faithfully honor the trust and dignity bestowed upon them as elected leaders and community role models.

CITY MANAGER'S REPORT

January 12, 2022

Reporting On:
December 2021

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 the month of December, 2021:

	For Month	FY22	FY21	FY20	FY19
Legal Matters/Questions Handled	58	287	703	466	342
Review Existing Legal Contracts & Draft Memo	12	77	-	-	-
Legal Contracts/Memo Created	12	85	350	256	269
Right to Know Requests Processed	4	34	51	49	41
Resolutions	6	33	73	75	53
Ordinances	2	12	19	10	18
Leases	0	7	-	-	-
Primex Auto Claims Handled	7	19	-	-	-
Primex Liability Claims Handled	7	32	-	-	-
Primex Property Claims Handled	5	22	-	-	-

Customer Focused Outcomes: Right to Know

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

- Dorman Bell, LLP – Information request regarding SAU School employee list.
- Diana Carpinoni – Use of fertilizer and pesticide products used on city property and school district athletic fields.
- AlterEcho – Nine City of Dover properties regarding underground storage tank records, above ground storage tanks, UST removal reports, hazardous material storage permits or spill reports.
- Shaheen & Gordon, P.A. – Certificate of Occupancy for 8 Grove Street, Dover, NH

Product & Process Outcomes:
Assistance to City Departments

City Council & City Boards	Attention to resolutions and ordinances as needed or requested by City Council;
Community Services	Assistance with two public street acceptances; assistance with code enforcement issues; assistance with Great Bay Municipal Alliance for Adaptive Management; assistance with Pudding Hill aquifer remediation efforts;
Executive	No assistance required.
Fire & Rescue	Assistance with code interpretation and code enforcement issues; assistance with contracts; assistance with RSA 91-A requests; assistance with HIPAA compliance;
Finance	Track and file City claims with Primex; assistance with labor negotiation request for proposal; assistance with auditor letter; assistance with two bankruptcy matters; assistance with review of power of attorney;
Planning	Assistance with conservation commission purchase of land; assistance with waterfront development issues and real estate research; assistance with general questions and public inquiries; assistance with code enforcement inquiry; assistance with electricity attribute aggregation contract;
Police	Assistance with general inquiries and research; assistance with parking code questions and inquiries;
Public Library	No assistance required.
Public Welfare	No assistance required.
Recreation	No assistance required.
School	Assistance with RSA 91-A requests; assistance with Dover High School/Regional CTC matters; assistance with review of and revision to various contracts and contract administration; assistance with labor-related questions; assistance with other matters as requested;

Financial Outcomes: Litigation

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.

-Maloney v. City of Dover – Case now pending with Rockingham Superior Court; City accepted service. Case is undergoing discovery.

-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. Earlier this year, the City received its first payment from the State of New Hampshire pursuant to RSA 126-A:83, II, by virtue of an opioid-related settlement entered into by the State of New Hampshire. Settlements or other payments in satisfaction of City claims may be forthcoming from other defendants, but would be required to be tendered to the State's Opioid Abatement Trust Fund per RSA 126-A:83, I. Certain of the City's opioid claims have become part of bankruptcy proceedings. A national settlement as to certain defendants is currently under consideration.

-Mary Hebbard v. City of Dover, John & Karen Brough and Ryan Colbath - Discovery is complete. Partial summary judgment rulings received in February 2021. The case was tried by the City Attorney, Deputy City Attorney, and outside counsel in the Strafford County Superior Court on September 15, 17, 20, 21, and 22, as well as October 20th and 22nd of 2021. The parties submitted post-trial briefs in December 2021. The parties are now awaiting the Court's final rulings on the issues tried.

-City of Dover v. Mary and Rick Hebbard - Complaint filed in October 2019 concerning drainage in the Tanglewood Subdivision. Partial summary judgment rulings were received in February 2021. Case was tried by City Attorney, Deputy City Attorney, and outside counsel on April 7, 8 and 9 of April 2021. The post-trial briefing was divided into two areas: (1) injunctive relief concerning removal of a berm, and (2) remaining issues, including enforcement of a stipulated Court-Order for an underground drainage system. In May 2021, the Court issued an order granting an injunction and requiring removal of the berm and restoration of surface drainage. In September 2021, the Court issued a final Order on the remaining issues, finding the defendants to be in contempt of a prior stipulation and requiring that the defendants complete construction of the drainage project within 90 days of receiving additional materials from the City. The defendants did not appeal. The drainage system is now believe to be constructed, though the City is awaiting certification of same from the project engineer. Following the certified completion of construction, it is expected that the parties will proceed with fulfilling the other obligations of the earlier stipulation they entered into, which includes conveyance of an easement and a mutual release.

-Stergiou et. al. v. City of Dover - Planning Board appeal filed in August 2020 by certain abutters. The City accepted service in September 2020. This case was dismissed on jurisdictional grounds. An appeal to New Hampshire Supreme Court has been filed by the intervening abutter. The appeal is in the briefing stage. The appellants filed their brief in September 2021. The City recently filed a memorandum of law stating its position in the appeal. The plaintiffs before the trial court filed no brief. The appeal is currently awaiting either the scheduling of oral argument or a decision.

-Barufaldi v. City of Dover - A city employee has filed an action in Strafford County Superior Court requesting declaratory judgment concerning the employee's ability to, and cost of, participation in the New Hampshire Retirement System. The trial court granted the City's motion to dismiss. The Plaintiff has appealed. Oral argument is scheduled in January 2022 before the New Hampshire Supreme Court.

-Parents Unite for Kids Health, Inc. v. Dover School District et al. - A nonprofit corporation has sued eight school districts (predominantly in Strafford County), including the Dover School District, with respect to the districts' face mask policies. The plaintiff has filed several claims challenging the authority and constitutionality of the policies. The plaintiff is asking the Court to issue an injunction stopping enforcement of the policies during the pendency of the case. The Dover School District has filed a Joint Motion to Dismiss along with the other districts, as well as an objection to the request for an injunction. An injunction hearing was held on November 3, 2021. The Court has not yet issued a decision on the merits as to either the injunction request or the motion to dismiss

Business Outreach

by Christopher Parker, Deputy City Manager

Product & Process Outcomes

Economic activity continued to expand moderately in most sectors in Dover throughout December. Downtown restaurants continue to have limited open days and hours due to severe worker shortages, and call-outs. Retailers are reporting sales increases over last year, but have been affected by shipping delays and certain product shortages. Those retailers who rely on locally made items have not been as affected by product shortages, and have been seeing an increase in sales over last year. Downtown brick and mortar shops are seeing a resurgence by consumers and have an overall optimism regarding future outlook, despite rising inflation rates. Product shortages and increased expenses have been to blame for price increases in many local restaurants, who are already overwhelmed with staffing challenges. Menu prices have increased at an above-average pace which hasn't been significant enough to cover increases in food, and labor; leaving profit margins low. However, some restaurants who have sound business models, are increasingly looking toward Dover, to open additional locations. Dover had 16 new businesses open up in the downtown in 2021, including retail, personal service, food service, and art venues. These new businesses are testament to the strong and vibrant local economy.

The Downtown Retail Group comprised of local merchants and Economic Development, worked together to host a successful event to promote shopping local for the 2021 holiday season. The group will reconvene over the summer to plan an event for the 2022 holiday season.

Dover has become a part of the AARP/WHO Age-Friendly Community Program, with Dr. Olivier, leading Dover's efforts with the program. Dr. Olivier has interviewed City Departments. Economic staff will be meeting with Dr. Olivier to discuss next steps and develop an implementation timeline for addressing results of the survey.

The Dover population grew by 2,554 (8.4%) between 2010 and 2020, and now stands at 32,741.

Dover hotels are seeing an increase in occupancy rates, but are still struggling with workforce shortages. Guests are booking stays for leisure travel but corporate travel is still in decline. Occupancy rates over the last two months are running between 85-90%, and are ending the year strong. The same time last year ended around 50%. Finished retail and restaurant space is in high demand. Commercial spaces that remain vacant are proving too costly for startup businesses, as they require significant buildouts. Office leasing is predicted to pick up in the third quarter of 2022 as more firms begin to require a transition back to in-person work.

The stock market, has continued to advance with various economic indicators showing a strong increase in GDP to about 7% for December. As life continues to return to normal, consumers are tapping into their savings and increasing retail foot traffic. It is still anticipated that some volatility will continue into 2022. Inflation is expected to cause increases in gas, utilities, housing, and food.

December is typically a good time to purchase a new car, but because of low dealership inventories in combination with a scarcity of computer chips, skilled workers, truck drivers, and raw materials, the fourth quarter is seeing record high new vehicle prices at or above sticker prices. The inventory of available cars and trucks is down 64% versus this time last year. Commercial real estate activity continues to be very strong, despite very high labor and materials costs for projects. Lumber costs have declined 70% from the peak, but steel costs remain ambiguous as there remains a shortage of shipping containers as well as increased freight and shipping costs, which are helping to create an unstable price environment for industrial metal.

Mortgage interest rates are holding steady around 3.0%. Lending rates are still a great value but restrictions have tightened. Most recent predictions are that inflation is here to stay and will continue to rise moving forward.

Commercial Real Estate: Local commercial real estate sales activity remained the same and fundamental were mostly unchanged. Demand remains high, and industrial sectors continue to seek property for both lease and investment. Retail leasing activity is consistent, with 1,000-1,200 SF spaces increasing in demand. In the office market, leasing has remained slow as we pull into the end of 2021, but is expected to increase around mid-late 2022. Commercial real estate lending activity slowed slightly, attributed to inflation and interest rate uncertainty. There is demand for space in Enterprise Park, however, as projects are scheduled, the need to find more land for commercial developments becomes increasingly imperative. American Durafilm is now moving forward with plans to build a 15,000 SF building on Innovation Way at Venture Drive, and should be breaking ground later this winter. Accelerator units of 1,200-2,500 SF are still needed to house small post-startup companies to grow in Dover. The lending environment remains highly favorable with slowly rising interest rates. There is heavy interest to invest in Dover now, before interest rates climb. Local multi-family and mixed-use permit activity, on average, has increased in the last three months, despite dropping earlier on in the pandemic. Fiscal policy and uncertainty around the business and employment, at both the state and federal levels, are causing some reluctance to commit assets until things subside.

See Local Major Development Projects Section below.

Residential Real Estate: Residential real estate markets continue to show strong performance on the Seacoast. There has been a modest increase in the proportion of homebuyers from Massachusetts and places outside of NH. Although home sales began to slow in Q4, demand remains high. Out of state buyers, who often have cash to purchase a home, are competing with NH residents looking to purchase a home in a very tight and competitive market. Condo sales and manufactured home sales are increasingly in demand, as many first-time homebuyers turn towards this inventory after being priced out of the single-family home market. Median sale prices in NH and in Dover increased again in the period for single family homes to the \$417,000 median price range. The number of single-family building permits issued has increased during the pandemic, despite rising building costs.

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-Douglass Hospital's merger with Mass General 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 another Urgent Care Center planned on a Dover Point Rd. site. Tele-med service is expanding and will become a more permanent segment of medical services after the pandemic abates. 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 2021 annual revenue growth in the services sector are now slightly less sanguine.

Leadership & Governance Outcomes:

Economic Development staff provided monthly economic development and business retention information to the Greater Dover Chamber of Commerce Government Affairs Committee.

The ED Director and ED Deputy Director have participated in multiple NH Statewide Economic Development Plan Build sessions in Portsmouth and Concord.

Jobs grew by 715 (3.9%) in Dover the last 5 years and stood at 18,984 employed at the end of March. Dover has lost 1,935 jobs since then leaving us 17,019 employed at present.

Average earnings per job is now at \$64,200 per year and is \$591 per year under the national average. The top three industries in Dover are insurance carriers, general medical and surgical hospitals, and restaurants and other eating places.

Financial & Benchmark Outcomes:

Economic Development staff work within the adopted FY 22 budget. Potential expenditures include new marketing pamphlets and materials as well as enhanced online presence for the community.

Workforce-Focused Outcomes:

DBIDA/ BizEDConnect intern programs with Great Bay Community College and UNH are now activated again. It is also being discussed with the Dover High School as the former administration changes and if openness to the program exists. Cooperation with the Somersworth high School CTC has been initiated as they are open to an arrangement with Dover businesses. This is paused for the present pending resolution of pandemic issues.

Economic Development activities began a restructuring in December with the Assistant City Manager overseeing the restructuring. Planned changes include a stronger synergy with the community's Master Plan, and adopting a strategic plan, which integrates the DBIDA strategic plan into one closer aligned with the departmental strategic plans adopted by various service areas in the City.

The Dover unemployment rate, which has been in gradual decline since last summer, now stands at 1.9%. The number of people employed in December is now returning to pre-pandemic levels. Healthcare facilities, childcare facilities, hospitality, and service industries are still struggling to find qualified applicants to fill vacant positions. Most recently, Congress allocated \$178 billion through the Provider Relief Fund (PRF) to help ensure hospitals, nursing homes and other health care providers keep their doors open and continue to provide quality care for patients by allocating part of these funds for recruiting and retaining staff. NH received \$164,580,386 in Phase I, and \$21,960,327 in Phase II, to be administered to a total of 1,966 healthcare facilities.

Employment and Wages: Although hiring has not kept up with the demand for workers in 2021, New Hampshire had a greater hiring rate than the U.S. overall. The hiring rate in New Hampshire averaged 4.9 %, compared to 4.3 % in the U.S. NH employment increased by 20,300 jobs since October 2020, signaling employment recovery from the pandemic. Hospitality and leisure experienced the largest increase, while

transportation, trade, utilities, and government sectors also saw increases. A few manufacturers are using large starting bonuses to attract workers rather than raising starting salaries, while others are offering modest wage increases.

Retail & Tourism: NH Travel & Tourism officials are expecting a successful winter season, with more than 3 million tourists expected to visit NH. The state has returned to marketing in Canada again, as the border has been reopened to non-essential travel. Area hotels are showing a strong semi last-minute leisure travel market which is helping to fill the void from the summer wedding season. However, those relying on conferences and corporate travel continue to struggle with pre-pandemic numbers. Retail sales remain strong in the fourth quarter, despite supply chain glitches. Online shopping continues to prosper due to customers' uncertainty regarding Covid exposure, and ease of product availability. Retailers who modify their infrastructure to include onsite pick-up and delivery, are seeing an increase in shoppers. Restaurants are still struggling with staffing shortages, closures, supply chain issues, and price increases, but are still seeing demand from patrons. Museums, art galleries, and music venues are still struggling with accommodating large crowds, but a few of them have implemented air ventilation systems for the safety of their guests. Dover's art economy is proving to be strong, as two new galleries opened in 2021. All local businesses, museums, and cultural entities have been informed of recent SBA Loan Programs including the EIDL Grant Program, DoverCARES Grant Program, and the NH State Council on the Arts Grant Program.

Manufacturing & Related Services: Most local manufacturers supplying domestic and international markets saw steady sales. Revenue gains reflected increased volume rather than higher prices. Most contacts in the manufacturing sector indicate that both staffing shortages and supply chain issues were holding back sales in relation to demand. Capital investment is strong locally, which continues to spur Dover's growth and development. Regional manufacturers are now gaining in confidence and are again contemplating expansions due to business growth.

Labor demand has been strong in all manufacturing sectors and even entry level jobs are going unfilled. Manufacturers are competing for talent by providing incentives such as sign-on bonuses, incentive pay, expanded benefit packages, and a positive work environment. The state is looking toward expanding their efforts for workforce attraction by touting a quality of life in NH that is unparalleled, as well as solutions to include workforce housing initiatives.

Local Major Development Projects:

- Index Packaging, 150 Venture Drive, has completed a 57,000 SF expansion of their building
- Harmony Homes broke ground on its 44 unit affordable home project, located at 54 Back River Road.
- American Durafilm 15,000 SF building on Innovation Way, Enterprise Park, closed on the parcel purchased from the City and is in the pre-construction phase.
- A mixed use building at 14 Broadway was approved by the Planning Board. The project will replace an older manufacturing/metal plating business downtown.
- A mixed use building is proposed to replace the older retail strip located at 47 Chestnut Street. The building will have non-residential space along Chestnut Street with 200 residential units on the second floor.
- The 87 unit apartment project located at the end of Grove Street has been sold to a residential developer.
- The waterfront project had a first Technical Review and is waiting for a peer review of the traffic study to be completed.
- On Littleworth Road, between Knox Marsh and Old Littleworth Road, the following projects are underway:
 - A self-storage facility is under construction
 - Dupont Automotive has Planning Board approval for a small garage/warehouse building
 - AcupetVet has Planning Board approval for a veterinary clinic
 - Atlantic Broadband has Planning Board approval for a small backend utility building

**Some non-local items were excerpted from the Federal Reserve Beige Book – Boston

Parking Division

Nov-21	Nov-21	Nov-20	Nov-19	Fiscal YTD 2022	Fiscal Year 2021	Fiscal Year 2020
Meter Activity - Total						
Meter Transactions	35,318	22,926	46,010	200,136	385,006	442,999
Income from Meters	\$65,830	\$41,124	\$85,839	\$365,706	\$676,715	\$836,199
Active Meter Days	22	22	22	124	302	292
Average Daily Meter Transactions	1,605	1,042	2,091	1,614	1,275	1,517
Meter Activity - Parking Garage						
Meter Transactions	2,370	1,009	4,096	12,484	11,463	36,219
Income from Meters	\$6,313	\$2,563	\$9,948	\$33,389	\$62,637	\$88,142
Active Meter Days	22	22	22	124	302	292
Average Daily Meter Transactions	108	46	186	83	74	124
Parking Permit Activity						
Total Parking Permits Issued	708	726	609	3,773	8,756	6,809
Residential Permits Issued	31	40	36	154	473	441
Business Permits Issued	677	686	573	3,198	8,283	6,499
Permit Income	\$25,160	\$25,176	\$22,489	\$158,352	\$265,168	\$246,485
Parking Ticket Activity						
Total Parking Tickets Issued	573	418	797	3,213	6,720	7,947
Accessible Space Tickets Issued	3	0	3	14	23	48
Winter Restriction Tickets Issued	0	0	0	0	381	164
Parking Ticket Income	\$17,225	\$10,333	\$17,331	\$69,371	\$160,519	\$180,148
Electric Vehicle Charging Stations						
Number of times Stations Used	27	2	23	116	100	233
Charging Station Income	\$266	\$10	\$87	\$849	\$571	\$952

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
November 2020	2,942	2,148	1,121	327
December 2020	3,003	2,254	1,119	451
January 2021	2,927	2,126	979	325
February 2021	2,706	2,216	861	315
March 2021	3,367	2,833	1,240	505
April 2021	3,464	2,702	1,183	318
May 2021	3,235	2,999	1,088	225
June 2021	3,245	3,513	1,157	261
July 2021	3,274	3,717	1,203	255
August 2021	3,210	3,799	1,275	368
September 2021	3,191	3,165	1,144	338
October 2021	3,356	3,082	1,254	318
November 2021	3,357	3,030	1,268	234

J. MICHAEL JOYAL, JR.
CITY MANAGER



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, December 8, 2021**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Gasses and Councilor O'Connor led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Carrier, Councilor Cullen, Councilor Gasses, Councilor O'Connor, Councilor Shanahan, and Councilor Williams. Deputy Mayor Ciotti participated by phone.

Absent: Councilor Muffett-Lipinski and Councilor Thibodeaux.

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

5. PROCLAMATIONS/AWARDS

6. APPROVAL OF AGENDA

Councilor Shanahan moved to substitute as a whole Item 13.B.2., and to add background information to Item 13.B.4.; seconded by Councilor O'Connor.

Roll Call Vote: 7/0.

7. PUBLIC HEARINGS

A. CHAPTER 13 – CITY COUNCIL, SECTION 5 SPONSORED BY MAYOR CARRIER BY REQUEST

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

B. CHAPTER 141: VEHICLES AND TRAFFIC, SECTIONS 27, 30, AND 31. 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.

Jeff Spires, Dover Main Street: He gave an update on Dover Main Street holiday programs.

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



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, December 8, 2021**
Meeting Time: **7:00 pm**

9. CITY MANAGER'S REPORT

City Manager Joyal said he submitted his report in writing. He gave a COVID update to the Council. He spoke about the 2021 property tax rate being set by the NH Department of Revenue Administration at \$21.70. He said the Willand Center is in operation.

Mayor Carrier said the Community Action Program will be offering COVID booster shots.

Councilor Shanahan moved to accept the City Manager's Report; seconded by Councilor Williams

Roll Call Vote: 7/0.

10. APPROVAL OF MINUTES

- A. November 10, 2021 – Regular Meeting**
- B. December 1, 2021 – Workshop Session**

Councilor Cullen mentioned a line in the Minutes where it needed to be completed that Councilor Muffett-Lipinski left the meeting. He added that she left at 8:42 pm.

Councilor Shanahan moved to approve the Minutes as amended; seconded by Councilor Williams.

Roll Call Vote: 7/0.

11. MAYOR'S REPORT

Mayor Carrier listed the events and meetings he attended.

Councilor Shanahan spoke about ribbon cuttings he attended on the Mayor's behalf.

Councilor Shanahan moved to accept the Mayor's Report; seconded by Councilor O'Connor.

Roll Call Vote: 7/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 13 – CITY COUNCIL, SECTION 5 **SPONSORED BY MAYOR CARRIER BY REQUEST**

Councilor Shanahan moved for its adoption; seconded by Councilor O'Connor.

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



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, December 8, 2021**
Meeting Time: **7:00 pm**

2. CHAPTER 141: VEHICLES AND TRAFFIC, SECTIONS 27, 30, AND 31. **SPONSORED BY MAYOR CARRIER BY REQUEST**

Councilor Shanahan moved for its adoption; seconded by Councilor Gasses.
Councilor Cullen started a discussion regarding expanding the free parking to all Veterans.

Roll Call Vote: 7/0.

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

1. REPROGRAM UNEXPENDED BOND PROCEEDS FROM COCHECO PUMP STATION PROJECT TO VARNEY BROOK PUMP STATION PROJECT AND ISSUE CHANGE ORDER ONE TO WRIGHT-PIERCE FOR CONSTRUCTION OVERSIGHT (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL) **SPONSORED BY MAYOR CARRIER BY REQUEST**

Councilor Shanahan moved for its adoption; seconded by Councilor Gasses.
City Manager Joyal gave an overview of the Resolution to the Council.
Community Services Director Storer answered specific questions regarding the project.
Roll Call Vote: 7/0.

Councilor Cullen moved to suspend the rules to move Item 13.B.1. to this point on the Agenda; seconded by Councilor O'Connor.
Roll Call Vote: 7/0.

Councilor Shanahan moved for the adoption of Item 13.B.1.; seconded by Councilor O'Connor.
Roll Call Vote: 7/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. B22026 HIGH PERFORMANCE COLD PATCH AND/OR HOT PATCH**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 2. B22028 2021 F350 4X4 WITH DUMP BODY**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 3. B22029 2022 NISSAN LEAF SV PLUS**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 4. B22030 MATERIAL REPAIR & OPERATION AND INDUSTRIAL SUPPLIES – STATE OF NH CONTRACT WITH GRAINGER INC.**
SPONSORED BY MAYOR CARRIER BY REQUEST



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, December 8, 2021**
Meeting Time: **7:00 pm**

5. CANVASS OF VOTES-NOVEMBER 2, 2021

SPONSORED BY MAYOR CARRIER BY REQUEST

6. B22018 LABOR NEGOTIATION SERVICES

SPONSORED BY MAYOR CARRIER BY REQUEST

COMMITTEE REPORTS

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

Councilor Shanahan moved for the adoption of the Consent Calendar; seconded by Councilor Williams.

Roll Call Vote: 7/0.

Councilor Williams gave an overview of the Appointments Committee to the Council, and recommended the following appointments:

Timothy Casey –as a regular member on the McConnell Center Advisory Commission, and as an alternate on Solid Waste Advisory Commission

Caitlin Little – Arts Commission – regular member

Patti Pettis on the Board of Health

Chris Sleys as a regular member on the Pool Advisory Committee, and as an alternate on Solid Waste Advisory Commission.

David Staples on the Board of Health.

Katherine Surman – Solid Waste Advisory Commission – regular member

Reappoint Chris Prior to the Waterfront TIF Advisory Board

Change the status of Rita Braceland and Tess Beem from alternate to regular on the Racial Equity and Inclusion Ad-Hoc Committee.

Councilor Shanahan moved to accept the Appointments Committee Report; seconded by Councilor Gasses.

Roll Call Vote: 7/0.

Councilor Shanahan gave an overview of the Stormwater and Flood Resilience Funding Ad-Hoc Committee to the Council.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, December 8, 2021**
Meeting Time: **7:00 pm**

Councilor Shanahan gave an overview of the Waterfront TIF Advisory Committee report to the Council.

Councilor Shanahan moved to accept the Waterfront TIF Advisory Committee report; seconded by Councilor O'Connor.

Roll Call Vote: 7/0.

Councilor Shanahan gave an overview of the COAST report to the Council.

Councilor Williams gave an overview of the Strafford Regional Planning Commission to the Council.

B. RESOLUTIONS

1. APPROVAL OF RED'S GOOD VIBES FOOD SERVICE TRAILER PROPOSAL SPONSORED BY MAYOR CARRIER BY REQUEST

Moved up on the Agenda to follow Old Business.

2. PROFESSIONAL ENGINEERING SERVICES FOR THE PUDDING HILL WATER TREATMENT FACILITY - UNDERWOOD ENGINEERS SPONSORED BY MAYOR CARRIER BY REQUEST

Councilor Shanahan moved for its adoption; seconded by Councilor Gasses.

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

Roll Call Vote: 7/0.

3. COCHECO RIVER OUTFALL STORMWATER MASTER PLAN - KLEINFELDER NORTHEAST INC SPONSORED BY MAYOR CARRIER BY REQUEST

Councilor Shanahan moved for its adoption; seconded by Councilor Gasses.

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

Roll Call Vote: 7/0.

4. APPROVAL AND AUTHORIZATION OF (I) SETTLEMENT AND FUNDING AGREEMENT BETWEEN CITY OF DOVER AND NEW ENGLAND METAL RECYCLING, LLC, AND (II) THIRD PARTY GUARANTY AGREEMENT SPONSORED BY MAYOR CARRIER BY REQUEST

Councilor Shanahan moved for its adoption; seconded by Councilor Gasses.

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

City Attorney Wyatt gave an overview of the Agreements in the background materials.

Roll Call Vote: 7/0.

C. ORDINANCES IN 1ST READING



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, December 8, 2021**
Meeting Time: **7:00 pm**

14. COUNCIL CORRESPONDENCE

A. Letter from Comcast dated 11/18/2021.

Councilor Shanahan moved to place correspondence on file; seconded by Councilor Williams.

Roll Call Vote: 6/1; passed. Councilor O'Connor was opposed.

15. COUNCIL MATTERS OF INTEREST

Councilor Shanahan spoke about the Ward Boundary changes that will be coming before the Council.

Mayor acknowledge that this is the last meeting of the 2020-2021 City Council. He recognized the work of the three Councilors who would be leaving. He gave them parting gifts.

Deputy Mayor Ciotti thanked everyone.

Councilor O'Connor thanked everyone. He recognized City staff.

Councilor Gasses thanked everyone.

Councilor Shanahan gave his parting comments to the three Councilors.

Councilor Williams said it was an honor to work with this Council.

City Manager Joyal thanked the Councilor for the work over the years.

16. ADJOURN

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

Roll Call Vote: 7/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Organizational Meeting
Meeting Location: Office of the City Manager, City Hall
Meeting Date: **Monday, January 3, 2022**
Meeting Time: **6:00 pm**

City Clerk Mistretta called the meeting to order.

Present: Mayor Carrier, Councilor Cullen, Councilor Hackett, Councilor Hinkel, Councilor Nemeth, Councilor Shanahan, Councilor Thibodeaux, and Councilor Williams.

Absent: Councilor Muffett-Lipinski.

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

1. OATH OF OFFICE

City Clerk Mistretta issued the Oath of Office, and turned the meeting over to Mayor Carrier.

2. ELECTION OF DEPUTY MAYOR

Mayor Carrier asked for nominations for Deputy Mayor.

Councilor Thibodeaux nominated Councilor Shanahan.

Councilor Shanahan accepted the nomination.

Mayor Carrier, hearing no additional nominations, asked for a vote to accept Councilor Shanahan as Deputy Mayor.

Vote: 8/0.

3. COMMITTEE APPOINTMENTS

Councilor Carrier gave an overview of the Liaison list to the Council.

Councilor Hackett moved to approve the list as presented; seconded by Councilor Thibodeaux.

Vote: 8/0.

4. ADOPTION OF 2022-2023 COUNCIL PROCEDURAL RULES

City Manager Joyal referred to the two handouts: Draft version of the 2022-2023 Council Procedural Rules and Council suggested changes.

Councilor Williams gave an overview of the changes she was proposing.

Deputy Mayor Shanahan started a discussion regarding procedural changes to the Appointments Committee.

The Council decided to let the Appointments Committee meet to discuss and then bring it forward to the Council.

Deputy Mayor Shanahan referred to the updated version of Robert's Rules and Order and ask that it be updated.

City Manager suggested that they change the wording to the latest edition instead of the specific version.

Councilor Nemeth moved to amend the rules as Councilor Williams proposed; seconded by Councilor Hinkel.

Vote: 8/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Organizational Meeting
Meeting Location: Office of the City Manager, City Hall
Meeting Date: **Monday, January 3, 2022**
Meeting Time: **6:00 pm**

Councilor Thibodeaux started a discussion regarding the Council holding a meeting remotely when needed.

City Manager Joyal said it is used only for an emergency per RSA 91-A.

City Attorney Wyatt explained that a weather emergency is an acceptable reason.

City Manager Joyal said he will wordsmith the amendment, and the Council can approve at the next City Council meeting.

Councilor Thibodeaux moved to make the remote meeting potential amendment, which the City Manager will wordsmith; seconded by Councilor Williams.

Vote: 8/0.

City Manager Joyal said he will be bringing the proposed changes in the form of a resolution to the Council, and they can vote to approve at that time.

Councilor Cullen made a motion to table until the next meeting; seconded by Councilor Nemeth.

Vote: 8/0.

5. ADJOURN

Deputy Mayor Shanahan moved to adjourn; seconded by Councilor Cullen.

Vote: 8/0.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.1.

Resolution Number: **R – 2022.01.12 – 001**

Resolution Re: Additional Scope of Work Associated with the Pudding Hill Aquifer Artificial Recharge Facility – Emery & Garrett Groundwater Investigations LLC

WHEREAS: Emery and Garrett Groundwater Investigations LLC (EGGI) was the awarded firm through [Sealed Bid #B13043](#) for hydrogeological consulting services exploration and development of replacement groundwater supply; and

WHEREAS: In support of permitting for the new Bellamy River Aquifer Recharge Facility, technical assistance is required for the preparation and submittal of hydrogeological and environmental monitoring plans, and performance of consulting services, to meet the requirements of a 401 Water Quality Certificate. This Certificate is required for withdrawing water from the Bellamy River, and as such the certificate will be issued in accordance with the United States Clean Water Act and NH RSA 485-A:12, III. Due to their experience with the Pudding Hill Aquifer, EGGI was approved for this work via council resolution [R-2020.06.24-108](#); and

WHEREAS: An additional scope of work was received from EGGI to provide hydrologic services associated with the implementation of the Source Water Protection Plan (SWPP) for the City's Pudding Hill Aquifer Artificial Recharge (AR) Facility in the amount of \$26,000.00. The requested services will build on the previous steps completed by the City to protect the City's Aquifer resources; and

WHEREAS: Per 5-33.H, Competitive Bidding Procedure, the competitive bid procedure may be waived by a majority vote of the City Council.

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 Emery and Garrett Groundwater Investigations LLC for hydrologic services associated with the implementation of the Source Water Protection Plan (SWPP) for the City's Pudding Hill Aquifer Artificial Recharge (AR) Facility in the amount of \$26,000.00. The City Manager, or designee, is hereby authorized to finalize and enter into an agreement with the vendors, 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
5300.1.300.43320.4757.03574.20.	Water - Wellhead Protection	98,618.00	98,618.00



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.1.

Resolution Number: **R – 2022.01.12 – 001**
Resolution Re: Additional Scope of Work Associated with the Pudding Hill
Aquifer Artificial Recharge Facility – Emery & Garrett
Groundwater Investigations LLC

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

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, 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.1.

Resolution Number: **R – 2022.01.12 – 001**
Resolution Re: Additional Scope of Work Associated with the Pudding Hill
Aquifer Artificial Recharge Facility – Emery & Garrett
Groundwater Investigations LLC

RESOLUTION BACKGROUND MATERIAL:

Emery & Garrett Groundwater Investigations LLC (EGGI) prepared a proposal to provide engineering technical support, Bellamy River assessments, reporting to NHDES and NH Fish and Game, start-up of artificial recharge system and development and submittal of monitoring plans in accordance with the Bellamy River 401 Water Withdrawal Certificate to be issued to the City in the total amount of \$158,850.00 as approved via council resolution [R-2020.06.24-108](#).

In December 2021, an additional scope of work was received to provide requested hydrologic services associated with the implementation of the Source Water Protection Plan (SWPP) for the City's Pudding Hill Aquifer Artificial Recharge (AR) facility as summarized in the table below.

Task Description	Cost
Task 1 – SWPP Implementation Hydrologic Support	\$26,000.00
Total Cost	\$26,000.00

Purchasing Information:

Type:	Purchase Order	Advertised:	N/A
Invitations Mailed:	N/A	Number of Responses:	N/A
Warranty:	N/A	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until Complete	Estimated Delivery:	As needed
Recommended Award	Emery & Garrett Groundwater Investigations LLC	Fund:	Water Fund
Previously Worked for City:	Yes	Reason for Council Approval:	Waive Competitive Bidding. Purchase to exceed the \$25,000 amount requiring Council approval.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.2.

Resolution Number: **R – 2022.01.12 – 002**
Resolution Re: Additional Scope of Work for Dredge Cell Closure – GeoInsight, Inc.

WHEREAS: After going through a request for proposal in 1999, GeoInsight, Inc. of Londonderry NH was hired to provide professional consulting services relative to the Cocheco River Dredge Cell project; and

WHEREAS: Several resolutions have been approved by City Council through the years allowing continued services from GeoInsight, Inc. for the ever changing and expanding scope of work including the completion of the lengthy permitting application process; and

WHEREAS: An additional Scope of Work was received from GeoInsight, Inc. to perform a geotechnical evaluation of existing clay material present on a hillside north of the cell, where proposed riverfront development will result in the excavation and removal of a natural deposit of silty clay, as well as an increase to the topography survey of the cell surface and immediate surroundings in the total amount not to exceed \$12,435.00.

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 GeoInsight, Inc. of Manchester, NH in the amount not to exceed \$12,435.00 for additional engineering services related to Dover Landing Dredge/Cocheco River maintenance Dredge Cell. 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
4325.1.300.43230.4757.03190.00	Utility Systems	3,194,427.36	3,039,727.36

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 – 2022.01.12 – 002**
Resolution Re: Additional Scope of Work for Dredge Cell Closure –
GeoInsight, Inc.

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

The City undertook the design, construction and closure of the dredge spoil disposal facility under an agreement with US Army Corps of Engineers (USACOE) to facilitate the Cocheco River Navigation Channel dredge project. The design was based on the USACOE dredge spoils volume estimate to provide 7 feet of water in the navigation channel at low tide. The dredging project took three dredge seasons to complete as ledge was encountered and the river froze solid during January. The delays required the approval of additional funding from the US congress which was under increasing pressure to reduce federal expenditures. The ACOE suggested reducing the depth of the dredge in subsequent budget request from the 7 feet to 6 feet and then 5.5 feet which lowered the cost of the dredging by reducing the volume of material to be dredged. As a consequence the dredge cell did not receive the volume of spoils originally estimated and a significant deficit was left at the dredge cell. Unable to secure dredge spoils from other dredge projects the City requested permission from the NH Department of Environmental Services to place urban soils from three City owned properties slated for redevelopment into the dredge cell. The placement of the urban soils will fill the cell and allow for the capping and closure of the dredge cell which has been sitting idle for several years.

GeoInsight, Inc. is the engineering firm that designed and provided oversight during the construction and operation of the dredge facility. The City is requesting GeoInsight, Inc. again to provide the engineering oversight of the disposal of the urban soils and complete the design of the final cap and closure of the facility.

Document Created by: Purchasing	R-2022.01.12 Additional Scope of Work for Dredge Cell
Document Posted on: January 6, 2022	Closure – GeoInsight, Inc
	Page 2 of 3



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.2.

Resolution Number: **R – 2022.01.12 – 002**
Resolution Re: Additional Scope of Work for Dredge Cell Closure –
GeoInsight, Inc.

A phased scope of work provided by GeoInsight, Inc. with a cost estimate in the amount of \$75,940.00 was approved via council resolution [R-2014.09.10-191](#) to complete the related engineering tasks. As the clayey character of the soil from one of the redevelopment projects may be suitable to construct an impermeable soil cap and potentially save the City a significant amount of dollars capping the dredge cell.

An additional Scope of Work adding \$136,200.00 was approved via council resolution [R-2021.06.09-090](#). The engineering services to be provided are for the planned final filling and closure of the Dover Landing Dredge/Cocheco River Maintenance Dredge Cell (cell). In addition, services associated with the redevelopment of the area above the cell and certain areas immediately adjacent to the cell will be provided. The City has been filling and monitoring the cell in many phases over an approximately 16-year period, and it is expected that following a final addition of a relatively small amount of the material, the capping and closure will be coordinated with proposed redevelopment of the Waterfront Redevelopment Project.

An additional Scope of Work adding \$13,250.00 for a geotechnical evaluation of the fill contained within the cell, assessment of apparent water level(s) within the cell, paper study of additional materials proposed for deposition on top of the cell, and an updated stability analyses to address several closure scenarios was accepted in October 2021.

An additional Scope of Work is being requested for a geotechnical evaluation of existing clay material present on a hillside north of the cell, where proposed riverfront development will result in the excavation and removal of a natural deposit of silty clay in the amount of \$6,130.00, as well as an increase to the topography survey of the cell surface and immediate surroundings in the amount of \$6,305.00 for a total requested amount of \$12,435.00.

Bid Information:

A sealed bid solicitation was issued in 1999 and awarded by council to GeoInsight, Inc.

Purchasing Information:

Type:	Purchase Order	Advertised:	No
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:	Until completion	Estimated Delivery:	As needed
Recommended Award to:	GeoInsight, Inc.	Fund:	Cocheco Dredge Cell
Other Approvals Required:	Yes, State NH	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.3.

Resolution Number: **R – 2022.01.12 – 003**

Resolution Re: Authorization to Utilize Saint Anselm College's Center for Ethics in Society

WHEREAS: The City of Dover formed a task force to develop an action plan to guide its response to mental health related calls for service and needs and to establish public policy to address the needs of those affected by mental illness; and

WHEREAS: The task force identified the need to have a facilitating organization, therefore, several agencies were consulted including Saint Anselm College's Center for Ethics in Society that provided a proposal to lead in the planning and holding of a series of private committee meetings, as well as public meetings on the mental health response problem in the amount not to exceed \$28,000.00; 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:

The Purchasing Agent is hereby authorized to issue a Purchase Order to Saint Anselm College's Center for Ethics in Society of Manchester, NH in an amount not to exceed \$28,000.00 for services related to the City's response to mental health related calls for service and needs, and to establish public policy to address the needs of those affected by mental illness. 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
2110.1.190.41991.4330.01150.00	ARPA - Other Professional Services	28,000	28,000

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 – 2022.01.12 – 003**

Resolution Re: Authorization to Utilize Saint Anselm College's Center for Ethics in Society

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 Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, 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.3.

Resolution Number: **R – 2022.01.12 – 003**
Resolution Re: Authorization to Utilize Saint Anselm College's Center for Ethics in Society

RESOLUTION BACKGROUND MATERIAL:

In late August 2021, a task force was developed, led by the Fire & Rescue Chief, and consisting of representatives from the Police Department, School Department, Community Partners, the Dover Mental Health Alliance, Wentworth Douglass Hospital and Portsmouth Regional Hospital. The goal of this task force is to identify and overcome challenges to City Services in meeting the needs of persons in mental health crisis that are encountered in our community.

After several organizational meetings, it was determined that the task force would benefit from the services of a facilitating organization to help guide discussion, fact finding, ensure adequate opportunity for public input, and generate a final report for presentation to the Dover Mental Health Alliance and the Dover City Council. Several agencies were consulted, all of whom recognized the importance of the project but having an inability to staff the effort. After several discussions with the Center for Ethics in Society (Saint Anselm College), an agreement was drafted, including a Statement of Work.

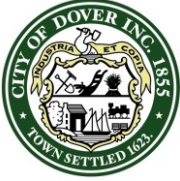
The members of the Task Force, after an opportunity to provide input to the Statement of Work, support the expenditure of funds to secure the services of the Center for Ethics in Society as presented.

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:	N/A
Invitations Mailed:	N/A	Number of Responses:	N/A
Warranty:	N/A	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Completion	Estimated Delivery:	6/30/2022
Recommended Award to:	Saint Anselm College, Center for Ethics in Society	Fund:	ARPA
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	No	Reason for Council Approval:	Competitive bidding may be waived by a majority vote of the City Council.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.4.

Resolution Number: **R - 2021.01.12 – 004**

Resolution Re: Acceptance of Pear Drive, Authorization to Issue License for Maintenance, and Renaming of Pear Drive to Pear Lane Pursuant to RSA:231:133

WHEREAS: Pear Drive was planned to be a public road, has now been constructed, and the current owner (Copley Properties, LLC) has dedicated and proposed to convey the road to the City of Dover, along with related easements; and

WHEREAS: City staff believe that, upon receipt of a satisfactory easement release from two utility companies for an encumbrance of this road, the road is ready for public acceptance; and

WHEREAS: Once Pear Drive is publicly accepted, the Pear Drive Association has requested the City to issue a license to authorize the Pear Drive Association to maintain landscaping within the cul-de-sac area of Pear Drive; and

WHEREAS: With the public acceptance of Pear Drive, the road's name should change pursuant to RSA 231:133 consonant with the City's Planning Board regulations, which require the term "Drive" to be used in Dover to denote a private road (*see* [Dover Code § 157-33\(C\)](#)).

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

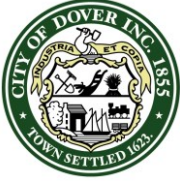
Subject to the receipt and recording of satisfactory release of the existing encumbrance by the two utility companies, finalization and recording of a Warranty Deed conveying the fee interest and related utility easements to the City of Dover, Pear Drive is accepted as a public right-of-way.

AND, BE IT FURTHER RESOLVED THAT:

Provided there is satisfactory receipt and recording of a release of the encumbrance by the two utility companies, the City Manager is authorized to take any/all necessary steps to finalize a satisfactory, recorded Warranty Deed substantially in the form accompanying this resolution, to be executed by the owner of Pear Drive (Copley Properties, LLC) to the City of Dover, containing a metes and bounds description of Pear Drive along with the recitation and conveyance of its related easements. The City Manager is authorized to also join in, and execute, said deed on behalf of the City of Dover indicating the City's acceptance of same and of Pear Drive as a public road, along with its related easements.

AND, FURTHER BE IT RESOLVED:

Provided Pear Drive is accepted and a Warranty Deed is executed to the City of Dover on the conditions set forth above, the City Manager is authorized to issue a license to the Pear Drive Association substantially in the form accompanying this resolution, on terms acceptable to both parties.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.4.

Resolution Number: **R - 2021.01.12 – 004**

Resolution Re: Acceptance of Pear Drive, Authorization to Issue License for Maintenance, and Renaming of Pear Drive to Pear Lane Pursuant to RSA:231:133

AND, FURTHER BE IT RESOLVED:

There is occasion for changing the name of Pear Drive, given that the City's Planning Board regulations, which require the term "Drive" to be used in Dover to denote a private road. Accordingly, upon the public acceptance of Pear Drive and the recording of a Warranty Deed, effective March 1, 2022 the name of "Pear Drive" shall change to "Pear Lane". Once the Warranty Deed is recorded, then a return of this name change from "Pear Drive" to "Pear Lane" shall be made to the City Clerk by copy of this resolution, who shall make a record of the name change and forward a copy of such record and this resolution to the New Hampshire Commissioner of Transportation in accordance with RSA 231:133, III.

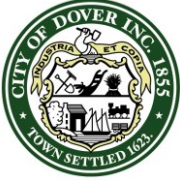
AUTHORIZATION

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



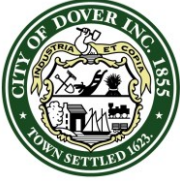
CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.4.

Resolution Number: **R - 2021.01.12 – 004**

Resolution Re: Acceptance of Pear Drive, Authorization to Issue License for Maintenance, and Renaming of Pear Drive to Pear Lane Pursuant to RSA:231:133



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.4.

Resolution Number: **R - 2021.01.12 – 004**

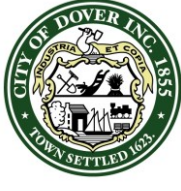
Resolution Re: Acceptance of Pear Drive, Authorization to Issue License for Maintenance, and Renaming of Pear Drive to Pear Lane Pursuant to RSA:231:133

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, 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.4. Resolution Number: R - 2021.01.12 – 004 Resolution Re: Acceptance of Pear Drive, Authorization to Issue License for Maintenance, and Renaming of Pear Drive to Pear Lane Pursuant to RSA:231:133
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RESOLUTION BACKGROUND MATERIAL:

A copy of the proposed Warranty Deed is attached for reference. The deed contains the metes/bounds description of the road, as well as the easements to be conveyed to the City of Dover. Also attached is a copy of the approved 2016 subdivision plan showing Pear Drive. A copy of the proposed License Agreement with the Pear Drive Association is also attached.

There is an encumbrance (easement) on the road by Eversource and Northern New England Telephone Operations, LLC (Consolidated Communications). City staff are expecting to receive a forthcoming release of that easement to record with the registry of deeds as part of finalizing the conveyance of the road to the City of Dover. It is expected that the easement release and Warranty Deed would be recorded together, and upon the City's countersignature of the Warranty Deed, the City Manager will issue a utility right of way license to Eversource and Consolidated Communications (*see* Dover Code 125-22(B)).

By way of brief overview, an official public way is created by one of four ways as follows:

- Highway layout
- Prescription
- Dedication and acceptance
- Deed

See RSA 229:1. Creation of this public road will be completed by this resolution and the issuance of a deed.

Dedication and acceptance is a two-step process. The most common act of dedication is the filing and recording of an approved subdivision plan. The second and final step is a formal vote of acceptance by the City Council, and the recording of appropriate documents in the Strafford County Registry of Deeds.

Only streets meeting City specifications are accepted. Acceptance is in the sole discretion of the City Council. The City of Dover maintains and provides services for the City's public rights-of-way.

As part of accepting a new public road, the City Council has the authority to change the name of the road if there is occasion for doing so. [RSA 231:133](#) is provided below. City staff determined that an effective date of March 1, 2022 would give sufficient time for residents to plan and make preparations, as well as for City staff to notify other authorities of the change.

RSA 231:133 Names; Changes; Signs.

I. In all towns, cities, and those village districts which maintain public highways, every highway and street under the control of the town, city, or village district shall have a name which shall be given it by the governing body. Said name shall be legibly marked on a suitable signboard or other marker and placed in at least 2 conspicuous places on said street. The governing body may change the name of any such street or



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.4.

Resolution Number: **R - 2021.01.12 – 004**

Resolution Re: Acceptance of Pear Drive, Authorization to Issue License for Maintenance, and Renaming of Pear Drive to Pear Lane Pursuant to RSA:231:133

highway at any time when in its judgment there is occasion for so doing. The governing body may change the name of a private street or highway when the name change is necessary to conform to the requirements of the enhanced 911 telecommunications system. In towns and village districts the governing body may at its discretion provide for public hearing and submit such names for approval at any meeting of the legislative body, and voters may submit a petitioned warrant article for such a name change under the procedure of RSA 39:3.

II. The naming of any new street or highway shall form a part of the return of the layout of the street or highway, or of the acceptance of any dedicated way. The municipality shall not be bound by any name previously assigned to the street or highway by any private owner, developer, or dedicator. No name for a highway or street shall be selected which is already in use, or which is confusingly similar to any such existing name, or which otherwise might delay the locating of any address in an emergency.

III. Whenever a name is assigned to any new street or highway, or a change is made in the name of any street or highway, the governing body shall make a return of the same to the town, city, or village district clerk, who shall make a record of the new name or name change, and shall forward a copy of such record to the commissioner of transportation.

Return to:
City of Dover
ATTN: City Attorney's Office
288 Central Drive
Dover, NH 03820

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That, COPLEY PROPERTIES, LLC, with a mailing address of 1 Sanctuary Drive, Stratham, New Hampshire 03885, for consideration paid, grants to the CITY OF DOVER, a municipal corporation, with a business address of 288 Central Ave, Dover, NH 03820, City of Dover, County of Strafford, State of New Hampshire, *WITH WARRANTY COVENANTS*, the following described premises:

A fee simple interest in and to a certain 50' Wide Public R.O.W., shown as Pear Drive on a plan entitled "Pear Drive, proposed Open Space Subdivision Plan prepared for Copley Properties, LLC, Tax Map "C", Lot 2, 114 Watson Road, City of Dover, County of Strafford, State of New Hampshire", dated: April 8, 2016 and revised through 7/14/16; scale: 1" = 40'; prepared by: McEneaney Survey Associates, Inc.; recorded at Strafford County Registry of Deeds as Plan #112-001 (hereinafter "the Plan"), with all improvements of Grantor owned therein or thereon, said improvements including but not limited to ownership and operational control of all of Grantor's pavement, conduits, pipes, utility and sewer structures and other infrastructure contained therein.

Said 50' Wide R.O.W. being more particularly described as follows:

Beginning at a point of curvature on the westerly sideline of Watson Road, said point of curvature being the southeasterly corner of the within described tract of land and located N 15° 39' 20" E, a distance of 108.02 feet from the southeast corner of Lot C/2-OS; thence turning and running along said 50' Wide R.O.W. for the following eleven (11) courses:

Along a curve to the left, said curve having a radius of 30.00, a central angle of 81° 03' 13", for a distance of 42.44 feet to a point; thence

N 65° 23' 53" W, a distance of 95.12 feet to a point of curvature; thence

Along a curve to the right, said curve having a radius of 150.00, a central angle of 15° 05' 25", for a distance of 39.51 feet to a point; thence

N 50° 18' 28" W, a distance of 76.49 feet to a point of curvature; thence

Along a curve to the left, said curve having a radius of 100.00, a central angle of 58° 59' 33", for a distance of 102.96 feet to a point of tangency; thence

Along a curve to the right, said curve having a radius of 65.00, a central angle of 238° 59' 33", for a distance of 271.12 feet to a point; thence

S 50° 18' 28" E, a distance of 202.91 feet to a point of curvature; thence

Along a curve to the left, said curve having a radius of 100.00, a central angle of 15° 05' 25", for a distance of 26.34 feet to a point; thence

S 65° 23' 53" E, for a distance of 77.81 feet to a point of curvature; thence

Along a curve to the left, said curve having a radius of 30.00, a central angle of 98° 56' 47", for a distance of 51.81 feet to a point on the westerly sideline of said Watson Road; thence

Along said Watson Road, S 15° 39' 20" E, a distance of 111.35 feet to the point of beginning.

Said 50' Wide R.O.W. containing 30,587 square feet, more or less.

By this deed, Grantor also conveys and grants to the City of Dover, its successors and assigns, with warranty covenants, permanent rights and easements to be used for purposes of installing, operating, maintaining, repairing, and/or replacing utilities, sewer, water, drainage, stormwater drainage, surface drainage, and/or subsurface drainage in the following easement areas:

1. A contiguous easement referred to on the Plan as a "30' Wide Utility Easement", consisting of: (i) a 1,859 Square Foot easement area as shown on the Lot identified as C/2-6, (ii) a 1,788 Square Foot easement area as shown on the Lot identified as C/2-4 of the Plan, and (iii) a 944 Square Foot easement area, as shown on the Open Space Lot identified as Lot C/2-OS on the Plan;
2. A contiguous easement referred to on the Plan as consisting of: (i) a 2,222 Square Foot easement area, a portion of a "30' Wide Utility Easement", as shown on the Lot identified as C/2-7, (ii) a 2,285 Square Foot easement area, a portion of a "30' Wide Utility Easement", as shown on the Lot identified as C/2-6 of the Plan, and (iii) an adjacent easement area identified on the Plan as a "45' Wide Utility Easement", consisting of a 9,096 Square Foot easement area shown on the Open Space Lot identified as Lot C/2-OS on the Plan;

3. A contiguous easement referred to on the Plan as a “30’ Wide Utility Easement”, consisting of: (i) a 2,578 Square Foot easement area as shown on the Lot identified as C/2-5; (ii) a 2,638 Square Foot easement area as shown on the Lot identified as C/2-3 of the Plan, and (iii) an adjacent 8,734 Square Foot easement area as shown on the Open Space Lot identified as Lot C/2-OS on the Plan;
4. An easement in the area referred to on the Plan as “Utility Easement”, consisting of a 22,212 Square Foot easement located at the corner of Pear Drive and Watson Road as shown on the Plan. As part of this conveyance, the Grantor conveys sole ownership to the City of Dover of all trees currently planted within this easement area.

By this deed, Grantor also conveys and grants to the City of Dover, and its successors and assigns, with warranty covenants, sole ownership and operational control of all of the Grantor’s installed improvements, infrastructure, utility infrastructure, pipes, mains, manholes, catch basins, and/or any other sewer, water, utility, and/or drainage structures owned by Grantor in the aforesaid easement areas.

Also, by this deed, Grantor conveys and grants to the City of Dover, its successors and assigns, with warranty covenants, sole ownership and operational control of the sewer line and any related infrastructure installed by Grantor within Watson Road in relation to the subdivision shown in the Plan.

With respect to all easements conveyed to the City of Dover herein, the City of Dover shall have the right to remove obstructions in any easement area including, but not limited to, trees, shrubs, vegetation, landscaping, structures, and/or pavement and to take such other actions as may be reasonably necessary, useful or convenient for the enjoyment of the easement rights herein granted. Furthermore, the City of Dover shall not, with respect to the easement rights conveyed herein to the City of Dover, be liable in any way for any damage, cost, compensation or replacement cost in relation to or arising out of the removal of any trees, shrubs, vegetation, landscaping, structures, and/or pavement. Lastly, the City of Dover shall have the option at its election but shall not, with respect to the easement rights conveyed herein, have any obligation to maintain, landscape, or mow the surface or vegetation.

Within the easements conveyed to the City of Dover herein, Grantor shall not allow, consent, permit, construct or erect any buildings, structures, pavement, or other such improvements, shall not substantially change the grade or slope, and/or shall not install trees, vegetation, or shrubs greater than 3 feet in height without the City of Dover’s prior written consent.

As confirmed by the City of Dover’s execution of this deed, it is intended by the parties that the delivery of this deed by the Grantor, and its acceptance by the City of Dover, will constitute the creation of a public highway according to New Hampshire law.

Being a portion of the premises conveyed to the Grantor by Warranty Deed of Rae Anne Bernier and Gary Bernier dated July 29, 2016 and recorded in the Strafford County Registry of Deeds at Book 4403, Page 22.

There are no rights of homestead pertaining to the premises.

This conveyance is exempt from transfer tax pursuant to New Hampshire RSA 78-B:2, I.

Acceptance of this conveyance by the Dover City Manager was authorized by vote of the Dover City Council on January 12, 2022.

Dated this _____ day of _____, 2022.

COPLEY PROPERTIES, LLC

By: _____
Andrew Goddard, Manager
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF _____

Personally appeared this _____ day of _____, 2022, the above-named Andrew Goddard, who acknowledged himself as the Manager of Copley Properties, LLC, and as such Manager, being authorized so to do, he executed the forgoing instrument for the purposes therein contained on behalf of said Limited Liability Company.

Before me,

Notary Public/Justice of the Peace
My Commission Expires:

Accepted by the City of Dover.

J. Michael Joyal, Jr., City Manager

STATE OF NEW HAMPSHIRE
STRAFFORD, SS

Personally appeared J. Michael Joyal, Jr. City Manager for the City of Dover, and acknowledged that he executed the above instrument, as his free act and deed on behalf of the City of Dover, before me, this _____ day of _____, 2022.

Notary Public
My Commission Expires:

LICENSE AGREEMENT

This LICENSE AGREEMENT ("**LICENSE**"), is made as of the _____ day of _____, 2021 by and between the **CITY OF DOVER, NEW HAMPSHIRE**, a New Hampshire municipal corporation having offices at 288 Central Avenue, Dover, New Hampshire 03820 ("**City**"), and PEAR DRIVE ASSOCIATION, an unincorporated association of the lot owners of the Pear Drive Subdivision, with a mailing address of c/o Ryan Swett, President, 11 Pear Drive, Dover, New Hampshire 03820 ("**Licensee**").

RECITALS

A. The City is the owner of a certain public right of way in the City of Dover, County of Strafford, State of New Hampshire known as Pear Drive, including an island in the cul-de-sac of Pear Drive.

B. Licensee has requested a license upon, over and across a portion of Pear Drive for the benefit of Licensee in order to install and maintain the landscaping within the cul-de-sac area of the road, and the City agrees to issue such license pursuant to the terms and conditions as more fully set forth in this license.

LICENSE

Now therefore, in consideration of the mutual covenants herein set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Licensee hereby agree as follows:

1. **License.** The City hereby grants to Licensee, and Licensee accepts from the City, a license over, across and through the landscaped island within the cul-de-sac of Pear Drive to install, maintain and improve landscaping over, across, and through said area (the "License Area"), including without limitation, lawn care, the planting, removal and trimming of shrubs, bushes, plants and trees, and the right to install, maintain, repair and replace the same. Said right also includes the right of the Licensee to install ornamental elements customarily associated with landscaping such as archways and decorative benches, subject to the prior written approval of the City. The right and/or obligation to maintain the improvements on the License Area does not, however, extend to any below-ground utilities, wires, pipes, lines or other services. In the event that the City requires access to those utilities, it shall repair and replace the land surface to its prior condition, at its cost, and Licensee shall repair and replace the landscaping and improvements made by Licensee in the License Area at the expense of the

Licensee. No work of the Licensee pursuant to the rights granted under this License shall interfere with the orderly and free flow of vehicular and pedestrian traffic in or upon the traveled portion of the public right of way and License Area, or violate any applicable law, statute, and/or ordinance. The License Area shall be open as public space. This license is intended to satisfy the excavation permit requirement of the City of Dover's Code.

2. **Term.** The term of this License is twenty five (25) years. Notwithstanding the foregoing, in the event the City determines, in its reasonable discretion, that the landscaping creates a traffic hazard for the motoring public or other good cause or reasonable public safety grounds exist that would justify revoking the License, then the City may terminate the License and release the Licensee's rights under this License, or request the Licensee modify its rights under this License in order to remedy the public safety issue. This License shall automatically renew for successive five (5) year terms, unless terminated in writing by either party at least thirty (30) days prior to the expiration of the current term.

3. **Maintenance.** Licensee shall maintain and keep the License Area in a good state of repair, and shall repair any damage to the License Area, including any condition that endangers or may endanger safety or public safety.

4. **Insurance.** At all times this agreement is in effect, Licensee shall procure and maintain, at Licensee's sole cost, one or more general liability insurance policy or policies. The coverage of said insurance policy shall be in an amount of not less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the aggregate. An insurance certificate shall be supplied to the City of Dover by the Licensee, as well as proof of an endorsement or policy additional insured provisions confirming the City of Dover's additional insured status. The City of Dover shall be named as an additional insured on the Licensee's general liability insurance policy, which coverage shall apply on a primary and noncontributory basis, and, subject to the dollar amounts specified above, cover the City of Dover with the same scope of coverage provided to the Licensee under the general liability policy without subjecting the City of Dover to any different or additional terms, conditions, limitations or exclusions. The City of Dover shall receive at least thirty (30) days' prior to cancellation of any policy. The Licensee shall also provide the City of Dover certificates of renewal no later than ten (10) business days prior to the expiration of any renewing and/or expiring policy.

5. **Indemnification.** Licensee shall defend (with counsel acceptable to the City) and indemnify the City against alleged or actual claims and demands for injuries, damages, other damages to person or property, costs, expenses (including reasonable attorneys' fees and costs), arising out of or in relation to Licensee's exercise of its rights hereunder, except if caused by the sole negligence or misconduct of the City, its contractors, subcontractors and/or employees. Notwithstanding any provision contained in this License to the contrary, no member, manager, officer, or employee of Licensee shall have any personal liability hereunder.

6. **Transferability and Assignment.** This License is not transferable or assignable without the prior written consent of the City

7. **Notice.** Any notice required to be given under this License shall be in writing,

and shall be deemed properly served if delivered in person, or by overnight mail by a commercially recognized carrier, or on the third (3rd) day after deposit in the United States mail, as certified or registered mail, return receipt requested, postage prepaid, and sent as follows:

If to Licensee, at:

And if to the Licensor, at: City of Dover
288 Central Avenue
Dover, NH 03820
Attention: City Manager and Director of Planning and
Community Development

8. Governing Law. This License shall be governed and construed in accordance with the laws of the State of New Hampshire.

9. Real Property Taxes. Pursuant to RSA 72:23, I, Licensee agrees to pay all properly assessed current and potential real and personal property taxes no later than the due date. Licensee is obligated by the foregoing to pay real and personal property taxes on structures or improvements added by the Licensee. Failure of the Licensee to pay the duly assessed personal and real estate taxes when due shall be cause to terminate said Lease by the City.

10. Council Authorization. This License was authorized by vote of the Dover City Council on January 12, 2022.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the parties hereto have caused this License to be executed by their duly authorized representatives on the date first above written.

CITY OF DOVER, NEW HAMPSHIRE

Date

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

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

On this, the _____ of _____, 2022, before me, the undersigned Officer, personally appeared J. Michael Joyal, Jr., who acknowledged himself to be the City Manager of the City of Dover, and that he, as such City Manager, being authorized to do so, executed the foregoing instrument for the purposes therein contained and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act of the City of Dover.

Notary Public
My Commission Expires: _____

LICENSEE:

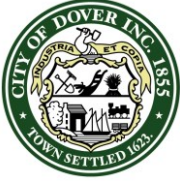
Date

By: Ryan Swett
Its: President

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

On this, the _____ of _____, 2022, before me, the undersigned Officer, personally appeared Ryan Swett, who acknowledge himself to be the President of Pear Drive Association, an unincorporated association of the lot owners of the Pear Drive Subdivision, Dover, New Hampshire and executed the foregoing instrument for the purposes contained herein and acknowledged the foregoing instrument to be his free act and deed in his said capacities and the free act and deed of Pear Drive Association.

Notary Public
My Commission Expires: _____



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.5.

Resolution Number: **R - 2022.01.12 – 005**

Resolution Re: Acceptance of Shore Lane and Related Utility Easements

WHEREAS: Shore Lane was planned to be a public road, has now been constructed, and the current owner (Dover Point Properties Development, LLC) has dedicated and proposed to convey the road to the City of Dover, along with related easements; and

WHEREAS: City staff believe the road is ready for public acceptance.

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

Subject to finalizing and recording a Warranty Deed conveying the fee interest and related utility easements to the City of Dover, Shore Lane is accepted as a public right-of-way.

AND, BE IT FURTHER RESOLVED THAT:

The City Manager is authorized to take any/all necessary steps to finalize a satisfactory, recorded Warranty Deed substantially in the form accompanying this resolution, to be executed by the owner of Shore Lane (Dover Point Properties Development, LLC) to the City of Dover, containing a metes and bounds description of Shore Lane along with the recitation and conveyance of any related utility easements to the City of Dover. The City Manager is authorized to also join in, and execute, said deed on behalf of the City of Dover indicating the City's acceptance of same and of Shore Lane as a public road, along with related utility easements.

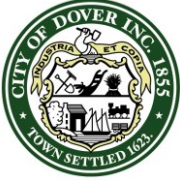
AUTHORIZATION

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.5.

Resolution Number: **R - 2022.01.12 – 005**

Resolution Re: Acceptance of Shore Lane and Related Utility Easements

DOCUMENT HISTORY:

First Reading Date:

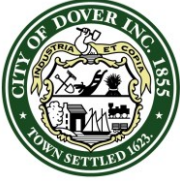
Public Hearing Date:

Approved Date:

Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, 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.5.

Resolution Number: **R - 2022.01.12 – 005**

Resolution Re: Acceptance of Shore Lane and Related Utility Easements

RESOLUTION BACKGROUND MATERIAL:

A copy of the proposed Warranty Deed is attached for reference. The deed contains the metes/bounds description of the road, as well as the easements to be conveyed to the City of Dover. Also attached is a copy of the approved 2010 subdivision plan showing Shore Lane. While there are easement encumbrances on this road that would not accord with the current road acceptance checklist followed by City staff, this road's planning process predated the creation of that checklist, which today requires the road be unencumbered prior to City acceptance.

By way of brief overview, an official public way is created by one of four ways as follows:

- Highway layout
- Prescription
- Dedication and acceptance
- Deed

See RSA 229:1. Creation of this public road will be completed by this resolution and the issuance of a deed.

Dedication and acceptance is a two-step process. The most common act of dedication is the filing and recording of an approved subdivision plan. The second and final step is a formal vote of acceptance by the City Council, and the recording of appropriate documents in the Strafford County Registry of Deeds.

Only streets meeting City specifications are accepted. Acceptance is in the sole discretion of the City Council. The City of Dover maintains and provides services for the City's public rights-of-way.

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that DOVER POINT PROPERTIES DEVELOPMENT, LLC, a duly organized New Hampshire Limited Liability Company, with a mailing address of 14 Tidewater Farm Road, Greenland, Rockingham County, New Hampshire 03840, for consideration paid, grants to THE CITY OF DOVER, NEW HAMPSHIRE, a municipal corporation, with a principal place of business at 288 Central Avenue, Dover, Strafford County, New Hampshire, with WARRANTY COVENANTS, the following:

A fee simple interest in and to a certain tract or parcel of land known as Shore Lane, Dover, Strafford County, State of New Hampshire, and shown on a plan entitled "Subdivision Plan, Dover Point Properties Development, LLC, Dover Point Road, Dover, New Hampshire" dated July 5, 2007, drawn by Tritech Engineering Corporation, and recorded at the Strafford County Registry of Deeds as Plan 99-91, being more particularly bounded and described as follows:

Beginning at a point situate on the easterly side of Dover Point Road, said point being the northwesterly corner of land now or formerly of Anthony Loch; thence running N 81° 16' 31" E along land now or formerly of Loch a distance of one hundred fifty and sixty-five hundredths (150.65') feet, more or less, to a point; thence running on a curve with a radius of 325.00 feet a distance of sixty and thirty-six hundredths (60.36') feet, more or less, to a point; thence turning and running S 88° 05' 03" E a distance of sixty-eight and sixty-four hundredths (68.64') feet, more or less, to a point; thence continuing S 88° 05' 03" E a distance of forty-six and ninety-nine hundredths (46.99') feet, more or less, to a point; thence running on a curve with a radius of 375.00 feet a distance of sixty-nine and sixty-four hundredths (69.64') feet, more or less, to a point; thence turning and running N 81° 16' 31" E a distance of eight and thirty-seven hundredths (8.37') feet, more or less, to a point; thence continuing N 81° 16' 31" E a distance of one hundred twenty-five and no hundredths (125.00') feet, more or less, to a point; thence continuing N 81° 16' 31" E a distance of one hundred twenty-five and no hundredths (125.00') feet, more or less, to a point; thence continuing N 81° 16' 31" E a distance of one hundred six and seventy-nine hundredths (106.79') feet, more or less, to a point; thence running on a curve with a radius of 300.00 feet a distance of eighteen and twenty-two hundredths (18.22') feet, more or less, to a point; thence running on a curve with a radius of 300.00 feet a distance of forty-two and ninety-two hundredths

(42.92') feet, more or less, to a point; thence turning and running N 69° 35' 55" E a distance of sixty-four and seventy-two hundredths (64.72') feet, more or less, to a point; thence running on a curve with a radius of 30.00 feet a distance of twenty-eight and sixty hundredths (28.60') feet, more or less, to a point; thence running on a curve with a radius of 65.00 feet a distance of one hundred two and eighty-four hundredths (102.84') feet, more or less, to a point; thence running on a curve with a radius of 65.00 feet a distance of ninety-nine and twenty-two hundredths (99.22') feet, more or less, to a point; thence running on a curve with a radius of 65.00 feet, a distance of eighty-one and twenty-five hundredths (81.25') feet, more or less, to a point; thence turning and running on a curve with a radius of 65.00 feet, a distance of forty-four and eighty-three hundredths (44.83') feet, more or less, to a point; thence turning and running on a curve with a radius of 30.00 feet, a distance of twenty-eight and sixty hundredths (28.60') feet, more or less, to a point; thence turning and running S 69° 35' 55" W a distance of fifty-one and fifty-seven hundredths (51.57') feet, more or less, to a point; thence continuing S 69° 35' 55" W a distance of thirteen and fifteen hundredths (13.15') feet, more or less, to a point; thence running on a curve with a radius of 250.00 feet a distance of fifty and ninety-five hundredths (50.95') feet, more or less, to a point; thence turning and running S 81° 16' 31" W a distance of sixty and ninety hundredths (60.90') feet, more or less, to a point; thence continuing S 81° 16' 31" W a distance of one hundred twenty-five and no hundredths (125.00') feet, more or less, to a point; thence continuing S 81° 16' 31" W a distance of one hundred twenty-five and no hundredths (125.00') feet, more or less, to a point; thence continuing S 81° 16' 31" W a distance of fifty-four and twenty-six hundredths (54.26') feet, more or less, to a point; thence running on a curve with a radius of 325.00 feet a distance of sixty and thirty-six hundredths (60.36') feet, more or less, to a point; thence turning and running N 88° 05' 03" W a distance of ten and thirty-eight hundredths (10.38') feet, more or less, to a point; thence turning and running N 01° 54' 57" E a distance of twenty-six and thirty-three hundredths (26.33') feet, more or less, to a point at land now or formerly of John Lummus and Deidre Shea; thence turning and running S 81° 16' 31" W along land of said Lummus and Shea and along land now or formerly of Brian and Nancy Pearson a distance of three hundred twenty-eight and ninety hundredths (328.90') feet, more or less, to a point on the easterly side of Dover Point Road; thence turning and running S 09° 32' 17" E along said Dover Point Road a distance of fifty and one hundredths (50.01') feet, more or less, to the point of beginning.

Meaning and intending to convey Shore Lane as shown on the above referenced plan.

Dover Point Properties Development, LLC gives this deed to confirm the dedication of Shore Lane to the City of Dover, New Hampshire as a public way, and the City of Dover, New Hampshire accepts delivery of said deed and records same to confirm its acceptance of the dedicated public way, and acceptance of the easements also hereby conveyed.

By this deed, Dover Point Properties Development, LLC also conveys to the City of Dover, its successors and assigns, with warranty covenants, the following easements:

1. The Grantor hereby grants to the Grantee, its successors and assigns, a permanent utility easement across the land identified as City of Dover Tax Map L, Lot 92L and Lot 89G-9, said property being located on the northerly side of Riverside Drive, and the southerly side

of Shore Lane in the City of Dover, County of Strafford, State of New Hampshire, and shown on plan entitled "Subdivision Plan, Dover Point Properties, LLC, Dover Point Road, Dover, New Hampshire" dated April 16, 2007, prepared by TriTech Engineering Corporation, and recorded at Strafford County Registry of Deeds as Plan Number 99-91, and being more particularly bounded and described as follows:

Beginning at a steel stake on the northerly side of said Riverside Drive; thence running N 09° 13' 33" W a distance of 128.51 feet to a steel stake; thence turning and running S 81° 13' 50" W a distance of 24.83 feet, more or less, to a point; thence turning and running N 08° 43' 29" W a distance of 161.63 feet to a point at Shore Lane; thence turning and running along the southerly sideline of Shore Lane N 81° 16' 31" E a distance of 30.00 feet, more or less, to a point; thence turning and running S 08° 43' 29" E a distance of 131.63 feet, more or less, to a point; thence turning and running N 81° 13' 50" E a distance of 24.83 feet, more or less, to a point; thence turning and running S 09° 13' 33" E a distance of 158.32 feet to a point; thence turning and running S 80° 51' 57" W a distance of 30 feet to a steel stake at the point of beginning.

Meaning and intending to describe a permanent easement for the utilities, including water, sewer, electricity and telecommunications.

The foregoing conveyance to the City of Dover by Dover Point Properties Development, LLC includes ownership and operational control of all installed infrastructure in the aforesaid easement area. By acceptance of this deed, the Grantee accepts the dedication and ownership of the utility easement and utilities granted herein and installed in the easement area. The Grantee, its successors and assigns, shall have the right to enter upon the easement area to construct, install, use and maintain underground utilities, including sewer pipes, together with related structures such as manholes. The Grantee, its successors and assigns shall maintain the utilities and structures installed within the easement area, and in the event of any excavation or construction by or on behalf of the Grantee, its successors and assigns, within the easement area, the Grantee or its successors and assigns shall restore the surface of the easement area to the same condition in which it was situated prior to such construction or excavation. This is an appurtenant easement that runs with the land.

2. The Grantor hereby grants to the Grantee, its successors and assigns, a permanent utility easement across the land identified as City of Dover Tax Map L, Lots 89G and 89G-12 being located on the northerly side of Shore Lane in the City of Dover, County of Strafford, State of New Hampshire, and shown on plan entitled "Subdivision Plan, Dover Point Properties, LLC, Dover Point Road, Dover, New Hampshire" dated April 16, 2007, prepared by TriTech Engineering Corporation, and recorded at Strafford County Registry of Deeds as Plan Number 99-091, and being described on said plan as a 30' wide utility easement. The easement area is more particularly bounded and described as follows:

Beginning at the northeasterly sideline of the cul-de-sac at the end of Shore Lane at a rebar to be set at the dividing line between Map L Lot 89G and Map L Lot 89G-12; thence running along the northeasterly sideline of Shore Lane along a curve to the left, along a radius of 65.00 feet, a distance of 15.14 feet to a point of the northeasterly sideline of Shore Lane; thence turning and running, North 36° 06' 46" East, a distance of 170.00 feet to a point; thence turning and running, South 53° 53' 14" East, a distance of 30.00 feet to a point; thence turning and running, South 36° 06' 46" West, a distance of 170.00 feet to a point on the northeasterly sideline of Shore Lane; thence turning and running along the northeasterly sideline of Shore Lane along a curve to the left along a radius of 65.00 feet, a distance of 15.14 feet to a rebar at the dividing line between Map L Lot 89G and Map L Lot 89G-12, said rebar being the point of beginning.

Said 30' wide utility easement contains 5,065 square feet.

Meaning and intending to describe a permanent easement for the utilities, including drainage and storm water treatment structures.

The foregoing conveyance to the City of Dover by Dover Point Properties Development, LLC includes ownership and operational control of all installed infrastructure in the aforesaid easement area. By acceptance of this deed, the Grantee accepts the dedication and ownership of the utility easement and the utilities granted herein and installed in the easement area. The Grantee, its successors and assigns, shall have the right to enter upon the easement area to construct, install, use and maintain underground utilities, including storm water treatment structures. The Grantee, its successors and assigns shall maintain the utilities and structures installed within the easement area, and in the event of any excavation or construction by or on behalf of the Grantee, its successors and assigns, within the easement area, the Grantee or its successors and assigns shall restore the surface of the easement area to the same condition in which it was situated prior to such construction or excavation. This is an appurtenant easement that runs with the land.

Meaning and intending to convey a portion of the premises conveyed to Dover Point Properties Development, LLC by deed of Pauline L. Calderwood dated October 16, 2006, recorded at the Strafford County Registry of Deeds, Book 3447, Page 967 and to convey and assign the easement which was granted to Dover Point Properties, LLC by Easement Deed of Donald W. Cantrell and Helen M. Fitzgerald, Trustees of Riverside Nominee Trust, recorded at Strafford County Registry of Deeds at Book 3560, Page 166.

This conveyance is exempt from transfer tax pursuant to New Hampshire RSA 78-B:2 I.

Acceptance of this conveyance by the Dover City Manager was authorized by vote of the Dover City Council on _____.

Signed this _____ day of _____, 2022.

DOVER POINT
PROPERTIES DEVELOPMENT, LLC

Witness

By: _____

Its _____
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD _____, 2022

Personally appeared the above-named _____, in his/her capacity as _____ of Dover Point Properties Development, LLC, and acknowledged the foregoing instrument to be his/her voluntary act and deed.

Before me,

Notary Public/Justice of the Peace
My Commission Expires:

Accepted by the City of Dover.

J. Michael Joyal, Jr., City Manager

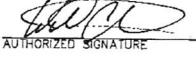
STATE OF NEW HAMPSHIRE
STRAFFORD, SS

Personally appeared J. Michael Joyal, Jr. City Manager for the City of Dover, and acknowledged that he executed the above instrument, as his free act and deed on behalf of the City of Dover, before me, this _____ day of _____, 2022.

Notary Public

My Commission Expires:

NOTES

1. INTENT: TO SUBDIVIDE DOVER TAX MAP L LOT 89G INTO 14 SINGLE FAMILY RESIDENTIAL LOTS.
2. CURRENT OWNER: DOVER POINT PROPERTIES DEVELOPMENT, LLC
41 TIDEWATER FARM ROAD
GREENLAND, N.H.

AUTHORIZED SIGNATURE
3. TOTAL LOT AREA: 527,353 SQ.FT. - 12.106 ACRES
4. TAX MAP L LOT 89G
5. PROJECT DEED REFERENCE: SCRD BOOK 3447 PAGE 967.
6. ZONING: R - 20
MIN. LOT SIZE: 20,000 SQ.FT.
MIN. FRONTAGE: 125 FEET
MIN. BUILDING SETBACKS:
FRONT: 35 FEET
SIDE: 20 FEET
REAR: 15 FEET
- IN ADDITION TO R-20, THIS PROPERTY FALLS WITHIN SEVERAL ZONING OVERLAY DISTRICTS:
- CONSERVATION DISTRICT
- WETLANDS PROTECTION DISTRICT
- RIVERFRONT RESIDENTIAL OVERLAY DISTRICT
7. BASIS OF BEARING: DOVER GIS SYSTEM POINTS #108 & #109 WERE OCCUPIED TO DETERMINE ORIENTATION, LOCATION & ELEVATION.
8. THE RAW UNADJUSTED CLOSURE OF OUR RANDOM POINT TRAVERSE WAS 1 PART IN 60,000 AND WAS ACCOMPLISHED USING A LEICA TC 703 TOTAL STATION, DURING THE MONTH OF OCTOBER, 2006.

9. PROJECT PLAN REFERENCE: PLAN OF LAND
MARJORIE D. KEEFE
DOVER, N.H.
G.L. DAVIS & ASSOCIATES
APRIL 1966 SCRD PO 4 PD 4 PL #39

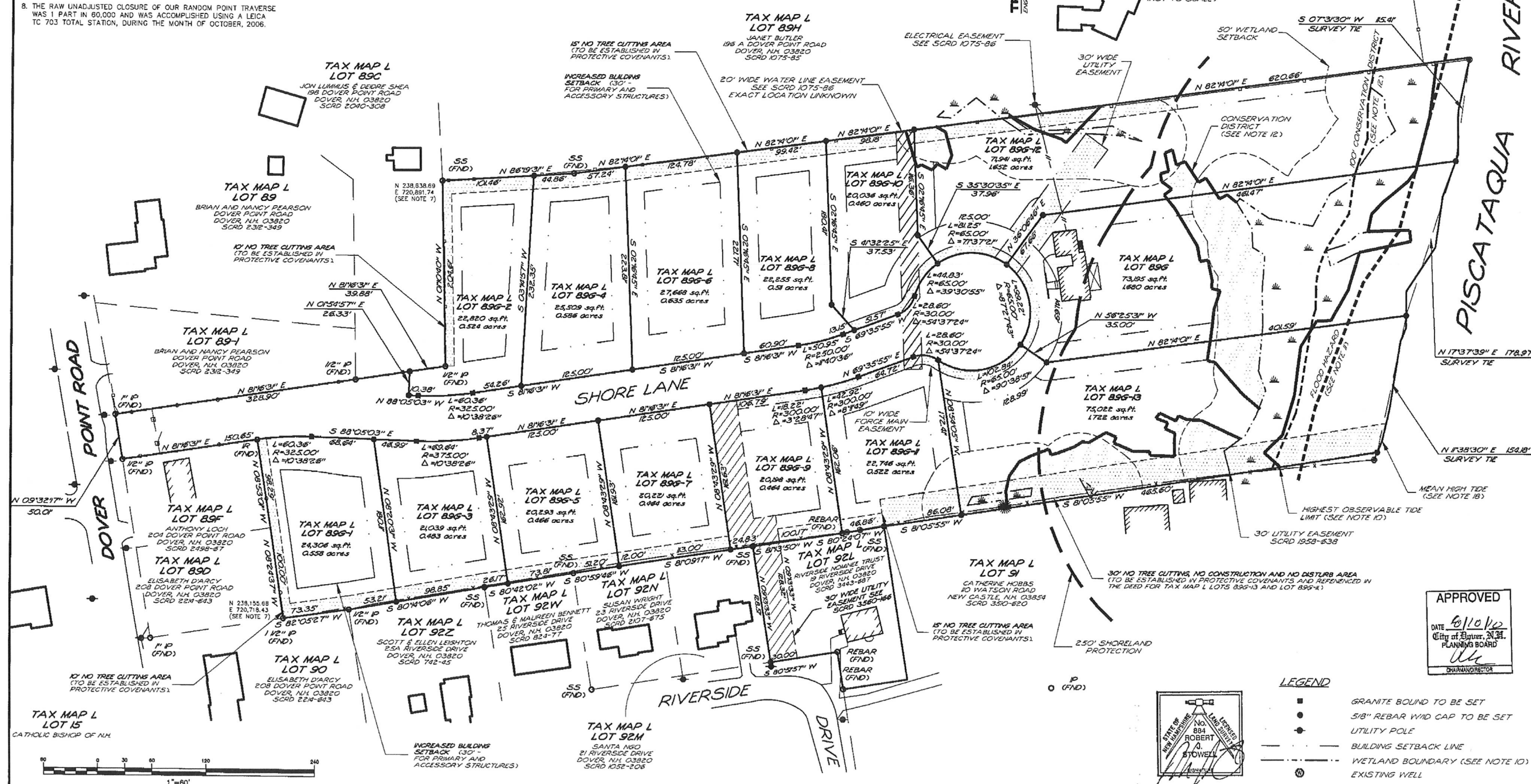
SUBDIVISION PLAN
PAULINE L. CALDERWOOD
DOVER, N.H.
FREDERICK E. DREW ASSOCIATES
SEPT. 1981 SCRD #22A-126

PLAN SHOWING PROPOSED DEVELOPMENT
DOVER POINT ROAD
DOVER, N.H.
HAROLD G. HERSEY APRIL 1952
SCRD POCKET 3, FOLDER 1, PLAN #62

PLAN OF LAND
DOVER POINT ROAD
DOVER, NEW HAMPSHIRE
prepared for PETER RASMUSSEN
JOHN W. DURGIN ASSOCIATES, INC.
JULY 3, 1980 SCRD #22A-4

10. IN SEPTEMBER, 2006, LEONARD A. LORD, PH.D., STATE OF NEW HAMPSHIRE CERTIFIED SOIL SCIENTIST #19, (CAREX ECOSYSTEM SCIENCES) CONDUCTED AN ON-SITE WETLANDS DELINEATION OF THE SUBJECT PARCEL. WETLANDS WERE IDENTIFIED BASED ON THE CITY OF DOVER ZONING ORDINANCE ON STATE & FEDERAL CRITERIA OUTLINED IN THE "CORPS OF ENGINEERS DELINEATION MANUAL" (DEPT. OF THE ARMY, 1987). ON THIS SITE, WETLANDS BASED ON LOCAL CRITERIA SHARE THE SAME BOUNDARIES WITH THOSE ON STATE AND FEDERAL CRITERIA.

11. PART OF THE SUBJECT PARCEL IS NOT LOCATED WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD BOUNDARY, (ZONE A), MAP 33017C0340D, MAY 17, 2005.
12. THIS PROPERTY FALLS WITHIN THE CONSERVATION DISTRICT, ZONING ORDINANCE 170-27. AREAS SUCH AS THOSE WITHIN 50 FEET OF STREAMS, BROOKS OR OTHER FRESHWATER BODIES, 100' FROM TIDA, WATER AND SLOPES IN EXCESS OF 20% ARE PART OF THE CONSERVATION DISTRICT AND THE REGULATIONS OF 170-27 APPLY. PORTIONS OF THIS PROPERTY ALSO ARE WITHIN THE RIVERFRONT RESIDENTIAL OVERLAY DISTRICT AND THE WETLANDS PROTECTION DISTRICT AND ARE SUBJECT TO THOSE REGULATIONS.
13. LOTS 89G, 89G-13 & 89G-14, FALL WITHIN 250 FEET OF THE SHORELINE OF THE TIDAL PORTION OF THE COCHICO RIVER AND ARE SUBJECT TO THE MINIMUM SHORELAND PROTECTION STANDARDS, RSA 483-B (COMPREHENSIVE SHORELAND PROTECTION ACT).
14. STREET ADDRESSES FOR EACH LOT SHALL BE ASSIGNED BY THE BUILDING INSPECTOR AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
15. CONSTRUCTION PLANS C-1 THROUGH C-7 ARE ALSO PART OF THIS APPROVAL.
16. ALL ON-SITE UTILITIES SHALL BE INSTALLED UNDERGROUND.
17. THE FINAL SUBDIVISION PLAN SHALL BE SUBMITTED IN A DIGITAL DXF FORMAT ON A TRANSFERABLE DISK TO THE CITY OF DOVER ENGINEER'S OFFICE.
18. PROPERTY LINE DETERMINED TO BE THE MEAN HIGH TIDE LIMIT OF THE PISCATAQUA RIVER AS OBSERVED IN NOVEMBER OF 2006.
19. NHDOT DRIVEWAY PERMIT No. 08-125-358.
20. ALL CONSTRUCTION VEHICLES SHALL ACCESS THE SITE VIA SHORE LANE, EXCEPT FOR THE REQUIRED CONSTRUCTION FOR WATER AND SEWER CONNECTIONS TO RIVERSIDE DRIVE.



TRITECH
ENGINEERING CORPORATION

705 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 745 8007
FAX 603 742 5800

REVISIONS	DATE	DESCRIPTION
1	09/19/07	REVISED PER TRC COMMENTS
2	09/24/07	REVISED PER P.B. COMMENTS
3	10/17/07	REVISED PER P.B. COMMENTS
4	11/05/07	REVISED PER COND. OF APPROVAL
5	12/05/07	REVISED PER COND. OF APPROVAL
6	09/10/09	REV. 3X PLATFORM, 12" WATER LINE
7	03/08/10	REVISED BUTTER

SUBDIVISION PLAN
DOVER POINT PROPERTIES DEVELOPMENT, LLC
DOVER POINT ROAD
DOVER, NEW HAMPSHIRE

JULY 5, 2007
JOB No. 06150
SCALE: 1" = 60'

SHEET NO.

8-1



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.6.

Resolution Number: **R – 2022.01.12 – 006**

Resolution Re: Rescind CIP Small Balances for FY13 and FY18 Non-Debt
Financed Fire Department Projects

WHEREAS: There are existing minor balances of authorizations for bonding in the FY13, and FY18 Capital Improvements Programs (CIPs) that remain unissued; and

WHEREAS: The issuance of general obligation bonds are typically in increments of \$5,000.00; and

WHEREAS: There will be no future opportunity to issue bonds for the minor balances of these authorizations for bonding; and

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

The following CIP authorizations for bonding are hereby rescinded:

	CIP	Date	Amount	Amount	Amount	Year
Project Name	Fiscal Year	Authorized	Authorized	Bonded	To Rescind	Bonded
South End Fire Station Generator	2013				\$1,803.46	2013
Total FY2013 CIP Authorization for Bonding to be Rescinded:					\$1,803.46	
Fire & Rescue Building Systems	2018				\$494.76	2018
Total FY2018 CIP Authorization for Bonding to be Rescinded:					\$494.76	

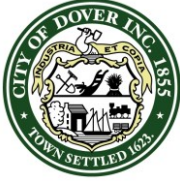
AUTHORIZATION

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.6.

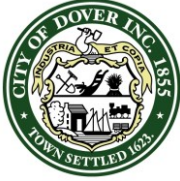
Resolution Number: **R – 2022.01.12 – 006**
Resolution Re: Rescind CIP Small Balances for FY13 and FY18 Non-Debt
Financed Fire Department Projects

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, 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.6.

Resolution Number: **R – 2022.01.12 – 006**

Resolution Re: Rescind CIP Small Balances for FY13 and FY18 Non-Debt
Financed Fire Department Projects

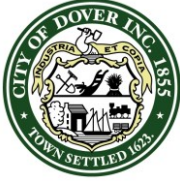
RESOLUTION BACKGROUND MATERIAL:

This remaining authorization needs to be rescinded to remove it from the city's ledger and unencumber the General Fund Capital Reserve.

As part of the FY2018 CIP authorization for non-debt financed projects, the City council approved on November 9, 2016 a \$65,000 appropriation for Heating Plant for Central and South End Stations for the Fire Department. The project was financed by the General Fund Capital Reserve. The project is completed and there is \$494.76 remaining unexpended at this time. This remaining authorization needs to be rescinded to remove it from the city's ledger and unencumber the General Fund Capital Reserve for the said amount.

As part of the FY2013 CIP authorization for non-debt financed projects, the City council approved on December 14, 2011 a \$52,000 appropriation for the South End Station Generator for the Fire Department. The project was financed by the General Fund Capital Reserve. The project is completed and there is \$1,803.46 remaining unexpended at this time. This remaining authorization needs to be rescinded to remove it from the city's ledger and unencumber the General Fund Capital Reserve for the said amount.

This resolution decreases the appropriations for these two CIP projects and releases the encumbrance placed upon the General Fund Capital Reserve.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.7.

Resolution Number: R – 2022.01.12 – 007
Resolution Re: Award of Annual Preventive Maintenance Agreement to Stryker Medical for Stryker Equipment

WHEREAS: On August 25, 2021, City Council approved to accept and expend the Assistance to Firefighters Grant funds for the purchase of three (3) Stryker powered stretcher loading systems via Council resolution [R-2021.08.11-146](#); and

WHEREAS: While the purchase of equipment provided for a one-year warranty on the system itself and components, the City has received a proposal to add a seven (7) year annual onsite preventive maintenance, inspection and unlimited repairs including parts, labor and travel with battery coverage agreement at a discounted rate up to 35% on the three units in the total amount of \$20,252.70; 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:

The Purchasing Agent is hereby authorized to issue a Purchase Order to Stryker Medical of Chicago, IL for an annual onsite preventive maintenance agreement for three (3) Stryker powered stretcher loading systems for seven (7) years of coverage in the total amount of \$20,252.70. 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
1000.1.190.41991.4840.00000.00	Misc Gen Govt - Contingency	284,298	230,591

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 – 2022.01.12 – 007
Resolution Re: Award of Annual Preventive Maintenance Agreement to
Stryker Medical for Stryker Equipment

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:

Resolution Number: R – 2022.01.12 -
Resolution Re: Award of Annual Preventive Maintenance Agreement to
Stryker Medical for Stryker Equipment

RESOLUTION BACKGROUND MATERIAL:

Three (3) Stryker powered stretcher loading systems were approved and purchased via Council resolution [R-2021.08.11-146](#) which included a one-year warranty on the system itself and components.

Stryker Medical has provided an option that expires on January 18, 2022 to purchase a seven (7) year annual onsite preventive maintenance, inspection and unlimited repairs including parts, labor and travel with battery coverage agreement at a discounted rate up to 35% for the three units at a per price amount of \$6,750.90 for a total amount of \$20,252.70.

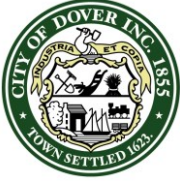
Other remaining options include a three (3) or five (5) year plan at an estimated cost of \$1,800-\$2,000 per unit/per year for an annual cost between \$5,400-\$6,000 for the three units. For a three-year plan, the total estimated cost could be up to \$18,000 and for a five-year plan up to \$30,000.

Award Information:

A purchase order will be issued to Stryker Medical to authorize expenditures as outlined in this resolution.

Purchasing Information:

Type:	Purchase Order	Advertised:	N/A
Invitations Emailed:	N/A	Number of Responses:	N/A
Warranty:	N/A	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	7 Years	Estimated Delivery:	As Needed
Recommended Award to:	Stryker Medical	Fund:	Operating - Contingency
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Competitive bidding may be waived by a majority vote of the City Council.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.A.8.

Resolution Number: **R – 2022.01.12 – 008**

Resolution Re: Approval of Deputy City Manager of the City of Dover
Employment Agreement

WHEREAS: Christopher G. Parker (“Employee”) has been appointed as Deputy City Manager of the City of Dover by the City Manager; and

WHEREAS: It is the desire of the City Manager, in accordance with the Dover City charter and the Laws of the State of New Hampshire, to establish compensation, benefits, and other working conditions for the employment of the Employee; and

WHEREAS: It is the desire of the City Manager to ensure the commitment and full productivity of the Employee in providing service to the City as Deputy City Manager; and

WHEREAS: It is the desire of the City Manager to provide inducement for the Employee to remain in service to the City while also ensuring a just means for the termination of employment at such time as may be required; and

WHEREAS: Employee agrees to accept employment as Deputy City Manager of said City.

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

The City Manager is hereby authorized to enter into the attached Employment Agreement.

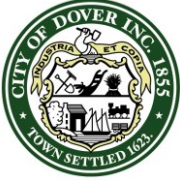
AUTHORIZATION

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 – 2022.01.12 – 008**

Resolution Re: Approval of Deputy City Manager of the City of Dover
Employment Agreement

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

See attached Employment Agreement. This Resolution shall ratify the attached Employment Agreement related to the employment of Christopher G. Parker as Deputy City Manager of the City of Dover. The Agreement outlines wages, benefits and other conditions of employment.

**EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF DOVER, NH
AND
CHRISTOPHER G. PARKER**

This Agreement made and entered into this ____ day of ____, 2022 by and between the CITY OF DOVER, a municipal corporation within the County of Strafford and the State of New Hampshire (hereinafter called the “CITY”), as party of the first part and CHRISTOPHER G. PARKER, of the City of Dover, County of Strafford, and State of New Hampshire (hereinafter called “EMPLOYEE”), as party of the second part;

WITNESETH:

WHEREAS, the City desires to employ the services of the Employee as Deputy City Manager of the City of Dover.

WHEREAS, it is the desire of the City Manager, in accordance with the Dover City Charter and the Laws of the State of New Hampshire, to establish compensation, benefits, and other working conditions for the employment of the Employee; and

WHEREAS, it is the desire of the City Manager to ensure the commitment and full productivity of the Employee in providing service to the City as Deputy City Manager; and

WHEREAS, it is the desire of the City Manager to provide inducement for the Employee to remain in service to the City while also ensuring a just means for the termination of employment at such time as may be required; and

WHEREAS, Employee agrees to accept employment as Deputy City Manager of said City.

NOW, THEREFORE, in consideration of the promises and mutual covenants contained herein, the parties agree as follows:

SECTION 1 – DUTIES AND AUTHORITY

City hereby agrees to employ CHRISTOPHER G. PARKER as Deputy City Manager of said City. Employee accepts such employment and agrees to perform the functions and duties specified in the City Ordinances, and the Laws of the State of New Hampshire, and to perform such other legally permissible and proper duties, and reasonable functions as the City Manager shall from time-to-time assign.

SECTION 2 – TERM

This Agreement shall remain in full force and effect from January 3, 2022 until employment is terminated by the City or Employee as provided in Section 3 of this Agreement. Solely for the purposes of merit review and benefit eligibility, Employee’s anniversary date of employment with the City shall remain August 24, 1998.

SECTION 3 – TERMINATION OF EMPLOYMENT AND SEVERANCE

- A. The City Manager, at any time, may terminate the employment of the Employee for cause after thirty (30) days written notice of the basis for the termination.
- B. In the event the Employee is terminated by the City Manager with cause, the City agrees that it shall pay to the Employee all unused, accrued vacation leave said amount to be paid to the Employee on or before the effective date of termination of his employment.

- C. In the event the City in any fiscal year intentionally reduces the base salary, compensation or any other financial benefit of the Employee in a percentage greater than is applied in an across the board reduction in the same fiscal year applicable to all other employees of the City, or in the event that the City refuses, following a thirty (30) day period after receipt of written notice delivered to the City Manager, to comply with any of the financial provisions benefiting the Employee set forth herein, or if the City abolishes the position of Deputy City Manager without establishment of the position under a different title with substantially similar duties and responsibilities or similar action, the Employee may, at his option, deem himself to have been terminated without cause as of the date of such reduction or refusal to comply with the provision herein claimed to have been violated.
- D. In the event the Employee is terminated without cause, the City agrees that it shall pay to the Employee all unused, accrued vacation leave, together with a lump sum severance payment equal to six (6) months total, said amount to be paid to the Employee on or before the effective date of termination of his employment.
- E. In the event the Employee voluntarily resigns his position with the City, the Employee shall give the City thirty (30) days written notice in advance, unless the parties agree otherwise. Such notice of resignation shall be directed to the City Manager. If the Employee voluntarily resigns, he shall not be entitled to salary after the date of resignation or to the severance benefits specified in this Section except he shall be paid for all unused, accrued vacation leave not to exceed thirty (30) days.

SECTION 4 – SALARY

- A. The City agrees to pay the Employee for services rendered under this Agreement, an annual base salary of \$134,992, subject to applicable withholdings and deductions, payable in installments at the same time as other employees in the City are paid.
- B. Effective the first full pay period following Employee's anniversary date and each year thereafter, the City agrees the Employee shall be awarded a merit increase following completion of an evaluation of his performance as specified by Section 5 of this Agreement. Such increase is only to be applied to the Employee's base salary up to the maximum amount specified in the Class and Pay Plans attached to the City's Merit Plan after which such increase may be paid as a single lump sum merit bonus. The amount of the merit increase shall be determined by the City Manager at his sole discretion, but shall not be more than 5% per annum subject to a satisfactory performance review.

SECTION 5 – PERFORMANCE EVALUATION

- A. The City Manager shall review and evaluate the Employee's performance as Deputy City Manager at least once every year, provided, at a minimum, one performance evaluation occurs within forty-five (45) days of the Employee's anniversary date each year. Said review and valuation shall be based on the goals and objectives developed by the City Manager and the Employee in accordance with paragraph B of this Section. Upon completing the evaluation, the City Manager shall provide the Employee with a written copy of the City Manager's remarks. There shall be an adequate opportunity for the Employee to discuss the evaluation with the City Manager.
- B. Annually during the month of July, or such other month as may be mutually agreed upon, the City Manager and the Employee shall define goals and objectives which they determine necessary for the proper operation of the City and the attainment of the City Manager's policy objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limits specified and within the annual operating and capital budgets and appropriations provided by the City and the events that have occurred during the year.

SECTION 6 – HOURS OF WORK

- A. The Employee will devote full time and attention to the business of the City and will not engage in any other business during office hours, except with the approval of the City Manager.

- B. It is recognized that the Employee must devote a great deal of time outside the normal office hours to the business of the City, and to that end the Employee will be allowed to have flexibility in scheduling his time.

SECTION 7 – PAID LEAVE AND HOLIDAYS

- A. The Employee shall accrue twenty-eight (28) days paid vacation leave per year which shall be awarded annually on the Employee's anniversary date. To limit excessive accruals, up to thirty (30) days of accrued unused vacation leave may be carried over from year to year. Employee may opt to be paid for any portion of accrued and unused vacation leave not used during the year.
- B. The Employee will be eligible for ten (10) sick days per fiscal year prorated in the first year from the Employee's anniversary date to the end of the fiscal year. Sick days are only available to be utilized in the fiscal year awarded and shall not accrue or otherwise accumulate from year to year.
- C. The Employee shall be responsible for accurately recording leave usage which shall be verified and approved by the City Manager.
- D. The Employee is entitled to time off for the holidays currently recognized by the City on the day they are observed.
- E. All previously accrued and unused leave as of the effective date of this Agreement shall be grandfathered and remain available for use by the Employee. Employee may opt to be paid for any portion of unused grandfathered leave at the set rate of pay that was in effect prior to appointment as Deputy City Manager.

SECTION 8 – INSURANCE BENEFITS

Insurance benefits, including health, dental, life and disability insurances provided to City employees as part of its Flexible Benefits Program will be made available to the Employee and paid by the City excepting the Employee shall pay twenty percent (20%) and the City will pay eighty percent (80%) of the applicable premiums for the Employee's chosen health insurance plan and eligible coverage and, further, the City shall pay an amount up to and not exceeding the cost for two (2) person base dental coverage with Employee paying the difference for any higher cost plan and/or coverage levels. The Employee health contribution may be subject to change as applicable to other City Employees. The employee shall receive a buy back for health and/or dental insurance coverages as applicable to other City Employees provided Employee presents evidence of satisfactory coverage from another source acceptable to the City.

SECTION 9 – RETIREMENT BENEFITS

- A. The Employee shall be allowed to participate in the NH Retirement System per the requirements established by State of New Hampshire Retirement System.
- B. The Employee may enroll in the City's 457 Deferred Compensation Plan.
- C. The Employee shall be eligible for the group retiree health benefit he was afforded in prior positions with the City. Upon his retirement with at least twenty (20) years employment with the City, the City shall provide at no cost to the Employee, the group health insurance benefit plan available to City employees. In the event no group health insurance is available to City employees, the City's sole obligation is to tender to the Employee an amount equal to the premium paid by the City when coverage was available.

SECTION 10 – CITY BUSINESS RELATED EXPENSES

- A. The Employee shall be reimbursed for all reasonable business-related expenses incurred in the performance of his duties.

SECTION 11 – PROFESSIONAL DEVELOPMENT

- A. The City shall pay for the Employee's individual membership dues and assessments by the New Hampshire Municipal Management Association and the International City/County Management Association.
- B. The City agrees to purchase subscriptions, books, training materials, course tuition and other professional association memberships for the Employee dependent upon budget availability.
- C. The City agrees to pay the expenses associated with the Employee's attendance at the annual conference of the International City/County Management Association or, subject to prior approval, another related professional association.

SECTION 12 – INDEMNIFICATION/THIRD PARTY CLAIMS

- A. The City agrees to indemnify and hold harmless the Employee from any and all losses, including Employee's reasonable attorney's fees and other expenses of defense, in connection with any claim, demand, action, or suit, or judgment arising out of any act or omission of the Employee if at the time of the act or omission, the Employee was acting within the scope of his employment and without malice or bad faith.
- B. The City agrees to provide liability coverage for the Employee against third party claims through the City's public employee insurance coverage.

SECTION 13 – BONDING

The City shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

SECTION 14 – OTHER TERMS AND CONDITIONS

The City Manager may fix such other reasonable terms and conditions of employment, as he may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Merit Plan, the City Charter, or any other Federal or State law.

SECTION 15 – RESIDENCY

The Employee shall maintain a permanent residence and reside within the City limits throughout the duration of employment as Deputy City Manager.

SECTION 16 – SEVERABILITY

If any provisions, or provision thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement or portion thereof, shall be deemed severable and shall not be affected and shall remain in full force and effect.

SECTION 17 – MERGER

The text of this written Agreement and any amendments approved and executed by the City Manager and the Employee constitute the entire understanding between the parties with respect to the employment of CHRISTOPHER G. PARKER as the Deputy City Manager of the City of Dover.

SECTION 18 – NOTICES

Notices pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

City: THE CITY MANAGER
City of Dover, NH
288 Central Avenue
Dover, NH 03820

Employee: CHRISTOPHER G. PARKER, DEPUTY CITY MANAGER
City of Dover, NH
288 Central Avenue
Dover, NH 03820

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

SECTION 19 – GENERAL PROVISIONS

- A. This Agreement shall be binding upon the City and Employee, as well as their heirs, assigns, executors, personal representatives and successors in interest.
- B. This Agreement shall become effective upon execution.

IN WITNESS WHEREOF, the City of Dover has caused this Agreement to be signed and executed in its behalf by the City Manager, and the Employee has signed and executed this Agreement, all in duplicate, as of the day and year first above written.

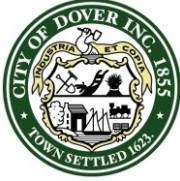
Dated: _____

CITY OF DOVER, NEW HAMPSHIRE

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

EMPLOYEE

By: _____
Christopher G. Parker



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.1.

Resolution Number: **R – 2022.01.12 - 009**

Resolution Re: B21048-RFP22-002 Design Consulting Services for the Fifth and Grove Streets Reconstruction Project

WHEREAS: A sealed (RFQ) Request for Qualifications #B21048 was solicited and received for on-call specialized municipal engineering services on an as-needed basis on May 13, 2021 at 3:00 p.m. for services to commence on or about July 1, 2021 for a four-year period. On July 28, 2021, City Council approved to award to several vendors in various engineering service areas for on-call specialized municipal engineering services via resolution [R-2021.07.28-135](#); and

WHEREAS: A project was identified meeting the criteria of RFQ #B21048, a sealed Request for Proposal #B21048-RFP22-002 was solicited and received from the three firms selected under the Highway/Transportation Engineering service area and the three firms selected under the Water Supply, Treatment and Distribution service area approved via resolution [R-2021.07.28-135](#) for Design Consulting Services for the Fifth and Grove Streets Reconstruction Project on November 29, 2021 at 2:00 p.m. A non-mandatory pre-proposal meeting was held on November 9, 2021 at 10:00 a.m. with five of the six firms attending; and

WHEREAS: The City received three cost proposals which were reviewed for understanding of project scope, approach for completing the work, commitment to timeline and proposal costs. It is the recommendation to accept the lowest cost proposal submitted by Woodard & Curran in the amount not to exceed \$193,122.00.

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 Woodard & Curran of Andover, MA for Design Consulting Services for the Fifth and Grove Streets Reconstruction Project in the amount not to exceed \$193,122.00. 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
4022.1.300.43121.4751.03157.22	Street Reconstruction-Fifth/Grove Streets	1,100,000	1,100,000

R-2022.01.12 B21048-RFP22-002 Design Consulting
Services for the Fifth and Grove Streets Reconstruction

Document Created by: Purchasing
Document Posted on: January 6, 2022

Project.doc
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CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.1.

Resolution Number: **R – 2022.01.12 - 009**

Resolution Re: B21048-RFP22-002 Design Consulting Services for the Fifth and Grove Streets Reconstruction Project

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

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

R-2022.01.12 B21048-RFP22-002 Design Consulting
Services for the Fifth and Grove Streets Reconstruction

Document Created by: Purchasing
Document Posted on: January 6, 2022

Project.doc
Page 2 of 4



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.1.

Resolution Number: **R – 2022.01.12 - 009**

Resolution Re: B21048-RFP22-002 Design Consulting Services for the Fifth and Grove Streets Reconstruction Project

RESOLUTION BACKGROUND MATERIAL:

The City solicited a Statement of Qualifications and Proposals [#B21048](#) from engineering firms, following the guidelines set forth by Purchasing Code 5-41 Professional Services, to establish on-call agreements with firms for the following engineering service areas:

- 1) Highway/Transportation Engineering
- 2) Traffic Management
- 3) Water Supply, Treatment & Distribution Engineering
- 4) Wastewater Collection & Treatment Engineering
- 5) Dam & Structural Engineering

On July 28, 2021, City Council approved via resolution [R-2021.07.28-135](#), several firms in various service areas. On November 1, 2021, the City requested proposals via RFP#B21048-RFP22-002 for Design Consulting Services for the Fifth and Grove Streets Reconstruction Project from the three firms selected under the Highway/Transportation Engineering service area and the three firms selected under the Water Supply, Treatment and Distribution service area.

Highway/Transportation Engineering:

Kleinfelder Northeast, Inc. of Manchester, NH
Greenman-Pedersen, Inc. of Portsmouth, NH
Green International Affiliates, Inc of Westford, MA

Water Supply, Treatment & Distribution Engineering:

Underwood Engineers, Inc. of Portsmouth, NH
Wright-Pierce of Portsmouth, NH
Woodard & Curran of Andover, MA

As the City is committed to a multi-modal approach to roadway design, particularly in urban residential areas such as this area of the City, the wish is for streets and sidewalks to be designed and operated to be safe and accessible for all users regardless of age, physical ability or mode of transport. The design for this project will incorporate the elements and principles laid out in the [City of Dover Complete Streets & Traffic Calming Guidelines](#). The City would also like to incorporate innovative and easily maintainable low impact development stormwater management practices as part of the roadway improvements where feasible.

Bid Information:

A sealed Request for Proposal #B21048-RFP22-002 was solicited and received from the three firms selected under the Highway/Transportation Engineering service area and the three firms selected under the Water Supply, Treatment and Distribution service area approved via resolution [R-2021.07.28-135](#) for Design Consulting Services for the Fifth and Grove Streets Reconstruction Project on November 29, 2021 at 2:00 p.m.

R-2022.01.12 B21048-RFP22-002 Design Consulting
Services for the Fifth and Grove Streets Reconstruction

Document Created by: Purchasing
Document Posted on: January 6, 2022

Project.doc
Page 3 of 4



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.1.

Resolution Number: **R – 2022.01.12 - 009**

Resolution Re: B21048-RFP22-002 Design Consulting Services for the Fifth and Grove Streets Reconstruction Project

Award Information:

A purchase order will be issued to Woodard & Curran to authorize expenditures as outlined in this resolution.

Purchasing Information:

Type:	Purchase Order	Advertised:	No/RFQ#B21048
Invitations Mailed:	6	Number of Responses:	3
Warranty:	N/A	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until Completion	Estimated Delivery:	300 calendar days following NTP
Recommended Award to:	Woodard & Curran	Fund:	FY22 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 subsequent to a bid solicitation.

[B21048-RFP22-002 Bid Documents](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.2.

Resolution Number: **R – 2022.01.12 – 010**
Resolution Re: B21048-RFP22-003 Consulting Design Services for the
Downtown Pedestrian and Vehicular Access Improvements
Project

WHEREAS: A sealed (RFQ) Request for Qualifications #B21048 was solicited and received for on-call specialized municipal engineering services on an as-needed basis on May 13, 2021 at 3:00 p.m. for services to commence on or about July 1, 2021 for a four-year period. On July 28, 2021, City Council approved to award to several vendors in various engineering service areas for on-call specialized municipal engineering services via resolution [R-2021.07.28-135](#); and

WHEREAS: A project was identified meeting the criteria of RFQ #B21048, a sealed Request for Proposal #B21048-RFP22-003 was solicited and received from the three firms selected under the Highway/Transportation Engineering service area approved via resolution [R-2021.07.28-135](#) for Consulting Design Services for the Downtown Pedestrian and Vehicular Access Improvements Project on December 13, 2021 at 2:00 p.m. A non-mandatory pre-proposal meeting was held on November 29, 2021 at 10:00 a.m. with all three firms attending; and

WHEREAS: The City received two cost proposals which were reviewed for understanding of project scope, approach for completing the work, commitment to timeline and proposal costs. It is the recommendation to accept the lowest cost proposal submitted by Greenman-Pedersen, Inc. in the amount not to exceed \$699,935.00.

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 Greenman-Pedersen, Inc. of Portsmouth, NH for Consulting Design Services for the Downtown Pedestrian and Vehicular Access Improvements Project in the amount not to exceed \$699,935.00. 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
4021.1.300.43121.4751.03113.21	Roadways - Traffic Improvements	1,500,000	1,496,503

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 – 2022.01.12 – 010**
Resolution Re: B21048-RFP22-003 Consulting Design Services for the
Downtown Pedestrian and Vehicular Access Improvements
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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.2.

Resolution Number: **R – 2022.01.12 – 010**
Resolution Re: B21048-RFP22-003 Consulting Design Services for the
Downtown Pedestrian and Vehicular Access Improvements
Project

RESOLUTION BACKGROUND MATERIAL:

The City solicited a Statement of Qualifications and Proposals [#B21048](#) from engineering firms, following the guidelines set forth by Purchasing Code 5-41 Professional Services, to establish on-call agreements with firms for the following engineering service areas:

- 1) Highway/Transportation Engineering
- 2) Traffic Management
- 3) Water Supply, Treatment & Distribution Engineering
- 4) Wastewater Collection & Treatment Engineering
- 5) Dam & Structural Engineering

On July 28, 2021, City Council approved via resolution [R-2021.07.28-135](#), several firms in various service areas including the following for Highway/Transportation Engineering:

Kleinfelder Northeast, Inc. of Manchester, NH
Greenman-Pedersen, Inc. of Portsmouth, NH
Green International Affiliates, Inc of Westford, MA

On November 12, 2021, the City requested proposals via RFP#B21048-RFP22-003 for Consulting Design Services for the Downtown Pedestrian and Vehicular Access Improvements Project from the three firms selected for Highway/Transportation Engineering.

As the City is committed to a multi-modal approach to roadway design, particularly in urban residential areas such as this area of the City, the wish is for streets and sidewalks to be designed and operated to be safe and accessible for all users regardless of age, physical ability or mode of transport. The design for this project will incorporate the elements and principles laid out in the [City of Dover Complete Streets & Traffic Calming Guidelines](#). The City would also like to incorporate innovative and easily maintainable low impact development stormwater management practices as part of the roadway improvements where feasible.

Bid Information:

A sealed Request for Proposal #B21048-RFP22-003 was solicited and received from the three firms selected under the Highway/Transportation Engineering service area approved via resolution [R-2021.07.28-135](#) for Consulting Design Services for the Downtown Pedestrian and Vehicular Access Improvements Project on December 13, 2021 at 2:00 p.m.

Award Information:

A purchase order will be issued to Greenman-Pedersen, Inc. to authorize expenditures as outlined in this resolution.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.2.

Resolution Number: **R – 2022.01.12 – 010**
Resolution Re: B21048-RFP22-003 Consulting Design Services for the
Downtown Pedestrian and Vehicular Access Improvements
Project

Purchasing Information:

Type:	Purchase Order	Advertised:	No/RFQ#B21048
Invitations Mailed:	3	Number of Responses:	2
Warranty:	N/A	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until Completion	Estimated Delivery:	200 calendar days following NTP
Recommended Award to:	Greenman-Pedersen, Inc.	Fund:	FY21 CIP
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	No	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation.

[B21048-RFP22-003 Bid Documents](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.3.

Resolution Number: **R – 2022.01.12 – 011**

Resolution Re: B22015 Dover Public Library Slate Roof Replacement

- WHEREAS: A sealed Request for Proposal #B22015 was issued and received for the Dover Public Library Slate Roof Replacement on December 15, 2021 at 2:00 PM. A mandatory pre-proposal meeting was held on November 17, 2021 at 10:00 AM with four vendors in attendance; and
- WHEREAS: The City received two bid replies which were reviewed for necessary experience, technical and professional qualifications, possession of a satisfactory record of performance, as well as cost. The lowest responsive and responsible bid was submitted by Careno Construction Co., Inc. of Portsmouth, NH; and
- WHEREAS: It is the recommendation to award to Careno Construction Co., Inc., a vendor that the City has worked with previously in the base bid amount of \$885,498.00 and Allowance No. A-1 for wood deck replacement in the amount of \$1,500.00 for a total of \$886,998.00.

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 Careno Construction Co., Inc. of Portsmouth, NH for the Dover Public Library Slate Roof Replacement in the amount not to exceed \$886,998.00. 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
4022.1.390.45500.4725.01109.22	Library - Renovations/Upgrades	1,938,665	1,936,104

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 – 2022.01.12 – 011**

Resolution Re: B22015 Dover Public Library Slate Roof Replacement

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.3.

Resolution Number: **R – 2022.01.12 – 011**

Resolution Re: B22015 Dover Public Library Slate Roof Replacement

RESOLUTION BACKGROUND MATERIAL:

The existing slate roof of the Dover Public Library is original to the 1905 slate building, excluding areas of repair over the years. Due to the age and deteriorating condition of the roof, the City solicited a Request for Proposal for the full replacement of the library's slate roof, flashings and other related roof appurtenances.

On April 28, 2021, Council approved an award to LeMessurier Consultants, Inc. for roof management, design and construction management services for the Dover Public Library via resolution [R-2021.04.28-059](#). LeMessurier Consultants, Inc. prepared detailed plans, drawings and bid forms that were provided to the City to release a bid for the Dover Public Library's slate roof replacement.

Within the bid documents, the City requested two alternate bid items which included restoration in lieu of replacement of the upper roof copper cornice and the 6 copper decorative details. While there is a savings of \$48,500.00, the City's recommendation is to proceed with a replacement of these items.

The timeline for this project is to have work commence Spring 2022 with completion by July 2022.

Bid Information:

A sealed Request for Proposal #B22015 was issued and received for the Dover Public Library Slate Roof Replacement on December 15, 2021 at 2:00 PM.

Award Information:

A purchase order will be issued to Careno Construction Co., Inc. to authorize expenditures as outlined in this resolution.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	96	Number of Responses:	2
Warranty:	Per Manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	Yes	Contract:	Yes
Prices will hold for:	Until Complete	Estimated Delivery:	July 2022
Recommended Award to:	Careno Construction Co., Inc.	Fund:	Various
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 subsequent to a bid solicitation.

[B22015 Bid Documents](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.4.

Resolution Number: **R – 2022.01.12 – 012**
Resolution Re: B22037 Purchase of 2022 Model Year Vehicles - State of NH
Contracts

WHEREAS: A sealed Request for Bid #2503-22 was solicited and received by the State of New Hampshire in October 2021 for pricing of various 2022 model year vehicles. Contracts were awarded to five vendors for several vehicles for the period of 12/06/2021 to 04/30/2022; 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 2022 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 2022 model year vehicles at costs that correspond with prices provided in State of New Hampshire Bid#2503-22. The City Manager, or designee, is hereby authorized to contract with the vendor(s), 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
xxxx.1.xxx.xxxxx.4742.xxxxx.xx	Light Vehides	780,229	630,414

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.4.

Resolution Number: **R – 2022.01.12 – 012**
Resolution Re: B22037 Purchase of 2022 Model Year Vehicles - State of NH
Contracts

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.4.

Resolution Number: **R – 2022.01.12 – 012**
Resolution Re: B22037 Purchase of 2022 Model Year Vehicles - State of NH
Contracts

RESOLUTION BACKGROUND MATERIAL:

A sealed Request for Bid #2503-22 was solicited and received by the State of New Hampshire in October 2021 for pricing of various 2022 model year vehicles. Contracts were awarded to five vendors for several vehicles for the period of 12/06/2021 to 04/30/2022.

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:	N/A
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:	12/01/2021-04/30/2022	Estimated Delivery:	As needed
Recommended Award to:	Various Vendors as identified under State of NH Bid#2503-22	Fund:	CIP
Other Approvals Required:	Yes, awarded by the State of NH 12/06/2021	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval.

[B22037 - State of NH Bid #2503-22 Results](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.5.

Resolution Number: **R – 2022.01.12 – 005**

Resolution Re: Approval of Purchase & Sale Agreement Between Arch Street Dover, LLC and the City of Dover

- WHEREAS: RSA 36-A:4, I authorizes the Conservation Commission to acquire in the name of the City, by purchase, the fee simple or lesser interest in land within the boundaries of the municipality, subject to the approval of the City Council; and
- WHEREAS: Arch Street Dover, LLC (“Arch Street Dover”) is the owner of a 12.08 acre parcel of real estate located at 20 Arch Street, identified as Tax Map 11, Lot 14; and
- WHEREAS: Arch Street Dover has filed an application with the Dover Planning Board to, in part, create a 10-acre parcel, which has significant conservation value; and
- WHEREAS: Subject to the approval of the Dover City Council and the Dover Conservation Commission, the City of Dover has entered into a purchase and sales agreement dated November 24, 2021 for the purchase of the aforesaid 10-acre parcel; and
- WHEREAS: Pursuant to the purchase and sales agreement, the purchase price for the 10-acre parcel is \$380,000; and
- WHEREAS: At a meeting on December 13, 2021, the Dover Conservation Commission authorized expenditure of funds. At a meeting on January 10, 2022, the Conservation Commission approved the purchase and sales agreement and the purchase of the 10-acre parcel.

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

- A. That the purchase and sales agreement between the City and Arch Street Dover, LLC regarding the purchase of a 10-acre parcel subdivided from Tax Map 11, Lot 14 is approved; and
- B. That consistent with the purchase and sales agreement, the City Manager or designee shall negotiate, finalize, execute, and take necessary steps to record with the Strafford County Registry of Deeds a deed acceptable to all parties; and
- C. That the City Manager and the Conservation Commission are authorized to expend \$380,000 from the Conservation Fund to purchase the aforesaid 10-acre parcel, and the Purchasing Agent is hereby authorized to issue a Purchase Order consistent with the authorization herein, and
- D. The Conservation Commission is also authorized to expend additional funds from the Conservation Fund to pay for items such as recording fees, easement monitoring fees, surveys, title research, title policy and legal work to accomplish the acquisition of the conservation easement on the property. The total amount of these fees shall not exceed \$6,500.
- E. That the Dover City Manager is authorized to sign any and all closing documents pertaining to the above-described transfer, and
- F. The amount of the authorization contained herein shall be limited so as not to exceed available funding.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.5.

Resolution Number: **R – 2022.01.12 – 005**

Resolution Re: Approval of Purchase & Sale Agreement Between Arch Street Dover, LLC and the City of Dover

Financing

Account	Description	Appropriation	Available Balance	Charge
3290.1.180.46100.4710.00000.00.000.000.700	Land	\$1,494,214.03	\$1,494,214.03	\$380,000

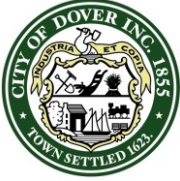
AUTHORIZATION

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.5.

Resolution Number: **R – 2022.01.12 – 005**

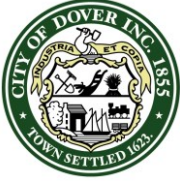
Resolution Re: Approval of Purchase & Sale Agreement Between Arch Street Dover, LLC and the City of Dover

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.5.

Resolution Number: **R – 2022.01.12 – 005**

Resolution Re: Approval of Purchase & Sale Agreement Between Arch Street Dover, LLC and the City of Dover

RESOLUTION BACKGROUND MATERIAL:

See the following accompanying documents:

- Purchase and Sales Agreement dated November 24, 2021;
- Lot line revision plan filed by the seller (with the City's Planning Board);
- Abutter letter and map.

The City entered into a purchase and sale agreement on November 24, 2021 to purchase a 10-acre parcel, which was to be created from a 12.08 acre parcel of real estate located at 20 Arch Street, identified as Tax Map 11, Lot 14. The property is in current use and the intent is for the City to conserve, and maintain, the acquired 10-acre parcel. The parcel is owned by Arch Street Dover, LLC. The purchase price of the 10-acre portion is \$380,000, which is supported by a prior appraisal. This appraisal was completed in January 2021 by J. Chet Rogers in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP). The appraisal performed the valuation as of December 4, 2020, and determined the value of a conservation easement encumbering the parcel to be \$476,500 for the entire 12.08 acre parcel. That total value, divided by the total acreage, would imply a value of \$39,445.36 per acre.

The subject property has significant conservation value, including:

- Proximity to Woodman Park School and a senior living center;
- Air quality benefits near downtown and a natural barrier to Route 16;
- Aquifer filtration due to the features present;
- Protection of wetlands and wildlife habitat that supports deer, owl, and hawks;
- Potential space for a sizable community garden in the fielded portion;
- A trail loop which could coincide with a picnic area;

The property had been approved for a 16-lot subdivision in 2015, which approval has now lapsed (the subdivision was not constructed).

This expenditure would have no impact on taxpayers. The Conservation Fund is funded primarily by the Land Use Penalty Tax paid by landowner's that develop land that had been in the Current Use Program.

The Dover Conservation Commission held a public hearing on December 13, 2021 (see abutter letter and map attached) in accordance with [RSA 36-A:5](#) and voted to approve the expenditure of funds for the purchase of the 10-acre parcel, as well as the due diligence and other costs necessary for the acquisition. The Dover Conservation Commission is expected to approve the Purchase and Sale agreement at its meeting on January 10, 2022.

PURCHASE AND SALE AGREEMENT

by and between

ARCH STREET DOVER, LLC

And

CITY OF DOVER, NEW HAMPSHIRE

Dated as of November 24, 2021

A Portion of Tax Map 11 Lot 14, Dover, N.H.

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT (the "Agreement") is dated as of November 20, 2020, and is made by and between **CITY OF DOVER, NEW HAMPSHIRE**, a body corporate and politic, and a political subdivision of the State of New Hampshire with an address of 288 Central Avenue, Dover, NH (the "City") and **ARCH STREET DOVER, LLC**, a limited liability company organized under the laws of the State of New Hampshire with an address at PO Box 278 & 20 Arch Street, Dover, NH (the "Seller").

RECITALS

The Seller is the owner of certain property identified as Map 11, Lot 14, said property consisting of 12.07 acres, more or less, as shown on a plan entitled "Lot Line Adjustment Plan Prepared for Mark W. & Suzanne M. Jones, Tax Map 11, Lot Nos. 11, 11-1 & 14, Arch Street, City of Dover, County of Strafford, State of New Hampshire" dated August 4, 2009, recorded at the Strafford County Registry of Deeds as Plan 97-64, described more fully in the deed recorded in the Strafford County Registry of Deeds at Book 4440, Page 373 (the "Parent Property").

The Seller and the City wish to enter into an agreement pursuant to which the Seller shall convey a minimum 10 acre portion of the Parent Property to the City.

NOW, THEREFORE, with the aforesaid recitals incorporated into the Agreement below, and for and in consideration of the mutual covenants and agreements contained herein, the receipt and adequacy of which is hereby acknowledged by both parties hereto, the City and the Seller, intending to be bound, do hereby agree as follows:

ARTICLE I

DEFINITIONS

The following terms shall have the meanings ascribed to them in this Article I for purposes of this Purchase and Sale Agreement. Unless otherwise defined below, capitalized terms used herein shall have the meaning as set forth in this Agreement.

"City" means the City of Dover, New Hampshire having an address of 288 Central Avenue, Dover, NH.

"City Council" means the City Council for the City of Dover.

"City Manager" means the City Manager for the City of Dover.

"Person" means an individual, a corporation, a limited liability company, a partnership, a limited liability partnership, an association, a joint stock company, a joint venture, a trust, an unincorporated organization or a government or any agency or political subdivision thereof.

"Parcel" means a minimum 10-acre portion, more or less, of Map 11, Lot 14 on Arch

Street in the City of Dover (the Parent Property), to be sold to the City of Dover, approximately as shown on a concept plan attached as Exhibit A ("Concept Plan"), being a portion of the property conveyed to Seller by deed recorded at Book 4440, Page 373 of the Strafford County Registry of Deeds.

"Purchase and Sale Agreement" or *"Agreement"* means this Purchase and Sale Agreement, by and between the City and the Seller, as amended or supplemented from time to time.'

"Purchase Price" shall have the meaning set forth in Section 4.01 of this Purchase and Sale Agreement.

"Seller" means Arch Street Dover, LLC, a New Hampshire limited liability company with an address of PO Box 278 and 20 Arch Street, Dover, NH 03281, and its successors and assigns, where the context of this Purchase and Sale Agreement permits.

ARTICLE II

CONDITIONS PRECEDENT

All obligations of the City within this Agreement shall be fully contingent upon the satisfactory resolution of the conditions precedent listed below in this Article II. In the event any of the conditions precedent listed below are resolved, then the City may terminate this Agreement without further obligation of the City and without recourse by the Seller.

Section 2.01 City Council & Conservation Commission Approval Required.

The parties acknowledge that the City cannot acquire the Parcel unless and until the City Council and the City's Conservation Commission approve this Purchase and Sale Agreement, the expenditure of funds, and the City Council authorizes the City Manager to complete the process of acquiring the Parcel. The City Council and the City's Conservation Commission must do so pursuant to a duly noticed and authorized vote of each body. The failure or refusal of the City Council and/or the Conservation Commission to approve the City's acquisition of the Parcel as set forth in this Purchase and Sale Agreement by January 15, 2022, shall enable either party the right to terminate this Agreement without further obligation and recourse to the other. .

Section 2.02 Agreement on, and Final Approval of Subdivision and Parcel Boundaries

The parties acknowledge that the Parcel has yet to be defined by exact boundaries, monuments, or metes/bounds, meaning the Parcel location still remains to be determined as well. The final boundaries of the Parcel will be a minimum of ten acres and will be shown on a subdivision plan being prepared by the Seller, subject to review and approval of the Buyer, substantially as shown on the Concept Plan. If the Seller and Buyer cannot agree on the boundaries and location of the Parcel, or if the subdivision is not approved by the city of Dover Planning Board by March 1, 2022, then either party may terminate this Agreement without further obligation or recourse. Furthermore, if the Seller cannot obtain the project approvals,

then Buyer may terminate this Agreement without further obligation and without recourse by the Seller. The City Council's approval of this Agreement shall constitute approval for City staff to seek or join in seeking any necessary land use approvals to subdivide and define the Parcel consistent with the Concept Plan.

ARTICLE III

REPRESENTATIONS, WARRANTIES AND COVENANTS

Section 3.01 Representations, Covenants and Warranties of the Seller.

The Seller represents, warrants, and covenants for the benefit of the City as follows:

(a) *Organization.* The Seller is a limited liability company duly organized and validly existing under the laws of the State of New Hampshire and has the power and authority to own its properties and assets and to carry on its business in the State as now being conducted and as hereby contemplated.

(b) *Authority.* The Seller has the power and authority to enter into and to perform its obligations under this Purchase and Sale Agreement, and has taken all action necessary to cause this Purchase and Sale Agreement to be executed and delivered, and this Purchase and Sale Agreement has been duly and validly executed and delivered by the Seller.

(c) *Binding Obligation.* This Purchase and Sale Agreement is a legal, valid and binding obligation of the Seller, enforceable against the Seller and the City in accordance with its terms, subject to bankruptcy and other equitable principles.

(d) *No Conflict.* The execution and delivery by the Seller of this Purchase and Sale Agreement and compliance with the provisions hereof, do not and will not in any material respect conflict with or constitute on the part of the Seller a breach or default under any agreement or instrument to which it is a party or by which it is bound.

(e) *Litigation.* As of the date of this Purchase and Sale Agreement, there is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, government agency, public board or body, pending or, to the best of its knowledge, threatened by or against the Seller: (i) in any way questioning the due formation and valid existence of the Seller; (ii) in any way contesting or affecting the validity of this Purchase and Sale Agreement or the consummation of the transactions contemplated hereby; (iii) which would have a material adverse effect upon the financial condition of the Seller or any of its principals, or its ability to perform its obligations under this Purchase and Sale Agreement.

(f) *Compliance with Laws.* The Seller shall not, with knowledge, commit, suffer or permit any act to be done in, upon the Parcel in violation of any law, ordinance, rule, regulation or order of any governmental authority or any covenant, condition or restriction now or hereafter affecting the Parcel.

Section 3.02 Representations of the City.

The City represents and warrants to the Seller as follows:

(a) *Organization.* The City is a body corporate and politic and a political subdivision of the State of New Hampshire and has the full legal right, power and authority to enter into this Purchase and Sale Agreement, and to carry out and consummate the transactions on its part, subject to City Council approval.

(b) *Authority.* Upon execution of this Purchase and Sale Agreement by the City Manager and subject to the contingencies and conditions precedent in Article II above, the City, by all necessary official action of the City, shall have duly authorized and approved the adoption, execution and delivery by the City of, and the performance by the City of the obligations on its part contained in this Purchase and Sale Agreement, such authorizations and approvals shall be in full force and effect and shall not have been amended, modified or rescinded, and this Purchase and Sale Agreement shall have been duly executed and delivered and is enforceable against the City, subject to bankruptcy and other equitable principles.

(c) *Litigation.* There is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, government agency, public board or body, pending or, to the best of its knowledge, threatened by or against the City in any way contesting or affecting the validity of this Purchase and Sale Agreement or the consummation of the transactions contemplated hereby.

Section 3.03 No Waiver of Ordinances, Rules or Regulations.

Nothing herein shall be construed as affecting the City's or the Seller's rights or duties to perform their respective obligations and fulfill their respective responsibilities under any zoning ordinances, use regulations, building codes, or subdivision requirements, or any other laws, regulations, rules, codes or statutes relating to the City's intended use of or improvements for the Parcel.

ARTICLE IV

BUYER'S ACQUISITION OF PARCEL

Section 4.01 Acquisition Terms; Purchase Price; Deposit

Upon satisfaction of the conditions set forth in this Article IV and the conditions precedent in Article II, the City shall purchase and the Seller shall sell the Parcel. The purchase price for the Parcel is Three Hundred Eighty Thousand Dollars even (\$380,000.00) (the "Purchase Price") and other good and valuable consideration, to be paid at the Closing via a bank or certified check or wire or similar means. The Seller shall convey the Parcel by warranty deed, conveying the Parcel "as is", "where is", and "with all faults", as to its physical condition.

Section 4.02 Closing Date and Location.

The closing date for the conveyance of the Parcel shall be at a date/time mutually agreed to by the parties and shall occur no later than April 1, 2022 TIME BEING OF THE ESSENCE (the "Closing Date"). The Closing Date may only be extended by mutual agreement of the parties in writing. The Closing shall take place at City Hall in Dover, New Hampshire unless otherwise agreed to by the parties.

Section 4.03 Other Closing Terms and Conditions.

(a) *Transfer Tax and Legal Review.* The City believes the City's acquisition of the Parcel is exempt from New Hampshire Real Estate Transfer Tax by virtue of RSA 78-B:2, I. If the transfer is not exempt or fully exempt, the parties shall be responsible for their own respective transfer tax obligations as buyer or seller in accordance with RSA chapter 78-B.

(b) *Survey and Deed.* The City shall have the right, but not the obligation, for the performance and payment of any and all survey or other delineations in connection with the conveyance of the Parcel to the City. Furthermore, provided the Seller or Seller's consultant can provide a metes/bounds legal description for the Parcel, the City shall also generate a deed necessary for transfer of the Parcel and associated recording of the deed.

(c) *Inspections/Appraisals.* The City shall have the right, but not the obligation, to conduct one or more inspections and professional appraisals of the Parcel. The Seller hereby grants the City permission to enter the Parcel, with reasonable advance notice, for purposes of inspections and appraisals, and agrees to cooperate in good faith to accommodate such inspections or appraisals.

(c) *Title.* The Seller must convey clear, insurable, title to the Parcel. If the City determines that there are any matters of title affecting the Parcel which shall prevent or impede the City from acquiring the Parcel by the Closing Date, the City shall provide prompt written notice to the Seller of the specific title matter(s) and the proposed resolution of the matter(s). Thereafter, the Seller shall have a reasonable period of time, until the Closing Date, to cure such matter(s). If the matter cannot be satisfactorily cured by the Closing Date, then the City shall have the option to terminate this Agreement without recourse or further obligation. If the Closing Date can be extended to accommodate efforts to cure, the parties agree to discuss a reasonable extension in good faith. No payment for the extension of the Closing Date, based on title matters which the Seller must cure, shall be required. If the Seller elects not to undertake such cure or fails to effect a cure within such time period, then the City may elect to (or not to) purchase the Parcel, failing which this Purchase and Sale Agreement shall terminate. The Seller shall convey the Parcel subject to all matters of title as of the expiration of the period for reviewing title, subject to any matters which the City satisfactorily cures or deems acceptable.

(d) *Certificates, Opinions and Due Authority.* At the Closing, the Seller shall deliver a certificate executed by the Seller with attached organizational documents, authorizing resolutions and a certificate of good standing, in form and substance satisfactory to the City.

Each party also agrees to deliver such other opinions, affidavits, disclosures, certificates and documents reasonably requested by the other respective party related to the Closing.

(e) *Risk of Loss.* Until the Closing, the Seller shall bear all risk of loss to the Parcel, and all costs and liabilities arising from the ownership of the Parcel.

(f) *Land Use Change Tax:* Seller shall be solely responsible for paying any Land Use Change Tax ("LUCT") due with respect to this sale of the Parcel to the City, but not thereafter. The parties intend this purchase and sale as a fee simple transaction, and as such the Seller is responsible for payment of real estate taxes through (and including) the date of transfer of the Parcel to the City, and the City shall be responsible for payment of any real estate taxes due on the Parcel thereafter.

ARTICLE V

MISCELLANEOUS

Section 5.01 Agreement Termination.

In the event a contingency cannot be satisfactorily cleared or addressed, and/or in the event the contingencies and conditions precedent listed in Article 2 above cannot be fulfilled, the City shall have the right to terminate this Agreement without recourse or further obligation by written notice provided to the Seller by the City at any time prior to closing.

Section 5.02 Release and Indemnification.

The Seller releases the City, the members of the City Council and the City's respective officers, attorneys, agents and employees, from, agrees that the City, the members of the City Council and the City's respective officers, attorneys, agents and employees, shall not be liable for and indemnifies the City, the members of the City Council and the City's respective officers, attorneys, board members, agents and employees against, all liabilities, claims, costs and expenses, including out-of-pocket and incidental expenses and legal fees, imposed upon, incurred or asserted against the City, the members of the City Council and the City's respective officers, attorneys, agents and employees, arising, directly or indirectly, in whole or in part, out of the negligence or willful act or omission of the Seller, its agents or anyone who is directly employed by Seller in connection with the Seller's performance of its duties and obligations under this Purchase and Sale Agreement, including any due diligence or inspections that the Seller undertakes with respect to the Parcel until the Closing Date; provided that, such release or indemnification shall not apply to any actions or claims brought as a result of any material breach of this Purchase and Sale Agreement, willful misconduct or fraudulent action of the City, the members of the City Council and/or the City's respective officers, attorneys, agents and employees.

In case any claim or demand is at any time made, or action or proceeding is brought, against or otherwise involving the City, any member of the City Council or any officer, attorney,

board member, agent or employee of the City, in respect of which indemnity may be sought hereunder, the person seeking indemnity promptly shall give notice of that action or proceeding to the Seller, and the Seller upon receipt of that notice shall have the obligation and the right to assume the defense of the action or proceedings with counsel acceptable to both parties. An indemnified party may employ separate counsel and participate in the defense, but the fees and expenses of such counsel shall be paid by the indemnified party unless (i) the employment of such counsel has been specifically authorized by the Seller in writing, or (ii) the Seller has failed to assume the defense and to employ counsel or (iii) the named parties to any such action (including any impleaded parties) include both an indemnified party and the Seller, and such indemnified party may have one or more legal defenses available to it which are different from or additional to those available to the Seller, in which case, if the indemnified party notified the Seller in writing that it elects to employ separate counsel at the Seller expense, the Seller shall not have the right to assume the defense of such action on behalf of such indemnified party and the Seller shall be responsible for payment of the fees and expense of such separate counsel.

The indemnification set forth above is intended to and shall include the indemnification of all affected officials, attorneys, agents, board members, officers and employees of the City, respectively, and each and all of their successors and assigns. Those indemnifications and any other indemnifications provided for herein are intended to and shall be enforceable by each and every indemnified party to the full extent permitted by law and shall survive the termination of this Purchase and Sale Agreement.

Section 5.03 Notices.

Any notice, payment or instrument required or permitted by this Purchase and Sale Agreement to be given or delivered to either party shall be deemed to have been received when personally delivered or transmitted by telecopy or facsimile transmission (which shall be immediately confirmed by telephone and shall be followed by mailing an original of the same within 24 hours after such transmission) or 72 hours following deposit of the same in any United States Post Office, registered or certified mail, postage prepaid, addressed as follows:

City: City Manager
City of Dover, New Hampshire
City Hall
288 Central Avenue
Dover, New Hampshire 03820-4169

With a copy to: City Attorney
City of Dover, New Hampshire
City Hall
288 Central Avenue
Dover, New Hampshire 03820-4169

Seller: **ARCH STREET DOVER, LLC**
PO Box 278, 20 Arch Street, Dover, NH 03820

With a copy to: John K.Bosen, Esquire_____
Bosen & Associates, PLLC_____
266 Middle Street_____
Portsmouth, NH 03801_____

Each party may change its address or addresses for delivery of notice by delivering written notice of such change of address to the other party.

Section 5.04 Severability.

If any part of this Purchase and Sale Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, the remainder of this Purchase and Sale Agreement shall be given effect to the fullest extent possible.

Section 5.05 Successors and Assigns.

This Purchase and Sale Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. Assignment of this Agreement by the Seller shall not be permitted without the prior written consent of the City. In connection with any such consent of the City, the City may condition its consent upon the acceptability of the financial condition of the proposed assignee, upon the assignee's express assumption of all obligations of the Seller hereunder or upon any other reasonable factor which the City deems relevant in the circumstances. In any event, any such assignment of this Agreement shall be in writing, shall clearly identify the scope of the rights and obligations assigned and shall not be effective until approved by the City.

Section 5.06 Waiver.

Failure by a party to insist upon the strict performance of any of the provisions of this Purchase and Sale Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Purchase and Sale Agreement thereafter.

Section 5.07 Merger.

No other agreement, statement or promise made by any party or any employee, officer or agent of any party with respect to any matters covered hereby that is not in writing and signed by all the parties to this Purchase and Sale Agreement shall be binding.

Section 5.08 Parties in Interest.

Nothing in this Purchase and Sale Agreement, expressed or implied, is intended to or shall be construed to confer upon or to give to any person or entity other than the City and the Seller any rights, remedies or claims under or by reason of this Purchase and Sale Agreement

or any covenants, conditions or stipulations hereof, and all covenants, conditions, promises and agreements in this Purchase and Sale Agreement contained by or on behalf of the City or the Seller shall be for the sole and exclusive benefit of the City and the Seller.

Section 5.09 Amendment.

This Purchase and Sale Agreement may be amended, from time to time, by written supplement hereto and executed by both the City, through the City Manager, and the Seller.

Section 5.10 Time is Of the Essence.

The parties acknowledge that TIME IS OF THE ESSENCE in the timely performance of such duties and obligations under this Agreement.

Section 5.11 Force Majeure

In the event that either party hereto shall be delayed or hindered in or prevented from the performance of any act required hereunder by reasons of strikes, lockouts, inability to procure materials, loss of utility services, restrictive governmental laws or regulations, riots insurrection, war, acts of God, or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement, then performance of any such act shall be extended for a period equivalent to the period of such delay.

Section 5.12 Counterparts.

This Purchase and Sale Agreement may be executed in counterparts, each of which shall be deemed an original.

Section 5.13 Effective Date.

This Purchase and Sale Agreement shall be effective as of the dated date of this Purchase and Sale Agreement.

Section 5.14 Default.

In the event of a default by a party, and unless otherwise specified in this Purchase and Sale Agreement, the non-defaulting party shall have any and all rights and remedies under this Agreement, at law or in equity, including the right of specific performance.

Section 5.15 Broker.

The City has not employed the services of a broker, agent, finder or other person in connection with the transactions contemplated pursuant to this Purchase and Sale Agreement. The City is not responsible for any fees, expenses, or other amounts as may be due between the Seller and any broker, agent, finder or other such person.

Section 5.16 Encumbrance.

At no time prior to the closing shall the Seller in any way encumber the Parcel.

Section 5.17 Choice of Law.

This Agreement has been entered into in the State of New Hampshire and shall be interpreted under New Hampshire law.

Section 5.18 Immunities

Nothing within this Agreement shall be deemed to constitute a waiver of any existing immunity of the City of Dover, which immunities are hereby reserved to the City of Dover. This covenant shall survive the termination of this Agreement's conclusion.

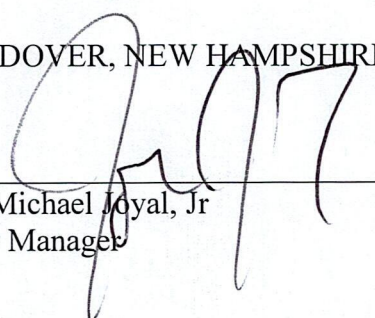
Section 5.19 Right to Know

Confidentiality of any and all information/data held by the City of Dover under or related to this Agreement shall be governed by the provisions of New Hampshire RSA Chapter 91-A and applicable law. The City makes no representations that this Agreement is confidential, or that the City regards this Agreement as confidential in any way.

[Signature Page follows]

IN WITNESS WHEREOF, the parties have executed this Purchase and Sale Agreement as of the day and year first above written.

CITY OF DOVER, NEW HAMPSHIRE

By: 

Name: J. Michael Joyal, Jr

Title: City Manager

ARCH STREET DOVER, LLC

By: _____

Name: _____

Title: _____

IN WITNESS WHEREOF, the parties have executed this Purchase and Sale Agreement
as of the day and year first above written.

CITY OF DOVER, NEW HAMPSHIRE

By: _____
Name: J. Michael Joyal, Jr
Title: City Manager

ARCH STREET DOVER, LLC

By:  _____
Name:
Title:

Exhibit A

Arch Street Dover LLC



Property Information
Property ID: 11014-000000
Location: ARCH ST
Owner: ARCH STREET DOVER LLC
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 5/3/2021
Data updated Daily

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

NOTES:

OWNER: A.) ARCH STREET DOVER LLC
20 ARCH ST
DOVER, NH 03820

B.) TYLER & JESSICA O. FOSTER
20 ARCH ST
DOVER, NH 03820

APPLICANT: TYLER & JESSICA O. FOSTER
20 ARCH ST
DOVER, NH 03820

- A.) TAX MAP 11, LOT 14
B.) TAX MAP 11, LOT 13
- A.) LOT AREA: 526,195 Sq. Ft., 12.08 Ac.
B.) LOT AREA: 43,520 Sq. Ft., 1.00 Ac.
- A.) S.C.R.D. BOOK 4440, PAGE 373
B.) S.C.R.D. BOOK 4394, PAGE 702
- ZONING: RURAL RESIDENTIAL, R-12
LOT SIZE: 12,000 Sq. Ft.
MAX. LOT COVERAGE: 30%
MINIMUM FRONTAGE: 100'
FRONT BUILD TO LINE: 15' MIN. - 25' MAX.
ABUT A STREET BUILD TO LINE: 15' MIN. - 25' MAX
SIDE SETBACK: 15'
REAR SETBACK: 30'

NOTES CONT.:

- I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE & BELIEF, THIS PARCEL DOES NOT FALL WITHIN THE FLOOD PLAIN FLOOD HAZARD REF.: FEMA COMMUNITY #330145, MAP #33017C0310E, DATED: SEPTEMBER 30, 2015.
- VERTICAL DATUM BASED ON NAVD88 ELEVATIONS. HORIZONTAL COORDINATES BASED ON NAD83 (DOVER GRID). COORDINATES GATHERED USING TOPCON HIPER SR SURVEY GRADE GPS RECEIVERS.
- THE BOUNDARY LINES SHOWN ON THIS PLAN ARE THE RESULT OF A CLOSED TRAVERSE PERFORMED BY THIS OFFICE IN FEBRUARY OF 2013 IN SNOW CONDITIONS, WITH AN ERROR OF CLOSURE BETTER THEN 1 PART IN 10,000.
- THE INTENT OF THIS PLAN IS TO SHOW THE LOT LINE REVISION BETWEEN TAX MAP 11, LOTS 14 & 13.

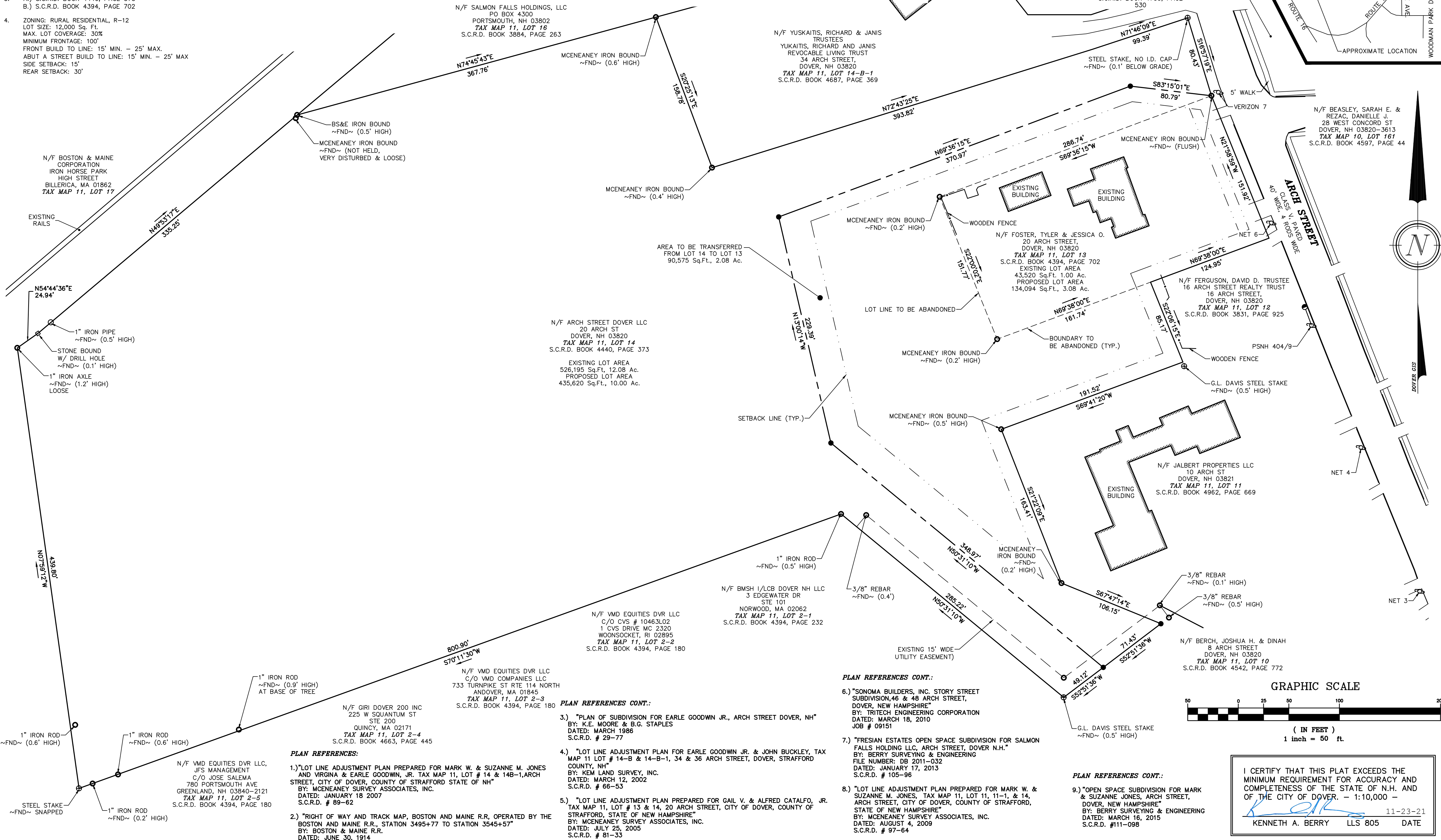
NOTES CONT.:

- THE SUBJECT PARCELS ARE SERVED BY MUNICIPAL WATER AND SEWER.
- LIST ANY VARIANCES OR SPECIAL EXCEPTIONS GRANTED BY THE ZONING BOARD OF ADJUSTMENT: NONE
- THE IS A SINGLE EXISTING 15' WIDE UTILITY EASEMENT ON SITE THAT WILL REMAIN.

LEGEND:

- 3/4" REBAR W/ ID CAP ~TBS~
- ⊙ STEEL STAKE ~FND~
- IRON PIPE ~FND~
- IRON BOUND ~FND~
- ⊕ UTILITY POLE

- PERIMETER BOUNDARY
- PERIMETER BOUNDARY TO BE ABANDONED
- SETBACK / BUILD TO LINE
- PROPOSED PROPERTY LINE
- TBS TO BE SET
- FND FOUND
- S.C.R.D. STRAFFORD COUNTY REGISTRY OF DEEDS
- EXISTING BUILDING



GRAPHIC SCALE



I CERTIFY THAT THIS PLAT EXCEEDS THE MINIMUM REQUIREMENT FOR ACCURACY AND COMPLETENESS OF THE STATE OF N.H. AND OF THE CITY OF DOVER. - 1:10,000 -

KENNETH A. BERRY LLS 805 DATE

PLANNING FILE #:

DESCRIPTION

REVISION

DATE

LOT LINE REVISION PLAN FOR ARCH STREET DOVER, LLC AND TYLER & JESSICA O. FOSTER ARCH STREET DOVER, N.H. TAX MAP 11, LOTS 13 & 14

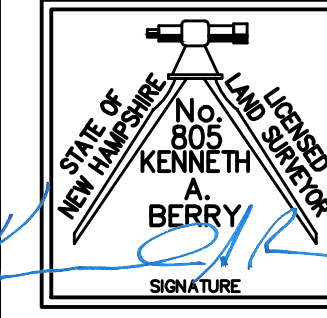
BERRY SURVEYING & ENGINEERING

335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 {332-2863}

SCALE : 1 IN. EQUALS 50 FT.

DATE : NOVEMBER 22, 2021

FILE NO. : DB 2021-167





**CITY OF DOVER, NEW HAMPSHIRE
CONSERVATION COMMISSION
288 Central Avenue
Dover, NH 03820**

Date: December 1, 2021

To: Property Owners Abutting the Arch Street Dover, LLC Property behind 20 Arch Street

From: Bill Hunt, Conservation Commission Chair

RE: Invitation to Attend December 13, 2021 Public Hearing

The Dover Conservation Commission will hold a **Public Hearing at 5:30 PM on Monday, December 13, 2021, in the City Council Conference Room in Dover City Hall at 288 Central Avenue**, for the purpose of receiving public input on a proposal to utilize the Dover Conservation Fund to purchase a 10 acre parcel for conservation and recreation purposes. The vacant parcel is located behind 20 Arch Street and is owned by Arch Street Dover, LLC. The parcel is known as Map 11, Lot 14 on the Dover tax maps. As an abutter to this property, you are invited to attend the public hearing.

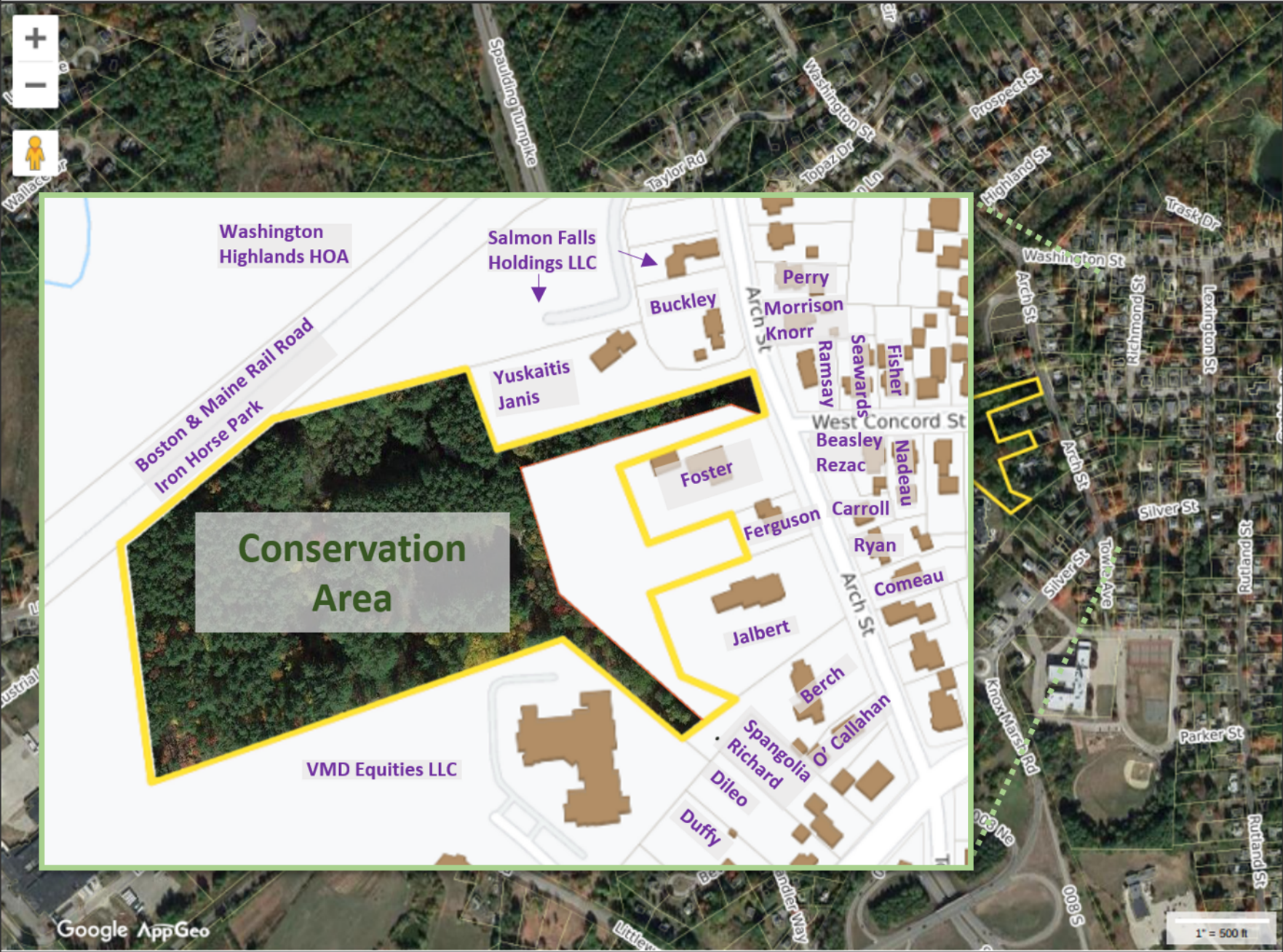
The City has a purchase and sales agreement to purchase the property for the cost of \$380,000. If the Conservation Commission approves the expenditure, the funding request will be sent to the Dover City Council for approval.

The property to be conserved has 10 acres of forest areas that are frequented by a diversity of wildlife. In the 2015 Wildlife Action plan prepared by the NH Fish and Game Department, this area was identified as being supporting landscape for wildlife habitat. The entire property is in the New England Cottontail focus area. The property is directly across the railroad tracks from the 23-acre Washington Highlands conservation easement and is a short ¼-mile walk to Woodman Park School.

For additional information, please contact Jackson Kaspari, Resilience Coordinator at 603-516-6008 or via e-mail at j.kaspari@dover.nh.gov.

Attachment – Map of Arch Street Dover, LLC property and neighboring parcels

Arch Street Conservation Abutter Map



Property Information
Property ID 11014-000000
Location ARCH ST
Owner ARCH STREET DOVER LLC
Land Use 130

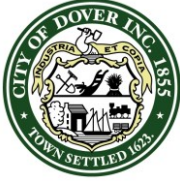


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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 5/3/2021
Data updated Daily

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.6.

Resolution Number: **R – 2022.01.12 - 014**

Resolution Re: Authorization to Accept and Expend the NH State Library
Grant for Public Library Website Improvements

WHEREAS: The City of Dover Public Library has received notice from the Department of Natural and Cultural Resources (DNCR) of the approval of a grant application submitted under the New Hampshire State Library, Institute of Museum and Library Services (IMLS), and American Rescue Plan Act (ARPA) sub-grant round two program. The program objective is to provide funding directly to the Library to re-design and build a user friendly and easy to navigate website and logo for the purpose of responsively working across all modern devices. The goal is to increase functionality and eliminate barriers to accessibility; and

WHEREAS: The grant application requests consulting services in the amount of \$22,370.00 and lists no match required; and

WHEREAS: In adhering to the requirements established per NH RSA 31:95-b, authorization by the City Council to apply for, accept, and expend Grant funds for eligible uses is required.

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

In accordance with RSA 31:95-b the City Manager is authorized to accept and expend the New Hampshire State Library, Institute of Museum and Library Services (IMLS), and American Rescue Plan Act (ARPA) sub-grant round two program funds allocated for use by the City of Dover Public Library as appropriated for said purposes. The City Council, in a majority vote, accepts the terms and requirements of the Grant and authorizes the City Manager to sign all necessary paperwork for the grant as well as contract with a vendor, consistent with the authority herein.

AND, FURTHER BE IT RESOLVED THAT:

In expending funds for eligible uses identified in the New Hampshire State Library, Institute of Museum and Library Services (IMLS), and American Rescue Plan Act (ARPA) sub-grant, the Purchasing Agent is hereby authorized to issue Purchase Orders as set forth in the duties and responsibilities of Dover Code Chapter V, Purchasing Procedure. The amount of this authorization shall be limited so as not to exceed available funding.

THIS RESOLUTION REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6.

Financing			
Account	Description	Appropriation	Balance
TBD	Institute of Museum and Library Services (IMLS)	22,370.00	22,370.00



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.6.

Resolution Number: **R – 2022.01.12 - 014**
Resolution Re: Authorization to Accept and Expend the NH State Library
Grant for Public Library Website Improvements

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

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

The City of Dover has begun the process of seeking qualified vendors to provide a cost and scope of work proposal for a complete website redesign and a new library logo for the Dover Public Library. The website will be designed using Percussion CM1. It is intended to keep the general structure of the website as is, with slight modifications. The site would include seven newly designed and coded Percussion CM1 templates, including device testing to assure the new web site is mobile responsive/mobile friendly and functional on all modern, supported web browsers. Also requested is the migration of about 200 web pages to the newly designed templates also with device testing. The new website will need to be 508/ADA compliant.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.7.

Resolution Number: **R – 2022.01.12 – 015**
Resolution Re: Reprogram Unexpended Bond Proceeds from Fire & Rescue Emergency Shelter Generator to South End Fire Station Building Improvements project

WHEREAS: On an annual basis the City Council adopts the Capital Improvements Program (CIP), which includes the Debt Financing authorization for certain CIP projects; and

WHEREAS: There is \$840.00 of unexpended bond proceeds from the Emergency Shelter Generator project as it was completed under budget; and

WHEREAS: The City has identified the need for additional funding for the South End Fire Station Construction project; and

WHEREAS: The City is requesting that the \$840.00 of unexpended bond proceeds to be reprogrammed to the South End Fire Station construction project; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The amount of \$840.00 of unexpended bond proceeds is hereby reprogrammed from the Emergency Shelter Generator project as follows:

Project Number	Project Description	Available Balance	Reprogram Adjustment	Adjusted Balance
4018.1.220.42230.4741.02259.18	Machinery & Equipment Emergency Shelter Generator	840.00	(840.00)	0.00
4018.1.220.42280.4725.02201.18	Building Improvements South End Station	0.00	840.00	840.00
	Total Available Funding	840.00	0.00	840.00

NOTE: This resolution reprograms unexpended bond proceeds and therefore requires a duly advertised public hearing and a 2/3 favorable vote of all members for passage with the vote deferred until at least three (3) days after the 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.7.

Resolution Number: **R – 2022.01.12 – 015**
Resolution Re: Reprogram Unexpended Bond Proceeds from Fire & Rescue Emergency Shelter Generator to South End Fire Station Building Improvements 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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

This resolution does not authorize any additional appropriation. The City Council previously authorized the appropriation for the Emergency Shelter Generator project.

This resolution does not authorize an increase in the indebtedness of the City. The City Council previously authorized debt financing the identified project. This resolution reprograms funding from the Emergency Shelter Generator project to the South End Fire Station Building improvements project.

On November 9, 2016 the City Council adopted the FY2018 Capital Improvements Plan (CIP) Authorization for bonding, which included \$217,000 for McConnell Center Emergency Generator. The \$217,000 was appropriated as City match for an Emergency Management grant from the State of New Hampshire for the generator. The generator project is now completed and there is \$840.00 of unexpended bond proceeds the can be reprogrammed to another Fire & Rescue Department CIP project.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.8.

Resolution Number: **R - 2022.01.12 – 016**
Resolution Re: FY2023 CIP Appropriation and Authorization for CWSRF
Loan for WWTF Secondary Clarifier and Acceptance of
ARPA Grant Funding

WHEREAS: The City Council desires to make public improvements and to finance these improvements through the NH Clean Water State Revolving Fund (CWSRF); and

WHEREAS: The City identified a priority need to make improvements and submitted a pre-application to NH Department of Environmental Services (NH DES) for the Waste Water Treatment Facility (WWTF) Secondary Clarifier Project and the project was determined to meet CWSRF eligibility; and

WHEREAS: The City's participation in the CWSRF for the WWTF Secondary Clarifier project provides an opportunity for up to \$210,000 in loan principal forgiveness and an ARPA grant in the amount of \$900,000 for a total of \$1,110,000 in financial assistance; and

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

The amount of \$3,000,000 is hereby appropriated for the WWTF Secondary Clarifier capital project with an estimated useful life in excess of the life indicated:

Financing					
Account	Description	Appropriation	Balance	Life/Yrs	Fund
TBD	WWTF Secondary Clarifier	3,000,000	3,000,000	20	Sewer

AND, FURTHER BE IT RESOLVED;

To meet the appropriations of this resolution there is authorized, under and pursuant to the City Charter and the New Hampshire Municipal Finance Act and any other enabling authority, the issuance and sale of general obligation bonds of the City of Dover in a principal amount not to exceed the total of the appropriations. The full faith and credit of the City is hereby pledged for the principal and interest on said bonds. The bonds are to be signed by the City Manager and countersigned by the City Treasurer, with the Finance Director and City Treasurer having the discretion of fixing the dates, maturities, denominations, place of payment, interest rate or rates and form, and to provide for the sale of the bonds.

AND, FURTHER BE IT RESOLVED;

Pursuant to the City Charter and the New Hampshire Municipal Finance Act and any other enabling authority, the City of Dover is hereby authorized to participate in the NH Clean Water State Revolving Fund (CWSRF) Program for financing this project. The City Manager, Finance Director, and Treasurer are authorized, on behalf of the City of Dover, to file for participation in the NH CWSRF Program to obtain the loan for eligible identified project costs up to \$2,100,000.00.

AND, FURTHER BE IT RESOLVED;



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.8.

Resolution Number: **R - 2022.01.12 – 016**
Resolution Re: FY2023 CIP Appropriation and Authorization for CWSRF
Loan for WWTF Secondary Clarifier and Acceptance of
ARPA Grant Funding

In accordance with NH RSA 31:95-b and RSA 21-P:43, the City Manager is authorized to apply for, accept and expend American Rescue Plan Act grant funds allocated to the City of Dover for funding the WWTF Secondary Clarifier project in an amount up to \$900,000.00.

NOTE: This resolution requires a duly advertised public hearing and a 2/3 favorable vote of all members for passage with the vote deferred until at least three (3) days after 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 M. Wyatt
City Attorney

Recorded by: Susan M. Mistretta
City Clerk

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.8.

Resolution Number: **R - 2022.01.12 – 016**
Resolution Re: FY2023 CIP Appropriation and Authorization for CWSRF
Loan for WWTF Secondary Clarifier and Acceptance of
ARPA Grant Funding

RESOLUTION BACKGROUND MATERIAL:

This resolution makes an appropriation for a FY2022 Capital Improvements Program project in the amount of \$3,000,000 for the WWTF Secondary Clarifier. This project is to be financed through either the sale of General Obligation bonds, and/or participating in any Federal or State loan or grant programs to fund the project. The resolution authorizes the City to issue bonds and/or participate in Federal or State loan or grant programs to finance the project. The resolution also authorizes the City to accept and expend a \$900,000 ARPA Grant from NH DES to fund the project.

This project will install a third (3rd) secondary clarifier at the Wastewater Treatment Facility (WWTF) to help provide enhanced solids treatment and removal of total suspended solids, especially in response to high-flows received at the WWTF during wet weather events that may be caused by inflow and infiltration. This project will also provide a foundation for any future capacity upgrades or enhanced treatment. This project was slated for FY2028 in the Capital Improvements Program for \$4,100,000. Whereas the City is eligible for principal forgiveness of up to \$210,000 and \$900,000 in an ARPA grant, totaling \$1,110,000 which represents 37% of the project's current estimated \$3,000,000 cost, the City decided it was advantageous to move the project forward at this time.

Debt Authorization versus Debt Retirement

The following table compares the tentative authorization amount to the amount of debt being retired:

	Sewer
Description	Fund
Pending Authorization	2,100,000
Prior FY2023 CIP Authorization	1,750,000
FY2023 Principal Retirement	1,544,872
Net Change	2,305,128

Legal Debt Limits

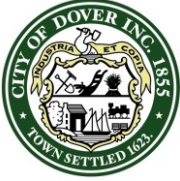
The following table summarizes the amount of debt outstanding & authorized-unissued, as of June 30, 2021 and this authorization, against the statutory debt limit.

Description	Sewer Fund
Debt Outstanding	20,465,612
Authorized - Unissued	13,406,000
Total Issued & Unissued	33,871,612
This Authorization	2,100,000
Grand Total	35,971,612
Policy Debt Limit	63,261,140
Under (Over) Policy Limit	27,289,528
Percent Under (Over)	43.14%

R-2022.01.12 FY2023 CIP Appropriation and CWSRF
Authorization WWTF Secondary Clarifier and ARPA

Document Created by: Finance Department
Document Posted on: January 6, 2022

Grant Funding
Page 3 of 4



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.8.

Resolution Number: **R - 2022.01.12 – 016**
Resolution Re: FY2023 CIP Appropriation and Authorization for CWSRF
Loan for WWTF Secondary Clarifier and Acceptance of
ARPA Grant Funding

Budgetary and Rate Impacts

The \$2,100,000 debt obligation is expected to be paid back over a 20-year period. Principal repayments would be \$105,000 per year. The annual impact to the City's Sewer Fund budget is based upon annual principal and interest repayment. The interest that would accrue on outstanding principal balances over the 20-year period, based on an interest rate of 2.45%, is estimated to be a total of \$664,130 impact to the City's Sewer Fund budget. The annual impact for interest in Year 1 would be approximately \$57,750 and appropriately decrease annually over the 20-year repayment period. The combined principal and interest repayment for the debt financing in Year 1 would be a budgetary impact of \$162,750 (\$105,000 + \$57,750). The impact on the sewer rate would be \$1.88. For a single-family home with an average annual water usage of 75 HCF the annual impact would be \$141.00.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.9.

Resolution Number: **R – 2022.01.12 – 017**

Resolution Re: Authorization to Accept and Expend the NH Department of Environmental Services ARPA Grant for Pump Station Evaluation

WHEREAS: The City has received notice from the New Hampshire Department of Environmental Services (NH DES) of an award of American Rescue Plan Act (ARPA) grant funds in the amount of \$100,000 to be utilized for eligible costs for Pump Station Evaluation; and

WHEREAS: The grant application requests engineering/consulting services in the amount of \$100,000.00 and lists no match required; and

WHEREAS: In adhering to the requirements established identified by the NH DES and per NH RSA 31:95-b and RSA 21-P:43, authorization by the City Council to apply for, accept, and expend ARPA funds for eligible project costs is needed; and,

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

In accordance with NH RSA 31:95-b and RSA 21-P:43, the City Manager is authorized to apply for, accept, and expend American Rescue Plan Act (ARPA) grant funds allocated to the City of Dover for Pump Station Evaluation project and any funding received is hereby appropriated for said purposes. The City Council, in a majority vote, accepts the terms and requirements of the Grant, and authorizes the City Manager to sign all necessary paperwork for the grant as well as contract with a vendor, consistent with the authority herein.

AND, FURTHER BE IT RESOLVED THAT:

In expending funds for eligible costs identified in the NH DES ARPA grant, the Purchasing Agent is hereby authorized to issue Purchase Orders as set forth in the duties and responsibilities of Dover Code Chapter V, Purchasing Procedure. The amount of this authorization shall be limited so as not to exceed available funding.

THIS RESOLUTION REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6.

Financing

Account	Description	Appropriation	Balance
TBD	Pump Station Evaluation - NH DES ARPA Grant	100,000.00	100,000.00



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.9.

Resolution Number: **R – 2022.01.12 – 017**
Resolution Re: Authorization to Accept and Expend the NH Department of Environmental Services ARPA Grant for Pump Station Evaluation

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

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.9.

Resolution Number: **R – 2022.01.12 – 017**
Resolution Re: Authorization to Accept and Expend the NH Department of Environmental Services ARPA Grant for Pump Station Evaluation

RESOLUTION BACKGROUND MATERIAL:

The City of Dover owns, operates, and maintains wastewater collection and treatment facilities that serve the City's approximately 33,000 residents. The collection system includes approximately 130 miles of sanitary sewer (ranging in size from 8-inch to 40-inch) and 23 pumping stations. All sanitary sewer flows are conveyed to the Dover wastewater treatment facility for treatment and subsequent discharge to the Piscataqua River. The City is seeking a comprehensive evaluation of all wastewater pump stations and force mains, to be summarized into a technical report and implemented in a 10-year Capital Improvement Plan (CIP).

The City's wastewater collection system includes 23 pumping stations. Since the majority of the pump stations were originally installed, many stations have undergone upgrades including pump and equipment replacement, electrical improvements, and SCADA control integration. This wastewater collection system infrastructure is critical and many of the pump station equipment assets and building assets may be reaching (or have reached) the end of their useful life. As a proactive means of addressing this aging infrastructure and preparing for potential capital improvements, a comprehensive pump station evaluation of all 23 stations will be performed. (It should be noted that recently upgraded pump stations or pump stations undergoing improvements will be excluded from this process.) This evaluation will be a key part of managing and maintaining the City's infrastructure moving forward.

Pump Station Evaluation

The primary goals of this project are to:

- Complete a detailed review of the existing structures, equipment, processes, and systems.
- Perform an engineering analysis on their condition, efficiency, energy use, and capacity.
- Confirm station flow capacity and available capacity for future flow.
- Develop a long-term capital improvement plan for the City's Wastewater Pump Stations.

The City has been notified by NH DES that a \$100,000 ARPA grant is awarded to the City to complete the Pump Stations Evaluation.

This resolution authorizes acceptance of the NH DES ARPA grant in the amount of \$100,000 and appropriates that amount to contract with a qualification based selected (QBS) vendor to perform the evaluations. There is no City match required for the grant. Upon a QBS vendor being approved by NH DES, the Purchasing Agent will issue a PO for up to \$100,000 for the evaluation scope of work.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.10.

Resolution Number: **R - 2022.01.12 – 018**
Resolution Re: FY2023 CIP Appropriation and Authorization for CWSRF
Loan for Henry Law Park Stormwater Best Management
Practices and Acceptance of ARPA Grant Funding

WHEREAS: The City Council desires to make public improvements and to finance these improvements through the NH Clean Water State Revolving Fund (CWSRF); and

WHEREAS: The City identified a priority need to address stormwater best management practices (BMP) in Henry Law Park and submitted a pre-application to NH Department of Environmental Services (NH DES) for the Henry Law Park Stormwater BMP Project and the project was determined to meet CWSRF eligibility; and

WHEREAS: The City's participation in the CWSRF for the Henry Law Park Stormwater BMP project provides an opportunity for up to \$1,400 in loan principal forgiveness and an ARPA grant in the amount of \$106,000 for a total of \$120,000 in financial assistance; and

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

The amount of \$120,000 is hereby appropriated for the Henry Law Park Stormwater BMP capital project with an estimated useful life in excess of the life indicated:

Financing

Account	Description	Appropriation	Balance
TBD	Henry Law Park Stormwater BMP Project	120,000.00	120,000.00

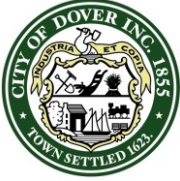
AND, FURTHER BE IT RESOLVED;

Pursuant to the City Charter and the New Hampshire Municipal Finance Act and any other enabling authority, the City of Dover is hereby authorized to participate in the NH Clean Water State Revolving Fund (CWSRF) Program for financing this project. The City Manager, Finance Director, and Treasurer are authorized, on behalf of the City of Dover, to file for participation in the NH CWSRF Program to obtain the loan for eligible identified project costs up to \$14,000.00.

AND, FURTHER BE IT RESOLVED;

In accordance with NH RSA 31:95-b and RSA 21-P:43, the City Manager is authorized to apply for, accept and expend American Rescue Plan Act grant funds up to \$106,000.00 allocated to the City of Dover for funding the Henry Law Park Stormwater BMP project.

NOTE: This resolution requires a duly advertised public hearing and a 2/3 favorable vote of all members for passage with the vote deferred until at least three (3) days after public hearing.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.10.

Resolution Number: **R - 2022.01.12 – 018**
Resolution Re: FY2023 CIP Appropriation and Authorization for CWSRF
Loan for Henry Law Park Stormwater Best Management
Practices and Acceptance of ARPA Grant Funding

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

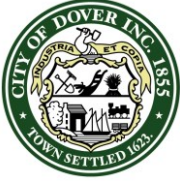
Recorded by: Susan M. Mistretta
City Clerk

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.10.

Resolution Number: **R - 2022.01.12 – 018**
Resolution Re: FY2023 CIP Appropriation and Authorization for CWSRF
Loan for Henry Law Park Stormwater Best Management
Practices and Acceptance of ARPA Grant Funding

RESOLUTION BACKGROUND MATERIAL:

This resolution makes an appropriation for a FY2023 Capital Improvements Program project in the amount of \$120,000 for the Henry Law Park Stormwater Best Management Practices planning project. This project is to be financed through participating in the Clean Water State Revolving Fund. The resolution authorizes the City to participate in the State loan program up to \$14,000.00 to finance the project. The resolution also authorizes the City to accept and expend a \$106,000 ARPA Grant from NH DES to fund the project.

The goal of the project is to assess stormwater features and structures that exist within the area known as Henry Law Park. Once that assessment is completed best management practices will be developed for the Henry Law Park area. This planning project will provide the City with information to plan for future stormwater management needs within Henry Law Park.

Debt Authorization versus Debt Retirement

The following table compares the tentative authorization amount to the amount of debt being retired:

	City
	General
Description	Fund
Pending Authorization	14,000
Prior FY2023 CIP Authorization	1,900,000
FY2023 Principal Retirement	4,041,199
Net Change	(2,127,199)

Legal Debt Limits

The following table summarizes the amount of debt outstanding & authorized-unissued, as of June 30, 2021 and this authorization, against the statutory debt limit.

	City
	General
Description	Fund
Debt Outstanding	38,083,620
Authorized - Unissued	28,855,315
Total Issued & Unissued	66,938,935
This Authorization	14,000
Grand Total	66,952,935
Legal Debt Limit	126,522,280
Under (Over) Legal Limit	59,569,345
Percent Under (Over)	47.08%



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 14.B.10.

Resolution Number: **R - 2022.01.12 – 018**
Resolution Re: FY2023 CIP Appropriation and Authorization for CWSRF
Loan for Henry Law Park Stormwater Best Management
Practices and Acceptance of ARPA Grant Funding

Budgetary and Rate Impacts

The \$14,000 debt obligation is expected to be paid back in one year period. Principal repayment would be \$12,600.00, the net of \$14,000 loan amount less \$1,400 of principal forgiveness. The impact to the City's General Fund budget is based upon the \$12,600.00 principal repayment and any accrued interest on the \$12,600.00, which is estimated to be \$0.00 due to the one year repayment term. The combined impact of principal and interest repayment for the debt financing would be less than one cent on the property tax rate. For a single-family home with an average assessment of \$413,158 the impact would be \$1.16.

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Ordinance Number: O – 2022.01.12 – 001 Ordinance Title: Elections Chapter: 17 Section: 12 Boundaries of Wards 13 Ward Map	Agenda Item#: 14.C.1.

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to establish ward boundaries for the City of Dover, as allowed by City Charter (C1-2, amended effective January 3, 2022) based on the decennial census results in 2020.

2. AMENDMENT

Chapter 17 entitled “Elections” is hereby amended by adding a new Article III, “Ward Boundaries” and related sections 12 and 13 (to be inserted after Article II, Section 17-11), as follows:

a. THE FOLLOWING ARE ADDED:

ARTICLE III WARD BOUNDARIES AND WARD MAP

§ 17-12 Boundaries of Wards

Pursuant to the City’s Charter, the City of Dover shall be divided into six wards with boundaries defined as follows:

Ward One begins at the Dover/Rollinsford boundary line at Old English Village Road; thence following southeasterly along the Dover/Rollinsford boundary to Broadway; thence southwesterly along the center line of Broadway to the intersection with the Boston and Maine Railroad; thence southeasterly along the railroad to Central Avenue; thence southerly along the center line of Central Avenue to Chapel Street, and follows the center line of Main Street southerly to Washington Street; thence westerly along the center line of Washington Street to Chestnut Street; thence northerly along the center line of Chestnut Street to the Cochecho River; thence northerly along the center line of the Cochecho River to Spaulding Turnpike; thence following the center line of the Spaulding Turnpike northerly to its intersection with Glenwood Avenue; thence following the center line of Glenwood Avenue in a northeasterly direction to Central Avenue; thence turning northerly and running along the center line of Central Avenue, to Old English Village Road, and crossing Central Avenue following Old English Village Road in an easterly direction to the Dover/Rollinsford boundary line to the point of beginning.

Ward Two begins at Broadway and the Rollinsford/Dover boundary; thence following the Dover/Rollinsford boundary in a southeasterly direction to the confluence of the Cochecho/Piscataqua River; thence following the center line of the confluence in a northwesterly direction to a block line established by the 2020 census;



CITY OF DOVER

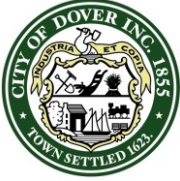
CITY OF DOVER - ORDINANCE

Agenda Item#: 14.C.1.

Ordinance Number: **O – 2022.01.12 – 001**
Ordinance Title: Elections
Chapter: 17
Section: 12 Boundaries of Wards
13 Ward Map

thence turning southwesterly to the intersection of Henry Law Avenue and Tennyson Avenue; thence following the center line of Tennyson Avenue in a southwesterly direction to Court Street; thence following the center line of Court Street in a northwesterly direction to Union Street; thence following center line of Union Street in a southwesterly direction to Central Avenue; thence following the center line of Central Avenue southerly to Locust Street; thence following the center line of Locust Street in a northerly direction to Fisher Street; thence following the center line of Fisher Street in a westerly direction to Rutland Street; thence following the center line of Rutland Street northerly to Clifford Street; thence following the center line of Clifford Street westerly to Towle Avenue.; thence following the center line of Towle Avenue in a northwesterly direction to the intersection with Silver Street; thence northwesterly across Silver Street and following the center line of Arch Street to center line of the Washington Street; thence following the center line of Washington Street in an easterly direction to Belknap Street; thence following the center line of Belknap Street southerly to the center line of Saint Thomas Street; thence following the center line of the Saint Thomas Street, in an easterly direction to Locust Street; thence following along the center line of Locust Street northerly to Washington Street; thence following the center line of Washington Street easterly to Main Street; thence following the center line of Main Street northerly, until Chapel Street, where it follows the centerline of Central Avenue northerly to the Boston and Maine Railroad line; thence following the Boston and Maine railroad line northeasterly to the intersection of Broadway; thence following the center line of Broadway in a northeasterly direction to the point of beginning.

Ward Three begins at the intersection of Spaulding Turnpike and the Boston and Maine railroad line; thence following the center line of the Boston and Maine railroad line in a northeasterly direction to Arch Street; thence following the center line of Arch Street southerly to Silver Street; thence crossing Silver Street to Towel Avenue, and following the centerline of Towel Avenue in a southerly direction to Clifford Street; thence following the centerline of Clifford Street in an easterly direction to Rutland Street; thence turning and following the center line of Rutland Street southerly until Fisher Street; thence following the center line of Fisher Street in an easterly direction to Locust Street; thence following the center line of Locust Street southerly to the intersection with Central Avenue; thence following the center line of Central Avenue northeasterly to the intersection of Union Street; thence following the



CITY OF DOVER

CITY OF DOVER - ORDINANCE

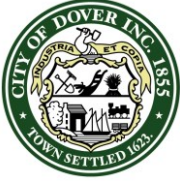
Agenda Item#: 14.C.1.

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Ordinance Title: Elections
Chapter: 17
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13 Ward Map

center line of Union Street in a northeasterly direction to Court Street; thence following the center line of Court Street southeasterly to Tennyson Avenue; thence following the center line of Tennyson Avenue in a northeasterly direction to Henry Law Avenue; thence following a block line established by the 2020 census in a northeasterly direction to the Cochecho River; thence following the Cochecho River southeasterly to its confluence with the Piscataqua River and the exterior block line established by the 2020 census located in the center of said Piscataqua River; thence following the exterior block line established by the 2020 census located in the center of the Little Bay channel where it intersects the Spaulding Turnpike at the Little Bay Bridge; thence following the exterior block line established by the 2020 census located in the center of Little Bay in a northwesterly direction to a point of intersection at the common boundary corner between Dover and Madbury near the Scammel Bridge; thence following the center line of the Boston Harbor Road/New Hampshire Route 4 in a southeasterly direction to the Spaulding Turnpike ; thence following the center line of the Spaulding Turnpike in a northwesterly direction to the point of beginning.

Ward Four begins at the intersection of the Bellamy River and Central Avenue; thence following the center line of Central Avenue northeasterly to the intersection with the Spaulding Turnpike; thence following the center line of the Spaulding Turnpike in a southeasterly direction to the exit 6 overpass, and tuning westerly following the centerline of the overpass to Boston Harbor Road/New Hampshire Route 4; thence following the center line of Boston Harbor Road/New Hampshire Route 4 a point of intersection at the common boundary corner between Dover and Madbury near the Scammel Bridge; thence following the common boundary line between Dover and Madbury in a northwesterly direction to the center line of the Mast Road; thence following the center line of Mast Road southeasterly to the centerline of Durham Road; thence following the center line of the Durham Road easterly to the point of beginning.

Ward Five begins at the Barrington/Dover line at Tolend Road; thence following the center line of Tolend Road southeasterly to the Spaulding Turnpike; thence following the Spaulding Turnpike in a northerly direction to the Cochecho River; thence following the center line of the Cochecho River southerly to Chestnut Street; thence following the center line of Chestnut Street southerly to Washington Street; thence turning easterly and following the center line of Washington Street to Locust Street;



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thence turning and following Locust Street in a southerly direction to Saint Thomas Street; thence following Saint Thomas Street in a westerly direction to the intersection with Belknap Street; thence following the center line of Belknap Street northerly to Washington Street; thence following Washington Street in a westerly direction to the intersection of the Boston and Maine Railroad, thence following the Boston and Main Railroad southwesterly to the Spaulding Turnpike; thence turning and following the center line of the Spaulding Turnpike in a southerly direction to Central Avenue; thence following the center line of Central Avenue southerly to the Bellamy River Bridge; then following along the center line of the Durham Road in a westerly direction to Mast Road; thence following the Mast Road center line in a westerly direction to the Madbury/Dover/ boundary; thence following the Madbury/Dover boundary in a northerly direction to the Barrington/Dover town line; thence following the Barrington/Dover boundary in a northwesterly direction to the point of beginning.

Ward Six begins at the point where the Dover/Rollinsford boundaries intersect with the center line of Old English Village Road and follows the center line of Old English Village Road westerly to Central Avenue; thence running southerly along the center line of Central Avenue to the intersection with Glenwood Avenue; thence following the center line of Glenwood Avenue westerly to the Spaulding Turnpike; thence following the center line of the Spaulding Turnpike in a southerly direction to Tolend Road; thence following the center line of Tolend Road in a northerly direction to the Dover/Barrington boundary line; thence following the boundary line in a northeasterly direction to the point of the Dover/Rochester/Somersworth boundary; thence turning and following the Dover/Somersworth boundary southerly to the point of the beginning.

§ 17-13 Ward Map

In accordance with RSA 44:4-a, the City shall maintain a ward boundary map of suitable scale reflecting the current ward boundaries.

3. TAKES EFFECT

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

REQUIRES PUBLIC HEARING AND 2/3 MAJORITY VOTE OF THE COUNCIL (C1-3)



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AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Deputy Mayor Dennis
Shanahan
Councilor Fergus Cullen
Councilor Lindsey Williams

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

Recorded by: Susan M. Mistretta
City Clerk

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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 Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

Every ten years the United States Constitution requires that a census of population be taken. As a result of that census, population for the City of Dover is updated. The census data is used to determine if, and to what extent, the City’s wards may need adjustments to maintain proportionality.

Historically, the City’s ward boundaries have been set forth in the City’s Charter. However, the coronavirus disease 2019 (“COVID-19”) pandemic caused delays in the 2020 census. As a result of those delays, the City Council proposed, and voters at the November 2021 municipal election approved, amendments to the City’s Charter to enable ward boundaries to become a function of an ordinance enacted by City Council, similar to several other cities and towns in New Hampshire.

The most recent charter amendments took effect January 1, 2022. In anticipation of that, the City Council commissioned the ordinance committee to research the extent of any need for redistricting and, should a need exist, bring forward a proposed ordinance (*see* [R-2021.11.10-185](#)). At meetings in December 2021, the Ordinance Committee undertook that process, resulting in this proposed ordinance.

By way of background, in 2010 the City’s population was listed in the federal census as 29,887. For 2020, the population was determined in the federal census to be 32,741. Upon receiving the 2020 census data, City staff calculated the population change of each existing ward as summarized below:



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Ward	2010 Pop	2020 Pop	Change
1	5,013	5,162	149
2	5,046	5,855	809
3	5,089	5,766	677
4	4,974	5,452	478
5	4,875	5,481	606
6	4,990	5,025	35
	29,987	32,741	

With the goal of perfectly equal representation, each ward would have the same number of residents, or 5,457 residents. Using that as a benchmark, Wards 2 and 3 needed to send residents to wards 1 and 6 ideally not impacting wards 4 and 5. Unfortunately, it is not as easy as just shifting the boundaries a hair here and there. And, [RSA 44:4-a](#) requires that boundaries “follow easily identifiable physical features” such as “public and private ways, railroad tracks, and surface waters.”

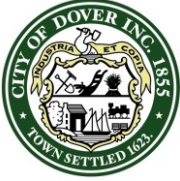
Upon review of the applicable data, the Ordinance Committee requested that staff provide no less than 3 proposed ward boundary alternatives, which would create as close to a 1% deviation (+/-) off the average as possible. This would mean each ward would have between 5,403 and 5,511 residents. Furthermore, it was noted that with the concerns about voting locations raised by two of the four privately owned properties used for voting, that staff should consider locating a polling location in each ward at a publicly owned property.

After review, staff presented five options for the Ordinance Committees review. Three of the options met the criteria of 1% deviation and a public parcel for use as a polling location. Two of the options did not meet the public polling location.

On December 20, 2021, the Ordinance Committee met and reviewed the five options and determined to focus on the three that provided public polling places. It then determined of those the option designated “epsilon” was the preferred alternative. Following the Ordinance Committee’s decision, City staff drafted this ordinance and the accompanying map based on that “epsilon” option.

The population changes by ward are summarized as follows:

Ward	2020 Pop	Proposed	Change
1	5162	5482	320
2	5855	5458	-397
3	5766	5411	-355
4	5452	5439	-13
5	5481	5450	-31



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6	5025	5501	476
	32741	32741	

In this ordinance, the following areas change ward:

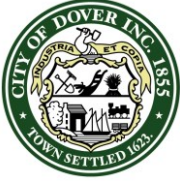
- Ward 6 to ward 1 (59 residents): The area between Old English Village Road and Glenwood Avenue/the Entrance to Shaw's Plaza from Central Avenue east to the Rollinsford town line moves from ward 6 to ward 1.
- Ward 2 to ward 1 (261 residents): The Cochecho Mill between Central Avenue and Main Street moves from ward 2 to ward 1.
- Ward 2 to ward 5 (244 residents): The area between the Cochecho River, and Saint Thomas Street, between the Community Trail and Locust Street along Washington Street, move from ward 2 to ward 5.
- Ward 3 to ward 2 (514 residents): The area between Silver Street, and Rutland Street, Central Avenue and Elm Street move from ward 3 to ward 2.
- Ward 2 to ward 3 (406 residents): The area between the Spaulding Turnpike, the Boston and Maine Railroad, Arch Street, Fisher Street and Locust Street – around Woodman Park School moves from ward 2 to ward 3.
- Ward 3 to ward 4 (247 residents): The area between the Spaulding Turnpike and Bellamy River covering Spur Road from the Spur Road overpass to the end, moves from Ward 3 to 4. The Spaulding Turnpike becomes the ward boundary the full length of wards 3 and 4.
- Ward 4 to ward 5 (260 residents): The area bounded by the Bellamy River, Durham Road and Mast Road, including Alumni Drive, Bellamy Road and Lisa Beth Circle/Drive move from ward 4 to ward 5.
- Ward 5 to ward 6 (535 residents): The Area from Tolend Road to the Cochecho River moves from ward 5 to ward 6. This includes Upper Factory Road, Glen Hill Road, and a portion of Watson Road and any roads off those roads.

It may also be important to observe that the boundaries proposed in this ordinance enable each ward to have a publicly owned location to potentially serve as polling places in the future:

Ward 1: Horne Street School

Ward 2: The Dover Arena

Ward 3: Woodman Park School



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Ward 4: Garrison Elementary School

Ward 5: Either Dover Middle or Dover High School

Ward 6: Riverside Rest Home.

A copy of the map showing the boundaries is attached.

For reference, a strikethrough/underline version of the current ward boundaries proposed in this ordinance, as compared to prior ward boundaries in the City's charter, is included below:

Ward One begins at the Dover/Rollinsford boundary line at ~~Hall Street~~Old English Village Road; thence following southeasterly along the Dover/Rollinsford boundary to Broadway; thence southwesterly along the center line of Broadway to the intersection with the Boston and Maine Railroad; thence southeasterly along the railroad to Central Avenue; thence southerly along the center line of Central Avenue to Chapel Street, and follows the center line of Main Street southerly to Washington Street; thence westerly along the center line of Washington Street to Chestnut Street; thence northerly along the center line of Chestnut Street to the Cochecho River; thence northerly along the center line of the Cochecho River to Spaulding Turnpike; thence following the center line of the Spaulding Turnpike northerly to its intersection with Glenwood Avenue; thence following the center line of Glenwood Avenue in a northeasterly direction to Central Avenue; thence turning northerly and running along the center line of Central Avenue, to Old English Village Road, and crossing Central Avenue ~~to a block line established by the 2010 Census and following Old English Village Road said block line~~ in an easterly direction to the Dover/Rollinsford boundary line; ~~thence following the Dover/Rollinsford boundary line a southeasterly direction~~ to the point of beginning.

Ward Two begins at Broadway and the Rollinsford/Dover boundary; thence following the Dover/Rollinsford boundary in a southeasterly direction to the confluence of the Cochecho/Piscataqua River; thence following the center line of the confluence in a northwesterly direction to a block line established by the 2010-2020 census; thence turning southwesterly to the intersection of Henry Law Avenue and Tennyson Avenue; thence following the center line of Tennyson Avenue in a southwesterly direction to Court Street; thence following the center line of Court Street in a northwesterly direction to ~~Central Avenue~~Union Street; thence following center line of ~~Central Avenue~~Union Street in a southwesterly direction to ~~Central Avenue~~Silver Street; thence following the center line of Central Avenue Silver Street ~~southerly~~ westerly to Elm Locust Street; thence following the center line of ~~Elm Locust~~ Street in a ~~northerly~~ Southerly direction to Fisher Street; thence following the center line of Fisher Street in a ~~westerly~~ easterly



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direction to ~~Locust~~Rutland Street; thence following the center line of ~~Locust~~Rutland Street ~~northerly southerly~~ to ~~Clifford Street~~Central Avenue; thence following the center line of ~~Clifford Street~~Central Avenue westerly to ~~Towle Avenue~~the Spaulding Turnpike; thence following the center line of ~~Towle Avenue~~Spaulding Turnpike in a northwesterly direction to the intersection with ~~Silver Street~~the Boston and Maine Railroad; thence north~~westerly~~easterly across Silver Street and following the center line of Arch Street along the railroad to center line of the Washington Street; thence following the center line of Washington Street in an easterly direction to ~~Belknap Street~~the Community Trail; thence following the center line of ~~Belknap Street~~southerly Community Trail northerly to the center line of ~~Saint Thomas Street~~the Cochecho River; thence following the center line of the ~~Saint Thomas Street~~Cochecho River in an easterly direction to ~~Chestnut~~Locust Street; thence following along the center line of ~~Chestnut~~Locust Street northerly to Washington Street; thence following the center line of Washington Street easterly to ~~Central Avenue~~Main Street; thence following the center line of Main Street northerly, until Chapel Street, where it follows the centerline of Central Avenue northerly to the Boston and Maine Railroad line; thence following the Boston and Maine railroad line northeasterly to the intersection of Broadway; thence following the center line of Broadway in a northeasterly direction to the point of beginning.

Ward Three begins at the intersection of Spaulding Turnpike and ~~the Boston and Maine railroad line~~Central Avenue; thence following the center line of ~~the Boston and Maine railroad line~~Central Avenue in a northeasterly direction to ~~Locust~~Arch Street; thence following the center line of ~~Locust~~Arch Street ~~northerly-southerly~~ to Silver Street; thence crossing Silver Street to Towle Avenue, and following the centerline of Towle Avenue in a southerly direction to Clifford Street; thence following the centerline of Clifford Street in an easterly direction to Rutland Street; thence turning and following the center line of Rutland Street southerly until Fisher Street; thence following the center line of Fisher Street in an ~~westerly~~easterly direction to ~~Elm~~Locust Street; thence following the center line of ~~Elm~~Locust Street ~~southerly northerly~~ to the intersection with ~~Silver Street~~Central Avenue; thence following the center line of ~~Silver Street~~Central Avenue ~~northeasterly~~ to the intersection of ~~Central Avenue~~Union Street; thence following the center line of ~~Central Avenue~~Union Street in a northeasterly direction to Court Street; thence following the center line of Court Street southeasterly to Tennyson Avenue; thence following the center line of Tennyson Avenue in a northeasterly direction to Henry Law Avenue; thence following a block line established by the ~~2000~~2020 census in a northeasterly direction to the Cochecho River; thence following the Cochecho River southeasterly to its confluence with the Piscataqua River and the exterior block line established by the ~~2000~~2020 census located in



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the center of said Piscataqua River; thence following the exterior block line established by the 2020 census located in the center of the Little Bay channel where it intersects the Spaulding Turnpike at the Little Bay Bridge; thence following the exterior block line established by the 2000-2020 census located in the center of Little Bay in a northwesterly direction to a point of intersection at the common boundary corner between Dover and Madbury near the Scammel Bridge; thence following the center line of the ~~Bellamy River~~Boston Harbor Road/New Hampshire Route 4 in a ~~southeasterly~~ northwesterly direction to the Spaulding Turnpike Spur Road Extension; ~~thence following the center line of the Spur Road Extension southerly to the intersection Spur Road; thence following the center line of Spur Road northwesterly to the Spaulding Turnpike;~~ thence following the center line of the Spaulding Turnpike in a northwesterly direction to the point of beginning.

Ward Four begins at the intersection of the Bellamy River and Central Avenue; thence following the center line of Central Avenue northeasterly to the intersection with the Spaulding Turnpike; thence following the center line of the Spaulding Turnpike in a southeasterly direction to the exit 6 overpass, and tuning westerly following the centerline of the overpass to Boston Harbor Road/New Hampshire Route 4~~Spur Road~~; thence following the center line of Boston Harbor Road/New Hampshire Route 4 ~~Spur Road southwesterly to Spur Road Extension; thence following the center line of Spur Road Extension in a northwesterly direction to a block line established by the 2000 Census and following said block line in a southwesterly direction to the Bellamy River; thence following the center line of the Bellamy River in a southwesterly direction to~~ a point of intersection at the common boundary corner between Dover and Madbury near the Scammel Bridge; thence following the common boundary line between Dover and Madbury in a northwesterly direction to the center line of the ~~Bellamy River~~Mast Road; ~~thence following the center line of Mast Road southeasterly to the centerline of Durham Road;~~ thence following the center line of the Durham Road~~Bellamy River~~ easterly to the point of beginning.

Ward Five begins at the ~~Rochester~~Barrington/Dover line at Tolend Road~~the Cochecho River~~; thence following the center line of Tolend Road ~~Cochecho River~~ southeasterly to the Spaulding Turnpike~~abandoned Railroad Bridge over the Cochecho River~~; thence following the Spaulding Turnpike in a northerly direction to the Cochecho River; ~~thence following the center line of the Cochecho River~~ ~~abandoned railroad line~~ southerly to Washington ~~Chestnut~~ Street; thence following the center line of Chestnut Street southerly to Washington Street; ~~thence turning easterly and following the center line of Washington Street to Locust Street; thence turning and following Locust Street in a southerly direction to Saint Thomas Street; thence following Saint Thomas Street in a~~ westerly direction to the intersection with ~~the Boston and Maine~~



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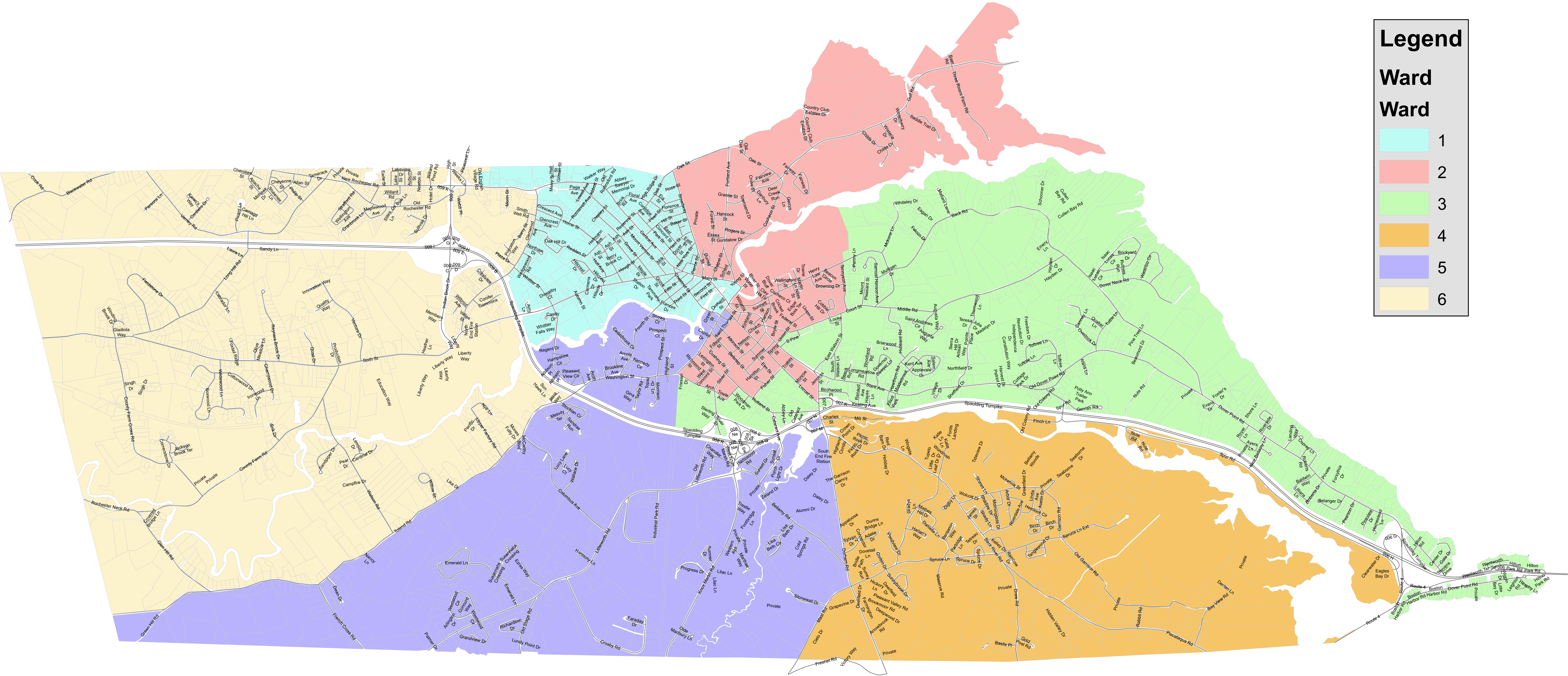
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Railroad~~Belknap Street~~; thence following the center line of ~~intersection with the Boston and Maine Railroad~~Belknap Street northerly southerly to the Spaulding Turnpike~~Washington Street~~; thence following Washington Street in a westerly direction to the intersection of the Boston and Maine Railroad, thence following the Boston and Main Railroad southwesterly to the Spaulding Turnpike; ~~thence turning and following the center line of the Spaulding Turnpike~~ -in a southerly direction to Central Avenue; thence following the center line of Central Avenue southerly to the Bellamy River Bridge; then following along the center line of the ~~Bellamy River~~Durham Road in a westerly direction to Mast Road; ~~thence following the Mast Road center line in a westerly direction to~~ the Madbury/Dover/~~Barrington~~ boundary; ~~thence following the Madbury/Dover boundary in a northerly direction to the Barrington/Dover town line~~; ~~thence following the Madbury/Barrington/Dover/Barrington~~ boundary in a northwesterly direction to the point of beginning.

Ward Six begins at the point where the Dover/~~Rollinsford~~ -~~Somersworth~~ -~~Rochester~~ boundaries intersect with the center line of Old English Village Road and follows the center line of Old English Village Road westerly to Central Avenue; thence running southerly along the center line of Central Avenue ~~a block line established by the 2010 Census~~; ~~thence proceeds westerly along the block line~~ to the intersection with Glenwood Avenue; thence following the center line of Glenwood Avenue westerly to the Spaulding Turnpike; thence following the center line of the Spaulding Turnpike in a southerly direction to ~~the Cochecho River~~Tolend Road; thence following the center line of Tolend Road~~Cochecho River~~ in a northerly direction to the Dover/~~Rochester~~ -Barrington boundary line; thence following the boundary line in a northeasterly direction to the point of the Dover/Rochester/Somersworth boundary; ~~thence turning and following the Dover/Somersworth boundary southerly to the point of the~~ beginning.

Dover 2022 Wards



 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Ordinance Number: O – 2022.01.12 – 002 Ordinance Title: Sewers and Water Chapter: 121 Section: 1 Definitions and word usage 5 Use of public sewer	Agenda Item#: 14.C.2.

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to update and amend the sewer use restrictions in Dover Code 121-5, subsection E(10), as well as make a related amendment to the definitions section of Chapter 121 (Dover Code 121-1)..

2. AMENDMENT

Chapter 121 entitled “Sewers and Water” is hereby amended by revising Section 121-1, “Definitions and word usage”, which is amended as follows:

§ 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")

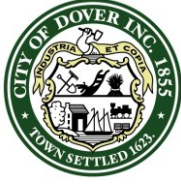
The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

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.

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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.)

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.

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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, and respond to any noncompliance with, the requirements of Dover's Industrial Pretreatment Program.

[Added 1-13-2021 by Ord. No. 2020.12.09-016]

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.
- 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.

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

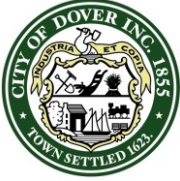
INDUSTRIAL PRETREATMENT PROGRAM (IPP)

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.

[Added 1-13-2021 by Ord. No. 2020.12.09-016]

INDUSTRIAL USER

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



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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.

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

MANAGER

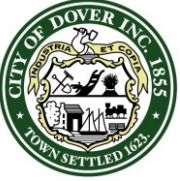
The City Manager or the top executive and administrative officer of the City or his duly authorized agent.

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

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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
 - (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.



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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 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



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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.

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;



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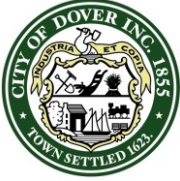
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- C. Has a reasonable potential, in the opinion of the City Manager or his authorized representative, to adversely affect the operation of the POTW;
- D. Violates any pretreatment standard or requirement in accordance with 40 CFR 403.8(f)(6);
- E. 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);
- 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;



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- 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.

SPILL

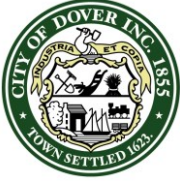
The release, accidental or otherwise, of any material not normally released to the facilities which, by virtue of its volume, concentration or physical or chemical characteristics, creates a hazard to the facilities, their operation or their personnel. Such characteristics shall include, but are not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



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SUSPENDED SOLIDS

Solids or particles in water that exceed 2 microns that either float on the surface or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering. These waterborne particles would include anything that floats or suspends in water including sand, sediment, organic, and inorganic material.

TOTAL SUSPENDED SOLIDS (TSS)

The weight total of suspended solids after a well-mixed sample is filtered through a standard glass filter and the suspended portion is dried to a constant weight at 103-105 degrees Celsius.

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

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.



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3. AMENDMENT

Chapter 121 entitled “Sewers and Water” is hereby amended by revising Section 121-5, “Use of Public Sewer”, subsection E(10), which is amended as follows:

§ 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 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, naptha, 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,



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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.
- (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]



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(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. **[Added 1-13-2021 by Ord. No. 2020.12.09-016]**

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 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

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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 loading greater than those indicated below. If applicable, see procedures for net/gross determination at 40 CFR 403.15. These 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). **[Amended 1-13-2021 by Ord. No. 2020.12.09-016]**

Cadmium (Cd)	0.066	Zinc (Zn)	1.730
Chromium (Cr)	4.630	Silver (Ag)	56.00
Copper (Cu)	2.950	Nickel (Ni)	1.410
Cyanide (CN)	1.540	Mercury (Hg)	0.059
Lead (Pb)	1.180	Arsenic (As)	0.130
Total Nitrogen	379	Selenium	0.345
<u>BOD</u>	<u>3,403</u>	<u>TSS</u>	<u>2,416</u>

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

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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:

- (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



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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 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



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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]**
- 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



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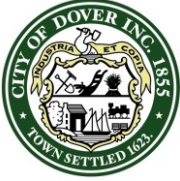
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so as to be safe and accessible at all times. The owner shall perform or have others perform at his expense all tests and monitoring required by the Community Services Director, or designee. Completed reports of all tests shall be submitted to the 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 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 (2) and (3) below, the user must collect wastewater



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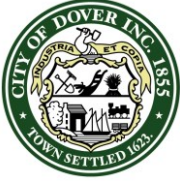
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samples using twenty-four-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Community Services Director, or designee. Where time-proportional composite sampling or 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. **[Amended 1-13-2021 by Ord. No. 2020.12.09-016]**

- (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.
- 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



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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 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,



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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.

4. TAKES EFFECT

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



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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

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

An engineering company performed a study providing updated local limits (LL), which were last updated in Dover in the sewer use ordinance. At that time, two parameters the City tests for at the wastewater treatment facility, biochemical oxygen demand (BOD) and total suspended solids (TSS), were not included, but further discussions with the engineering company confirm it would be prudent to include these limits. These two parameters could be useful to the City in controlling industrial discharges in the future. These two numbers are now available because of a revision to the study. Therefore, for the City's benefit, these two limits should be included as BOD at 3,403 and TSS at 2,416. In addition, the definitions section of this ordinance is also being updated to clarify the definition of TSS.