



CITY OF DOVER

CITY COUNCIL - AGENDA

REVISED

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, September 13, 2023**
Meeting Time: **7:00 pm**

1. **CALL TO ORDER**
2. **MOMENT OF SILENCE**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL ATTENDANCE**
5. **PROCLAMATIONS/AWARDS**
 - A. **Declaring September 2023 to be National Service Dog Month**
6. **APPROVAL OF AGENDA**
7. **PUBLIC HEARINGS**
 - A. **FISCAL YEAR 2024 CIP APPROPRIATION AND AUTHORIZATION FOR CLEAN WATER STATE REVOLVING FUND (CWSRF) LOAN FOR HENRY LAW PARK STORMWATER BEST MANAGEMENT PRACTICES**
(CITY COUNCIL VOTE TO OCCUR ON SEPTEMBER 27, 2023)
SPONSORED BY MAYOR CARRIER BY REQUEST
 - B. **AMENDMENT OF FISCAL YEAR 2024 SCHEDULE OF FEES TO AMEND INSPECTION SERVICES DIVISION SECTION OF SCHEDULE**
(CITY COUNCIL VOTE TO OCCUR ON SEPTEMBER 13, 2023)
SPONSORED BY MAYOR CARRIER BY REQUEST
 - C. **GENERAL FUND FISCAL YEAR 2024 BUDGET AMENDMENT – APPROPRIATION OF ADDITIONAL STATE AID TO SCHOOL DEPARTMENT**
(CITY COUNCIL VOTE TO OCCUR ON SEPTEMBER 13, 2023)
SPONSORED BY MAYOR CARRIER BY REQUEST
8. **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.
9. **CITY MANAGER'S REPORT**
10. **APPROVAL OF MINUTES**
 - A. **August 23, 2023 – Regular Meeting**
11. **MAYOR'S REPORT**
12. **UNFINISHED BUSINESS**
 - A. **ORDINANCES IN THE 2nd READING**
 - B. **ORDINANCES IN THE 3RD READING**



CITY OF DOVER

CITY COUNCIL - AGENDA

REVISED

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, September 13, 2023**
Meeting Time: **7:00 pm**

C. RESOLUTIONS

1. **AMENDMENT OF FISCAL YEAR 2024 SCHEDULE OF FEES TO AMEND INSPECTION SERVICES DIVISION SECTION OF SCHEDULE**
SPONSORED BY MAYOR CARRIER BY REQUEST
2. **GENERAL FUND FISCAL YEAR 2024 BUDGET AMENDMENT – APPROPRIATION OF ADDITIONAL STATE AID TO SCHOOL DEPARTMENT**
SPONSORED BY MAYOR CARRIER BY REQUEST

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **AUTHORIZATION TO UTILIZE PROFESSIONAL SERVICES OF DR. NICOLE L. SAWYER**
SPONSORED BY MAYOR CARRIER BY REQUEST
2. **APPROVING SIEMENS LETTER OF INTENT FOR ANALYZING WASTE WATER TREATMENT FACILITY SOLAR AND ENERGY EFFICIENCY IMPROVEMENT**
SPONSORED BY MAYOR CARRIER BY REQUEST
3. **AUTHORIZING ACCEPTANCE OF OBSTRUCTION PERMIT FROM NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION (NHDOT) FOR GREAT BAY ROWING'S USE AND STORAGE OF ROWING EQUIPMENT AT HILTON PARK**
SPONSORED BY MAYOR CARRIER BY REQUEST

COMMITTEE REPORTS

- | | |
|---|--|
| 1. School Board (Muffett-Lipinski) | 16. Ordinance Committee (Shanahan) |
| 2. Planning Board (Cullen) | 17. Parking Commission (Hinkel) |
| 3. Appointments Committee (Williams) | 18. Pool Advisory Committee (Hackett) |
| 4. Arena Commission (Hackett) | 19. Committee for Racial Equity and Inclusion (Nemeth) |
| 5. Arts Commission (Nemeth) | 20. Recreation Advisory Board (Shanahan) |
| 6. Board of Health (Thibodeaux) | 21. Solid Waste Advisory Committee (Muffett-Lipinski) |
| 7. Collaborative City Council and School Board (M-Lipinski) | 22. Transportation Advisory Commission (Williams) |
| 8. Conservation Commission (Williams) | 23. Waterfront TIF Advisory Board (Shanahan) |
| 9. Downtown TIF Advisory Board (Hinkel) | 24. Joint Building Committee – DHS (Carrier) |
| 10. Energy Commission (Thibodeaux) | 25. COAST (Shanahan) |
| 11. Graffiti Management Ad Hoc Committee (Nemeth) | 26. Coheco Waterfront Development Advisory Committee (Carrier) |
| 12. Heritage Commission (Nemeth) | 27. Dover Main Street (Carrier) |
| 13. Legislative Liaison (Shanahan) | 28. Strafford Regional Planning Commission (Williams) |
| 14. Library Board of Trustees (Thibodeaux) | 29. Government Affairs (Carrier) |
| 15. McConnell Center Advisory Committee (Thibodeaux) | |

B. RESOLUTIONS

1. **B23025 WASTE WATER TREATMENT PLANT AERATION BLOWER UPGRADE**
SPONSORED BY MAYOR CARRIER BY REQUEST



CITY OF DOVER

CITY COUNCIL - AGENDA

REVISED

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, September 13, 2023**
Meeting Time: **7:00 pm**

2. B24002 WASTE WATER TREATMENT PLANT ULTRA VIOLET DISINFECTION UPGRADE

SPONSORED BY MAYOR CARRIER BY REQUEST

C. ORDINANCES IN 1ST READING

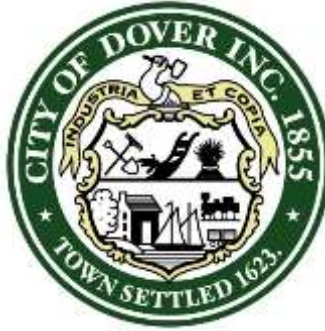
1. CHAPTER 9, SECTIONS 1, 15

SPONSORED BY COUNCILOR NEMETH

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

16. ADJOURN



PROCLAMATION

- WHEREAS:** The City of Dover recognizes the profound impact that service dogs have on the lives of individuals with disabilities, enhancing their independence, mobility, and overall quality of life; and
- WHEREAS:** Approximately 61 million adults in the United States live with a disability, representing 26% of the adult population. Approximately 13% of children in the United States under the age of 18 have a disability; and
- WHEREAS:** The United States is home to an estimated 500,000 service dogs who play a crucial role in assisting individuals with disabilities, including those with mobility impairments, visual and hearing impairments, autism, epilepsy, diabetes, and post-traumatic stress disorder, among others, by providing vital support, companionship, and a sense of security; and
- WHEREAS:** National Service Dog Month provides an opportunity to raise awareness about the incredible contributions of service dogs, honor the dedicated individuals who train and care for these remarkable animals, and celebrate the profound bond between service dogs and the individuals they serve.

NOW, THEREFORE, I, Robert Carrier, Mayor of the City of Dover in the State of New Hampshire, do hereby proclaim the month of September as:

NATIONAL SERVICE DOG MONTH

in the City of Dover and call this to the attention of all citizens.

IN WITNESS WHEREOF, I have here unto set my hand and caused the Seal of the City of Dover to be affixed this 13th Day of September, 2023.

Robert Carrier, Mayor
City of Dover, New Hampshire



CITY OF DOVER

CITY OF DOVER - RESOLUTION

**Agenda Item#:7.A.
Public Hearing Only**

Resolution Number: **R – 2023.08.23 - 138**
Resolution Re: FY2024 CIP Appropriation and Authorization for Clean Water State Revolving Fund (CWSRF) Loan for Henry Law Park Stormwater Best Management Practices

- 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 (NHDES) for the Henry Law Park Stormwater BMP Project and the project was determined to meet CWSRF eligibility; and
- WHEREAS: In early 2022 the City participated in the CWSRF for the Henry Law Park Stormwater BMP project which provided \$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 via resolution R-2022.01.12 and;
- WHEREAS: In late 2022 the city submitted a pre-application for a CWSRF loan to construct a Stormwater Infrastructure Project. This work is a step toward addressing stormwater conveyance and treatment needs, and solution that promote energy efficiency, water quality and/or flooding resilience; and
- WHEREAS: The City has received notification of the NHDES acceptance of the preapplication and is submitting a loan application for approval of \$3,500,000; and

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

The amount of \$3,500,000 is hereby appropriated for the Henry Law Park Stormwater BMP capital project with an estimated useful life in excess of the life indicated:

		Proposed			
Item #	Description	Appropriation	Life/Yrs	Department	Fund
1	Henry Law Park Stormwater BMP Project	\$3,500,000	20	Comm Serv - PW	General
	Total	\$3,500,000			

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 \$3,500,000.00.

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.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

**Agenda Item#:7.A.
Public Hearing Only**

Resolution Number: **R – 2023.08.23 - 138**
Resolution Re: FY2024 CIP Appropriation and Authorization for Clean Water State Revolving Fund (CWSRF) Loan for Henry Law Park Stormwater Best Management Practices

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: Patricia Moniello
Legal Assistant

DOCUMENT HISTORY:

First Reading Date: 08/23/2023
Approved Date:

Public Hearing Date: 09/13/2023
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 Warach, 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	
	Resolution Number: R – 2023.08.23 - 138 Resolution Re: FY2024 CIP Appropriation and Authorization for Clean Water State Revolving Fund (CWSRF) Loan for Henry Law Park Stormwater Best Management Practices	Agenda Item#:7.A. Public Hearing Only

RESOLUTION BACKGROUND MATERIAL:

This resolution makes an appropriation for a FY2024 Capital Improvements Program project in the amount of \$3,500,000 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 \$3,500,000.00 to finance the project.

The goal of the project is to construct stormwater treatment system features and structures that exist within the area known as Henry Law Park. This project would construct a stormwater BMP within Henry Law park. The BMP will provide pollutant removal and flow mitigation for the highly urbanized downtown area and could include up to 120 acres of contributing municipal, residential, and commercial properties with associated roadway networks, while also preparing for sea-level rise impacts and extreme high tide events. The construction of the BMP below grade will also preserve open space in the heavily used park. The City of Dover plans to install educational materials regarding the BMP to strategically engage park patrons.

Debt Authorization versus Debt Retirement

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

	General Fund
Description	City
Pending Authorization	3,500,000
Prior FY2024 CIP Authorization	5,812,000
FY2024 Principal Retirement	4,243,359
Net Change	5,068,641

Legal Debt Limits

The following table summarizes the amount of debt outstanding & authorized-unissued, as of June 30, 2023. Legal debt limits are based on a percent of equalized assessed value. The City General Fund legal debt limit is 3% of equalized assessed value.

	General Fund
Description	City
Debt Outstanding	38,183,558
Authorized - Unissued	23,347,195
Total Issued & Unissued	61,530,753
This Authorization	3,500,000
Grand Total	65,030,753
Legal Debt Limit	173,691,511
Unused Capacity	108,660,758
Percent Unused	62.56%

 CITY OF DOVER	CITY OF DOVER - RESOLUTION		
	Agenda Item#:7.A. Public Hearing Only Resolution Number: R – 2023.08.23 - 138 Resolution Re: FY2024 CIP Appropriation and Authorization for Clean Water State Revolving Fund (CWSRF) Loan for Henry Law Park Stormwater Best Management Practices		

General Fund - City Authorized-Unissued Debt and Available Appropriations

The following table summarizes the existing debt authorizations for the General Fund – City departments’ project that are unissued at this time.

Description	Appropriations	Authorized	
		Unissued Debt	CIP Authorization
Street Reconstruction - Richardson Drive	\$ 550,000	\$ 63,385	FY2016 CIP Appropriation
Catch Basin Spoils Facility	1,750,000	292,280	FY2020 CIP Appropriation
Central Avenue Drainage Work	1,100,000	1,100,000	FY2021 CIP Appropriation
Congestion Mitigation Route 108	1,500,000	1,500,000	FY2021 CIP Appropriation
Downtown Traffic Efficiency Improvements	1,400,000	1,400,000	FY2021 CIP Appropriation
Jenny Thompson Pool Renovations	500,000	500,000	FY2021 CIP Appropriation
Fire Station Capacity Improvements	1,530,000	1,530,000	FY2022 CIP Appropriation
Street Reconstruction - Oak/Ham/Broadway	1,000,000	1,000,000	FY2022 CIP Appropriation
Street Reconstruction - Court/Union/Middle	4,500,000	4,500,000	FY2022 CIP Appropriation
Street Reconstruction - Fifth/Grove Streets	1,100,000	1,100,000	FY2022 CIP Appropriation
Cochecho River Outfall Stormwater	150,000	150,000	FY2022 CIP Appropriation
Bridge Replacement - Chestnut Street	250,000	250,000	FY2022 CIP Appropriation
Portland Avenue Retaining Wall	250,000	250,000	FY2022 CIP Appropriation
Library Renovations/Upgrades	1,986,930	1,986,930	FY2022 CIP Appropriation
Portland Avenue Retaining Wall	750,000	750,000	FY2023 CIP Appropriation
Henry Law Park Stormwater BMP	12,600	12,600	FY2023 CIP Appropriation
Sidewalk Replacement - Whittier Street	650,000	650,000	FY2023 CIP Appropriation
Cochecho Replace Storm Drain Outfall	500,000	500,000	FY2023 CIP Appropriation
Street Reconstruction - Court/Union/Middle	1,268,000	1,268,000	FY2024 CIP Appropriation
Street Reconstruction - Fifth/Grove Streets	1,100,000	1,100,000	FY2024 CIP Appropriation
Cochecho River Outfall Stormwater	2,000,000	2,000,000	FY2024 CIP Appropriation
Bridge Replacement - Chestnut Street	1,344,000	1,344,000	FY2024 CIP Appropriation
Portland Avenue Retaining Wall	100,000	100,000	FY2024 CIP Appropriation
	\$ 25,291,530	\$ 23,347,195	

Budgetary and Rate Impacts

The repayment of the General Fund - City debt obligations are funded through the revenue collected from property tax payers. The \$3,500,000 debt obligation is expected to be paid back over a 20-year period. Principal repayments would be \$175,000 per year. The annual impact to the City’s General 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 a CWSRF interest rate of 2.80%, is estimated to be a total of

Document Created by: Finance Department Document Posted on: September 7, 2023	R-2023.08.23 FY2024 CIP Appropriation and CWSRF Authorization Henry Law Park Stormwater BMP Funding Page 4 of 5
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CITY OF DOVER

CITY OF DOVER - RESOLUTION

**Agenda Item#:7.A.
Public Hearing Only**

Resolution Number: **R – 2023.08.23 - 138**

Resolution Re: FY2024 CIP Appropriation and Authorization for Clean
Water State Revolving Fund (CWSRF) Loan for Henry Law
Park Stormwater Best Management Practices

\$1,127,000 impact and approximately \$98,000 annual impact for the first three years. The combined impact of principal and interest repayment for the debt financing is estimated at \$273,000 for the first three years. The annual impact on the property tax rate is estimated at \$0.05. For an average single-family home, based on an FY2023 assessed value of \$471,406, the annual increase in property taxes is estimated at \$25.36.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2023.08.23 - 139**
Resolution Re: Amendment of FY2024 Schedule of Fees to Amend
Inspection Services Division Section of Schedule

- WHEREAS: The City adopted the FY2024 City of Dover Schedule of Fees on April 5, 2023; and
- WHEREAS: The FY2024 adopted Schedule of Fees effective date is July 1, 2023; and
- WHEREAS: City personnel have reviewed certain provisions contained in the Inspection Services Division section of the Schedule of Fees for permits including, yet not limited to, Building Permits, Plumbing Permits, Electrical Permits, Fire Suppression/Detection and Ventilation Permits, Blasting Permits, Underground/Aboveground Storage Tanks, and Chimney & Alternative Fuel Installations Permits; and
- WHEREAS: The City Council regulates permit fees; and

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

The City Council authorizes changes to the Inspection Services Division section of the previously adopted FY2024 Schedule of Fees, as follows:

Current language in Schedule of Fees: “Permit Fees Doubled if work is started before permit is issued or minimum of \$250 whichever is greater”

Proposed language changes for Schedule of Fees: “Permit Fees Doubled if work is started before permit is issued with minimum of \$250 per permit and maximum of \$10,000 per permit, provided the Building Official may increase the fee if he or she finds that the City’s actual costs of administration, implementation, and/or enforcement exceed \$10,000. For clarification, the foregoing fee is in addition to any fines or other penalties levied, assessed, or imposed pursuant to applicable law.”

AND FURTHER BE IT RESOLVED:

This change to the FY2024 Schedule of Fees is effective retroactive to July 1, 2023.

THIS RESOLUTION REQUIRES A PUBLIC HEARING AND 2/3 MAJORITY VOTE OF COUNCIL PER C6-6.

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: Patricia Moniello
Legal Assistant

Document Created by: Finance
Document Posted on: September 8, 2023

R-2023.08.23 Amendment of FY2024 Schedule of Fees to
Amend Inspection Services Division Section of Schedule
Page 1 of 3



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2023.08.23 - 139**
Resolution Re: Amendment of FY2024 Schedule of Fees to Amend
Inspection Services Division Section of Schedule

DOCUMENT HISTORY:

First Reading Date: 08/23/2023	Public Hearing Date: 09/13/2023
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 Warach, 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:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2023.08.23 - 139**
Resolution Re: Amendment of FY2024 Schedule of Fees to Amend
Inspection Services Division Section of Schedule

RESOLUTION BACKGROUND MATERIAL:

On April 5, 2023 the City Council adopted the FY2024 Schedule of Fees in conjunction with adopting the City's FY2024 Operating Budget. The effective date of the FY2024 Schedule of Fees is July 1, 2023.

City personnel have reviewed certain provisions contained in the Inspection Services Division section of the Schedule of Fees for various permits. For permits including, yet not limited to, Building Permits, Plumbing Permits, Electrical Permits, Fire Suppression/Detection and Ventilation Permits, Blasting Permits, Underground/Aboveground Storage Tanks, and Chimney & Alternative Fuel Installations Permits there is existing language that "Permit Fees Doubled if work is started before permit is issued or minimum of \$250 whichever is greater".

City staff have reviewed this provision and believe, as currently drafted, it could benefit from updating and clarification to read as follows: "Permit Fees Doubled if work is started before permit is issued with minimum of \$250 per permit and maximum of \$10,000 per permit, provided the Building Official may increase the fee if he or she finds that the City's actual costs of administration, implementation, and/or enforcement exceed \$10,000."

For clarification, the foregoing fee is in addition to any fines or other penalties levied, assessed, or imposed pursuant to applicable law.

This change to the FY2024 Schedule of Fees would be effective retroactive to July 1, 2023.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:12.C.2.

Resolution Number: **R – 2023.08.23 - 140**

Resolution Re: General Fund FY2024 Budget Amendment – Appropriation of Additional State Aid to School Department

WHEREAS: The Dover City Council adopted the City of Dover FY2024 operating budget on April 5, 2023; and

WHEREAS: The Dover School District has been informed by the State, that as a result of the adopted State biennial budget, the district is to receive an additional \$3,642,497 in State aid above what was estimated in the FY2024 adopted City municipal budget; and

WHEREAS: The Dover School Board approved a resolution on August 21, 2023 (copy attached) requesting the City Council to adopt a General Fund FY2024 budget amendment to appropriate \$3,408,069 of the additional state aid to be received by the school department; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The amount of Three Million Four Hundred and Eight Thousand and Sixty-Nine Dollars (\$3,408,069.00) is hereby appropriated to the Dover School Department as part of the FY2024 General Fund budget for the purposes noted in the table below:

		Adopted	Budget	Revised
Account Number	Account Description	Budget	Amendment	Budget
REVENUE				
1000.2.600.03190.3700.00000.00.000.000.870	State Adequate Education Grant	10,191,370.00	3,408,069.00	13,599,439.00
		10,191,370.00	3,408,069.00	13,599,439.00
APPROPRIATIONS				
1000.2.600.05251.4918.00000.00.000.000.909	Transfer to School Athletics Capital Reserve	20,000.00	0.00	20,000.00
1000.2.600.05251.4918.00000.00.000.000.910	Transfer to School Facilities Capital Reserve	250,000.00	200,000.00	450,000.00
1000.2.600.05251.4918.00000.00.000.000.910	Transfer to School Curriculum Capital Reserve	150,000.00	250,000.00	400,000.00
1000.2.600.05251.4918.00000.00.000.000.910	Transfer to School Technology Capital Reserve	125,000.00	360,000.00	485,000.00
1000.1.600.46900.4950.00000.00.000.000.950	School District Education Appropriation	71,105,446.00	2,598,069.00	73,703,515.00
		71,650,446.00	3,408,069.00	75,058,515.00

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

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: Patricia Moniello
Legal Assistant



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:12.C.2.

Resolution Number: **R – 2023.08.23 - 140**
Resolution Re: General Fund FY2024 Budget Amendment – Appropriation
of Additional State Aid to School Department

DOCUMENT HISTORY:

First Reading Date: 08/23/2023	Public Hearing Date: 09/13/2023
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 Warach, 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:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:12.C.2.

Resolution Number: **R – 2023.08.23 - 140**
Resolution Re: General Fund FY2024 Budget Amendment – Appropriation
of Additional State Aid to School Department

RESOLUTION BACKGROUND MATERIAL:

In accordance with City Charter C6-6 *Appropriations After Adoption of the Budget*, the School Board is requesting that the City Council adopt a FY2024 General Fund Budget Amendment to appropriate \$3,408,069.00 in additional State Education Aid to be received by the school department.

The amount of State Adequacy Aid to be received by the Dover School District is projected to be \$3,642,497 more than the amount estimated in the FY2024 City Council adopted operating budget. These unanticipated funds are the result of the State of New Hampshire adopted biennial budget, which was recently published.

The Dover School Board adopted a resolution on August 21, 2023 identifying that the school department would be receiving an additional \$3,642,497.00 in State Education Aid during FY2024, and requesting that the City Council vote to appropriate \$3,408,069.00 of that additional revenue. The remaining amount of \$234,428.00 would be used to reduce property tax levy.

A copy of the adopted School Board resolution is attached to this City Council resolution.

RESOLUTION

RE: FY2023-2024 BUDGET AMENDMENT REQUEST

- WHEREAS: Consistent with statute, the NHED conducted an adequacy estimate in November 2022 which was used as the State revenue estimates for local school budgets for FY 2024. Since that estimate was conducted in November 2022, the Adequacy Formula was substantially amended. In total, the Adequacy Grant used to build the FY2024 budget and only published on August 21, 2023, has increased by \$102.9 million; and
- WHEREAS: The Dover School Department's portion of the Adequacy Grant increased \$3,642,497 from \$10,191,730, to \$13,834,227; and
- WHEREAS: The Dover School Department would like to use this funding to increase their appropriations for FY2024 per RSA 197:3-a; and
- WHEREAS: The School Board requests that the City Council approve the following spending plan:

Committed FY24 Funding:

Union Contracts DTU		\$	670,579
DTU	\$	476,664	
DPA	\$	182,642	
DEOP	\$	11,273	
Facilities Contracts & Projects		\$	143,099
Waste Disposal	\$	28,753	
C&W	\$	61,346	
Toilet Rentals	\$	15,000	
Additional Door Access Controllers (5)	\$	5,000	
DMS Nurse Door Improvement	\$	10,000	
DMS Stove Replacement	\$	6,000	
*MISC	\$	17,000	
IT Contracts		\$	79,000
VCISO/Phased in Consulting Fees	\$	75,000	
IT Professional Development	\$	4,000	
Curriculum Contracts		\$	32,000
Software	\$	32,000	

Grant Funded Permanent Positions:

Curriculum & MTSS Grant Funded Positions		\$	660,578
Co-Director KH	\$	169,467	
Co-Director SM	\$	164,946	
Co-Director JK	\$	165,111	
Director TB	\$	161,054	

SPED Grant Funded Position		\$	65,670
Family Svcs. Coord. EH + 10 Additional Days	\$	65,670	

Requested New Positions:

New Positions Approve, and then Cut During Budget Process		\$	583,008
School Psychologist	\$	108,083	
Floating ESOL Paraeducator	\$	52,178	
MSW-LCMCH - Elementary	\$	106,157	
MSW-LCMCH - DMS	\$	106,157	
MSW-LCMCH - DHS	\$	106,157	
DMS Special Education Teacher	\$	104,276	

New Positions from Requests		\$	364,135
2 Percussion Instructors	\$	3,238	
Drill Writer for Marching Band	\$	2,699	
Asst. Band Director for Marching Band	\$	2,699	
MS Baseball Coach Stipend	\$	2,557	
MS LAX Coach Stipend	\$	5,114	
MS Library Aid	\$	35,000	
3 Classroom Teacher (Distributed as Needed)	\$	312,829	

Capital Reserve Transfers:

Transfers to match future CIP Items		\$	810,000
Transfer to Facilities CR	\$	200,000	
Transfer to Curriculum CR	\$	250,000	
Transfer to IT CR	\$	360,000	

Estimated Increase in Adequacy Aid:		\$	3,642,497
Total Budget Increases:		\$	(3,408,069)
**Remaining to provide tax relief:		\$	234,427

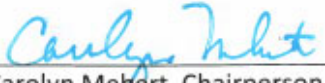
*MISC - Includes vehicle fuels, boiler inspections, facilities supplies, fire alarm inspections, backflow inspections, and elevator repairs.

**It is recommended that the District use some of these funds to provide tax relief; giving back a minimum of \$123,000 would represent a tax capped budget if the state approved adequacy aid had been available during the budget adoption timeline.

NOW, THEREFORE, BE IT RESOLVED THAT HEREIN IS A FORMAL REQUEST FROM THE DOVER SCHOOL BOARD TO THE MAYOR AND DOVER CITY COUNCIL THAT:

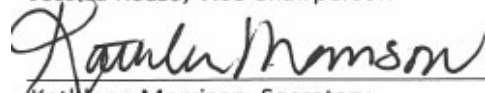
The City Council approves to appropriate the funds in General Fund Education in the amount of \$3,408,069.

SUBMITTED BY:



Carolyn Mebert, Chairperson

Jessica Rozzo, Vice Chairperson



Kathleen Morrison, Secretary



Maggie Fogarty



Micaela Demeter

Michelle Clancy

Robin Trefethen

August 21, 2023

CITY MANAGER'S REPORT

September 13, 2023

Reporting On:
August 2023

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 constituents and/or customers. In addition, legal support is also provided to the Dover School Board and Superintendent of Schools as requested.

Legal support levels are tracked to the extent feasible. The tracking of legal support efforts revolves around legal services called “Matters” (legal questions and issues raised by staff and all other sources warranting ongoing attention), individual legal questions answered, litigation, legal documents (contracts, deeds etc.), resolutions, and responses to Right to Know requests. It is important to note, however, that not all activity each month results in a new “matter” being created, as a considerable number of tasks performed each month relate to preexisting matters that are in progress, or for discrete research issues or legal questions that may not result in the creation of a “matter” but are counted in the figures below as “Questions.”

TRACKED UTILIZATION DATA FOR THE MONTH OF AUGUST 2023

	For Month	FY24 FYTD	FY23	FY22	FY21	FY20	FY19
Legal Matters/Questions Handled	83	189	1,061	790	703	466	342
Review Existing Legal Contracts & Draft Memo	10	24	153	161	-	-	-
Legal Contracts/Memo Created	12	23	201	214	350	256	269
Right to Know Requests Processed	6	11	100	78	51	49	41
Resolutions	5	12	70	74	73	75	53
Ordinances	1	3	17	24	19	10	18
Leases	0	0	4	13	-	-	-
Primex Auto Claims Handled	5	8	80	46	-	-	-
Primex Liability Claims Handled	7	13	67	70	-	-	-
Primex Property Claims Handled	5	7	54	68	-	-	-

Right to Know Requests

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

- ★ Lease Administration Section – Request for 2022 taxation documents for Parcel #15068000000.
- ★ The Natural Landscape – Request for all active building/construction/conservation permits for April 2023 to present.
- ★ Sally Staude – Request for Dover School Teacher retirement/resignation numbers for 2023-2023 school year.
- ★ The San Francisco Chronicle – Request records and other information in relation to fatal crash in Rollinsford on 3/18/2021.
- ★ The Portsmouth Herald – Request for information of potential former school student.
- ★ Mackinac Center – Information regarding Dover School District unionized employees.

Goals & General Activities

In August:

- The Office assisted with monitoring newly passed legislation;
- The Office reviewed decisions of the New Hampshire Supreme Court and the United States District Court for the District of New Hampshire.
- The Office continues periodic review of federal legal developments in the field of education, labor, and other matters.
- The Office has now completed an initial draft strategic plan, which is undergoing further review and editing.
- In addition to the regular duties of the Office, the City Attorney serves as the chair of the City's Records Committee (as the City Manager appointee), the Office of the City Attorney assists the Ordinance Committee as staff liaison, and the Office of the City Attorney also serves as staff liaison for the Ethics Committee.
- Other activities of potential interest in August 2023:
 - Executive Department: Assistance with administration of development agreements. Assisted with IT inquiries concerning vendor cybersecurity agreement/practices. Assisted HR with review of liability concerns related to personnel issue.
 - Community Services: Review of groundwater permit modification in relation to Portland Avenue property. Assistance with dual pole settlement agreement. Research and review of multiple questions on status of accepted public streets. Review of code enforcement letters. Assist with use of escrow funds for private development.

- Finance Department: Assistance with tax deeding. Assistance with investment fee administration and collection. Assistance with unlicensed dog data. Assisted with consumer/customer inquiries. Assist with research of Rollinsford/Dover perambulation and related issues. Review of upcoming election preparation. Review of settlement notices.
- Planning: Assistance with land use enforcement. Review of Court notification for inspections division.
- Police: Assistance with onboarding interns. Assistance with contracts. Assist with other matters as requested.
- Recreation: Assist with Great Bay Rowing and its discussions with NHDOT.
- Dover School District: Assistance with purchasing/procurements. Assistance with RSA chapter 91-A compliance inquiries.

Pending Civil Litigation Update:

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. For clarification, the list below does not include bankruptcy filings or cases filed under seal.

Maloney v. City of Dover –

Case is pending with Rockingham Superior Court. In July 2023, the trial court granted the City summary judgment. Plaintiff has filed a motion for reconsideration, which is awaiting decision.

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. In 2021, 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. A national settlement as to certain defendants was accepted in January 2022. 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. Following is a list of remaining defendants with a brief note about status of each case:

- Purdue companies: Claims in bankruptcy awaiting decision of the Second Circuit, reviewing whether to reverse the district court's denial of the bankruptcy plan;
- Endo companies: Claims in bankruptcy, though understand a potential settlement resolution may be underway.
- Mallinckrodt: Claims in bankruptcy, but money appears to have been distributed to the State of New Hampshire in January 2023.
- Sacklers (Individuals): See Purdue update above.
- Rite-Aid: Possible bankruptcy filing.

Mary Hebbard v. City of Dover, John & Karen Brough and Ryan Colbath -

Complaint and counterclaims concerning Old Garrison Road and Sprue Lane. Partial summary judgment rulings received in February 2021. Following trial in 2021, a final trial order was issued by the Court on April 1, 2022, finding in favor of the City on the width of Spruce Lane, the location of Old Garrison Road, several disputed issues of law concerning allowable uses on public roads, and issuing an injunction requiring remedial action. The Hebbards filed a motion for reconsideration, which the Court denied. The case was then appealed by Mr. and Mrs. Hebbard. The Hebbards filed an appeal brief in June 2023. The City and other parties submitted opposing briefs in August 2023. The Hebbards have indicated an intent to file one or more

reply briefs. Case has not yet been scheduled for oral argument.

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 trial issues, finding the defendants to be in contempt of a prior stipulation and requiring that the defendant's complete construction of the drainage project within 90 days of receiving additional materials from the City. The drainage system is now believed to be constructed and completed. The Court held an evidentiary hearing on September 9, 2022 relating to damages alleged by the defendants. No decision has issued yet on that damages hearing. The Hebbards have filed other post-hearing items since, to which the City has responded to the extent necessary. The parties are in the process of fulfilling the other obligations of the earlier stipulation they entered into, which includes conveyance of an easement and a mutual release.

Estate of Stephen Towne -

This is a probate matter concerning administration of estate that includes a bequest to the Dover School District. The City Attorney has filed an appearance and is monitoring the progression of the docket.

Barufaldi v. City of Dover -

In September 2022, a former employee filed a Charge of Discrimination with the New Hampshire Commission for Human Rights alleging age-based disparate treatment. In October 2022, the respondents filed an answer. The City recently filed a motion to dismiss, to which the former employee has not yet responded.

City of Dover v. Secretary of State (House Redistricting) -

On July 26, 2022, a complaint was filed with the Strafford County Superior Court. In October 2022, the defendants filed a Joint Motion to Dismiss. In November 2022, the plaintiffs filed an objection, to which the defendants filed a reply. Plaintiffs filed a brief surreply memorandum. Case has not yet been scheduled for discovery. A hearing on the motion to dismiss occurred on Friday, May 5, 2023, but as of this update no decision has issued from the Court. The parties are exploring a possible stipulation of facts.

Richard Strahan v. William McNamara -

Declaratory judgment and injunction action filed in U.S. District Court by a citizen against the University of New Hampshire, the Town of Durham, and the City of Dover. In the Complaint, the plaintiff alleges various claims arising out of a no-trespass order related to UNH Wildcats Transit. Outside counsel is defending this matter and has moved to dismiss the claims asserted by the plaintiff against Chief Breault. The Court denied the plaintiff's requests for a preliminary injunction, following the most recent of which the plaintiff filed an interlocutory appeal to the U.S. First Circuit Court of Appeals. The First Circuit later dismissed the interlocutory appeal. Plaintiff moved to amend to assert claim against presiding judge. The United States District Court for New Hampshire has denied the motion to amend and has granted a motion to dismiss Chief Breault as a party.

Garry Lane et al v. City of Dover et al. -

In October 2022, abutters filed an appeal of a decision of the Zoning Board of Adjustment granting an equitable waiver of dimensional requirements. The City and other respondent have filed an answer. The City

filed a certified record. The final hearing was held on March 22, 2023 and the appellants and the City each filed a memorandum with the Court. The intervenor filed a post-hearing memorandum and the appellants filed a reply to same. Case is awaiting decision by the Court.

Pamela Leighton et. al. v. City of Dover et al -

In November 2022, representatives of the estates of two decedents filed a tort action in Strafford Superior Court, naming as defendants a former Dover police officer and the City of Dover. In December 2022, the City and co-defendant filed answers to the Complaint. Case is now in general discovery.

Tibbett v. City of Dover -

The City was notified in January 2023 of an appeal to Superior Court of a subdivision approval in November. In February 2023, the City filed a certified record and answer to the complaint. The City filed a memorandum of law and a hearing on the merits was held on May 1, 2023. By Order dated June 27, 2023, the Superior Court (Howard, J.) affirmed the decision by the Dover Planning Board. A motion for reconsideration was thereafter filed by the party/petitioner who filed the Court appeal, which is still pending.

Liberty Mutual v. City of Dover -

A taxpayer has filed a property tax abatement lawsuit with the Strafford County Superior Court. City expects to accept service. As of this submission, no Court summons has yet issued for the case.

Professional Development:

The Office of the City Attorney places significant importance on professional development in areas germane to the City's needs. The Deputy City Attorney attends monthly meetings for the Law Related Education Committee. The City Attorney continues to serve as a member of the New Hampshire Bar Board of Governors and subcommittee specifically studying the issue of generative artificial intelligence and its impact on the practice of law. The legal assistant spent time cross-training with the departing City Clerk/Tax Collector as part of temporarily assuming certain duties during upcoming recruitment period.



Concluding Remarks:

The Office continues its efforts to be more forward looking where possible, with the goal of increasing transparency and preventing problems or disagreements to the extent possible. The Office has increased its efforts to develop and use collaboratively created templates, best practice checklists and documented workflows, development of information sheets for legal issues of current public concern or attention, and dissemination of decision-making information to City staff and board members. The Office has taken on certain responsibilities during the City's ongoing search for a City Clerk/Tax Collector. City Code supplements are continuing on a quarterly update schedule. The recodification of the City's zoning ordinance continues, but may be brought forward in the near future (later in 2023).

Business Development

by Christopher Parker, Deputy City Manager

Month	Businesses Reached Out for Assistance	Business Visitations Performed	Businesses Connected to Business Assistance Resources
August 2022	27	18	23
September 2022	23	19	12
October 2022	27	31	16
November 2022	32	33	11
December 2022	16	31	14
January 2023	24	28	11
February 2023	19	23	10
March 2023	51	23	42
April 2023	47	36	41
May 2023	56	72	48
June 2023	42	36	38
July 2023	33	28	37
August 2023	41	27	38

Labor & Home Sales

	July-22	July-23	YTD Avg
Dover Labor Force	19,000	18,690	18,731
Dover Unemployment Rate	1.9%	1.6%	1.7%
Median Home Sales-Single Family	\$525,000	\$560,000	\$ 549,500
Average Days on Market	7	7	20

New Business / Commercial Development / Downtown Updates

- ★ Downtown's commercial real estate market exhibits low ongoing vacancy rates, accompanied by brisk absorption of affordable units. Conversely, spaces requiring buildouts face a subdued occupancy pace, prompting commercial property owners to engage in a collaborative exploration of potential opportunities with the Office of Business Development (OBD).
- ★ Commercial office spaces are experiencing slow demand, especially for startup businesses, as the price per square foot remains prohibitively high.
- ★ Downtown has seen a recent influx of new businesses, including two well-received restaurant openings and two upcoming retail establishments set to open in late September.
- ★ OBD worked with Strafford Regional Planning Commission to place pedestrian counters at two sidewalk locations on the Central Avenue bridge from June 30 – July 18. Data from July 1 shows that pedestrian trips associated with the Dover 400 Block Party more than doubled pedestrian foot traffic compared to two other Saturdays in July. This is assumed to be a significant undercount because the counting equipment did not have the capability to capture pedestrians walking in the street on Central Avenue during the Block Party.

Economic Activity

- ✚ OBD staff recently participated a tour of the John Olson Advanced Manufacturing Center at UNH organized by Strafford Regional Planning Commission. The Olson Center provides a variety of technical assistance services to the manufacturing industry, ranging from consultations or access to specialized equipment to formal partnerships and co-location opportunities, and are a fantastic resource for manufacturers of all sizes and at all company stages: <https://ceps.unh.edu/Olson-Center>
- ✚ Businesses are grappling with labor shortages as college student workers return to school for the fall semester, forcing some to adjust their operating hours.
- ✚ Despite rising commodity costs, many business owners have chosen to increase their prices, and notably, they have not experienced a significant decline in consumer demand, resulting in a sales boost in August compared to the previous month.

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

Housing metrics obtained from NHAR-Strafford County.



Waterfront - Update:

Additional equipment mobilization continues daily as does construction component material arrivals.

Site security has been established via construction fencing as well as site signage. Erosion controls have been established and additions to them are ongoing. The Eastern side of the site was logged and stumped in conjunction the top soil was removed and stockpiled for later processing and use throughout the site. This work is ongoing and expected to be complete in the coming month to access to subsurface clay as well as a clear field to provide access to ledge to be removed.

Some obstruction removal was completed within the first phase in preparation for pad ready development as well as subgrade establishment. Obstructions include anything know or manmade. This includes any known subsurface existing utility piping, previous building elements etc.

Drainage in the Phase 1 area of the project has been installed an is about 90% complete. This work is expected to be completed within the next month. One element is the construction of an outfall is required to be installed to service the above drainage. As time period permit restrictions on the shoreline work are highly controlled. However, preparation continues daily with regular arrival of sheathing and pile construction materials.

Temporary water service has been established for the lone River Street resident in preparation for watermain installation on lower Washington to the Eastern most point of the site adjacent to the dredge cell site.

In the coming month crews will be concentrating on getting water, sewer, and storm water utility work done on the lower Washington Street area to make way for progress of these installations within the site.

Parking Division

	Jul-23	Jul-22	Jul-21	Fiscal YTD 2024	FY 2023	FY 2022	FY 2021
Meter Activity - Total							
Meter Transactions	45,504	43,437	44,404	45504	522,502	485,571	385,006
Income at Meters	\$91,148	\$81,126	\$82,195	91148	\$1,028,074	\$911,476	\$676,715
Active Meter Days	25	25	26	25	301	301	302
Average Daily Meter Transactions	1,820	1,737	1,708	1820	1,736	1,613	1,275
Meter Activity - Parking Garage							
Meter Transactions	2,402	2,225	2,741	2402	32,802	31,151	11,463
Income from Meters	\$7,077	\$6,327	\$7,456	7077	\$92,896	\$89,464	\$62,637
Active Meter Days	25	25	26	25	301	301	302
Average Daily Meter Transactions	96	89	105	96	109	103	74
Parking Permit Activity							
Total Parking Permits Issued	779	761	796	779	9,420	9,232	8,756
Residential Permits Issued	14	28	38	14	253	420	473
Business Permits Issued	765	733	758	765	9,167	8,812	8,283
Permit Income	\$74,718	\$62,055	\$59,732	74718	\$362,741	\$344,367	\$265,168
Parking Ticket Activity							
Total Parking Tickets Issued	557	515	684	557	8,445	8,460	6,588
Accessible Space Tickets Issued	6	6	4	6	69	41	21
Winter Restriction Tickets Issued	0	0	0	0	525	495	486
Parking Ticket Income	\$12,489	\$10,733	\$10,156	12489	\$207,626	\$197,012	\$160,519
Electric Vehicle Charging Stations							
Number of times Stations Used	63	50	20	63	693	316	100
Charging Station Income	\$417	\$326	\$134	417	\$5,042	\$2,660	\$571

COAST

Ridership Activity

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

Month	Route 1 Dover/Somersworth/ Berwick	Route 13 Dover/Somersworth	Route 33 Downtown Dover/County Complex/Portland Ave	Route 34 Downtown Dover/Knox Marsh Rd
July 2022	2,631	3,877	823	108
August 2022	2,784	3,904	995	192
September 2022	2,775	3,582	1,106	175
October 2022	2,807	3,323	1,204	190
November 2022	3,350	2,829	1,190	192
December 2022	3,111	2,532	1,271	183
January 2023	2,864	2,445	1,227	163
February 2023	3,152	2,480	1,344	149
March 2023	3,474	3,222	1,484	168
April 2023	3,495	3,051	1,403	194
May 2023	3,983	3,368	1,351	224
June 2023	4,547	3,765	1,490	296
July 2023	4,022	3,823	1,486	269

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, August 23, 2023**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Warach led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Carrier, Deputy Mayor Shanahan, Councilor Cullen, Councilor Thibodeaux, Councilor Williams, Councilor Hackett, Councilor Warach, Councilor Muffett-Lipinski and Councilor Nemeth.

Absent: None

Also Present: City Manager Joyal, City Attorney Wyatt

5. PROCLAMATIONS/AWARDS

Mayor Carrier read a proclamation related to the US Constitution as September 17th is the 236th anniversary of its completion. September 17th- 23rd is proclaimed "Constitution Week".

6. APPROVAL OF AGENDA

Deputy Mayor Shanahan added an agenda item: 13.B.7: Amendment to General Fund Budget and moved to approve the agenda as revised. Seconded by Councilor Muffett-Lipinski. Vote: 9-0.

7. PUBLIC HEARINGS

None

8. 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.

Jodie Hanscom, 293 Old Garrison Rd commented about the deterioration of Old Garrison Road and getting stuck in the mud and having to get pulled out. The paved part is ok, but her end is not. She is in favor of paving it.

Elizabeth Fischer, 24 Rutland St. asked for the support of the Council for the Adopt a Tree program which is an item on tonight's agenda. She expounded on the program and coming plans.

Nicole Perkins, 350 Old Garrison Rd. is in favor of the gravel road being fixed without paving. She requested the Council allow time for further review of options before voting to pave it.

Kim Clairmont, 303 Old Garrison Rd. has lived there most of her life and she appreciates the natural beauty and seclusion of it. Paving would drastically change the environment and the rural and historic value of it.

Laura and Dennis Towle, 289 Old Garrison Rd. has lived there for over 30 years and cherishes the road, but it's gotten out of control. She and her kids and neighbors have all gone off the road. Paving is the right change for the road at this time.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, August 23, 2023**
Meeting Time: **7:00 pm**

Joanne Glode, 58 Piscataqua Rd. spoke in opposition to the paving on Old Garrison. She uses that road to recreate as her road is not appropriate for it. She asked the Council to try to find other options. It's a beautiful road that people come and walk on and if paved it will have more and faster traffic.

Sue Hay, 314 Old Garrison Rd. is in support of the paving since she has seen four cars get stuck in the mud or go off the road in the three years she has been there. The mud is getting worse and worse and the road is sometimes unpassable. She is concerned about emergency vehicle access. She requested a sign be posted noting narrow lane or one-lane road ahead.

9. CITY MANAGER'S REPORT

City Manager Joyal submitted his report in writing and gave a few highlights to the Council regarding: household hazardous waste day is this Saturday; the state has notified that the Oak Street bridge will be closed for about two weeks for repairs which has been delayed until next month; September 21st will be the next Coffee with a Cop event; the Garrison Hill snowboard slope will not be open as it is overgrown and unable to be maintained this winter; the docks at the waterfront are now closed during construction of the waterfront and will be removed. He recognized some employee anniversary dates.

Councilor Thibodeaux asked about The Court Street project. Community Services Director Storer addressed the question and gave an update.

Deputy Mayor Shanahan moved to accept the City Manager's Report. Seconded by Councilor Hackett. Vote: 9-0.

10. APPROVAL OF MINUTES

A. August 9, 2023 – Regular Meeting

Deputy Mayor Shanahan moved to approve the Minutes of August 9th as submitted. Seconded by Councilor Muffett-Lipinski. Vote: 9-0.

Deputy Mayor Shanahan moved to suspend the rules to move item 13.B.1 up in the agenda to before the Mayor's Report. Seconded by Councilor Cullen. Roll Call Vote: 9-0

13.

B. RESOLUTIONS

1. AUTHORIZING PAVING OF A PORTION OF OLD GARRISON ROAD (A SCENIC ROAD) SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan moved to approve the resolution. Seconded by Councilor Muffett-Lipinski. City Manager Joyal gave an overview of the Resolution to the Council explaining the City has had a hard time maintaining this portion of the road which they are obligated to do as a class 5 public road and right-of-way. There are public safety concerns for emergency access. This road section is able to be paved under an existing contract with Continental Paving. Staff suggested the Council make a policy decision whether to pave the road which is a scenic road.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, August 23, 2023**
Meeting Time: **7:00 pm**

Staff recommends the road be paved. Details of materials and equipment needed to maintain the road as-is were explained. Cost comparisons were given. Board members gave their opinions and discussed the issue at length. (Hackett, Cullen, Shanahan, Thibodeaux, Carrier, Nemeth, Warach) Community Services Director Storer, Assistant City Manager Parker and City Manager Joyal answered questions of the Councilors. Roll Call Vote: 6-3.

11. MAYOR'S REPORT

Mayor Carrier highlighted recent Dover events. He read a letter from James Dean, President of UNH Durham congratulating Dover on the 400th.

There has been a request to fly the Indonesian flag. To add this flag to the approved flags list it will be part of the vote tonight when accepting the Mayor's Report.

Deputy Mayor Shanahan moved to approve the Mayor's Report including to add the Indonesian flag to the flag policy table. Seconded by Councilor Warach. Vote: 9-0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

None

B. ORDINANCES IN THE 3rd READING

None

C. RESOLUTIONS

1. FISCAL YEAR 2024 CIP APPROPRIATION AND AUTHORIZATION FOR BONDING OF PORTSMOUTH DOVER WATER SYSTEMS INTERCONNECT (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.)
SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan moved to approve the resolution. Seconded by Councilor Thibodeaux. City Manager Joyal gave an overview of the resolution to the Council. Roll Call Vote: 9-0.

2. FISCAL YEAR 2024 CIP APPROPRIATION AND AUTHORIZATION FOR CWSRF LOAN FOR HENRY LAW PARK STORMWATER BEST MANAGEMENT PRACTICES (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.)
SPONSORED BY MAYOR CARRIER BY REQUEST

City Manager Joyal gave an update. He requests the Council table this item and take up a different resolution later in the agenda as the Finance Director did some recalculations for the TIF board meeting and found this fund cannot support the request.

Deputy Mayor Shanahan moved to table resolution item 12.C.2. Seconded by Councilor Thibodeaux. Vote: 9-0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, August 23, 2023**
Meeting Time: **7:00 pm**

13. NEW BUSINESS

A. CONSENT CALENDAR

1. ADDITIONAL SCOPE OF WORK FOR DREDGE CELL CLOSURE – GEOINSIGHT, INC., NOW VERDANTAS, LLC

SPONSORED BY MAYOR CARRIER BY REQUEST

2. B23069 ADDITIONAL SCOPE OF WORK FOR COURT STREET EMERGENCY SEWER REPLACEMENT PROJECT

SPONSORED BY MAYOR CARRIER BY REQUEST

3. B24006 AWARD OF BID FOR WINTER CUTTING EDGE

SPONSORED BY MAYOR CARRIER BY REQUEST

4. APPROVAL OF LICENSE AND MAINTENANCE AGREEMENT BETWEEN CITY OF DOVER, AND DOVER FOOTBALL LEAGUE, LLC

SPONSORED BY MAYOR CARRIER BY REQUEST

5. DOVER GROUNDWATER EXPLORATION AND SOURCE EVALUATION – EMERY & GARRETT AMENDMENT TWO

SPONSORED BY MAYOR CARRIER BY REQUEST

6. B24011 CAMION SYSTEMS – SOURCEWELL CONTRACT #031423-EDP

SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan moved to approve the Consent Calendar. Seconded by Councilor Nemeth. Roll Call Vote 9-0

COMMITTEE REPORTS

- | | |
|---|---|
| 1. School Board (Muffett-Lipinski) | 16. Ordinance Committee (Shanahan) |
| 2. Planning Board (Cullen) | 17. Parking Commission (Hinkel) |
| 3. Appointments Committee (Williams) | 18. Pool Advisory Committee (Hackett) |
| 4. Arena Commission (Hackett) | 19. Committee for Racial Equity and Inclusion (Nemeth) |
| 5. Arts Commission (Nemeth) | 20. Recreation Advisory Board (Shanahan) |
| 6. Board of Health (Thibodeaux) | 21. Solid Waste Advisory Commission (Muffett-Lipinski) |
| 7. Collaborative City Council and School Board (M-Lipinski) | 22. Transportation Advisory Commission (Williams) |
| 8. Conservation Commission (Williams) | 23. Waterfront TIF Advisory Board (Shanahan) |
| 9. Downtown TIF Advisory Board (Hinkel) | 24. Joint Building Committee – DHS (Carrier) |
| 10. Energy Commission (Thibodeaux) | 25. COAST (Shanahan) |
| 11. Graffiti Management Ad Hoc Committee (Nemeth) | 26. Cochecho Waterfront Development Advisory Committee (Carrier) |
| 12. Heritage Commission (Nemeth) | 27. Dover Main Street (Carrier) |
| 13. Legislative Liaison (Shanahan) | 28. Strafford Regional Planning Commission (Williams) |
| 14. Library Board of Trustees (Thibodeaux) | 29. Government Affairs (Carrier) |
| 15. McConnell Center Advisory Committee (Thibodeaux) | |

Councilor Muffett-Lipinski reported on the Solid Waste Advisory Commission's recent meeting topics.

Councilor Williams had no report for Transportation Advisory Commission.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, August 23, 2023**
Meeting Time: **7:00 pm**

Deputy Mayor Shanahan reported on the Waterfront TIF annual report findings.

Mayor Carrier had no report for the Joint Building Committee

Deputy Mayor Shanahan noted he has invited the Executive Director of COAST to come to the September 13th meeting and provide an update.

Mayor Carrier had no report for CWDAC. He noted at the next meeting, a representative of Dover Main Street will be here to give a report on past, present, and future.

Councilor Williams had no report for Strafford Regional Planning Commission.

Mayor Carrier had no report for Government Affairs.

B. RESOLUTIONS

2. AUTHORIZATION TO APPROVE CITY-WIDE "ADOPT A TREE" PROGRAM, DONATIONS AND PLACEMENT OF PLAQUE SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan moved to approve the resolution. Seconded by Councilor Thibodeaux. City Manager Joyal gave an overview of the Resolution to the Council. Roll Call Vote: 9-0

3. ESTABLISHING DEFAULT RATE FOR ENROLLEES IN DOVER COMMUNITY POWER PROGRAM SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan moved to approve the resolution. Seconded by Councilor Thibodeaux. Jackson Kaspari, Resilience Manager, gave an overview of the Resolution to the Council, explained the updated timeline for starting the program and the differences between the two rate options the board is asked to vote on this evening. Discussion occurred and Mr. Kaspari answered clarifying questions of the Councilors. City Manager Joyal explained the initial start up process for the individual users. Roll Call Vote: 9-0

4. CITYWIDE 2023-2024 GROUNDWATER MONITORING PROGRAM – EMERY & GARRETT SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan moved to approve the resolution. Seconded by Councilor Thibodeaux. City Manager Joyal gave an overview of the Resolution to the Council. Roll Call Vote: 9-0



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, August 23, 2023**
Meeting Time: **7:00 pm**

- 5. FISCAL YEAR 2024 CIP APPROPRIATION AND AUTHORIZATION FOR CLEAN WATER STATE REVOLVING FUND (CWSRF) LOAN FOR HENRY LAW PARK STORMWATER BEST MANAGEMENT PRACTICES (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.) (TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 13, 2023, WITH A CITY COUNCIL VOTE TO OCCUR ON SEPTEMBER 27, 2023.) SPONSORED BY MAYOR CARRIER BY REQUEST**

Deputy Mayor Shanahan moved to refer to a public hearing on September 13, 2023. Seconded by Councilor Warach. Vote: 9-0

- 6. AMENDMENT OF FISCAL YEAR 2024 SCHEDULE OF FEES TO AMEND INSPECTION SERVICES DIVISION SECTION OF SCHEDULE (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL IN ACCORDANCE WITH SECTION C6-6.) (TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 13, 2023) SPONSORED BY MAYOR CARRIER BY REQUEST**

Deputy Mayor Shanahan moved to refer to a public hearing on September 13, 2023. Seconded by Councilor Thibodeaux. Vote: 9-0

- 7. AMENDMENT OF FISCAL YEAR 2024 GENERAL FUND BUDGET – SCHOOL DEPT (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL IN ACCORDANCE WITH SECTION C6-6.) (TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 13, 2023) SPONSORED BY MAYOR CARRIER BY REQUEST**

Deputy Mayor Shanahan moved to refer to a public hearing on September 13, 2023. Seconded by Councilor Thibodeaux. Vote: 9-0

A. ORDINANCES IN 1ST READING
None

14. COUNCIL CORRESPONDENCE

Deputy Mayor Shanahan moved to accept the letter from James Dean, President of UNH Durham and place it on file. Seconded by Councilor Nemeth. Vote: 9-0

15. COUNCIL MATTERS OF INTEREST

Councilor Hackett mentioned a discussion with a resident about roads and she reiterated what Mr. Storer said earlier not to assume the City knows the issues residents are having with roads. She noted the resources available to report these issues.

16. ADJOURN

Councilor Muffet-Lipinski moved to adjourn. Seconded by Councilor Warach. Vote: 9-0



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2023.08.23 - 139**

Resolution Re: Amendment of FY2024 Schedule of Fees to Amend
Inspection Services Division Section of Schedule

WHEREAS: The City adopted the FY2024 City of Dover Schedule of Fees on April 5, 2023; and

WHEREAS: The FY2024 adopted Schedule of Fees effective date is July 1, 2023; and

WHEREAS: City personnel have reviewed certain provisions contained in the Inspection Services Division section of the Schedule of Fees for permits including, yet not limited to, Building Permits, Plumbing Permits, Electrical Permits, Fire Suppression/Detection and Ventilation Permits, Blasting Permits, Underground/Aboveground Storage Tanks, and Chimney & Alternative Fuel Installations Permits; and

WHEREAS: The City Council regulates permit fees; and

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

The City Council authorizes changes to the Inspection Services Division section of the previously adopted FY2024 Schedule of Fees, as follows:

Current language in Schedule of Fees: “Permit Fees Doubled if work is started before permit is issued or minimum of \$250 whichever is greater”

Proposed language changes for Schedule of Fees: “Permit Fees Doubled if work is started before permit is issued with minimum of \$250 per permit and maximum of \$10,000 per permit, provided the Building Official may increase the fee if he or she finds that the City’s actual costs of administration, implementation, and/or enforcement exceed \$10,000. For clarification, the foregoing fee is in addition to any fines or other penalties levied, assessed, or imposed pursuant to applicable law.”

AND FURTHER BE IT RESOLVED:

This change to the FY2024 Schedule of Fees is effective retroactive to July 1, 2023.

THIS RESOLUTION REQUIRES A PUBLIC HEARING AND 2/3 MAJORITY VOTE OF COUNCIL PER C6-6.

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: Patricia Moniello
Legal Assistant



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2023.08.23 - 139**
Resolution Re: Amendment of FY2024 Schedule of Fees to Amend
Inspection Services Division Section of Schedule

DOCUMENT HISTORY:

First Reading Date: 08/23/2023	Public Hearing Date: 09/13/2023
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 Warach, 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:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2023.08.23 - 139**
Resolution Re: Amendment of FY2024 Schedule of Fees to Amend
Inspection Services Division Section of Schedule

RESOLUTION BACKGROUND MATERIAL:

On April 5, 2023 the City Council adopted the FY2024 Schedule of Fees in conjunction with adopting the City's FY2024 Operating Budget. The effective date of the FY2024 Schedule of Fees is July 1, 2023.

City personnel have reviewed certain provisions contained in the Inspection Services Division section of the Schedule of Fees for various permits. For permits including, yet not limited to, Building Permits, Plumbing Permits, Electrical Permits, Fire Suppression/Detection and Ventilation Permits, Blasting Permits, Underground/Aboveground Storage Tanks, and Chimney & Alternative Fuel Installations Permits there is existing language that "Permit Fees Doubled if work is started before permit is issued or minimum of \$250 whichever is greater".

City staff have reviewed this provision and believe, as currently drafted, it could benefit from updating and clarification to read as follows: "Permit Fees Doubled if work is started before permit is issued with minimum of \$250 per permit and maximum of \$10,000 per permit, provided the Building Official may increase the fee if he or she finds that the City's actual costs of administration, implementation, and/or enforcement exceed \$10,000."

For clarification, the foregoing fee is in addition to any fines or other penalties levied, assessed, or imposed pursuant to applicable law.

This change to the FY2024 Schedule of Fees would be effective retroactive to July 1, 2023.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:12.C.2.

Resolution Number: **R – 2023.08.23 - 140**

Resolution Re: General Fund FY2024 Budget Amendment – Appropriation of Additional State Aid to School Department

WHEREAS: The Dover City Council adopted the City of Dover FY2024 operating budget on April 5, 2023; and

WHEREAS: The Dover School District has been informed by the State, that as a result of the adopted State biennial budget, the district is to receive an additional \$3,642,497 in State aid above what was estimated in the FY2024 adopted City municipal budget; and

WHEREAS: The Dover School Board approved a resolution on August 21, 2023 (copy attached) requesting the City Council to adopt a General Fund FY2024 budget amendment to appropriate \$3,408,069 of the additional state aid to be received by the school department; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The amount of Three Million Four Hundred and Eight Thousand and Sixty-Nine Dollars (\$3,408,069.00) is hereby appropriated to the Dover School Department as part of the FY2024 General Fund budget for the purposes noted in the table below:

		Adopted	Budget	Revised
Account Number	Account Description	Budget	Amendment	Budget
REVENUE				
1000.2.600.03190.3700.00000.00.000.000.870	State Adequate Education Grant	10,191,370.00	3,408,069.00	13,599,439.00
		10,191,370.00	3,408,069.00	13,599,439.00
APPROPRIATIONS				
1000.2.600.05251.4918.00000.00.000.000.909	Transfer to School Athletics Capital Reserve	20,000.00	0.00	20,000.00
1000.2.600.05251.4918.00000.00.000.000.910	Transfer to School Facilities Capital Reserve	250,000.00	200,000.00	450,000.00
1000.2.600.05251.4918.00000.00.000.000.910	Transfer to School Curriculum Capital Reserve	150,000.00	250,000.00	400,000.00
1000.2.600.05251.4918.00000.00.000.000.910	Transfer to School Technology Capital Reserve	125,000.00	360,000.00	485,000.00
1000.1.600.46900.4950.00000.00.000.000.950	School District Education Appropriation	71,105,446.00	2,598,069.00	73,703,515.00
		71,650,446.00	3,408,069.00	75,058,515.00

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

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: Patricia Moniello
Legal Assistant



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:12.C.2.

Resolution Number: **R – 2023.08.23 - 140**
Resolution Re: General Fund FY2024 Budget Amendment – Appropriation
of Additional State Aid to School Department

DOCUMENT HISTORY:

First Reading Date: 08/23/2023	Public Hearing Date: 09/13/2023
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 Warach, 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:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:12.C.2.

Resolution Number: **R – 2023.08.23 - 140**
Resolution Re: General Fund FY2024 Budget Amendment – Appropriation
of Additional State Aid to School Department

RESOLUTION BACKGROUND MATERIAL:

In accordance with City Charter C6-6 *Appropriations After Adoption of the Budget*, the School Board is requesting that the City Council adopt a FY2024 General Fund Budget Amendment to appropriate \$3,408,069.00 in additional State Education Aid to be received by the school department.

The amount of State Adequacy Aid to be received by the Dover School District is projected to be \$3,642,497 more than the amount estimated in the FY2024 City Council adopted operating budget. These unanticipated funds are the result of the State of New Hampshire adopted biennial budget, which was recently published.

The Dover School Board adopted a resolution on August 21, 2023 identifying that the school department would be receiving an additional \$3,642,497.00 in State Education Aid during FY2024, and requesting that the City Council vote to appropriate \$3,408,069.00 of that additional revenue. The remaining amount of \$234,428.00 would be used to reduce property tax levy.

A copy of the adopted School Board resolution is attached to this City Council resolution.

RESOLUTION

RE: FY2023-2024 BUDGET AMENDMENT REQUEST

- WHEREAS: Consistent with statute, the NHED conducted an adequacy estimate in November 2022 which was used as the State revenue estimates for local school budgets for FY 2024. Since that estimate was conducted in November 2022, the Adequacy Formula was substantially amended. In total, the Adequacy Grant used to build the FY2024 budget and only published on August 21, 2023, has increased by \$102.9 million; and
- WHEREAS: The Dover School Department's portion of the Adequacy Grant increased \$3,642,497 from \$10,191,730, to \$13,834,227; and
- WHEREAS: The Dover School Department would like to use this funding to increase their appropriations for FY2024 per RSA 197:3-a; and
- WHEREAS: The School Board requests that the City Council approve the following spending plan:

Committed FY24 Funding:

Union Contracts DTU		\$	670,579
DTU	\$	476,664	
DPA	\$	182,642	
DEOP	\$	11,273	
Facilities Contracts & Projects		\$	143,099
Waste Disposal	\$	28,753	
C&W	\$	61,346	
Toilet Rentals	\$	15,000	
Additional Door Access Controllers (5)	\$	5,000	
DMS Nurse Door Improvement	\$	10,000	
DMS Stove Replacement	\$	6,000	
*MISC	\$	17,000	
IT Contracts		\$	79,000
VCISO/Phased in Consulting Fees	\$	75,000	
IT Professional Development	\$	4,000	
Curriculum Contracts		\$	32,000
Software	\$	32,000	

Grant Funded Permanent Positions:

Curriculum & MTSS Grant Funded Positions		\$	660,578
Co-Director KH	\$	169,467	
Co-Director SM	\$	164,946	
Co-Director JK	\$	165,111	
Director TB	\$	161,054	

SPED Grant Funded Position		\$	65,670
Family Svcs. Coord. EH + 10 Additional Days	\$	65,670	

Requested New Positions:

New Positions Approve, and then Cut During Budget Process		\$	583,008
School Psychologist	\$	108,083	
Floating ESOL Paraeducator	\$	52,178	
MSW-LCMCH - Elementary	\$	106,157	
MSW-LCMCH - DMS	\$	106,157	
MSW-LCMCH - DHS	\$	106,157	
DMS Special Education Teacher	\$	104,276	

New Positions from Requests		\$	364,135
2 Percussion Instructors	\$	3,238	
Drill Writer for Marching Band	\$	2,699	
Asst. Band Director for Marching Band	\$	2,699	
MS Baseball Coach Stipend	\$	2,557	
MS LAX Coach Stipend	\$	5,114	
MS Library Aid	\$	35,000	
3 Classroom Teacher (Distributed as Needed)	\$	312,829	

Capital Reserve Transfers:

Transfers to match future CIP Items		\$	810,000
Transfer to Facilities CR	\$	200,000	
Transfer to Curriculum CR	\$	250,000	
Transfer to IT CR	\$	360,000	

Estimated Increase in Adequacy Aid:	\$	3,642,497
Total Budget Increases:	\$	(3,408,069)
**Remaining to provide tax relief:	\$	234,427

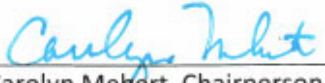
*MISC - Includes vehicle fuels, boiler inspections, facilities supplies, fire alarm inspections, backflow inspections, and elevator repairs.

**It is recommended that the District use some of these funds to provide tax relief; giving back a minimum of \$123,000 would represent a tax capped budget if the state approved adequacy aid had been available during the budget adoption timeline.

NOW, THEREFORE, BE IT RESOLVED THAT HEREIN IS A FORMAL REQUEST FROM THE DOVER SCHOOL BOARD TO THE MAYOR AND DOVER CITY COUNCIL THAT:

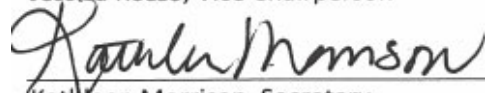
The City Council approves to appropriate the funds in General Fund Education in the amount of \$3,408,069.

SUBMITTED BY:



Carolyn Mebert, Chairperson

Jessica Rozzo, Vice Chairperson



Kathleen Morrison, Secretary



Maggie Fogarty



Micaela Demeter

Michelle Clancy

Robin Trefethen

August 21, 2023



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13.A.1.

Resolution Number: **R – 2023.09.13 - 141**

Resolution Re: Authorization to Utilize Professional Services of Dr. Nicole L. Sawyer

WHEREAS: The Dover Police Department has been utilizing the services of Dr. Nicole L. Sawyer, PsyD, PLLC for entry level psych exams and critical incident debriefings since 2020; and

WHEREAS: Dr. Sawyer is a licensed clinical psychologist who works exclusively with Combat Veterans, Law Enforcement, Fire Fighters, and EMS responders, and currently serves as a supporting psychologist for the NH State Police Peer Support Unit and is the Clinical Director for the Professional Fire Fighters of NH peer support team. In addition, Dr. Sawyer is the professional crisis intervention specialist for the Seacoast Emergency Response Team and for the Strafford County Regional Tactical Operations Unit; and

WHEREAS: There is an established, trusting relationship with this service provider over the past years, it is the recommendation to continue to utilize the services of Dr. Sawyer for annual mental health wellness checks for both the Dover Police and Fire Departments; 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 Dr. Nicole L. Sawyer, PsyD, PLLC of Exeter, NH in the amount of \$18,200.00 to perform one hundred and thirty annual wellness checks for the Dover Police and Fire Departments at the rate of \$140.00 each, as well as \$5,200.00 for eight Police new hire Pre-Employment Exams at the rate of \$650.00 each using a combination of American Rescue Plan Act Funds (ARPA) and Operating Budget Funds. 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	ARPA-Grant - Other Professional Services	18,200.00	18,200.00
1000.1.210.42120.4336.00000	Police Medical Services	11,475.00	11,475.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

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

Recorded by: Patricia Moniello
Legal Assistant



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13.A.1.

Resolution Number: **R – 2023.09.13 - 141**

Resolution Re: Authorization to Utilize Professional Services of Dr. Nicole L. Sawyer

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 Warach, 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:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13.A.1.

Resolution Number: **R – 2023.09.13 - 141**

Resolution Re: Authorization to Utilize Professional Services of Dr. Nicole L. Sawyer

RESOLUTION BACKGROUND MATERIAL:

The Dover Police Department and Dover Fire Department are in the process of implementing a mandatory annual mental health wellness check for all officers, dispatchers, and fire personnel. Dr. Nicole L. Sawyer, PsyD PLLC has partnered with the Police Department since 2020 performing entry level psychological exams, as well as critical incident debriefings.

Dr. Sawyer is a licensed clinical psychologist who works exclusively with Combat Veterans, Law Enforcement, Fire Fighters and EMS responders and is a member of several professional organizations to include the International Association of Chiefs of Police, the Society for Police and Criminal Psychology, and the Fire Service Psychology Association.

The Dover Police Department researched four additional mental health professionals who work with first responders. None of the four individuals solely specialized in working with first responders, nor do any have the advanced training and background possessed by Dr. Sawyer. Additionally, all four are located a significant distance from the seacoast region.

In addition to the City's current relationship with Dr. Sawyer, she is also highly recommended by and has multiple working relationships with several other seacoast public safety agencies. Therefore, it is the recommendation to continue with this established relationship for annual mental health wellness checks for the Dover Police Department and Dover Fire Department.

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 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:	Completion	Estimated Delivery:	2023-2024
Recommended Award to:	Dr. Nicole L. Sawyer, PsyD PLLC	Fund:	Various
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#:13.A.2.

Resolution Number: **R - 2023.09.13 - 142**

Resolution Re: Approving Siemens Letter of Intent for Analyzing Waste Water Treatment Facility Solar and Energy Efficiency Improvement

WHEREAS: Siemens has offered to perform a feasibility assessment for potential solar and energy efficiency improvements at the City's Wastewater Treatment Facility (WWTF); and

WHEREAS: Siemens has offered to conduct the feasibility assessment within sixty days at no cost to the City initially, though costs may be part of a future engagement should the City desire to proceed with engaging Siemens for further analysis, all as set forth in a letter of intent dated September 6, 2023 and attached hereto.

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

The Siemens letter of intent dated September 6, 2023 is approved and the City Manager is authorized to execute same on behalf of the City of Dover.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

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

Recorded by: Patricia Moniello
Legal Assistant

 CITY OF DOVER	CITY OF DOVER - RESOLUTION	
	Agenda Item#:13.A.2.	
Resolution Number: R - 2023.09.13 - 142 Resolution Re: Approving Siemens Letter of Intent for Analyzing Waste Water Treatment Facility Solar and Energy Efficiency Improvement		

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 Warach, 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:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

A copy of the September 6, 2023 letter is attached. By signing the letter, the City would not be required to engage Siemens and the City retains discretion over any future procurement, including whether to conduct formal bidding.



September 6, 2023

*Jackson Kaspari
Resilience Manager
City of Dover
288 Central Avenue
Dover, NH 03830*

Re: Letter of Intent for the feasibility assessment of distributed energy and energy efficiency solutions at the City of Dover Wastewater Treatment Facility

Ladies and Gentlemen:

This Letter of Intent ("LOI") expresses Siemens Industry, Inc., ("Siemens") interest in assessing the feasibility of incorporating distributed energy solutions, including solar PV and energy efficiency improvements at the City of Dover ("City") Wastewater Treatment Facility (WWTF).

Siemens is confirming that the City is hereby granting Siemens a 60-business day Evaluation Period (the "Evaluation Period"). The Evaluation Period will allow Siemens the reasonably necessary time to complete initial project feasibility and configuration analysis to determine the potential value associated with installing distributed energy and energy efficiency solutions at the WWTF.

During this preliminary evaluation period, the City of Dover agrees to:

- Provide the reasonably necessary access to the site, people, and non-confidential facility data to support Siemens' feasibility assessment. Please see Appendix A for data necessary for Siemens' analysis. The City shall not be required to obtain or create information which the City does not currently have in its possession.

Siemens shall do the following work during the Evaluation Period:

- Conduct feasibility assessments for the installation of distributed energy solutions, including solar PV and energy efficiency improvements.
- Assess the technical feasibility and economic feasibility based on initial, screening level assumptions, cost estimates, and financial modeling.

At no financial commitment to the City, Siemens will, no later than 60 business days after the date this LOI is executed by all parties, share the results of the feasibility survey, including preliminary funding and financing solutions, with the City. The parties then agree to work in good faith and explore options to potentially enter into a project development agreement, that, only if and to the extent authorized by the Dover City Council and executed by all parties, would then govern the development of any potential distributed energy and energy efficiency program. Reimbursement for any costs incurred by Siemens in performing the work during the Evaluation Period may, at Siemens' election, be factored into Siemens' proposed project development

agreement. However, there will be no costs or charges payable by the City for work performed by Siemens during the Evaluation Period, unless Siemens incorporates such reimbursement into a proposed project development agreement that is accepted and executed by the City. The Dover City Council must also appropriate and specifically authorize any financial commitment of the City in connection with the project development agreement. Siemens acknowledges the Dover City Council may choose to also have advisory opinions from one or more City committees and/or staff, and further that the Dover City Council may deem it necessary and/or advisable to undergo formal bidding or other procurement processes. This LOI shall terminate by its terms ninety (90) business days after execution by all parties, unless earlier terminated in writing by both parties or by either party for any material breach of this LOI. This LOI shall be construed pursuant to the law of the State of New Hampshire.

For Siemens Industry, Inc.

Signature:  Electronically signed by:
John Kovach
Date: Sep 6, 2023 17:58 EDT

Name: John Kovach

Title: Vice President, EPS Zone Americas

 Electronically signed by:
Robert Kelly
Date: Sep 6, 2023 16:07 CDT
Robert Kelly - FBA, EPS

Acknowledged and Agreed for the City of Dover

Signature:

Name:

Title:

Approved By Legal

 Digitally signed
by Danziger
Sebastian
Date: 2023.09.06
14:01:23 -05'00'

APPENDIX A

- Listing of all facilities to be audited with street addresses.
- Total square footage area of each facility
- Operational hours of each facility
- Utility billing histories (2021-2023) for all utilities (Steam, Electricity, Natural Gas, Fuel Oil, Propane, Water, Sewer, Etc.) serving each facility
 - For analysis purposes, electronic Excel data is acceptable, along with the complete copy (PDF or hard copy) of the most recent bill, and a representative winter bill for each utility account so we can see the rate structure.
- Copies of general floorplans (Fire evacuation plan) for each facility being audited, and access to more detailed drawings (Mechanical/Electrical/Plumbing (MEP), HVAC, controls) may be needed
- Single Line (electrical) diagram of the facility
- Listing of any capital projects you see as critical or a priority to address in near future, such as HVAC upgrades, roof replacements, control system upgrades, central plant replacements, et cetera
- Energy audit reports
- Site assessments or relevant data regarding coal ash site owned by Eversource
- Location easements or setbacks to inform solar siting evaluation, including any available information regarding wetland or other environmental conditions.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13.A.3.

Resolution Number: **R - 2023.09.13 - 143**
Resolution Re: Authorizing Acceptance of Obstruction Permit from New Hampshire Department of Transportation (NHDOT) for Great Bay Rowing's Use and Storage of Rowing Equipment at Hilton Park

WHEREAS: Great Bay Rowing ("GBR") is a non-profit whose members have in recent years used river access via the City's floating dock, near the current waterfront development project. Due to ongoing waterfront construction, GBR has, with assistance of the City, sought alternative locations for river access and storage of rowing equipment; and

WHEREAS: GBR has identified Hilton Park as an alternative location with river access and space for storage; and

WHEREAS: The New Hampshire Department of Transportation ("NHDOT"), who owns and maintains Hilton Park, has generously offered to issue an obstruction permit to the City at no cost to formalize GBR's temporary use of Hilton Park for launching boats and storing rowing equipment, through the end of September 2023.

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

On behalf of the City, the City Manager is authorized to negotiate, finalize, execute, and accept a temporary obstruction permit from NHDOT in relation to GBR's temporary use of Hilton Park for rowing and storage of equipment.

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: Patricia Moniello
Legal Assistant

 CITY OF DOVER	CITY OF DOVER - RESOLUTION	
	Agenda Item#:13.A.3.	
Resolution Number: R - 2023.09.13 - 143 Resolution Re: Authorizing Acceptance of Obstruction Permit from New Hampshire Department of Transportation (NHDOT) for Great Bay Rowing's Use and Storage of Rowing Equipment at Hilton Park		

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 Warach, 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:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

Great Bay Rowing (“GBR”) is a New Hampshire nonprofit. GBR has used the City’s floating dock on the Cochecho River for river access. The City has allowed GBR to use the City’s nearby butler building for storage. The waterfront project’s construction, which commenced several months ago, has precluded GBR from using the floating dock and butler building. After weighing various options, GBR indicated use of Hilton Park this year best suited GBR’s needs. City staff then contacted the New Hampshire Department of Transportation (“NHDOT”), who owns and maintains Hilton Park, and who graciously offered to accommodate GBR’s use of Hilton Park, at least through the end of September 2023.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13.B.1

Resolution Number: **R – 2023.09.13 - 144**

Resolution Re: B23025 – Waste Water Treatment Plant Aeration Blower Upgrade

WHEREAS: A sealed Request for Bid #B23025 was issued and received for Wastewater Treatment Plant (WWTP) Aeration Blower Upgrade on August 30, 2023 at 10:00 a.m. A mandatory prebid meeting was conducted at the WWTP on August 10, 2023 with ten firms attending; and

WHEREAS: The City sought proposals for labor and installation of two, new, pre-purchased Aeration Blowers for the Wastewater Treatment Plant, and responses were received from the firms attending the mandatory pre-bid meeting; and

WHEREAS: Five (5) responses were received and reviewed for necessary qualifications, experience, skills, project understanding, approach and ability to comply with proposed scope of services with low bid being submitted by Apex Construction of Somersworth, NH in the amount of \$288,800.00. It is the recommendation to award project to Apex Construction as outlined; and

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 Apex Construction of Somersworth, NH in the amount of \$288,800 for the installation of two Aeration Blowers. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	Appropriation	Balance
5320.1.300.43250.4741.04593.23.000.000	CS Aeration Blower	462,825.37	329,136.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

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

Recorded by: Patricia Moniello
Legal Assistant



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13.B.1

Resolution Number: **R – 2023.09.13 - 144**
Resolution Re: B23025 – Waste Water Treatment Plant Aeration Blower Upgrade

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 Warach, 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:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13.B.1

Resolution Number: **R – 2023.09.13 - 144**

Resolution Re: B23025 – Waste Water Treatment Plant Aeration Blower Upgrade

RESOLUTION BACKGROUND MATERIAL:

The Waste Water Treatment Plant was constructed in 1991 and is a plug flow style activated sludge plant designed to achieve typical secondary treatment standards and designed for an average flow of 4.7 MGD. Current flows average 2.7 MGD. Although the plant has been successfully and efficiently operating, a Comprehensive Wastewater Treatment Facilities Plan was completed in March 2012. The plan was critical to review operational upgrades and make recommendations necessary to ensure continued operation. Suggestions were made to consider replacing the turbo-style aeration blowers with more efficient screw blowers. Aeration is a critical component to enhance and support the biological wastewater treatment process. The treatment plant is equipped with a total of 3 (three) blowers.

In 2018, one of the three existing turbo-style aeration blowers failed. On February 14, 2018, the City Council approved the purchase of an Aerzen rotary lobe, screw-style blower, which was recommended by our wastewater consulting engineers, Wright-Pierce. The City purchased the blower and once it arrived, the City Council awarded a contract to Apex Construction via R-2019.01.09-007 to install the blower assembly, which included a pre-purchased VFD, control panel, electrical work, and all appurtenances.

After the emergency repair work was completed, the Capital Improvements Program was modified to include funding to replacing the remaining two blowers. On May 11, 2022, City Council approved the purchase of two (2) additional Aerzen Hybrid Blower Model D98S via resolution [R-2022.05.11-103](#) in the amount of \$261,279.00, which are the same two units purchased in 2018.

Whereby Apex Construction had both previously worked on installing the first initial blower replacement, and is also now the lowest responsible bidder, it is the recommendation to award to Apex Construction at the rates provided in conjunction with B23025 for installation of the two blowers in the amount of \$288,800.00.

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations emailed:	704	Number of Responses:	5
Warranty:	N/A	Terms:	Net 30, FOB Dover
Work Bonded:	Yes	Contract:	Yes
Prices will hold for:	Completion	Estimated Delivery:	2023
Recommended Award to:	Apex Construction	Fund:	CIP
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval.

[B23025 Bid Documents](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13.B.2.

Resolution Number: **R – 2023.09.13 – 145**
Resolution Re: B24002 Waste Water Treatment Plant Ultra Violet
Disinfection Upgrade

WHEREAS: A sealed Request for Bid #B24002 was issued and received for Wastewater Treatment Plant UV Upgrade on August 30, 2023 at 10:00AM. A mandatory prebid meeting was conducted at the WWTP on August 10, 2023 with ten firms attending; and

WHEREAS: The City sought proposals for labor and installation of UV Disinfection Upgrade for the Wastewater Treatment Facility, and responses were received from the firms attending the mandatory pre-bid meeting; and

WHEREAS: Five (5) responses were received and reviewed for necessary qualifications, experience, skills, project understanding, approach and ability to comply with proposed scope of services with low bid being submitted by Apex Construction of Somersworth, NH in the amount of \$416,400.00. It is the recommendation to award project to Apex Construction as outlined; and

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 Apex Construction, Somersworth, NH in the amount of \$416,400 for UV Upgrade at the WWTP. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

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

Financing			
Account	Description	Appropriation	Balance
5320.1.300.43256.4741.04590.23	CS UV Equipment Upgrade	307,846.00	269,375.00
5320.1.300.43250.4741.04593.12	CS Aeration Blower	190,359.00	190,359.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

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

Recorded by:
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13.B.2.

Resolution Number: **R – 2023.09.13 – 145**
Resolution Re: B24002 Waste Water Treatment Plant Ultra Violet
Disinfection Upgrade

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 Warach, 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:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13.B.2.

Resolution Number: **R – 2023.09.13 – 145**
Resolution Re: B24002 Waste Water Treatment Plant Ultra Violet
Disinfection Upgrade

RESOLUTION BACKGROUND MATERIAL:

City staff have been working with its engineering consultant, Wright-Pierce, and NH Department of Environmental Services (DES) to design, implement, and install a ultra-violet light (UV) disinfection system replacement. The treatment plant uses UV for pathogen inactivation as opposed to sodium hypochlorite or other liquid disinfectant. The current UV system dates back to 2005, and the equipment is becoming outdated.

Due to long lead times in the procurement of specialty equipment, the City pre-purchased a replacement disinfection system from Trojan Technologies. Via B22004, Resolution R-2022.7.27-164 the City Council unanimously approved procurement of a \$769,419.00 TrojanUV3000Plus package disinfection system.

The City recently issued RFP24002 for the labor and installation of the disinfection system. Apex Construction was the successful low bidder out of 5 proposals. They have previously worked at the wastewater treatment installing an aeration blower, and City staff have been comfortable with their work product. As such, the recommendation is to award Apex a contract in the amount of \$416,400 per the conditions of RFP24002 for the installation of the packaged UV disinfection system.

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations emailed:	704	Number of Responses:	5
Warranty:	N/A	Terms:	Net 30, FOB Dover
Work Bonded:	Yes	Contract:	Yes
Prices will hold for:	Completion	Estimated Delivery:	2023
Recommended Award to:	Apex Construction	Fund:	CIP
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval.

[B24002 Bid Documents](#)

 CITY OF DOVER	<table> <tr> <th colspan="2">CITY OF DOVER - ORDINANCE</th></tr> <tr> <td colspan="2">Agenda Item#:13.C.1</td></tr> <tr> <td>Ordinance Number:</td><td>O – 2023.09.13 - 146</td></tr> <tr> <td>Ordinance Title:</td><td>Boards, Commissions and Committees</td></tr> <tr> <td>Chapter:</td><td>9</td></tr> <tr> <td>Section:</td><td>1 Establishment; general provisions</td></tr> <tr> <td></td><td>15 (Reserved)</td></tr> </table>	CITY OF DOVER - ORDINANCE		Agenda Item#:13.C.1		Ordinance Number:	O – 2023.09.13 - 146	Ordinance Title:	Boards, Commissions and Committees	Chapter:	9	Section:	1 Establishment; general provisions		15 (Reserved)
CITY OF DOVER - ORDINANCE															
Agenda Item#:13.C.1															
Ordinance Number:	O – 2023.09.13 - 146														
Ordinance Title:	Boards, Commissions and Committees														
Chapter:	9														
Section:	1 Establishment; general provisions														
	15 (Reserved)														

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to codify the current Ad Hoc Committee for Graffiti Management as a standing committee, to be called the Graffiti Management Advisory Committee, within Chapter 9 of the Dover Code.

2. AMENDMENT

Chapter 9 entitled “Boards, Commissions and Committees” is hereby amended by amending Section 9-1, “Establishment; general provisions”, and specifically subsection (A), as follows:

a. THE FOLLOWING ARE AMENDED:

§ 9-1 Establishment; general provisions.

A. There shall be the following boards, commissions and committees in the City of Dover:

- (1) Board of Health.
- (2) Cemetery Board.
- (3) Library Board of Trustees.
- (4) Recreation Advisory Board.
- (5) Dover Arena Commission.
- (6) Personnel Advisory Board.
- (7) Planning Board.
- (8) Dover Utilities Commission.
- (9) Zoning Board of Adjustment.
- (10) Trustees of the Trust Funds.
- (11) Solid Waste Advisory Commission.
- (12) Dover Arts Commission.
- (13) Transportation Advisory Commission.

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Agenda Item#:13.C.1 Ordinance Number: O – 2023.09.13 - 146 Ordinance Title: Boards, Commissions and Committees Chapter: 9 Section: 1 Establishment; general provisions 15 (Reserved)	

(14) ~~(Reserved)~~ Graffiti Management Advisory Committee

(15) Dover Business and Industrial Development Authority.

(16) McConnell Center Advisory Committee.

(17) Parking Commission.

(18) Conservation Commission.

(19) Dover Pools Advisory Committee.

(20) Dover Housing Authority.

(21) Energy Commission.

(22) Downtown Dover Tax Increment Finance Advisory Board.

(23) Waterfront Tax Increment Finance Advisory Board.

(24) Heritage Commission.

(25) Licensing Board.

(26) Ethics Commission.

(27) Committee for Racial Equity and Inclusion.

3. AMENDMENT

Chapter 9 entitled “Boards, Commissions and Committees” is hereby amended by amending Section 9-14 to read as follows:

a. THE FOLLOWING ARE AMENDED:

§ 9-15 ~~(Reserved)~~ Graffiti Management Advisory Committee

A. Membership. The Graffiti Management Advisory Committee shall consist of the



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#:13.C.1

Ordinance Number: **O – 2023.09.13 - 146**
Ordinance Title: Boards, Commissions and Committees
Chapter: 9
Section: 1 Establishment; general provisions
15 (Reserved)

following members, each of which shall be voting members:

- (1) One City Councilor recommended by the Mayor and ratified by the City Council;
- (2) One Arts Commission representative;
- (3) One Community Trail Advisory Committee representative;
- (4) One Recreation Advisory Committee representative;
- (5) Police Chief ex officio, or designee;
- (6) Director of Planning and Community Development ex officio, or designee;
- (7) Community Services Director ex officio, or designee;
- (8) Five citizens at large;
- (9) Two alternate citizens at large, who may be seated and vote if and when one of the five citizen members is unable to attend, and who otherwise may attend and take part in discussions.

B. Terms of members. Members shall be appointed to terms of three years.

C. Authority and duties. The Graffiti Management Advisory Committee will meet regularly, as determined by the members. The Graffiti Management Advisory Committee shall:

- (1) Work with City staff to study, review, identify, and recommend one or more possible solutions or ways to mitigate or address graffiti, to identify areas where “street art” can be done, to improve security, and to support ongoing enforcement;
- (2) Make recommendations to the City Council and City Manager concerning graffiti and promotion of sanctioned street art;
- (3) Coordinate with City staff to organize community volunteer graffiti clean-u events;
- (4) The Graffiti Management Advisory Committee shall be advisory only and shall



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#:13.C.1

Ordinance Number: **O – 2023.09.13 - 146**
Ordinance Title: Boards, Commissions and Committees
Chapter: 9
Section: 1 Establishment; general provisions
15 (Reserved)

not have the authority to commit the City Council to any action or position.

D. Rules. The Graffiti Management Advisory Committee shall adopt and, as needed, update operating rules, all subject to approval of the City Council.

4. TRANSITION PROVISION

The Ad Hoc Committee for Graffiti Management, which existed by virtue of resolution ([R-2021.07.28-139](#)), has expired and, to avoid any uncertainty, is hereby confirmed to be formally dissolved. The appointed, non-ex officio members of the Ad Hoc Committee for Graffiti Management are hereby re-appointed to the Committee for Graffiti Management created by this ordinance for new terms. The procedural rules for the Ad Hoc Committee for Graffiti Management shall endure, shall apply to the Graffiti Management Advisory Committee, and shall be retitled and amended to reference the updated public body name and eliminate “Ad Hoc” throughout in reference to the name of the committee.

5. TAKES EFFECT

This ordinance shall take effect upon passage. The City Clerk shall cause publication of notice as required by RSA 47:18.

PUBLIC HEARING REQUIRED; TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 11, 2023

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Linnea Nemeth

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

Recorded by: Patricia Moniello,
Legal Assistant

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Agenda Item#:13.C.1	
	Ordinance Number:	O – 2023.09.13 - 146
	Ordinance Title:	Boards, Commissions and Committees
	Chapter:	9
	Section:	1 Establishment; general provisions 15 (Reserved)

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 Warach, 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:

Graffiti has endured as a problem on the Community Trail and elsewhere in the City. Municipalities across the nation face similar issues and have tried to curb the problem with creative solutions. This committee is intended to help identify and study methods, to include innovative ideas, to address graffiti in the City of Dover. The previous ad hoc committee approved its final report in April 2023.