

CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, November 8, 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 - DOVER HIGH SCHOOL DIVISION 1 FIELD HOCKEY**
RECOGNITION
6. **APPROVAL OF AGENDA**
7. **PUBLIC HEARINGS**

A. **PEACE & GOOD ORDER, CHAPTER 105, SECTIONS 7, 16, 18**
SPONSORED BY MAYOR CARRIER BY REQUEST

B. **BICYCLES AND PLAY VEHICLES, CHAPTER 53, SECTION 4**
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. **October 25, 2023 – Regular Meeting**

11. **MAYOR'S REPORT**

12. **UNFINISHED BUSINESS**

A. **ORDINANCES IN THE 2nd READING**

1. **PEACE & GOOD ORDER, CHAPTER 105, SECTIONS 7, 16, 18**
SPONSORED BY MAYOR CARRIER BY REQUEST

2. **BICYCLES AND PLAY VEHICLES, CHAPTER 53, SECTION 4**
SPONSORED BY MAYOR CARRIER BY REQUEST

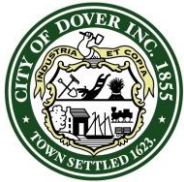
B. **ORDINANCES IN THE 3RD READING**

C. **RESOLUTIONS**

13. **NEW BUSINESS**

A. **CONSENT CALENDAR**

1. **AUTHORIZATION TO ACCEPT AND EXPEND DONATIONS TO DOVER FIRE & RESCUE**
SPONSORED BY MAYOR CARRIER BY REQUEST



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Meeting Date: **Wednesday, November 8, 2023**
Meeting Time: **7:00 pm**

2. B24016 SUPERVISORY CONTROL DATA COLLECTION ACQUISITION WATER SEWER LICENSING UPGRADES

SPONSORED BY MAYOR CARRIER BY REQUEST

3. B24008 CRANE INSPECTIONS & REPAIRS

SPONSORED BY MAYOR CARRIER BY REQUEST

4. B24018 SNOW PLOWING-HAULING SERVICES

SPONSORED BY MAYOR CARRIER BY REQUEST

5. B24022 SEGREGATION AND RECYCLING OF CONSTRUCTION AND DEMOLITION DEBRIS

SPONSORED BY MAYOR CARRIER BY REQUEST

COMMITTEE REPORTS

- | | |
|---|---|
| 1. School Board (Muffett-Lipinski) | 16. Ordinance Committee (Shanahan) |
| 2. Planning Board (Cullen) | 17. Parking Commission (Warach) |
| 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 (Warach) | 24. Joint Building Committee – DHS (Carrier) |
| 10. Energy Commission (Thibodeaux) | 25. COAST (Shanahan) |
| 11. Graffiti Management Advisory Committee (Nemeth) | 26. Cocheco 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. AUTHORIZATION TO ACCEPT AND EXPEND INVESTNH MUNICIPAL PER UNIT PROGRAM GRANT

(TO BE REFERRED TO A PUBLIC HEARING AND VOTE TO OCCUR ON DECEMBER 13, 2023.)

SPONSORED BY MAYOR CARRIER BY REQUEST

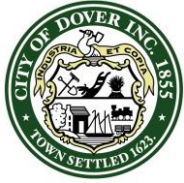
2. FISCAL YEAR 2024 BUDGET AMENDMENT FOR ADDITIONAL APPROPRIATION FOR FLEET MAINTENANCE FUND.

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

(TO BE REFERRED TO A PUBLIC HEARING AND VOTE TO OCCUR ON DECEMBER 13, 2023.)

SPONSORED BY MAYOR CARRIER BY REQUEST

3. GRANTING CHINBURG DEVELOPMENT LLC PERMISSION TO UNDERTAKE IMPROVEMENTS TO OLD OAK STREET AND OBTAIN BUILDING PERMITS ON OLD



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OAK STREET (A CLASS VI ROAD)

SPONSORED BY MAYOR CARRIER BY REQUEST

C. ORDINANCES IN 1ST READING

1. **MUNICIPAL STORMWATER UTILITY, CHAPTER 123**
(TO BE REFERRED TO WORKSHOP ON NOVEMBER 15, 2023 WITH A PUBLIC HEARING TO OCCUR ON DECEMBER 13, 2023.)
SPONSORED BY MAYOR CARRIER BY REQUEST

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

16. ADJOURN



PROCLAMATION

WHEREAS: Dover High School's regular season record for Division 1 Field Hockey was 15-0-1 and its playoff record was 3-0-0; and

WHEREAS: Dover High School's Field Hockey team finished the season with an undefeated record of 18-0-1. This was the best record in recent history and Dover Field Hockey's first State Championship since 1975; and

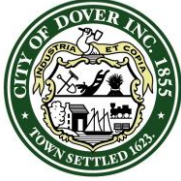
WHEREAS: Senior team members played a crucial role this year and demonstrated strong leadership, helping to transform the culture of the program and ensuring its continued success in the years ahead; and

WHEREAS: A key factor to the success of the team was the efforts of the team's outstanding coaching staff along with the unbelievable community/parent/fan support.

NOW, THEREFORE, I, Robert Carrier, Mayor of the City of Dover, New Hampshire, and the entire Dover City Council, do hereby proclaim our sincere appreciation for the accomplishments of the athletes, coaches, parents, and fans in this year's Division 1 Field Hockey's undefeated record and State Championship. On behalf of all citizens of this City, I thank you all for your hard work and we heartily congratulate you on your accomplishments.

IN WITNESS WHEREOF, I have here unto set my hand and caused the Seal of the City of Dover to be affixed this 8th Day of November, 2023.

Robert Carrier, Mayor
City of Dover, New Hampshire

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#:12.A.1. Ordinance Number: O – 2023.10.11 - 14 Ordinance Title: Peace and Good Order Chapter: 105 Sections: 7 Park Hours 16 Hunting and target shooting on City property 18 Henry Law Park, school grounds and athletic fields
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The City of Dover Ordains:

1. **PURPOSE**

The purpose of this ordinance is to update provisions within Chapter 105 of the Dover Code to: (1) make technical amendments in light of the new skate park location in Guppey Park; and (2) enable bow and arrow hunting in one area of City-owned land where hunting and target-shooting is otherwise prohibited.

2. **AMENDMENT**

Chapter 105 entitled “Peace and Good Order” is hereby amended by revising Section 105-7, “Park Hours”, as follows:

a. **THE FOLLOWING IS AMENDED:**

§ 105-7 **Park hours.**

A. No person shall remain in or enter any park or recreation area in the City of Dover during the hours set forth in the table below.

Months		Hours	
1.	April 1 to September 30	2.	9:30 p.m. to 7:00 a.m.
3.	October 1 to March 31	4.	7:00 p.m. to 7:00 a.m.

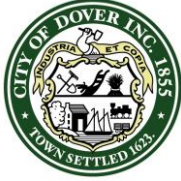
B. Exceptions.

(1) Park Street Park. No person shall remain in or enter the Park Street Park during the hours of 8:30 p.m. to 7:00 a.m. during the period of April 1 through September 30 and during the hours of 7:00 p.m. to 7:00 a.m. during the period of October 1 through March 31.

(2) Hilton Park. No person shall remain in or enter Hilton Park during the hours of 8:00 p.m. to 6:00 a.m., except upon the written consent of the New Hampshire Commissioner of the Department of Transportation, or authorized representative.

(3) Henry Law Park. No person shall remain in or enter Henry Law Park during the hours of 11:00 p.m. to 5:00 a.m. No person shall remain in or enter the Dover Adventure Playground at Henry Law Park ~~or the Skate Park at Henry Law Park~~ during the hours of 9:30 p.m. to 7:00 a.m.

(4) Skate Park (Guppey Park): No person shall remain in or enter the Skate Park at Guppey Park during the hours of 9:30 p.m. to 7:00 a.m.

 CITY OF DOVER	<table> <tr> <th colspan="2">CITY OF DOVER - ORDINANCE</th></tr> <tr> <td colspan="2">Agenda Item#:12.A.1.</td></tr> <tr> <td>Ordinance Number:</td><td>O – 2023.10.11 - 14</td></tr> <tr> <td>Ordinance Title:</td><td>Peace and Good Order</td></tr> <tr> <td>Chapter:</td><td>105</td></tr> <tr> <td>Sections:</td><td>7 Park Hours 16 Hunting and target shooting on City property 18 Henry Law Park, school grounds and athletic fields</td></tr> </table>	CITY OF DOVER - ORDINANCE		Agenda Item#:12.A.1.		Ordinance Number:	O – 2023.10.11 - 14	Ordinance Title:	Peace and Good Order	Chapter:	105	Sections:	7 Park Hours 16 Hunting and target shooting on City property 18 Henry Law Park, school grounds and athletic fields
CITY OF DOVER - ORDINANCE													
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Chapter:	105												
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- C. Special exceptions to any park hours of operation for special events or activities may be granted, in writing, by the City Manager or designee.

3. AMENDMENT

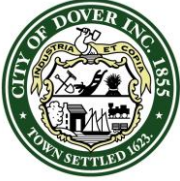
Chapter 105 entitled “Peace and Good Order” is hereby amended by revising Section 105-16, “Hunting and target shooting on City property”, as follows:

a. THE FOLLOWING IS AMENDED:

§ 105-16 **Hunting and target shooting on City property.**

- A. No person shall hunt wildlife or engage in target shooting with firearms in or on the following properties:

- (1) All Dover public school facilities and adjacent parks.
- (2) Willand Pond Recreation Area.
- (3) Dover Community Trail.
- (4) Tolend Landfill.
- (5) Pine Hill Cemetery.
- (6) Guppey Park.
- (7) Dover Community Services facilities on Mast Road.
- (8) Wastewater Treatment Plant.
- (9) Bellamy Park.
- (10) Maglaras Park.
- (11) Garrison Hill Park.
- (12) The Dover Community Services (Facilities, Grounds and Cemeteries) facility at 145 Court street.
- (13) Sullivan Field and Playground, inclusive of all of the surrounding City-owned parcel comprising Tax Map D-5.



CITY OF DOVER

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Agenda Item#:12.A.1.

Ordinance Number: **O – 2023.10.11 - 14**
Ordinance Title: Peace and Good Order
Chapter: 105
Sections: 7 Park Hours
16 Hunting and target shooting on City property
18 Henry Law Park, school grounds and athletic fields

B. Exceptions.

(1) During any archery hunting season allowed by applicable authorities, the use of bows and arrows to hunt (also known as “bowhunting”) is permitted within the City-owned parcel comprising Tax Map D-5, a mostly wooded area adjacent to the Spaulding Turnpike and Sullivan Field, provided bowhunters have any required licenses from the State of New Hampshire Fish and Game Department; and further provided such archery hunting is not conducted on, or anywhere within 300 feet of, any playground, field, or open space contained within said property.

BC. The City Manager may provide for the posting of these City-owned properties against hunting and target shooting with firearms pursuant to RSA 635:4. The City Manager or designee shall post a notice at the Sullivan Drive entrance to the Sullivan Field and Playground warning the public that bow and arrow hunting (also known as “bowhunting”) is allowed during archery hunting seasons and reminding such hunters of the conditions set forth in this section.

CD. Penalties. Any person violating the provisions of this section shall be subject to a fine as provided in the City Fine Schedule per offense.

4. AMENDMENT

Chapter 105 entitled “Peace and Good Order” is hereby amended by revising Section 105-18, “Henry Law Park, school grounds and athletic fields”, as follows:

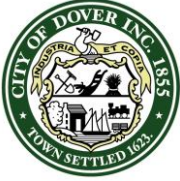
b. THE FOLLOWING IS AMENDED:

§ 105-18 **Skate Park at Guppy Park; Henry Law Park, school grounds and athletic fields.**

A. No person shall smoke or use a tobacco product within the Skate Park at Guppy Park ~~Henry Law Skate Park~~, the Henry Law Park Rotary Pavilion or playground areas of Henry Law Park, on the grounds of all recreational facilities, areas or athletic fields associated with the Woodman Park, Horne Street or Garrison Elementary Schools, or within 200 feet of the playing surfaces at Shaw's Lane athletic field. A designated smoking area may or may not be provided at the discretion of City or school staff.

B. Descriptions of restricted areas.

(1) The "Skate Park at Guppy Park ~~Henry Law Skate Park~~" shall be defined as the improved recreational area within Guppy Park, located at the corner of Oak Street and Portland Avenue, on the east side of River Street, to include the ~~rink~~, designed ramps and



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Ordinance Title: Peace and Good Order
Chapter: 105
Sections: 7 Park Hours
16 Hunting and target shooting on City property
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jumps, and all contiguous paved or hard-surfaced areas, and shall include a twenty-five-foot buffer zone immediately surrounding the recreational area ~~and rink~~.

(2) The "Henry Law Park Rotary Pavilion area" shall be defined as the area that is bordered by the black fence that runs along Washington Street from the corner of the current New Hampshire Children's Museum building to the intersection of Henry Law Avenue; and the fence that runs along Henry Law Avenue from the intersection with Washington Street to the end of the fence opposite the Rotary Pavilion; and the front of the stage area and the front of the building currently occupied by the New Hampshire Children's Museum. The restricted area includes the interior of the band shell, the adjacent stairs and stairwell, and any steps and frontage of the New Hampshire Children's Museum. The sidewalks running parallel to and immediately adjacent to Washington Street and Henry Law Avenue are not restricted.

(3) The "playground areas of Henry Law Park" shall be defined as the area within the line starting at the sidewalk emerging from the stairwell connecting the Henry Law Park Pavilion and the playground areas and continuing on the inside edge of the sidewalk adjacent to the parking lot of the Dover Indoor Pool to where it connects with the sidewalk at Henry Law Avenue, and continuing along the inside edge of the sidewalk adjacent to Henry Law Avenue where it shall connect with the black fence which defines the Henry Law Park Rotary Pavilion area. The Dover Indoor Pool parking lot and the sidewalks immediately adjacent to the parking lot and parallel to Henry Law Avenue are not restricted.

C. Any person violating the provisions of this section shall be subject to a fine as provided in the City Fine Schedule.

5. TAKES EFFECT

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

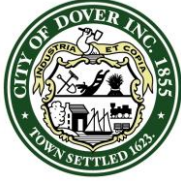
REQUIRES PUBLIC HEARING

TO BE REFERRED TO PUBLIC HEARING ON NOVEMBER 8, 2023

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Fergus Cullen

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#:12.A.1. Ordinance Number: O – 2023.10.11 - 14 Ordinance Title: Peace and Good Order Chapter: 105 Sections: 7 Park Hours 16 Hunting and target shooting on City property 18 Henry Law Park, school grounds and athletic fields
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Approved as to Legal Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Patricia Moniello
Legal Assistant

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

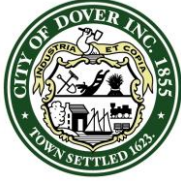
VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

Sections 7 and 18: The City's new skate park—built in Guppy Park—is expected to be open to the public in 2023. The skate park's new location has caused the need for certain technical updates to Chapter 105, as the skate park in Henry Law Park will no longer exist.

Section 16: In 2022, the City passed an ordinance amending Chapter 105 to include the Sullivan Field and Playground parcel as City-owned property where hunting and on target shooting with a firearm were prohibited. Since then, it has come to the City Council's attention that the area had been used for archery hunting. Accordingly, the amendment to Section 16 creates an exception allowing archery, but with conditions intended for public safety.

Document Created by: Legal	O-2023.10.11 Chapter 105, Sections 7, 16 & 18
Document Posted on: November 3, 2023	Page 5 of 5

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Agenda Item#:12.A.2. Ordinance Number: O – 2023.10.11 - 15 Ordinance Title: Bicycles and Play Vehicles Chapter: 53 Section: 4 Operation of skateboards and scooters	

The City of Dover Ordains:

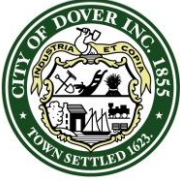
1. **PURPOSE**
The purpose of this ordinance is to update Chapter 53 of the Dover Code in light of the new skate park constructed in Guppey Park.

2. **AMENDMENT**
Chapter 53 entitled “Bicycles and Play Vehicles” is hereby amended by revising Section 53-4, “Operation of skateboards and scooters”, as follows:
 - a. **THE FOLLOWING ARE AMENDED:**

§ 53-4 **Operation of skateboards and scooters.**

A. The operation of skateboards and scooters shall be permitted within the City of Dover except on the ways and sidewalks and other public areas in the downtown vicinity specifically defined as follows, except for the City-owned skate park area within Guppey Park~~adjacent to River Street~~ between the hours of 7:00 a.m. and 9:30 p.m., except when school is in session, when it may be used only by adults or by minors with parental or legal guardian supervision:

Name of Street/Facility	Location
All City parking lots	
Broadway	From Central Avenue northerly to St. John Street
Central Avenue	From New York Street southerly to Silver Street
Chapel Street	
Chestnut Street	
Cochecho Riverwalk	Entire length
Fayette Street	
Fifth Street	From Central Avenue westerly to Chestnut Street
First Street	



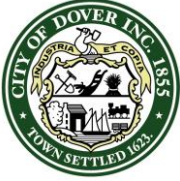
CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#:12.A.2.

Ordinance Number: **O – 2023.10.11 - 15**
Ordinance Title: Bicycles and Play Vehicles
Chapter: 53
Section: 4 Operation of skateboards and scooters

Name of Street/Facility	Location
Fourth Street	From Central Avenue westerly to Chestnut Street
Franklin Court	
Green Street	
Hale Street	
Henry Law Avenue	From Washington Street southerly to George Street
Henry Law Park	
Locust Street	From Washington Street southerly to Silver Street
Main Street	
Mechanic Street	
Orchard Street	
Pierce Street	
Portland Avenue	From Main Street to Cochecho Street
Preble Street	
River Street	
St. John Street	
St. Thomas Street	
School Street	



CITY OF DOVER

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Agenda Item#:12.A.2.

Ordinance Number: **O – 2023.10.11 - 15**
Ordinance Title: Bicycles and Play Vehicles
Chapter: 53
Section: 4 Operation of skateboards and scooters

Name of Street/Facility

Location

Second Street

Sixth Street

From Central Avenue westerly to Chestnut Street

Third Street

From Central Avenue westerly to Chestnut Street

Trombley Street

Waldron Court

Washington Street

From Belknap Street easterly to Main Street

William Street

Young Street

B. All skateboards and scooters shall be ridden or operated with due care with regard for rules governing pedestrians and pedestrian safety.

3. TAKES EFFECT

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

REQUIRES PUBLIC HEARING

TO BE REFERRED TO PUBLIC HEARING ON NOVEMBER 8, 2023

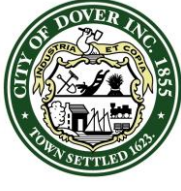
AUTHORIZATION

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

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#:12.A.2. Ordinance Number: O – 2023.10.11 - 15 Ordinance Title: Bicycles and Play Vehicles Chapter: 53 Section: 4 Operation of skateboards and scooters
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Legal Assistant

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:

This ordinance relates to a separate ordinance amending Chapter 105 of the Dover Code. The forthcoming completion of the new skate park within Guppy Park has prompted certain technical amendments to the City's ordinances.

Document Created by: Legal	O-2023.10.11 Chapter 53 Bicycles and Play Vehicles,
Document Posted on: November 3, 2023	Section 4
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CITY MANAGER'S REPORT

November 8, 2023

Reporting On:
October 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.”

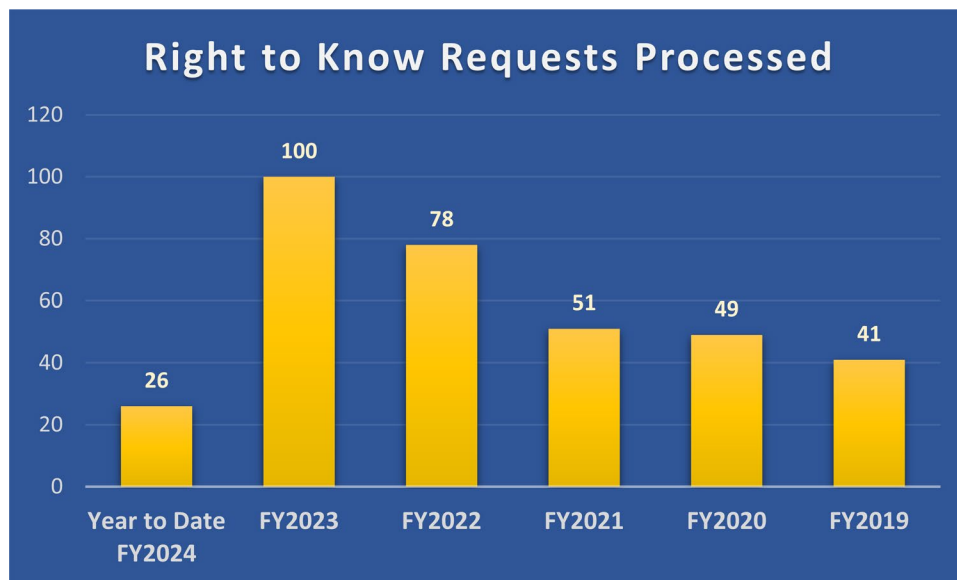
TRACKED UTILIZATION DATA FOR THE MONTH OF October 2023

	For Month	FY24 FYTD	FY23	FY22	FY21	FY20	FY19
Legal Matters/Questions Handled	71	352	1,061	790	703	466	342
Review Existing Legal Contracts & Draft Memo	14	54	153	161	-	-	-
Legal Contracts/Memo Created	16	53	201	214	350	256	269
Right to Know Requests Processed	6	26	100	78	51	49	41
Resolutions	5	24	70	74	73	75	53
Ordinances	2	8	17	24	19	10	18
Leases	0	0	4	14	-	-	-
Primex Auto Claims Handled	1	10	80	46	-	-	-
Primex Liability Claims Handled	5	26	67	70	-	-	-
Primex Property Claims Handled	2	18	54	68	-	-	-

Right to Know Requests

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

- ★ Julie P. – Request for removed/added books at Dover Public Schools Library & Dover Public Library.
- ★ Shaheen & Gordon – Request for code violations at 35 Belknap Street.
- ★ Eric Spurling – Request for Ward 3 Municipal Voter Checklists from 2019 and 2021.
- ★ Bradley Ford – Request for all Executive level salaries for all department heads and employees of City Manager office.
- ★ Margot Erdmann – Request for all documents regarding 92 Court Street sewer replacement.
- ★ Julie P. – Request for over 150 individual book costs and dates of purchase.



Goals & General Activities

Stormwater utility/incentivize conversion of impervious surfaces: In October 2023, the City Attorney attended an informational session with members of the public and assisted with answering questions.

Housing growth/development: Assistance with multiple ongoing residential development projects and initiatives and resolution of same, including lot restorations, inspections/permitting issues, and review of certain land use issues and approvals. This month, the Deputy City Attorney also assisted the new ad hoc committee to address community housing needs with an organizational meeting and training. Assisted with responding to inquiries related to “tiny houses”.

Conservation/Land Use: Assisted with continued efforts to acquire conservation easements.

Land Use/Waterfront: Assisted with continued efforts to engage utilities to place underground facilities in the waterfront project site.

Transportation: Assisted with numerous changes to the City’s vehicle and parking code provisions to include codifying signalized intersections and addressing misuse of electric vehicle parking spaces.

Stewardship of Resources: Assisted with filing comments to the New Hampshire Department of Environmental Services on the Watson Dam water quality certification. Continued assistance with review of proposed Eversource project crossing Cocheco River. Assisted with continued efforts to reach agreement among parties for the Cocheco St. outfall replacement by the City and related environmental remediation by Eversource. Assisted with continued efforts to test soils in relation to new catch basin spoils facility.

Recreation: Assisted with obtaining permit from the New Hampshire Department of Transportation for Great Bay Rowing. Also assisted with template volunteer service agreement.

The Office reviewed decisions of the New Hampshire Supreme Court, the United States District Court for the District of New Hampshire, and the United States First Circuit of Appeals. Also reviewed case highlights by the International Municipal Lawyers Association.

The Office receives updates and 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 being edited with a goal of adoption by end of 2023.

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. The Office of the City Attorney also serves as staff liaison for the Ethics Committee.

Other activities of potential interest in October 2023:

- ✚ Dover School District: Assisted with book reconsideration request and appeal related to same. Assisted with employment-related inquiries. Assisted with purchasing/procurements and review of school contracts. Assisted with RSA chapter 91-A compliance and responses.
- ✚ Executive Department: Assisted human resources and multiple departments with employment-related inquiries. Assisted business development with potential sale of City real estate. Assisted with planning for 2023 inauguration.
- ✚ Community Services: Review of bid specifications and contracts pre-bidding on major infrastructure projects. Assisted with stormwater utility efforts, drafting, research, and outreach. Research and review of multiple questions on status of accepted public streets. Review of code enforcement letters. Assisted with inquiries related to cemetery. Assisted with response to citizen inquiries concerning odor, trees, and related matters. Assisted with septic-related inquiries. Assisted with regulatory planning and review for drinking water system.
- ✚ Finance Department: Assisted with collections matters. Assisted with 2023 municipal election preparation. Review of settlement notices. Assisted with ongoing abatement appeals and other inquiries related to tax credits.
- ✚ Fire and Rescue Department: Assisted with labor and employment inquiries.
- ✚ Planning: Assisted with compliance inquiries. Assisted with ongoing land use appeals. Assisted with response to citizen inquiries. Assisted inspections division with various inquiries and issues.
- ✚ Police: Assisted with contracts. Assisted with research and review related to parking enforcement. Assisted with other matters as requested.
- ✚ Public Library: Assisted with RSA chapter 91-A inquiries into books and book acquisitions.
- ✚ Recreation: Assisted with NHDOT obstruction permit in relation to Great Bay Rowing. Assisted with skate park opening and amendment of ordinances in relation to same.

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 thereafter filed a motion for reconsideration, which the Court has now denied. Plaintiff filed an appeal, which is currently undergoing scheduling.

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; following a Second Circuit appeal ruling, the United States trustee has filed a motion to stay while seeking a writ of certiorari (i.e., acceptance of a discretionary appeal) to appeal the bankruptcy plan to the United States Supreme Court;
- Endo companies: Claims in bankruptcy, though a potential settlement 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: Has now filed bankruptcy and this Office is working with the City's outside counsel to determine response options.

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. The Office recently inquired of the status with the Superior Court, with the "damages" matter still briefed and awaiting decision.

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. In October 2023, the City Attorney contacted the estate's law firm to confirm status and anticipated distribution to the Dover School District.

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. The Commission recently granted the motion to

dismiss the Complaint with respect to state law (New Hampshire), and transferred the matter/complaint to the U.S. Equal Employment Opportunity Commission for further administrative agency review under federal law.

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. In June 2023, the Superior Court (Howard, J.) issued an Order denying the defendants' motion to dismiss. Thereafter, the defendants moved for reconsideration, which the Court denied. In August 2023, the defendants filed an answer to the complaint. In October 2023, with the parties unable to agree on case scheduling, the Court conducted a structuring conference and issued a scheduling order. Plaintiffs are now preparing an expert disclosure and mandatory disclosures to be issued in early November 2023. For the remainder of 2023, the case is expected to undergo a brief discovery period followed by summary judgment briefing on the merits due in early 2024. The trial court has scheduled a four-hour summary judgment hearing in February 2024.

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. No appeal has been filed.

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. In October 2023, the trial court issued an Order on the merits affirming the decision of Dover's ZBA.

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. In October 2023, defendants filed a motion for summary judgment, to which the plaintiffs have not yet responded.

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 (Will, 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. By Order dated September 20, 2023 the Court denied the motion for reconsideration. The petitioner has now filed an appeal with the NH Supreme Court.

Liberty Mutual v. City of Dover -

A taxpayer has filed a property tax abatement lawsuit with the Strafford County Superior Court. City has accepted service. In October 2023, the City filed an answer. Case is undergoing structuring/scheduling.

Franklin Square Apartments, LLC v. City of Dover -

A taxpayer has filed a property tax abatement action with the Board of Tax and Land Appeals. The City Attorney and Deputy City Attorney have filed appearances. As of October 2023, case is currently within a mandated settlement discussion period lasting into February 2024.

Professional Development:

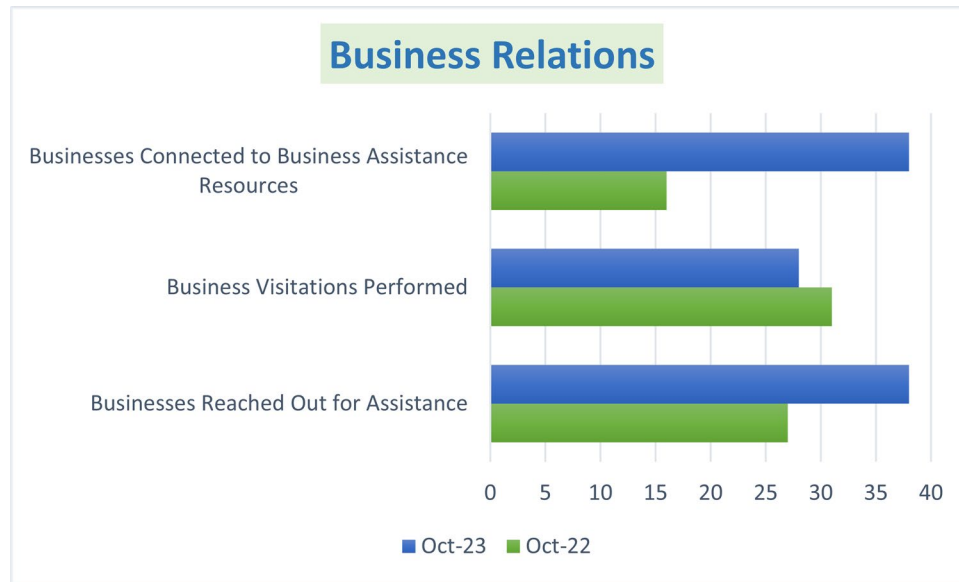
The Office of the City Attorney places significant importance on professional development in areas germane to the City's needs. In October 2023, the City Attorney and Deputy City Attorney both attended the New Hampshire Bar Association's annual full-day Developments in the Law continuing legal education program in Manchester. The City Attorney continues to serve on a bar committee investigating generative artificial intelligence and its impact on the practice of law. The Deputy City Attorney attends monthly meetings for the bar's Law Related Education Committee. The Deputy City Attorney is a member of the Inns of Court and participates in monthly networking and continuing education meetings.

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 assisted with onboarding the City's Deputy City Clerk and City Clerk/Tax Collector. City Code supplements are continuing on a quarterly update schedule. The recodification of the City's zoning ordinance continues and is expected to be completed in 2023, though General Code has (as of this submission) not yet provided the proposed, recodified version of Chapter 170.

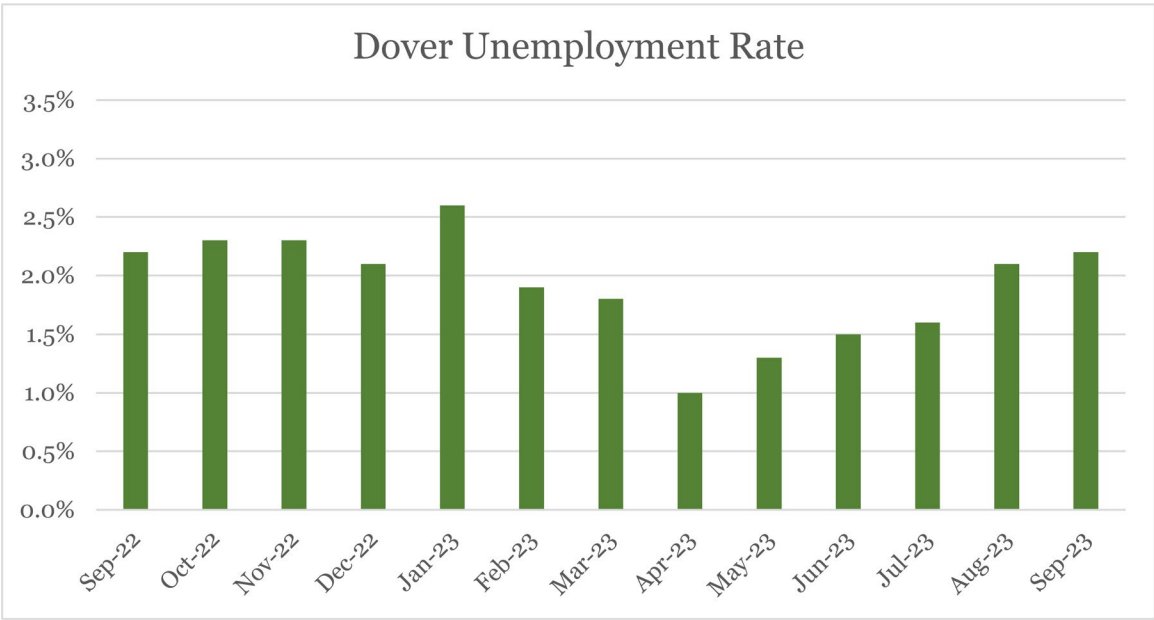
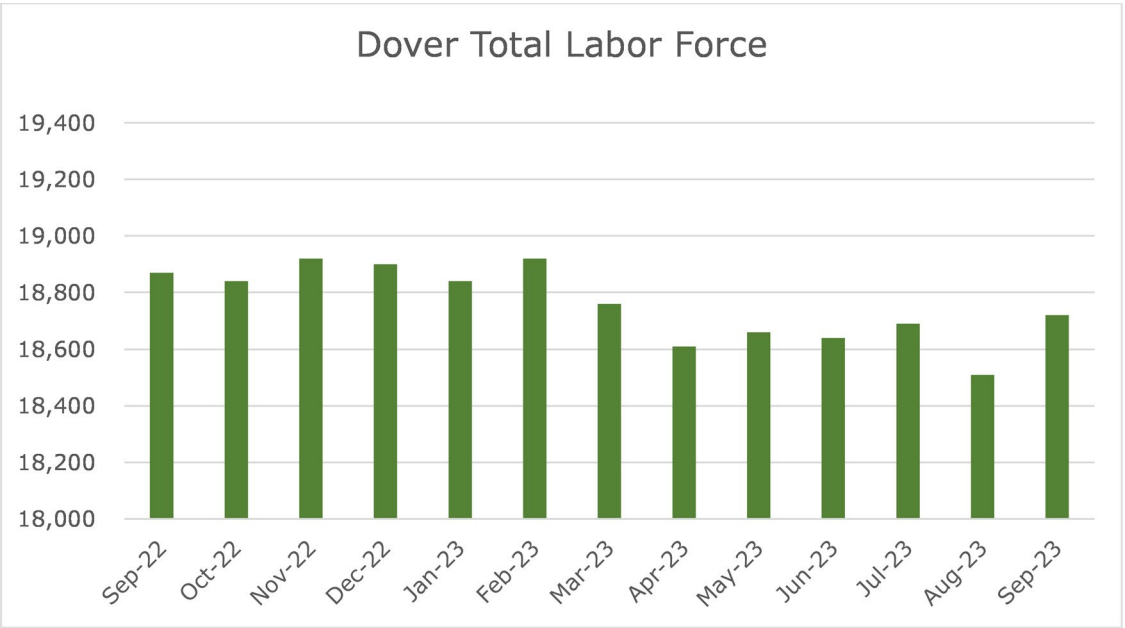
Business Development

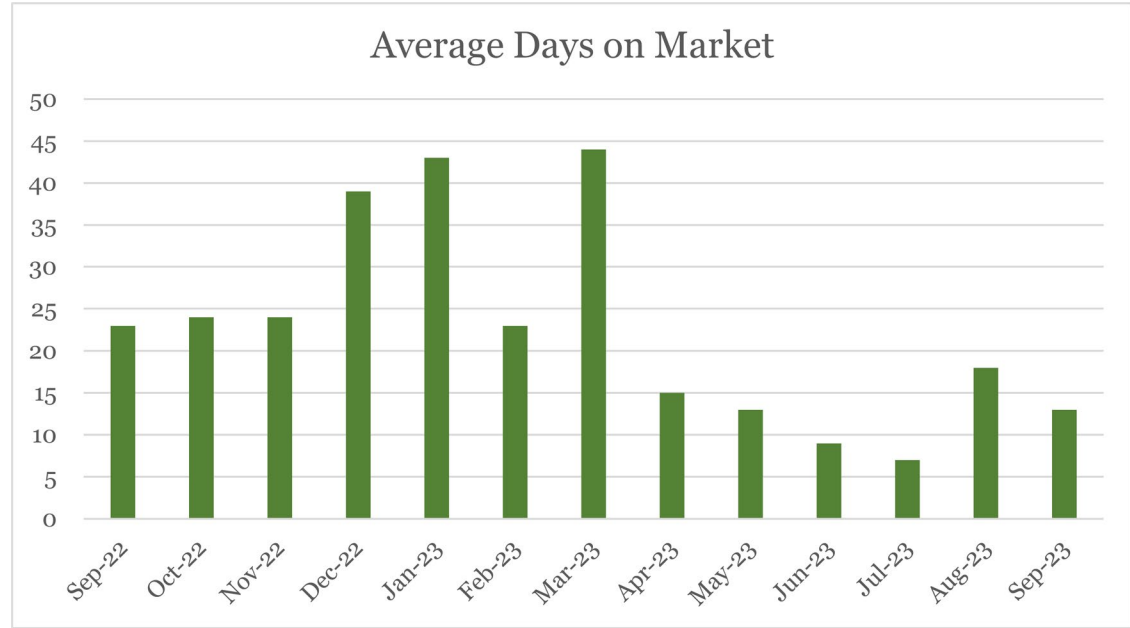
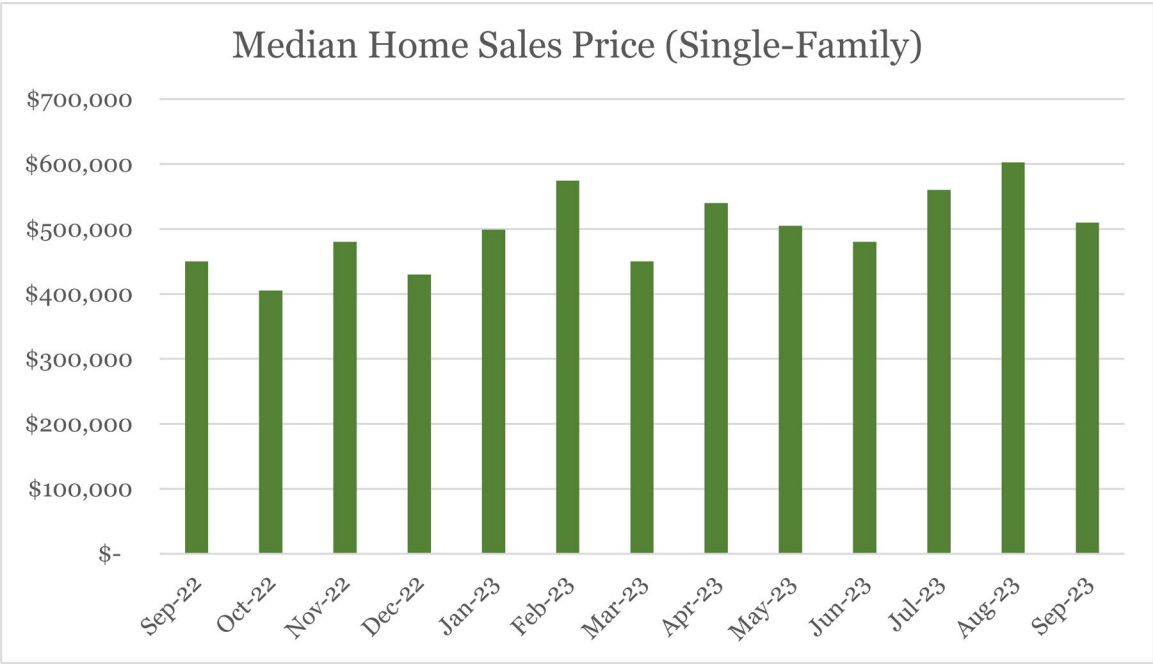
by Christopher Parker, Deputy City Manager



Labor & Home Sales

	September-22	September-23	12-Mo. Avg.
Dover Labor Force	18,870	18,720	18,760
Dover Unemployment Rate	2.2%	2.2%	1.9%
Median Home Sales-Single Family	\$450,000	\$510,000	\$ 503,000
Average Days on Market	23	13	23





New Business / Commercial Development / Downtown Updates

- ★ The downtown retail sector is displaying a diverse sales performance, with retailers sharing a positive outlook for the upcoming holiday shopping season.
- ★ Recent vacancies in downtown commercial spaces have already found new occupants spanning a range of business sectors, notably an influx of service-oriented enterprises. This diversification is a promising indicator of our local economy's ability to adapt and thrive amidst evolving market dynamics.
- ★ The demand for commercial spaces remains robust, evident in the steady stream of inquiries received by the Office of Business Development from prospective entrepreneurs seeking suitable locations. In fact, one commercial property owner related that they showed a single commercial unit to a staggering 37 businesses in search of a suitable location in Dover.
- ★ The launch of several new food establishments is a testament to Dover's resilient economy as the new entrepreneurs anticipate a successful entry into the market.
- ★ October saw a boost in sales for many downtown businesses, thanks to various events throughout the month, including Apple Harvest Day and the Witches Market. More events are currently in the pipeline for the upcoming holiday season.

Economic Activity

- ✚ Business Development conducted an online survey of the general public about attitudes related to outdoor dining. Some highlights:
 - 71 percent of respondents agreed/strongly agreed that they were more likely to try a new restaurant if it offered outdoor dining and 90 percent said that sitting outside improved their dining experience.
 - Open-ended responses were overwhelmingly positive, with many noting the vibrancy that outdoor dining added to downtown and/or encouraging additional opportunities.
 - Open-ended suggestions for improvement largely centered on themes of improving aesthetics of the dining areas and making permitting easier.
- ✚ The US Department of Commerce indicated that nationwide GDP grew at an annual rate of 4.9 percent in the third quarter. The report noted that this surprising growth is largely driven by strong consumer spending.
- ✚ Inflation has fallen considerably since 2022, but continues to rise at equal or faster rates than wages. While consumer polling indicates that many are dissatisfied with the economy as a result, this has yet to translate to observed declines in consumer spending in the aggregate.
- ✚ While nationwide indicators are strong, performance of individual small businesses and household budgets do not always follow macro-economic trends, and OBD continues to research possible impacts to businesses.

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 and the arrival of construction component material continues daily.

The installation of addition security fencing to enclose the ledge bluff area stock yard previously processed by Severino, has improved overall site security.

Three hundred and twenty-five feet of water main line installation continues into street A north; in unison the sewer mainline continues. Both utilities now extend approximately 400' into Street A north. To date site subgrade adjustments now continue to allow further completion of subsurface elements. In some cases, up to 5' of subgrade material has been added and compacted.

The existing location of the servicing water mainline to 1 River Street was located and test pit confirmed. This is crucial as through test pits on buildings E-1, E-2, and E-3 based on foundation location points. This was to establish an accurate soil profile as well as identify ledge quantities to be removed.

Overhead power utilities connections for 1 River Street remain a subject of discussion as we will seek an alternative feed direction through the Maglaras Park area a connect to Henry Law Ave through Towne Lane as the Waterfront project is 3 phases by design. Also, the dredge cell area lighting would be fed off the same feed. Shore line overhead wires and associated poles have been removed paving the way for the logging contractor to clear existing vegetation. Also, the first of 2 very crucial Eversource power feed vaults have been installed closest to the Makem Bridge.

Further obstruction removal continues in the area of the retired Waste Water Treatment Plant, which was located at the end of River Street. Specifically, the large northern clarifier located within building "D" s footprint at approximately 7+00. This is ongoing and expected to take several weeks as its construction is very robust with thicknesses recorded as large as 24" heavily reinforced with 7/8 to 1" rebar in a grid pattern approximately 6" on center.

In the coming month, additional crews will be mobilized. This includes a logging contractor to be mobilized to provide access for shoreline stabilization to start from the northeast side of the Makem bridge to the area of the existing bulkhead area. Subgrade adjustments will continue in effort to provide 100 year floodwater resiliency as well as provide subgrade material required for continued installation of subsurface utility elements. Also expected is the commencement of electrical and telecom conduit banks. The first two of three major Eversource vaults have been installed.

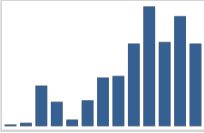
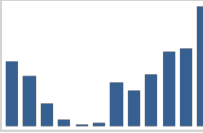
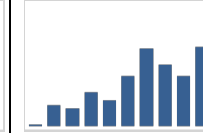
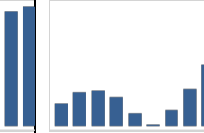
Parking Division

September	Difference September 2023 & September 2022	Sep-23	Sep-22	Sep-21
Meter Activity - Total				
Meter Transactions	104.18%	43,772	42,017	39,407
Income at Meters	108.50%	\$87,418	\$80,570	\$69,957
Active Meter Days		25	25	25
Average Daily Meter Transactions		1,751	1,681	1,573
Meter Activity - Parking Garage				
Meter Transactions	85.84%	2,206	2,570	2,277
Income from Meters	83.33%	\$5,952	\$7,143	\$6,397
Active Meter Days		25	25	25
Average Daily Meter Transactions		88	103	91
Parking Permit Activity				
Total Parking Permits Issued	100.25%	787	785	809
Residential Permits Issued	48.15%	13	27	38
Business Permits Issued	102.11%	774	758	771
Permit Income	100.74%	\$38,843	\$38,556	\$34,560
Parking Ticket Activity				
Total Parking Tickets Issued	83.21%	649	780	707
Accessible Space Tickets Issued	128.57%	9	7	2
Winter Restriction Tickets Issued		0	0	0
Parking Ticket Income	94.66%	\$13,851	\$14,632	\$16,360
Electric Vehicle Charging Stations				
Number of times Stations Used	50.00%	32	64	12
Charging Station Income	39.97%	\$255	\$638	\$93

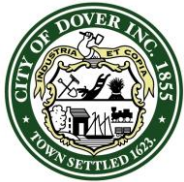
COAST

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
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
August 2023	4,404	4,576	1,663	202
September 2023	3,997	4,067	1,690	199
				

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, October 25, 2023**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Cullen led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Carrier, Deputy Mayor Shanahan, Councilor Cullen, Councilor Nemeth, Councilor Warach, Councilor Thibodeaux, and Councilor Williams.

Absent: Councilor Muffett-Lipinski, Councilor Hackett

Also Present: City Manager Joyal, City Attorney Wyatt, City Clerk Jerrica Vansylyvong-Bizier

Mayor Carrier welcomed the new City Clerk.

5. PROCLAMATIONS/AWARDS – NOVEMBER 2023 AS NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mayor Carrier read the proclamation into the record.

6. APPROVAL OF AGENDA

Deputy Mayor Shanahan moved to approve the agenda as posted. Seconded by Councilor Thibodeaux. Vote: 7-0.

7. PUBLIC HEARINGS

None

8. PUBLIC FORUM

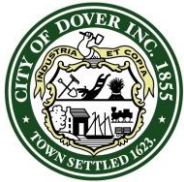
Taxpayers, Business owners, and Residents are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

Johnathan Nichols, Executive Director of the Woodman Museum updated everyone on the events and attendance over the past year and highlighted some upcoming events.

9. CITY MANAGER'S REPORT

City Manager Joyal noted he did not submit his report in writing. There are staffing issues filling vacant positions. The Library boiler has a leak and needs immediate replacement. The bid will be in before the next meeting so he will ask the board to retroactively approve it at the next meeting. Tax assessment letters went out. Commercial assessments have actually gone up along with residential assessments. The tax dollars the City collects are based on the City budget, not the increase or decrease of property assessments. The tax information is available on the City website. He announced the new City Clerk/ Tax Collector, Jerrica Vansylyvong-Bizier and highlighted some voter information.

Deputy Mayor Shanahan moved to approve the City Manager's Report to include emergent replacement of the Library boiler. Seconded by Councilor Williams. Roll Call Vote: 7-0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, October 25, 2023**
Meeting Time: **7:00 pm**

10. APPROVAL OF MINUTES

A. October 11, 2023 – Regular Meeting

Deputy Mayor Shanahan moved to approve the Minutes of September 27th as submitted. Seconded by Councilor Warach. Vote: 6-0 with Councilor Thibodeaux abstaining.

11. MAYOR'S REPORT

Mayor Carrier highlighted the following events:

- Zombie Walk this Saturday
- Arena Director is retiring and they held an event
- Harmony Homes tiny houses open house on Back River Rd
- Northeast Credit Union dedication
- Voices of the Cemetery
- Skate Park dedication
 - Councilor Williams noted this has been in the works many years and she appreciates the community involvement to make this happen.
- Nov 8th is a dedication of the Teenage Mutant Ninja Turtles.
- Nov 9th graduation of Leadership Academy
- Veterans day ceremony will be at Veterans Park

Deputy Mayor Shanahan noted the parade details are being worked out but will be held November 26th.

Deputy Mayor Shanahan moved to accept the Mayor's Report. Seconded by Councilor Warach. Vote: 7-0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

None

B. ORDINANCES IN THE 3rd READING

None

C. RESOLUTIONS

1. IMPOSING SPECIAL ASSESSMENT ON 4 JACKSON BROOK TERRACE (TAX MAP B-18-14) IN RELATION TO PUBLICLY FUNDED EMERGENCY SEWER IMPROVEMENTS

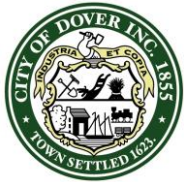
SPONSORED BY MAYOR CARRIER BY REQUEST

Councilor Nemeth recused herself from this item.

Deputy Mayor Shanahan moved to approve the resolution. Seconded by Councilor Warach. City Manager Joyal gave an overview of the issue, emergency plan and reason for the request.

Councilor Thibodeaux asked if the City has access to the conditions of these systems in HOAs in the City, or does the City not find out until a situation like this occurs. Deputy Manager Joyal noted the City does not track the status of these systems.

Roll Call Vote: 6-0 with Councilor Nemeth abstaining.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, October 25, 2023**
Meeting Time: **7:00 pm**

13. NEW BUSINESS

A. CONSENT CALENDAR

None

COMMITTEE REPORTS

- | | |
|---|---|
| 1. School Board (Warach) | 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 (Warach) | 21. Solid Waste Advisory Commission (Warach) |
| 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 (Warach) | 24. Joint Building Committee – DHS (Carrier) |
| 10. Energy Commission (Warach) | 25. COAST (Shanahan) |
| 11. Graffiti Management Ad Hoc Committee (Nemeth) | 26. Cocheco 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 (Warach) | 29. Government Affairs (Carrier) |
| 15. McConnell Center Advisory Committee (Warach) | |

Councilor Cullen noted some significant approvals by the Planning Board are for the new COAST building; EV stations; Zoning Administrator left for another job elsewhere; Olive Meadow proposal has been withdrawn.

Councilor Williams reported the Conservation Commission discussed Tribal Foraging Rights which the Commission is in favor of and will be coming to Council. An update was given of the four ongoing conservation projects in progress. The City was a recipient of a wetlands inventory grant.

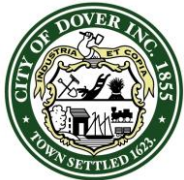
Councilor Thibodeaux noted the Energy Commission is very pleased with the turn-out for the EV show at Harvest Fest and may host some other events. She updated the community on the status of the Community Power roll-out. Municipal Energy Generation Committee report is being put together. Discussion about leveraging City solar fields for profit or aid for those in need.

Mayor Carrier noted at the previous meeting Councilor Hackett suggested the Pool/ Rec/ Arena committees be combined since they all have issues meeting quorum and they are all under Recreation. He agrees it should be reviewed.

B. RESOLUTIONS

1. DENIAL OF REQUESTED REVIEW OF WATER/SEWER ABATEMENT APPEAL FOR PROPERTY AT 28-30 SECOND STREET SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan moved to approve the resolution. Seconded by Councilor Warach. City Manager Joyal gave an overview of the resolution. Attorney Wyatt explained the reasoning for the suggested denial. Roll Call Vote: 7-0



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, October 25, 2023**
Meeting Time: **7:00 pm**

2. APPROVAL OF DEPARTMENT OF HEALTH AND HUMAN SERVICES DOVER IO LEASE AGREEMENT

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. Roll Call Vote: 7-0

C. ORDINANCES IN 1ST READING

None

14. COUNCIL CORRESPONDENCE

None

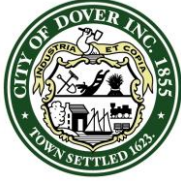
15. COUNCIL MATTERS OF INTEREST

City Manager Joyal noted the workshop planned for next week will not occur. There will be a regular meeting on November 8th and the storm water utility ordinance will be introduced. There will be a workshop on the 15th focused on the storm water utility and possibly CIP presentation.

Deputy Mayor Shanahan requested citizens go to the website to look up the information regarding the updated assessments.

16. ADJOURN

Councilor Warach moved to adjourn. Seconded by Councilor Williams. Vote: 7-0

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#:12.A.1. Ordinance Number: O – 2023.10.11 - 14 Ordinance Title: Peace and Good Order Chapter: 105 Sections: 7 Park Hours 16 Hunting and target shooting on City property 18 Henry Law Park, school grounds and athletic fields
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The City of Dover Ordains:

1. **PURPOSE**

The purpose of this ordinance is to update provisions within Chapter 105 of the Dover Code to: (1) make technical amendments in light of the new skate park location in Guppey Park; and (2) enable bow and arrow hunting in one area of City-owned land where hunting and target-shooting is otherwise prohibited.

2. **AMENDMENT**

Chapter 105 entitled “Peace and Good Order” is hereby amended by revising Section 105-7, “Park Hours”, as follows:

a. **THE FOLLOWING IS AMENDED:**

§ 105-7 **Park hours.**

A. No person shall remain in or enter any park or recreation area in the City of Dover during the hours set forth in the table below.

Months		Hours	
1.	April 1 to September 30	2.	9:30 p.m. to 7:00 a.m.
3.	October 1 to March 31	4.	7:00 p.m. to 7:00 a.m.

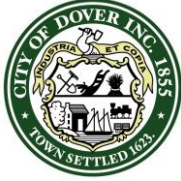
B. Exceptions.

(1) Park Street Park. No person shall remain in or enter the Park Street Park during the hours of 8:30 p.m. to 7:00 a.m. during the period of April 1 through September 30 and during the hours of 7:00 p.m. to 7:00 a.m. during the period of October 1 through March 31.

(2) Hilton Park. No person shall remain in or enter Hilton Park during the hours of 8:00 p.m. to 6:00 a.m., except upon the written consent of the New Hampshire Commissioner of the Department of Transportation, or authorized representative.

(3) Henry Law Park. No person shall remain in or enter Henry Law Park during the hours of 11:00 p.m. to 5:00 a.m. No person shall remain in or enter the Dover Adventure Playground at Henry Law Park ~~or the Skate Park at Henry Law Park~~ during the hours of 9:30 p.m. to 7:00 a.m.

(4) Skate Park (Guppey Park): No person shall remain in or enter the Skate Park at Guppey Park during the hours of 9:30 p.m. to 7:00 a.m.

 CITY OF DOVER	<table> <tr> <th colspan="2">CITY OF DOVER - ORDINANCE</th></tr> <tr> <td colspan="2">Agenda Item#:12.A.1.</td></tr> <tr> <td>Ordinance Number:</td><td>O – 2023.10.11 - 14</td></tr> <tr> <td>Ordinance Title:</td><td>Peace and Good Order</td></tr> <tr> <td>Chapter:</td><td>105</td></tr> <tr> <td>Sections:</td><td>7 Park Hours 16 Hunting and target shooting on City property 18 Henry Law Park, school grounds and athletic fields</td></tr> </table>	CITY OF DOVER - ORDINANCE		Agenda Item#:12.A.1.		Ordinance Number:	O – 2023.10.11 - 14	Ordinance Title:	Peace and Good Order	Chapter:	105	Sections:	7 Park Hours 16 Hunting and target shooting on City property 18 Henry Law Park, school grounds and athletic fields
CITY OF DOVER - ORDINANCE													
Agenda Item#:12.A.1.													
Ordinance Number:	O – 2023.10.11 - 14												
Ordinance Title:	Peace and Good Order												
Chapter:	105												
Sections:	7 Park Hours 16 Hunting and target shooting on City property 18 Henry Law Park, school grounds and athletic fields												

- C. Special exceptions to any park hours of operation for special events or activities may be granted, in writing, by the City Manager or designee.

3. AMENDMENT

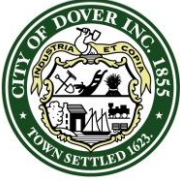
Chapter 105 entitled “Peace and Good Order” is hereby amended by revising Section 105-16, “Hunting and target shooting on City property”, as follows:

a. THE FOLLOWING IS AMENDED:

§ 105-16 **Hunting and target shooting on City property.**

- A. No person shall hunt wildlife or engage in target shooting with firearms in or on the following properties:

- (1) All Dover public school facilities and adjacent parks.
- (2) Willand Pond Recreation Area.
- (3) Dover Community Trail.
- (4) Tolend Landfill.
- (5) Pine Hill Cemetery.
- (6) Guppey Park.
- (7) Dover Community Services facilities on Mast Road.
- (8) Wastewater Treatment Plant.
- (9) Bellamy Park.
- (10) Maglaras Park.
- (11) Garrison Hill Park.
- (12) The Dover Community Services (Facilities, Grounds and Cemeteries) facility at 145 Court street.
- (13) Sullivan Field and Playground, inclusive of all of the surrounding City-owned parcel comprising Tax Map D-5.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#:12.A.1.

Ordinance Number: **O – 2023.10.11 - 14**
Ordinance Title: Peace and Good Order
Chapter: 105
Sections: 7 Park Hours
16 Hunting and target shooting on City property
18 Henry Law Park, school grounds and athletic fields

B. Exceptions.

(1) During any archery hunting season allowed by applicable authorities, the use of bows and arrows to hunt (also known as “bowhunting”) is permitted within the City-owned parcel comprising Tax Map D-5, a mostly wooded area adjacent to the Spaulding Turnpike and Sullivan Field, provided bowhunters have any required licenses from the State of New Hampshire Fish and Game Department; and further provided such archery hunting is not conducted on, or anywhere within 300 feet of, any playground, field, or open space contained within said property.

BC. The City Manager may provide for the posting of these City-owned properties against hunting and target shooting with firearms pursuant to RSA 635:4. The City Manager or designee shall post a notice at the Sullivan Drive entrance to the Sullivan Field and Playground warning the public that bow and arrow hunting (also known as “bowhunting”) is allowed during archery hunting seasons and reminding such hunters of the conditions set forth in this section.

CD. Penalties. Any person violating the provisions of this section shall be subject to a fine as provided in the City Fine Schedule per offense.

4. AMENDMENT

Chapter 105 entitled “Peace and Good Order” is hereby amended by revising Section 105-18, “Henry Law Park, school grounds and athletic fields”, as follows:

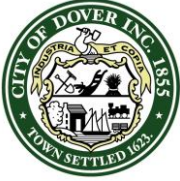
b. THE FOLLOWING IS AMENDED:

§ 105-18 **Skate Park at Guppy Park; Henry Law Park, school grounds and athletic fields.**

A. No person shall smoke or use a tobacco product within the Skate Park at Guppy Park ~~Henry Law Skate Park~~, the Henry Law Park Rotary Pavilion or playground areas of Henry Law Park, on the grounds of all recreational facilities, areas or athletic fields associated with the Woodman Park, Horne Street or Garrison Elementary Schools, or within 200 feet of the playing surfaces at Shaw's Lane athletic field. A designated smoking area may or may not be provided at the discretion of City or school staff.

B. Descriptions of restricted areas.

(1) The "Skate Park at Guppy Park ~~Henry Law Skate Park~~" shall be defined as the improved recreational area within Guppy Park, located at the corner of Oak Street and Portland Avenue, on the east side of River Street, to include the ~~rink~~, designed ramps and



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#:12.A.1.

Ordinance Number: **O – 2023.10.11 - 14**
Ordinance Title: Peace and Good Order
Chapter: 105
Sections: 7 Park Hours
16 Hunting and target shooting on City property
18 Henry Law Park, school grounds and athletic fields

jumps, and all contiguous paved or hard-surfaced areas, and shall include a twenty-five-foot buffer zone immediately surrounding the recreational area ~~and rink~~.

(2) The "Henry Law Park Rotary Pavilion area" shall be defined as the area that is bordered by the black fence that runs along Washington Street from the corner of the current New Hampshire Children's Museum building to the intersection of Henry Law Avenue; and the fence that runs along Henry Law Avenue from the intersection with Washington Street to the end of the fence opposite the Rotary Pavilion; and the front of the stage area and the front of the building currently occupied by the New Hampshire Children's Museum. The restricted area includes the interior of the band shell, the adjacent stairs and stairwell, and any steps and frontage of the New Hampshire Children's Museum. The sidewalks running parallel to and immediately adjacent to Washington Street and Henry Law Avenue are not restricted.

(3) The "playground areas of Henry Law Park" shall be defined as the area within the line starting at the sidewalk emerging from the stairwell connecting the Henry Law Park Pavilion and the playground areas and continuing on the inside edge of the sidewalk adjacent to the parking lot of the Dover Indoor Pool to where it connects with the sidewalk at Henry Law Avenue, and continuing along the inside edge of the sidewalk adjacent to Henry Law Avenue where it shall connect with the black fence which defines the Henry Law Park Rotary Pavilion area. The Dover Indoor Pool parking lot and the sidewalks immediately adjacent to the parking lot and parallel to Henry Law Avenue are not restricted.

- C. Any person violating the provisions of this section shall be subject to a fine as provided in the City Fine Schedule.

5. TAKES EFFECT

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

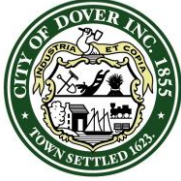
REQUIRES PUBLIC HEARING

TO BE REFERRED TO PUBLIC HEARING ON NOVEMBER 8, 2023

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Fergus Cullen

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#:12.A.1. Ordinance Number: O – 2023.10.11 - 14 Ordinance Title: Peace and Good Order Chapter: 105 Sections: 7 Park Hours 16 Hunting and target shooting on City property 18 Henry Law Park, school grounds and athletic fields
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Approved as to Legal Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Patricia Moniello
Legal Assistant

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

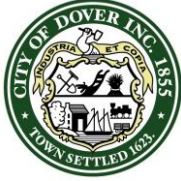
VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

Sections 7 and 18: The City’s new skate park—built in Guppy Park—is expected to be open to the public in 2023. The skate park’s new location has caused the need for certain technical updates to Chapter 105, as the skate park in Henry Law Park will no longer exist.

Section 16: In 2022, the City passed an ordinance amending Chapter 105 to include the Sullivan Field and Playground parcel as City-owned property where hunting and on target shooting with a firearm were prohibited. Since then, it has come to the City Council’s attention that the area had been used for archery hunting. Accordingly, the amendment to Section 16 creates an exception allowing archery, but with conditions intended for public safety.

Document Created by: Legal	O-2023.10.11 Chapter 105, Sections 7, 16 & 18
Document Posted on: November 3, 2023	Page 5 of 5

 CITY OF DOVER	CITY OF DOVER - ORDINANCE									
	Agenda Item#:12.A.2.									
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 35%;">Ordinance Number:</td> <td>O – 2023.10.11 - 15</td> </tr> <tr> <td>Ordinance Title:</td> <td>Bicycles and Play Vehicles</td> </tr> <tr> <td>Chapter:</td> <td>53</td> </tr> <tr> <td>Section:</td> <td>4 Operation of skateboards and scooters</td> </tr> </table>			Ordinance Number:	O – 2023.10.11 - 15	Ordinance Title:	Bicycles and Play Vehicles	Chapter:	53	Section:	4 Operation of skateboards and scooters
Ordinance Number:	O – 2023.10.11 - 15									
Ordinance Title:	Bicycles and Play Vehicles									
Chapter:	53									
Section:	4 Operation of skateboards and scooters									

The City of Dover Ordains:

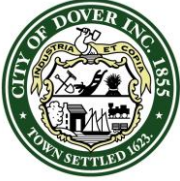
1. **PURPOSE**
 The purpose of this ordinance is to update Chapter 53 of the Dover Code in light of the new skate park constructed in Guppey Park.

2. **AMENDMENT**
 Chapter 53 entitled “Bicycles and Play Vehicles” is hereby amended by revising Section 53-4, “Operation of skateboards and scooters”, as follows:
 - a. **THE FOLLOWING ARE AMENDED:**

§ 53-4 **Operation of skateboards and scooters.**

A. The operation of skateboards and scooters shall be permitted within the City of Dover except on the ways and sidewalks and other public areas in the downtown vicinity specifically defined as follows, except for the City-owned skate park area within Guppey Park~~adjacent to River Street~~ between the hours of 7:00 a.m. and 9:30 p.m., except when school is in session, when it may be used only by adults or by minors with parental or legal guardian supervision:

Name of Street/Facility	Location
All City parking lots	
Broadway	From Central Avenue northerly to St. John Street
Central Avenue	From New York Street southerly to Silver Street
Chapel Street	
Chestnut Street	
Cochecho Riverwalk	Entire length
Fayette Street	
Fifth Street	From Central Avenue westerly to Chestnut Street
First Street	



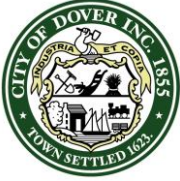
CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#:12.A.2.

Ordinance Number: **O – 2023.10.11 - 15**
Ordinance Title: Bicycles and Play Vehicles
Chapter: 53
Section: 4 Operation of skateboards and scooters

Name of Street/Facility	Location
Fourth Street	From Central Avenue westerly to Chestnut Street
Franklin Court	
Green Street	
Hale Street	
Henry Law Avenue	From Washington Street southerly to George Street
Henry Law Park	
Locust Street	From Washington Street southerly to Silver Street
Main Street	
Mechanic Street	
Orchard Street	
Pierce Street	
Portland Avenue	From Main Street to Cochecho Street
Preble Street	
River Street	
St. John Street	
St. Thomas Street	
School Street	



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#:12.A.2.

Ordinance Number: **O – 2023.10.11 - 15**
Ordinance Title: Bicycles and Play Vehicles
Chapter: 53
Section: 4 Operation of skateboards and scooters

Name of Street/Facility

Location

Second Street

Sixth Street

From Central Avenue westerly to Chestnut Street

Third Street

From Central Avenue westerly to Chestnut Street

Trombley Street

Waldron Court

Washington Street

From Belknap Street easterly to Main Street

William Street

Young Street

- B. All skateboards and scooters shall be ridden or operated with due care with regard for rules governing pedestrians and pedestrian safety.

3. TAKES EFFECT

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

REQUIRES PUBLIC HEARING

TO BE REFERRED TO PUBLIC HEARING ON NOVEMBER 8, 2023

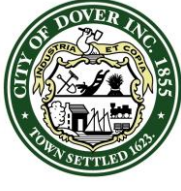
AUTHORIZATION

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

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#:12.A.2. Ordinance Number: O – 2023.10.11 - 15 Ordinance Title: Bicycles and Play Vehicles Chapter: 53 Section: 4 Operation of skateboards and scooters
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Legal Assistant

DOCUMENT HISTORY:

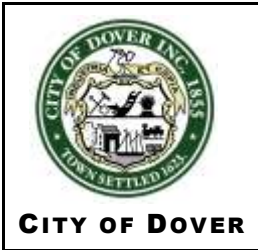
First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

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:

This ordinance relates to a separate ordinance amending Chapter 105 of the Dover Code. The forthcoming completion of the new skate park within Guppy Park has prompted certain technical amendments to the City’s ordinances.



CITY OF DOVER - RESOLUTION

Agenda Item#:13.A.1.

Resolution Number: **R - 2023.11.08 - 173**
Resolution Re: Authorization to Accept and Expend Donation to the
Dover Fire & Rescue

WHEREAS: The City of Dover Fire & Rescue is soliciting up to \$5,000.00 in donations from local companies. The City has received commitments from companies such as Servpro of the Seacoast who is donating \$2,000.00 and Sterling Rope Company Inc who is donating \$1,000.00 for the support of an anticipated full department-wide staff development event of Dover Fire & Rescue department; and

WHEREAS: Another donation is coming from DF Richard, Inc in the form of food items and facility cost for the event in the amount of \$4,000.00; and

WHEREAS: The goal of this event is to bring together the entire team for collaboration, team building, and fostering a sense of community within the department, all of which we feel is crucial for growth and ongoing success. The department wishes to be fiscally responsible with taxpayers' money so felt it was imperative to find alternate funding. Staff sought out business's that have similar core values as the Dover Fire & Rescue department to assist with this effort and received funding and in k-kind donations in support; and

WHEREAS: In adhering to the requirements established per NH RSA 31:95-b, Appropriations for Funds Made Available During Year (adopted in Resolution R-2023.02.15-029 Fiscal Year 2024 Budget Appropriations) authorization by the City Council to expend the donation for the purposes intended as needed for unanticipated fund amounts less than \$10,000.00 requires vote of City Council; and

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

In accordance with NH RSA 31:95-b, the City Manager is authorized to accept and expend donations to the City of Dover, funding received is hereby appropriated for said purposes.

AND, FURTHER BE IT RESOLVED THAT:

In expending funds for eligible purposes identified, the Purchasing Agent is hereby authorized to issue Purchase Orders as set forth in the duties and responsibilities of Dover Code Chapter V, Purchasing Procedure. The City Manager, or designee, is hereby authorized to contract with vendors consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	Appropriation	Balance
TBD	Dover Fire & Rescue Donations	5,000.00	5,000.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

 CITY OF DOVER	CITY OF DOVER - RESOLUTION	
	Agenda Item#:13.A.1.	
Resolution Number: R - 2023.11.08 - 173 Resolution Re: Authorization to Accept and Expend Donation to the Dover Fire & Rescue		

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

Recorded by: Jerrica Vanslyvong-
 Bizier
 City Clerk

DOCUMENT HISTORY:

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

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor 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:

The **Dover Fire & Rescue State of the Department Address and Dinner Meeting** important topics on the agenda are;

Informing Members of Department Goals: Our top priority is to ensure that every member of our department is well-informed about our mission, goals, and objectives for the upcoming year. This alignment of values is crucial for our efficiency and effectiveness as an organization which directly supports all Dover citizens.

State of the Department Address: Chief McShane will present an overview of the current state of the Dover Fire Department, highlighting our achievements, challenges, and strategic path we are charting for the future.

Presentation of Department History: Assistant Chief Hanna will take us on a journey through the history of the Dover Fire Department. This presentation will help us connect with our roots, appreciate the sacrifices made by those who came before us, and inspire us all to continue serving our community with dedication and pride.

Document Created by: Purchasing Document Posted on: November 2, 2023	R-2023.11.08 Authorization to Accept and Expend Donations to Dover Fire & Rescue.docx Page 2 of 2
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CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R - 2023.11.08 - 174**
Resolution Re: B24016 Supervisory Control & Data Collection Acquisition
Water Sewer Licensing Upgrades

WHEREAS: The City of Dover Information Technologies Department applied and was awarded a State of NH Department of Environmental Service (NHDES) Cybersecurity Implementation Grant in the amount of \$100,000.00, in which Council approved via [R-2023.05.10-079](#), and

WHEREAS: The city will use the funding to address potential cybersecurity vulnerabilities identified in an assessment titled "Nationwide Cybersecurity Review" of the Dover drinking water and wastewater utilities. The City of Dover requested grant funding to replace aging systems and operating systems approaching end of life that support SCADA water/sewer operations and to ensure these systems are using current, licensed applications with active maintenance agreements in place. This project will also improve identity management and increase resiliency in alarming; and

WHEREAS: A sealed Request for Proposal #B24016 was issued and received for SCADA water sewer licensing upgrades on October 10, 2023 at 2:00 p.m; and

WHEREAS: Three bid responses were received and reviewed for necessary qualifications, experience, understanding of project scope, approach for completing the work, certification to design, deliver, support and manage proposed solution and the offer deemed most advantageous came from Woodard & Curran for professional project implementation services of in the total amount of \$96,389.00. The city currently utilizes this vendor to support these same systems and for other work throughout the city; and

WHEREAS: The City is also recommending award of the Licensing / Software portion of this Request for Proposal be awarded to Automatech, who is the sole vendor providing pricing on a subset of application licenses with maintenance requested, in the amount of \$41,678.61. This vendor is also a preapproved firm with the city; 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 Woodard & Curran of Andover MA in the amount of \$96,389.00. The City Manager, or designee, is hereby authorized to contract with the vendor consistent with the Purchase Order authorized herein.

AND, FURTHER BE IT RESOLVED THAT:

The Purchasing Agent is hereby authorized to issue a purchase order to Automatech of Plymouth MA in the amount of \$41,678.61. 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.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R - 2023.11.08 - 174**
Resolution Re: B24016 Supervisory Control & Data Collection Acquisition
Water Sewer Licensing Upgrades

Financing

Account	Description	Appropriation	Balance
2110.1.550.49200.xxxx.01154.24	ARPA Cybersecurity Implemntation Grant	100,000.00	100,000.00
2110.1.190.41991.xxxx.01150.00	APRA State & Local Fiscal Recovery Grant	38,067.61	38,067.61

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: Jerrica Vansylyvong-
Bizier
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert 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.2. Resolution Number: R - 2023.11.08 - 174 Resolution Re: B24016 Supervisory Control & Data Collection Acquisition Water Sewer Licensing Upgrades
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RESOLUTION BACKGROUND MATERIAL:

The City of Dover applied for to the American Rescue Plan Act (ARPA)Cybersecurity Implementation Grant Program facilitated by the New Hampshire Drinking Water & Groundwater Bureau (DWGB) and Wastewater Engineering Bureau (WWEB) in December 2023.

The City of Dover's grant application in the amount of \$100,000.00 was approved by New Hampshire Governor & Council on June 28, 2023.

The City of Dover published bid B24016 Supervisory Control and Data Collection Acquisition Water and Sewer Licensing Upgrades on September 12, 2023 with initial due date of September 26, 2023. On September 21, 2023 with Addendum 1, the due date was extended to October 10, 2023 to ensure all bidders had sufficient time to review request for bid and generate questions as needed. Addendum 1 also noted that a subset of licensing would be provided by Automatech under sole source provisions.

Three responses were received by October 10, 2023 deadline from Automatech, Wilson Controls and Woodard & Curran. Automatech provided sole source pricing for a subset of GE application licensing as well as competitive pricing for two non-sole source licenses, GE XL Reporter and TopView. As such, the City of Dover recommends to purchase subset of sole sourced GE Application licenses from Automatech at a cost of \$41,678.61.

Bidders Wilson Controls and Woodard & Curran each responded to both the competitive licensing and implementation portions of the request for bid B24016. Woodard & Curran offered the lowest cost of all three bidders for competitive licenses (XL Reporter and TopView) at a cost of \$5,825.00.

A one hour follow-up meeting was conducted with Wilson Controls and Woodard & Curran on October 17, 2023 virtually attended by bidder, Deputy Finance Director, Information Technology Director, Utility Systems IT Administrator, City Engineer and Superintendent of Utilities. In review of completeness of proposals, virtual meeting feedback, knowledge of current systems and understanding of the project's requirements, the City of Dover has selected Woodard & Curran to complete this project. If bid were to be awarded to Wilson Controls, the City of Dover would be heavily reliant on Woodard & Curran historical knowledge and would anticipate additional project expense to achieve project deliverables. The City of Dover recommends selection of Woodard & Curran for project implementation professional services at \$90,564.00.

In summary, the City of Dover Utilities, Engineering and Information Technology staff are in unanimous agreement in awarding GE iFix sole source license to Automatech at \$41,678.61, awarding GE XL Reporter and TopView licensing to Woodard & Curran at \$5,825.00 and awarding professional services / project implementation to Woodard & Curran at \$90,564.00.

Bid Information:

A sealed Request for Proposal #B24016 was issued and received for SCADA water sewer licensing upgrades on October 10, 2023 at 2:00 p.m

Document Created by: Finance Document Posted on: November 2, 2023	R-2023.11.08 B24016 Supervisory Control Data Collection Acquisition Water Sewer Licensing Upgrades.docx Page 3 of 4
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 CITY OF DOVER	CITY OF DOVER - RESOLUTION Agenda Item#: 13.A.2. Resolution Number: R - 2023.11.08 - 174 Resolution Re: B24016 Supervisory Control & Data Collection Acquisition Water Sewer Licensing Upgrades
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Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	344	Number of Responses:	3
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until completed	Estimated Delivery:	asap
Recommended Award to:	Woodard & Curran and Automatech	Fund:	Grant
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation

[B24016 Bid Documents](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R - 2023.11.08 - 175**
Resolution Re: B24008 Crane Inspections & Repairs

WHEREAS: A sealed Request for Bid #B24008, that included a mandatory pre-bid meeting on 10/3/2023, was issued and received for Crane Inspections & Repairs on October 11, 2023 at 2:30 p.m.; and

WHEREAS: The City is looking for a vendor to inspect, service (as needed) and certify the weight ratings on our various overhead lifting devices (cranes). The cranes are located in several buildings throughout the city and will need to be serviced at each separate location; and

WHEREAS: The city received one (1) reply from Progressive Electrical Services, Inc. out of Lee and it is estimated the inspection of all cranes will be in the amount of \$7,072.50. In addition, there is a need to have each crane tested for load capacity at an amount of \$22,657.00.

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

The Purchasing Agent is hereby authorized to issue a purchase order to Progressive Electrical Services, Inc. Lee, NH, at rates provided in conjunction with B24008, not to exceed \$29,729.50. The City Manager, or designee, is hereby authorized to contract with the vendors consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	Appropriation	Balance
5320.1.300.43250.4840.00000	CS - Sewer - Contingency	112,290.00	58,201.00

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 M. Wyatt
City Attorney

Recorded by: Jerrica Vanslyvong-
Bizier
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

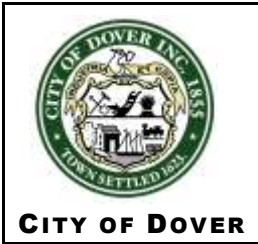
Resolution Number: **R - 2023.11.08 - 175**
Resolution Re: B24008 Crane Inspections & Repairs

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 - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R - 2023.11.08 - 175**
Resolution Re: B24008 Crane Inspections & Repairs

RESOLUTION BACKGROUND MATERIAL:

The City of Dover has approximately 17 cranes located at various locations. The City has the need to have all devices inspected, serviced and also to certify the weight ratings on the various overhead lifting devices (cranes). The estimated cost for inspection of all cranes is \$7,072.50. In addition, there is a need to have each device tested for load capacity at an amount of \$22,657.00. The load capacity test should be a one-time requirement unless there is a reason that a device would have a need to be retested.

Other repair or service rates, as needed, will be done at an hourly rate of \$115.00/hour during regular business hours or \$172.50/hour for any after hours or holidays.

Progressive Electrical Services, Inc. services are based on the appropriate ANSI, SMAS, HMI, ISO9000 NEC, NEMA and OSHA codes.

As reflective of the response to this bid, many municipalities throughout NH, including Rochester, Nashua and Manchester have seen a drastic decrease in the number of responses to bids, up to 60% reduction. The Purchasing Agent sent a survey out in May of 2023 to the 3415 vendors signed up to receive our bids for feedback and received minimal response. We are in the process of implementing an online bidding system with the hopes this will increase participation.

Bid Information:

A sealed Request for Proposal #B24008 was issued and received for Crane Inspections & Repairs on October 11, 2023 at 2:30 p.m.

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	236	Number of Responses:	1
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	FY24	Estimated Delivery:	asap
Recommended Award to:	Progressive Electrical Services, Inc.	Fund:	Contingency
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	No	Reason for Council Approval:	Purchase to exceed the \$25,000

[B24008 Bid Documents](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2023.11.08 - 176**

Resolution Re: B24018 Snow Plowing/Hauling Services for City Streets and Parking Lots

WHEREAS: A sealed Request for Bid #B24018 was requested and received for Snow Plowing/Hauling Services for City Streets and Parking Lots on October 12, 2023 at 2:30 p.m. Contract terms will be for one winter season effective November 1, 2023 with the provision of two, one-year extensions contingent upon satisfactory vendor performance, funding availability and mutually agreed upon negotiated rates for said subsequent years of service; and

WHEREAS: Five responses were received from multiple vendors for various pieces of equipment at varying hourly rates; and

WHEREAS: There is typically a sufficient number of vendors listed for snow plowing of municipal parking lots and snow hauling services, however, there is an insufficient number of responses for snow plowing of City streets. Due to difficulty in locating vendors and equipment suited to the City's snow plowing requirements, additional qualified vendors may be added as discovered and approved by the Community Services Director for snow plowing and hauling services.

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

The Purchasing Agent is hereby authorized to issue Purchase Orders to the vendors identified given the rates provided in conjunction with Bid #B24018 for snow plowing/hauling services as needed. Additional qualified vendors may be added as discovered and approved by the Community Services Director. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	Appropriation	Balance
1000.1.300.43125.4422.00000.00	Contract Snow Plowing	90,000.00	89,935.65

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: Jerrica Vansylyvong-
Bizier
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2023.11.08 - 176**

Resolution Re: B24018 Snow Plowing/Hauling Services for City Streets and Parking Lots

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:

The Community Services Department has found that it is beneficial to engage outside contractors for some assistance with snow and ice removal responsibilities, as opposed to trying to tackle everything in-house. It is extremely helpful to have additional large loader assistance to tackle certain parking lots, as the City has a limited number of loaders, and some have to be assigned to street routes out of necessity. It is also helpful to have access to equipment (such as a road grader) that the City doesn't have in inventory. The intent is to also offer 1 or 2 primary plow routes to an outside contractor. Snow removal requires contributions from virtually every Community Services employee, so the goal is to engage a couple of outside contractors to provide regular assistance. This should help ensure adequate vehicle, equipment and personnel coverage to get through the winter season.

We want to retain outside access to contractors to broaden the pool of available snow removal personnel and equipment. To that end, a bid solicitation occurs for the snow plowing and hauling services, and based on proposals received, staff assigns designated lots or areas of responsibility. This solicitation allows the Community Services Department to better manage and track the costs of clearing public parking lots and outlying streets. The decision to use or not use certain vendors, or to supplement normal vendor assignments with additional contractual vendors, is determined by the Community Services staff on a storm-by-storm basis according to the severity of the storm. Due to the need for quick mobilization and availability, the City needs to have direct interaction with vendors and not go through general contracting services.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2023.11.08 - 176**

Resolution Re: B24018 Snow Plowing/Hauling Services for City Streets and Parking Lots

The City intends on offering a one winter season contract beginning November 1, 2023 through May 1, 2024 to the successful bidders, with the provision of two, one-year extensions, all options contingent upon satisfactory vendor performance, funding availability and mutually agreed-upon negotiated rates for said subsequent years of service.

Bid Information:

A sealed Request for Bid #B24018 was requested and received for Snow Plowing/Hauling Services for City Streets and Parking Lots on October 12, 2023 at 2:30 p.m.

Award Information:

Purchase orders will be issued to the multiple vendors for the winter plowing season to be used as needed.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	175	Number of Responses:	5
Warranty:	N/A	Terms:	Net 30, FOB Dover
Work Bonded:	N/A	Contract:	Yes
Prices will hold for:	May 1, 2024	Estimated Delivery:	As needed
Recommended Award to:	Various	Fund:	Snow Removal
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation

[B24018 Bid Documents](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

Resolution Number: **R – 2023.11.08 - 177**

Resolution Re: **B24022 Segregation and Recycling of Construction and Demolition Debris**

WHEREAS: A sealed Request for Bid #B24002 was requested and received for the Segregation and Recycling of Construction and Demolition Debris on October 12, 2024 at 2:00 p.m. The City also requested pricing for stump and tree waste recycling services should the need arise; and

WHEREAS: Responses were received from one (1) vendor, Wheelabrator Holdco 1, Inc. out of Portsmouth, NH, and;

WHEREAS: It is the recommendation to accept the proposal submitted by Wheelabrator Holdco 1 Inc. in the amount of \$115.00 per ton for construction and demolition debris for year one with the option to extend at a 5.0% price increase for two additional one-year terms. In addition, the proposal provided rates for stump removal at \$50.00 per ton and tree waste removal at \$50.00 per ton for services as needed.

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 Wheelabrator Holdco 1 Inc. of Portsmouth, NH for the segregation and recycling of construction and demolition debris given per ton rates provided in conjunction with bid #B24022. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	Appropriation	Balance
1000.1.300.43240.4421.00000.00	Recylding Mgmt Waste Disposal	169,430.00	58,297.00

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: Jerrica Vanslyvong-
Bizier
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

Resolution Number: **R – 2023.11.08 - 177**
Resolution Re: **B24022 Segregation and Recycling of Construction and Demolition Debris**

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.		

RESOLUTION BACKGROUND MATERIAL:

The City has moved away from sending construction and demolition debris waste to landfills, but rather toward recycling as much of this material as possible. The City generates approximately 900 tons of debris annually and has two dumpsters that it will fill and haul to Wheelabrator Holdco 1, Inc. at their facility located in Eliot, ME for segregation and recycling. Wheelabrator is a large, national corporation, which served as the City's current and previous vendor for disposal of construction debris.

In Feb 2023, the state of Maine DEP made it illegal for out of state waste to be dumped at their state owned landfills which results in a 20% increase in construction debris and 14% increase in stump and tree waste. Previously, the vendor could load and haul all of our C&D materials to the Juniper Ridge Landfill in which is located in Old Town, Maine. Wheelabrator now has to send that material to a C&D recycling center where the cost is significantly more expensive. After being processed at the recycling center the material gets loaded on rail cars and transported to Ohio. Wheelabrator had honored the contracted rate with the City of Dover, during the previous contract, even though their cost to dispose was greater than the rate they were charging.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

Resolution Number: **R – 2023.11.08 - 177**

Resolution Re: **B24022 Segregation and Recycling of Construction and Demolition Debris**

Bid Information:

As reflective of the response to this bid, many municipalities throughout NH, including Rochester, Nashua and Manchester have seen a drastic decrease in the number of responses to bids, up to 60% reduction. The Purchasing Agent sent a survey out in May of 2023 to the 3415 vendors signed up to receive our bids for feedback and received minimal response. We are in the process of implementing an online bidding system with the hopes this will increase participation.

A Sealed Request for Bid #B24002 was issued and received for the segregation and recycling of construction and demolition debris on October 12, 2023 @ 2:00 pm.

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	84	Number of Responses:	1
Warranty:	None	Terms:	Net 30, FOB Dover
Work Bonded:	N/A	Contract:	Yes
Prices will hold for:	FY24	Estimated Delivery:	As needed
Recommended Award to:	Wheelabrator Holdco 1, Inc.	Fund:	Operating Fund, Waste Disposal Svs.
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation

[B24022 Bid Documents and Vendor Lists](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2023.11.08 - 178**
Resolution Re: Authorization to Accept and Expend the InvestNH
Municipal Per Unit Award Grant MPU22-121 from NH
Business and Economic Affairs

WHEREAS: The City has received notice from the NH Department of Business and Economic Affairs (BEA) of an award of the InvestNH Municipal Per Unit Award Grant in the amount of \$120,000.00 for the purpose of assisting with the project with the old Strafford Court House located at 10 Second St Dover; and

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

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

In accordance with NH RSA 31:95-b and RSA 21-P:43, the City Manager is authorized to apply for, accept, and expend grant funds allocated to the City of Dover on behalf of the NH Department of Business and Economic Affairs from InvestNH Municipal Per Unit Award Grant MPU22-121 and any funding received is hereby appropriated for said purposes. The City Council, in a majority vote, accepts the terms and requirements of the Grant, and authorizes the City Manager to sign all necessary paperwork for the grant as well as contract(s) with a vendor, consistent with the authority herein.

AND, FURTHER BE IT RESOLVED THAT:

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

Financing

Account	Description	Appropriation	Balance
TBD	InvestNH Municipal Per Unit Award Grant	120,000.00	120,000.00

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: Joshua Wyatt
Form and Compliance: City Attorney

Recorded by: Jerrica Vansylyvong-
Bizier City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2023.11.08 - 178**
Resolution Re: Authorization to Accept and Expend the InvestNH
Municipal Per Unit Award Grant MPU22-121 from NH
Business and Economic Affairs

DOCUMENT HISTORY:

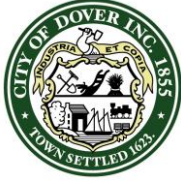
First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

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.		

RESOLUTION BACKGROUND MATERIAL:

The InvestNH Fund, established in 2022 through the Governor's Office for Emergency Relief and Recovery, made \$100 million available to municipalities and developers to accelerate the approval and construction of affordable workforce housing in the State of New Hampshire. The initiative includes provisions for municipalities to receive \$10,000 for each qualifying unit approved and permitted. The City of Dover has approved and permitted several projects meeting the program criteria, and has submitted applications for 62 qualified units, for an award totaling \$620,000. The application for the Old Court House project, which includes 12 of these units (\$120,000), has been reviewed and conditionally approved by the grant administrators at the New Hampshire Department of Business and Economic Affairs. There are no restrictions on the use of these funds.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R – 2023.11.08 - 179**

Resolution Re: **FY2024 Budget Amendment for Additional Appropriation
for Fleet Maintenance Fund**

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

WHEREAS: The City budgets for vehicle fleet maintenance costs in the Fleet Maintenance Fund, to account for the expenditures and revenues associated with the upkeep of City's vehicle fleet; and

WHEREAS: Recent economic events and a more pro-active approach to vehicle preventative maintenance has increased the cost and volume of parts required for maintaining the City's vehicle fleet; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The amount of Four Hundred Thousand Dollars (\$400,000.00) is hereby appropriated in the Fleet Maintenance Fund as part of the FY2024 City operating budget for the purposes noted in the table below:

Account Number	Account Description	Adopted Budget	Budget Amendment	Revised Budget
REVENUE				
6310.1.550.49200.3410.00000.00.000.000.R40	Fleet Maint. - Sales & Service Charges	59,130.00	30,000.00	89,130.00
6310.1.550.49200.3471.00000.00.000.000.R40	Fleet Maint. - Sale of Parts	587,501.00	300,000.00	887,501.00
6310.1.550.49200.3471.00000.00.000.000.R40	Fleet Maint. - Vehicle Labor Charges	661,452.00	70,000.00	731,452.00
		1,308,083.00	400,000.00	1,708,083.00
APPROPRIATIONS				
6310.1.550.49200.4895.00000.00.000.000.800	Fleet Maint. - Cost of Parts/Goods Sold	400,445.00	400,000.00	800,445.00
		400,445.00	400,000.00	800,445.00

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

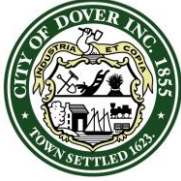
AUTHORIZATION

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: Jerrica Vansylyvong-
Bizier
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R – 2023.11.08 - 179**

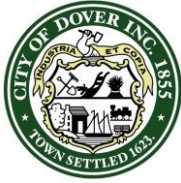
Resolution Re: FY2024 Budget Amendment for Additional Appropriation
for Fleet Maintenance Fund

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 – 2023.11.08 - 179**

Resolution Re: FY2024 Budget Amendment for Additional Appropriation
for Fleet Maintenance Fund

RESOLUTION BACKGROUND MATERIAL:

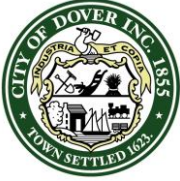
In accordance with City Charter C6-6 *Appropriations After Adoption of the Budget*, the City is requesting that the City Council adopt a FY2024 Fleet Maintenance Fund Budget Amendment to appropriate \$400,000.00 in additional Sales & Service Charges revenue to be charged to City departments through an allocation of parts and labor costs identified in this resolution. The Fleet Maintenance Fund is an Internal Service Fund established to account for the expenditures necessary for the upkeep of the City's vehicle fleet, and in turn revenue into the Fund is achieved through internal charges levied against the various City departments' budgets. In addition the Fleet Maintenance division in Community Services department also performs work on vehicles of neighboring governmental entities. This helps to augment the need for the City departments to fund 100% of the Fleet Maintenance division budget.

The budget amendment is being requested to address the need for additional appropriations to fully fund the remainder of FY2024 projected costs for vehicle parts and maintenance items.

Post pandemic and more recent economic events have resulted in an increase in the costs of vehicle parts, and in some sectors the costs of parts increasing as much as 45%.

The Fleet Maintenance division is being more strategic with having parts in inventory to mitigate the challenges that exist with obtaining vehicle parts in a timely manner to keep the City's fleet of vehicles operational and properly maintained.

The Fleet Maintenance division is also being more pro-active and pre-emptive in its approach for preventative vehicle maintenance. This approach requires having certain items in stock such as diesel filters and transmission fluid as examples. When a vehicle is in for repair service the Fleet Maintenance division is also checking items such as filters and fluids with the goal of preventing more costly vehicle repairs in the future.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R - 2023.11.08 - 180**
Resolution Re: Granting Chinburg Development LLC Permission to Undertake Improvements to Old Oak Street and Obtain Building Permits on Old Oak Street (a Class VI road)

WHEREAS: By Notice of Decision dated July 6, 2023, the City's Planning Board approved an open space subdivision for Chinburg Development, LLC for Assessor's Map N, Lot 13-1, located at Gulf Road and Oak Street; and

WHEREAS: The approved subdivision plan contemplates improvements to, and some expansion of, Old Oak Street, a Class VI road. Accordingly, the Planning Board's conditions of approval included (i) obtaining permission to do work on Old Oak Street; and (ii) seeking conditional acceptance of the improved right-of-way by the City Council; and

WHEREAS: In addition, where street giving access to a property is a Class VI road, RSA 674:41 authorizes building permits only after approval by the City Council, together with other conditions.

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

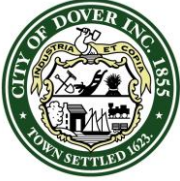
Chinburg Development LLC is permitted to undertake improvements to Old Oak Street, provided Chinburg Development LLC first obtains and satisfies local permitting requirements to excavate or undertake other work in a public right of way, including but not limited to an excavation permit from the Director of Community Services, together with any other requirement of applicable law.

AND, FURTHER BE IT RESOLVED:

Upon completion of the improvements to Old Oak Street, and upon meeting the requirements of the City of Dover's public street acceptance list developed by City staff (or all applicable portions thereof) to the satisfaction of the City Manager or designee, then Chinburg Development LLC may request that the City accept the expanded limits of and improvements within Old Oak Street, at which time the City Council will consider whether to publicly accept same.

AND, FURTHER BE IT RESOLVED:

Building permits may be issued on Old Oak Street in connection with the open space subdivision of Chinburg Development LLC, subject to the following conditions: In accordance with RSA 674:41, I(c), the City of Dover hereby resolves and states that the City of Dover does not assume any responsibility for maintenance on said class VI highway (Old Oak Street) nor liability for any damages resulting from the use thereof. Further, before any building permits may be issued on Old Oak Street, Chinburg Development LLC must produce evidence that satisfactory notice of the limits of municipal responsibility and liability has been recorded in the Strafford County registry of deeds.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R - 2023.11.08 - 180**
Resolution Re: Granting Chinburg Development LLC Permission to Undertake Improvements to Old Oak Street and Obtain Building Permits on Old Oak Street (a Class VI road)

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: Jerrica Vanslyvong-Bizier
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

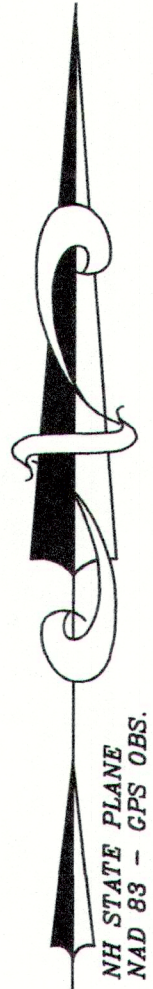
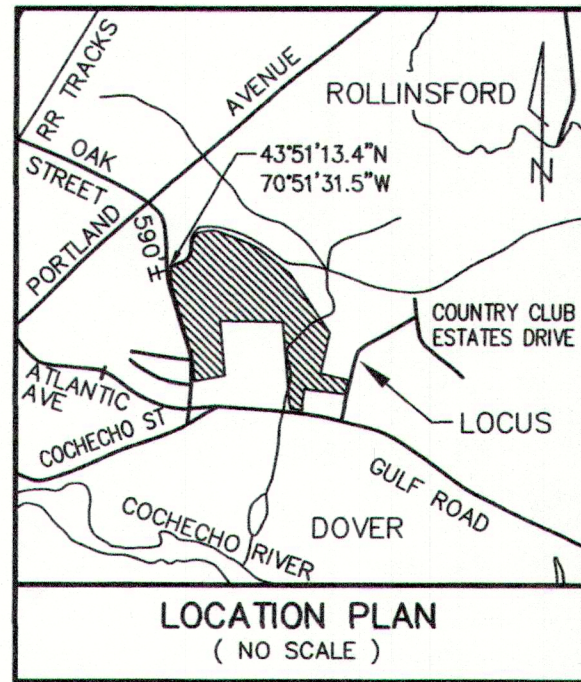
VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

A copy of the approved subdivision plan and decision letter accompany this resolution for reference.

Document Created by: Legal
Document Posted on: November 3, 2023

R-2023.11.08 Granting Chinburg Development LLC
Permission to Undertake Improvements to Old Oak Street
and Obtain Building Permits on Old Oak Street (a Class
VI road)
Page 2 of 2



25 / 43D
HUBBARD-LEARY, LLC
89 OAK STREET
DOVER, NH 03820
3245 / 2

25 / 43A
HOT ROD CITY, LLC
390 SIXTH STREET
DOVER, NH 03820
4184 / 143

25 / 41
BRIAN M. DALKE
KELLY A. DALKE
20 ELMWOOD AVENUE
DOVER, NH 03820
4977 / 463

25 / 29
CHRISTOPHER R. CLARK
JEANNE C. P. CLARK
21 ELMWOOD AVENUE
DOVER, NH 03820
1806 / 403

N / 13
DAHN H. TIBBETT
NORMA M. TIBBETT
130 GULF ROAD
DOVER, NH 03820
5037 / 899

N / 13C
AHN MARIE DAY
MICHAEL ALAN DAY
104 GULF ROAD
DOVER, NH 03820
4805 / 587

N / 13A
GEORGE HEILSHORN, III
108 GULF ROAD
DOVER, NH 03820
4745 / 541

N / 13P-1
CHINBURG DEVELOPMENT, LLC
3 PENSTOCK WAY
NEWMARKET, NH 03857
5084 / 899

N / 13P-2
CHINBURG DEVELOPMENT, LLC
3 PENSTOCK WAY
NEWMARKET, NH 03857
5084 / 899

N / 14A
EDWARD M. TOWNSEND
SARAH L. TOWNSEND
117 GULF ROAD
DOVER, NH 03820
2124 / 659

3 / 21
MARK P. BARLOW
10 NORDIC LANE
ROLLINSFORD, NH 03869
4416 / 660

3 / 10
NORMA TIBBETT
DAHN TIBBETT
130 GULF ROAD
DOVER, NH 03820

N / 13C-1
EDWARD J. MURPHY, JR.
AHN C. MURPHY
35 BELANGER DRIVE
DOVER, NH 03820
1019 / 622

N / 13E
JEFFREY D. ANDRESS
AMIE K. ANDRESS
2A COUNTRY CLUB ESTATES
DOVER, NH 03820
4800 / 502

N / 12N
MARGARET A. CARTER
ROSEMARY L. FORCILLO
ESTATES DRIVE
1 COUNTRY CLUB
DOVER, NH 03820
4635 / 411

N / 15
COCHECHO COUNTRY CLUB
145 GULF ROAD
DOVER, NH 03820
781 / 279

N / 13B
NORMA TIBBETT
DAHN TIBBETT
130 GULF ROAD
DOVER, NH 03820
3984 / 321

N / 13B-1
NORMA TIBBETT
DAHN TIBBETT
130 GULF ROAD
DOVER, NH 03820
3984 / 320

3 / 23
CRE JV MIXED FIVE BRANCH HOLDINGS LLC
P.O. Box 460049
HOUSTON, TX 77056
3419 / 809

25 / 80
CRE JV MIXED FIVE
BRANCH HOLDINGS LLC
P.O. Box 460049
HOUSTON, TX 77056
3419 / 809

6
27,557 S.F.
0.63 Ac.

5
28,585 S.F.
0.66 Ac.

7
73,840 S.F.
1.70 Ac.

1
43,631 S.F.
1.00 Ac.

2
38,990 S.F.
0.90 Ac.

3
37,870 S.F.
0.87 Ac.

4
61,330 S.F.
1.41 Ac.

8
46,807 S.F.
1.07 Ac.

9
44,081 S.F.
1.01 Ac.

10
44,757 S.F.
1.03 Ac.

REMAINING LAND
688,230 S.F.
15.80 Ac.

APPROXIMATE LIMITS OF
SPECIAL FLOOD HAZARD
AREA (SEE NOTE 5)

ZONING REQUIREMENTS

ZONING DISTRICT IS R40
OPEN SPACE SUBDIVISION

GENERAL REQUIREMENTS:

NO STRUCTURES OR SEPTIC SYSTEMS WILL BE ALLOWED TO BE BUILT IN:
SLOPE GREATER THAN 20 PERCENT
AREAS WITHIN CONSERVATION DISTRICTS
ALL FLOOD HAZARD AREAS
WETLANDS

DIMENSIONAL REQUIREMENTS:

MINIMUM LOT SIZE SUBDIV. LOTS = 20,000 S.F.
MINIMUM FRONTAGE SUBDIV. LOTS = 40 FEET
MINIMUM BUFFER ALONG FRONTAGE = 100 FEET

MINIMUM DISTANCE AROUND
INDIVIDUAL UNITS IN CLUSTERS
STREET SIDE UNITS = 20 FEET
BETWEEN UNITS = 30 FEET

MINIMUM BUILDING SETBACKS FOR
SUBDIVISION LOTS
ABUTTING A STREET = 20 FEET
ABUTTING A LOT LINE = 20 FEET

MINIMUM DISTANCE FROM EXISTING
STRUCTURES OR DWELLING UNITS = 100 FEET

MINIMUM DISTANCE FROM EXTERNAL
BOUNDARIES = 50 FEET

EXTERNAL BOUNDARY BUFFERS SHALL BE CONSIDERED AN UNDISTURBED
NATURAL AREA FOR THE PURPOSE OF SHIELDING ABUTTERS.

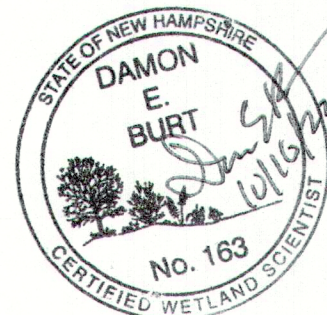
OPEN SPACE REQUIREMENTS:

THE AREA OF THE OPEN SPACE SHALL EQUAL OR EXCEED THE TOTAL ALLOWED
REDUCTION IN THE LOT SIZES WITHIN THE OPEN SPACE SUBDIVISION AND SHALL
BE PERMANENTLY DEDICATED AS OPEN SPACE OR FOR MUNICIPAL USE, AS
AGREED UPON. A MINIMUM OF 50% OF THE TOTAL OPEN SPACE LAND MUST BE
USABLE UPLANDS AND REASONABLY ACCESSIBLE TO ALL PROPERTY OWNERS IN
THE PROJECT.

OPEN SPACE REQUIREMENTS FOR 11 LOTS
11 * 20,000 S.F. = 220,000 S.F. MINIMUM OPEN SPACE
= 110,000 S.F. MINIMUM CONTIGUOUS UPLANDS

PROPOSED OPEN SPACE = 688,230 S.F. (15.80 Ac.)
114,555 S.F. USABLE UPLANDS

THE OPEN SPACE MEETS THE REQUIREMENTS OF SETION 157-21 INCLUDING
THAT THE SUBJECT LAND MA BE OWNED, LEASED OR CONTROLLED EITHER BY
A SINGLE PERSON, A CORPORATION OR BY A GROUP OF INDIVIDUALS OR
CORPORATIONS. AN APPROVED OPEN SPACE SUBDIVISION SHALL BE BINDING ON
THE PROJECT LAND WITH OWNERS(S) AND SHALL BE SO INDICATED ON EACH
INDIVIDUAL DEED.



APPROVED

DATE 9/12/23
City of Dover, NH
PLANNING BOARD
Jana Buckmark
CHAIRMAN/DIRECTOR

OWNER SIGNATURES

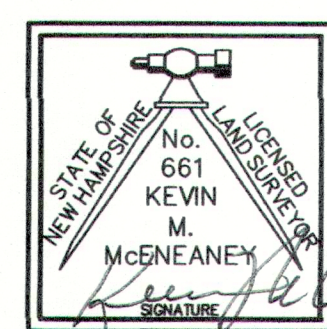
SHEET 5 OF 37

OPEN SPACE SUBDIVISION
OF
EMERSON RIDGE AT JANETOS FARM
PREPARED FOR
CHINBURG DEVELOPMENT, LLC
TAX MAP N, LOT No. 13-1
GULF ROAD, OAK STREET
& COUNTRY CLUB ESTATES DRIVE
CITY OF DOVER, COUNTY OF STRAFFORD
STATE OF NEW HAMPSHIRE

DOVER PLANNING FILE No. SUBD-2023-0001

DRAWN BY: KJF FILE: MSA\1734\23-1734SUB
SCALE: 1" = 100' DATE: FEBRUARY 1, 2023

100 50 0 50 100 200 300 400



McEneaney
Survey
Associates
of NEW ENGLAND

P.O. Box 681 - 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911

SURVEYING - PLANNING - CONSULTING

CONTIGUOUS UPLAND LOT AREAS EXCLUSIVE OF
WETLAND BUFFER AND CONSERVATION AREAS:

LOT	AREA
1	38,819 S.F.
2	25,226 S.F.
3	25,070 S.F.
4	48,521 S.F.
5	20,825 S.F.
6	27,458 S.F.
7	47,809 S.F.
8	46,142 S.F.
9	36,970 S.F.
10	38,051 S.F.
11	108,788 S.F.

"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND
SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY
DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND
BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION
REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN
TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF
THE BOARD OF LICENSURE FOR LAND SURVEYORS."

4	10/12/23	ADD NOTE #24	KJF	KMM
3	8/30/23	REVISE PER CONDITIONS OF APPROVAL	KJF	KMM
2	5/2/23	REVISE PER TRC COMMENTS	KJF	JG
1	4/5/23	REVISE PER TRC COMMENTS	KJF	KMM
NO.	DATE	DESCRIPTION	BY	CHK
REVISIONS				
23-1734		SUBDIVISION		
PROJECT NO		TYPE	FIELDBOOK & PAGES	

CRE JV MIXED FIVE BRANCH HOLDINGS LLC
P.O. Box 460049
HOUSTON, TX 77056
3419 / 809

No.	Central Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	76°20'08"	35.00'	46.63'	43.26'	S80°21'33"E
C2	58°31'52"	35.00'	35.75'	34.22'	S12°55'33"E
C3	107°14'08"	35.00'	65.51'	56.36'	N11°25'35"E
C4	24°19'51"	72.00'	30.58'	30.35'	S52°52'43"W
C5	20°45'35"	200.00'	72.47'	72.07'	S51°05'35"W
C6	24°27'35"	72.00'	30.74'	30.50'	N77°16'26"E
C7	86°46'57"	60.00'	90.88'	82.44'	N46°06'45"E
C8	35°04'15"	60.00'	36.73'	36.16'	N75°47'50"W
C9	62°56'08"	35.00'	38.45'	36.54'	N30°00'19"E
C10	60°58'59"	60.00'	63.86'	60.89'	N27°46'13"W
C11	38°34'31"	42.00'	28.28'	27.75'	N49°47'47"E
C12	71°32'16"	68.00'	84.90'	79.49'	N60°48'17"E

No.	Bearing	Distance
L1	S42°11'29"E	73.71'
L2	S16°20'23"W	26.17'
L3	S73°39'37"E	48.00'
L4	N53°03'07"E	54.23'
L5	S61°28'23"W	10.21'
L6	N16°39'58"W	49.15'
L7	N42°12'16"W	56.65'
L8	N42°11'29"W	47.73'
L9	S21°01'30"E	50.00'
L10	S87°16'43"E	34.13'
L11	N32°56'01"E	44.77'
L12	S51°09'36"E	58.66'
L13	S31°44'17"W	28.87'
L14	N16°39'58"W	65.64'
L15	S12°28'08"W	40.00'
L16	N05°48'59"W	15.56'
L17	N15°41'21"W	16.60'
L18	N16°39'58"W	41.49'
L19	N80°09'31"E	30.93'
L20	N87°56'29"E	67.76'
L21	S73°55'09"E	55.67'
L22	N88°21'33"E	14.87'
L23	S71°18'39"E	37.22'

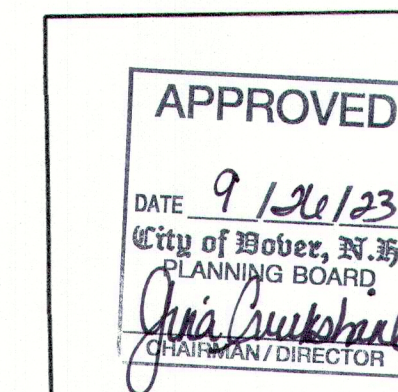
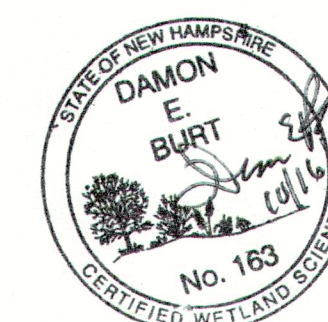
MARK P. BARLOW
10 NORDIC LANE
ROLLINSFORD, NH 03869
4416 / 660

SEE SHEET 7

[Signature]

OWNER SIGNATURES

SHEET 6 OF 37



REFERENCE PLANS:

- LOT LINE ADJUSTMENT PLAN OF LAND LOT NOS. 13, 13C & 13E, TAX MAP N GULF ROAD, OAK STREET, COUNTRY CLUB ESTATES DRIVE & FRESH CREEK ROAD DOVER, NEW HAMPSHIRE COUNTY OF STRAFFORD. SCALE: 1" = 100'; DATED: DECEMBER 12, 2016, REVISED THROUGH 2-16-17; BY: CIVILWORKS NEW ENGLAND. RECORDED S.C.R.D. PLAN 113-033.
- MINOR SUBDIVISION OF LAND PREPARED FOR DAHN H. TIBBETT & NORMA M. TIBBETT AND JAHN H. JANETOS & SUSAN G. JANETOS, TAX MAP N, LOT No. 13, GULF ROAD, OAK STREET & COUNTRY CLUB ESTATES DRIVE, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE. SCALE: 1" = 100'; DATED: OCTOBER 18, 2021, REVISED THROUGH 1/3/22; BY THIS OFFICE. RECORDED S.C.R.D. PLAN 12673.
- A PORTION OF CITY / TOWN LINE PREPARED FOR THE CITY OF DOVER, NEW HAMPSHIRE AND THE TOWN OF ROLLINSFORD, NEW HAMPSHIRE LOCATED WITHIN THE ROADWAY KNOWN AS OAK STREET, DOVER AND ROLLINSFORD, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE; SCALE: 1" = 50'; DATED: NOV. 18, 2016, REVISED THROUGH 10/2/17; ON FILE WITH THE CITY OF DOVER.

OPEN SPACE

688,230 S.F.
15.80 Ac.
114,555 S.F. CONTIGUOUS UPLANDS

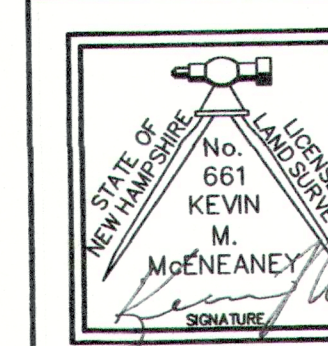
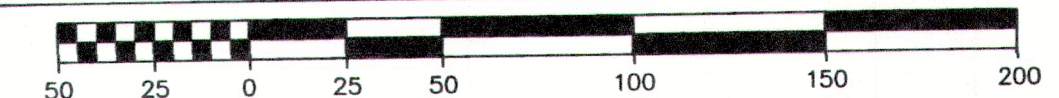
"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

OPEN SPACE SUBDIVISION
OF
EMERSON RIDGE AT JANETOS FARM
PREPARED FOR
CHINBURG DEVELOPMENT, LLC
TAX MAP N, LOT No. 13-1
GULF ROAD, OAK STREET
& COUNTRY CLUB ESTATES DRIVE
CITY OF DOVER, COUNTY OF STRAFFORD
STATE OF NEW HAMPSHIRE

DOVER PLANNING FILE No. SUBD-2023-0001

DRAWN BY: KJF FILE: MSA\1734\23-1734SUB

SCALE: 1" = 50' DATE: FEBRUARY 1, 2023



McEneaney
Survey
Associates
of NEW ENGLAND

P.O. Box 681 - 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911

SURVEYING - PLANNING - CONSULTING

LEGEND

- - GRANITE BOUND TO BE SET
- - IRON ROD TO BE SET
- I.R.(fnd) - IRON ROD FOUND
- S.S.(fnd) - STEEL STAKE FOUND
- S.F. - SQUARE FEET
- Ac. - ACRE
- (TYP.) - TYPICAL
- ± - MORE OR LESS
- ± - DIAMETER
- S.C.R.D. - STRAFFORD COUNTY REGISTRY OF DEEDS
- - STONE WALL
- - EDGE OF WETLAND
- - WETLAND
- - DOVER CONSERVATION AREA SLOPES >20%
- △ - WETLAND BUFFER PLACARD

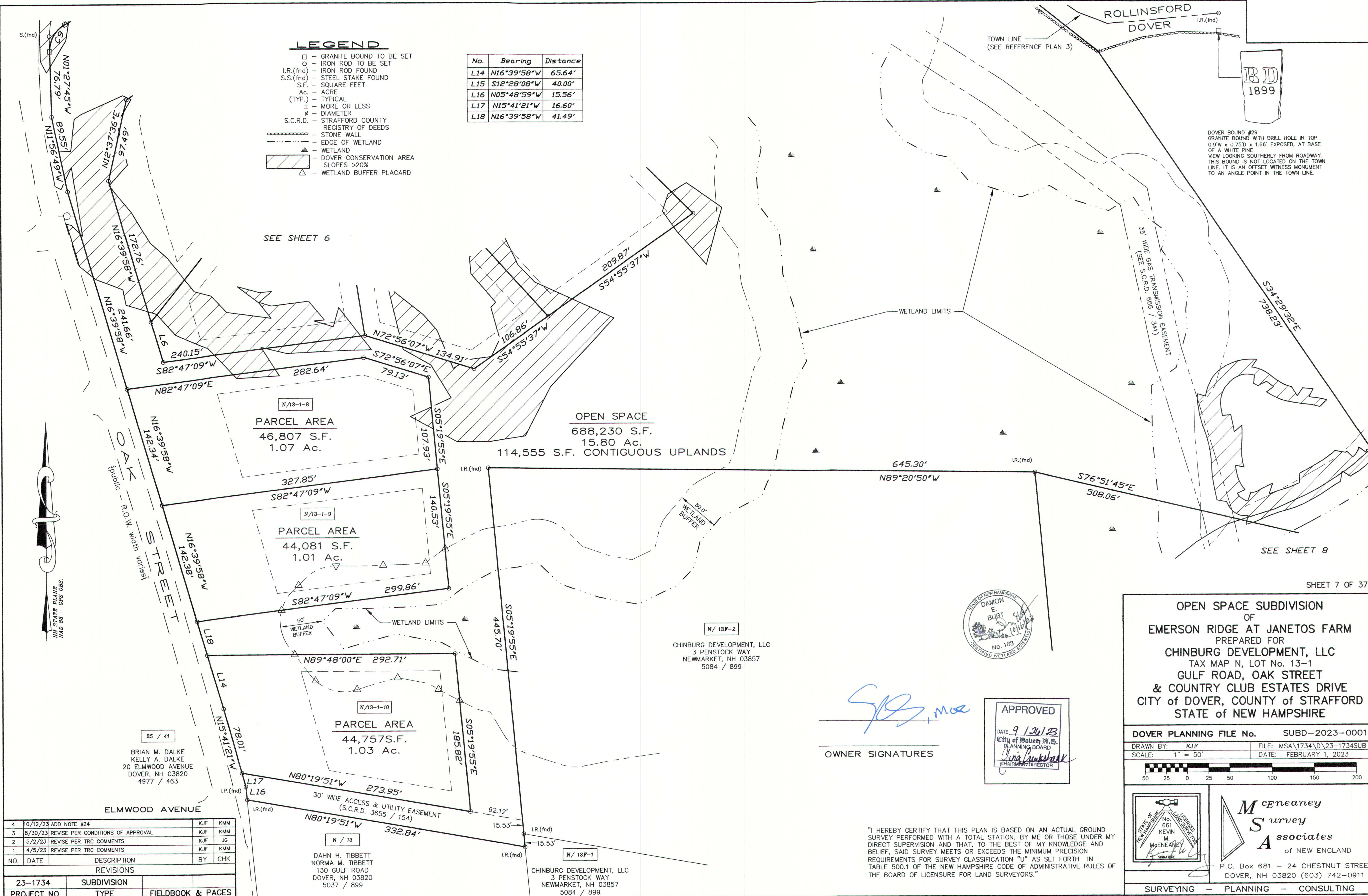
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3	8/30/23	REVISE PER CONDITIONS OF APPROVAL	KJF	KMM
2	5/2/23	REVISE PER TRC COMMENTS	KJF	JG
1	4/5/23	REVISE PER TRC COMMENTS	KJF	KMM
NO.	DATE	DESCRIPTION	BY	CHK

REVISIONS

23-1734 SUBDIVISION

PROJECT NO TYPE FIELDBOOK & PAGES

SEE SHEET 7

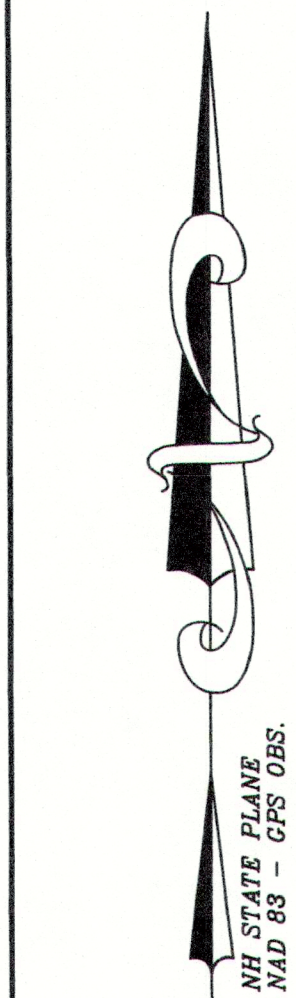


- LEGEND**
- - GRANITE BOUND TO BE SET
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 - I.R.(fnd) - IRON ROD FOUND
 - S.S.(fnd) - STEEL STAKE FOUND
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 - - STONE WALL
 - - - - - EDGE OF WETLAND
 - WETLAND
 - DOVER CONSERVATION AREA SLOPES >20%
 - △ - WETLAND BUFFER PLACARD

No.	Bearing	Distance
L14	N16°39'58"W	65.64'
L15	S12°28'08"W	40.00'
L16	N05°48'59"W	15.56'
L17	N15°41'21"W	16.60'
L18	N16°39'58"W	41.49'

DOVER BOUND #29
GRANITE BOUND WITH DRILL HOLE IN TOP
0.9"W x 0.75"D x 1.66' EXPOSED, AT BASE
OF A WHITE PINE
VIEW LOOKING SOUTHERLY FROM ROADWAY.
THIS BOUND IS NOT LOCATED ON THE TOWN
LINE. IT IS AN OFFSET WITNESS MONUMENT
TO AN ANGLE POINT IN THE TOWN LINE.

35' WIDE GAS TRANSMISSION EASEMENT
(SEE S.C.R.D. 666 / 341)



NH STATE PLANS
NAD 83 - 045 OBS.

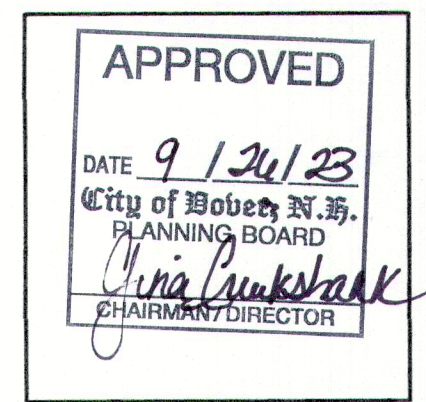
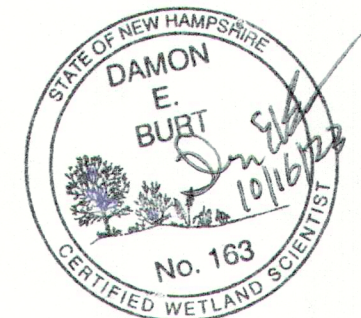
OAK STREET
{Public - R.O.W. width varies}

25 / 41
BRIAN M. DALKE
KELLY A. DALKE
20 ELMWOOD AVENUE
DOVER, NH 03820
4977 / 463

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NO.	DATE	DESCRIPTION	BY	CHK
REVISIONS				
23-1734	SUBDIVISION			
PROJECT NO	TYPE	FIELDBOOK & PAGES		

DAHN H. TIBBETT
NORMA M. TIBBETT
130 GULF ROAD
DOVER, NH 03820
5037 / 899

CHINBURG DEVELOPMENT, LLC
3 PENSTOCK WAY
NEWMARKET, NH 03857
5084 / 899



OWNER SIGNATURES

"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

OPEN SPACE SUBDIVISION
OF
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PREPARED FOR
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TAX MAP N, LOT No. 13-1
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& COUNTRY CLUB ESTATES DRIVE
CITY of DOVER, COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

DOVER PLANNING FILE No. SUBD-2023-0001

DRAWN BY: KJF	FILE: MSA\1734\23-1734SUB
SCALE: 1" = 50'	DATE: FEBRUARY 1, 2023

McNeaney
Survey
Associates
of NEW ENGLAND
P.O. Box 681 - 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911
SURVEYING - PLANNING - CONSULTING

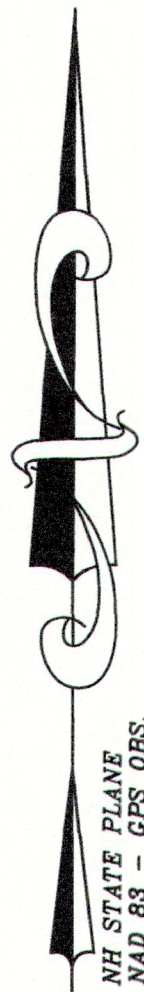
SEE SHEET 7

645.30'
N89°20'50"W

I.R.(fnd)

S76°51'45"E
508.06'

SEE SHEET 7



APPROXIMATE LIMITS OF
SPECIAL FLOOD HAZARD
AREA (SEE NOTE 5)

WETLAND LIMITS

M.55.61.50N
900.00'

N / 13F-2

CHINBURG DEVELOPMENT, LLC
3 PENSTOCK WAY
NEWMARKET, NH 03857
5084 / 899

N / 13F-1

CHINBURG DEVELOPMENT, LLC
3 PENSTOCK WAY
NEWMARKET, NH 03857
5084 / 899

N / 13-11

PARCEL AREA
336,624 S.F.
7.73 Ac.

ATTENTION:

HIGH PRESSURE GAS
MAIN; PRIOR TO ANY
EARTH MOVING ACTIVITY
CONTACT DIGSAFE AT
1-888-344-7233 TO
VERIFY LOCATION.

N / 13B

NORMA TIBBETT
DAHN TIBBETT
130 GULF ROAD
DOVER, NH 03820
3984 / 321

N / 13B-1

NORMA TIBBETT
DAHN TIBBETT
130 GULF ROAD
DOVER, NH 03820
3984 / 320

J.P. Mar

OWNER SIGNATURES

LEGEND

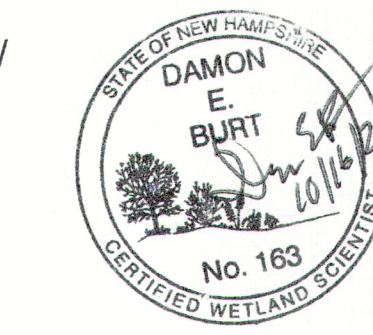
- - GRANITE BOUND TO BE SET
- - IRON ROD TO BE SET
- I.R.(fnd) - IRON ROD FOUND
- S.S.(fnd) - STEEL STAKE FOUND
- S.F. - SQUARE FEET
- Ac. - ACRE
- (TYP.) - TYPICAL
- ± - MORE OR LESS
- ∅ - DIAMETER
- S.C.R.D. - STRAFFORD COUNTY
REGISTRY OF DEEDS
- - STONE WALL
- - EDGE OF WETLAND
- - WETLAND
- - DOVER CONSERVATION AREA
SLOPES >20%
- △ - WETLAND BUFFER PLACARD

N / 13C-1

EDWARD J. MURPHY, JR.
AHN C. MURPHY
35 BELANGER DRIVE
DOVER, NH 03820
1019 / 622

N / 13E

JEFFREY D. ADDRESS
AMIE K. ADDRESS
2A COUNTRY CLUB ESTATES
DOVER, NH 03820
4800 / 502



N / 12N

MARGARET A. CARTER
ROSEMARY L. FORCILLO
ESTATES DRIVE
1 COUNTRY CLUB
DOVER, NH 03820
4635 / 411

APPROVED

DATE 9/26/23
City of Dover, NH
PLANNING BOARD
Chris Cushman
CHAIRMAN/DIRECTOR

N / 15

COACHEO COUNTRY CLUB
145 GULF ROAD
DOVER, NH 03820
781 / 279

"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN
ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL
STATION, BY ME OR THOSE UNDER MY DIRECT
SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE
AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE
MINIMUM PRECISION REQUIREMENTS FOR SURVEY
CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF
THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF
THE BOARD OF LICENSURE FOR LAND SURVEYORS."

NOTES:

- OWNER OF RECORD AND APPLICANT:
CHINBURG DEVELOPMENT, LLC
3 PENSTOCK WAY
NEWMARKET, NEW HAMPSHIRE 03857
S.C.R.D. VOLUME 4465, PAGE 298
- N / 13-1 - DENOTES TAX MAP AND PARCEL NUMBER.
- PARCEL AREA: 1,503,926 S.F.± / 34.53 Ac.±
- ZONING DISTRICT IS RURAL RESIDENTIAL R-40 - OPEN SPACE SUBDIVISION.
SEE SHEET 5 FOR ZONING REQUIREMENTS
- A PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN THE SPECIAL FLOOD
HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1 PERCENT ANNUAL
CHANCE FLOOD, ZONE X; AS SHOWN ON FLOOD INSURANCE RATE MAP,
COMMUNITY NUMBER 330145; PANEL 0330; SUFFIX E; MAP NUMBER
33017C0330E; DATE SEPTEMBER 30, 2015.
- BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION
DATED SEPTEMBER 15, 2021.
- VERTICAL DATUM IS U.S.G.S. NAVD88 BASED ON GPS OBSERVATION DATED
SEPTEMBER 15, 2021 AND TOPOGRAPHY DEPICTED IS BASED ON FIELD
OBSERVATIONS DURING JUNE 2022. CONTOUR INTERVAL IS TWO FEET.
- PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY
PERFORMED BY MCGEANEY SURVEY ASSOCIATES, OF NEW ENGLAND ON
NOVEMBER 15, 2021 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.
- THE PARCEL IS SUBJECT TO THE CITY OF DOVER CONSERVATION ZONE AREAS
WITHIN SLOPES GREATER THAN 20%.
- WETLANDS FLAGGED LINE SHOWN WERE DELINEATED BY DAMON E. BURT,
N.H.C.W.S. #163 OF FRAGGLE ROCK ENVIRONMENTAL SERVICES AUGUST 8, 2021
IN ACCORDANCE WITH THE 1987 CORPS. OF ENGINEERS WETLANDS
DELINEATION MANUAL AND LOCATED BY THIS OFFICE.
- THE PARCEL IS SUBJECT TO A 35' WIDE GAS TRANSMISSION EASEMENT, SEE
S.C.R.D. VOLUME 666, PAGE 341.
- THE PARCEL IS SUBJECT TO A 30' WIDE ACCESS AND UTILITY EASEMENT FOR
THE BENEFIT OF PARCELS N/13F, N/13F-1 & N/13F-2, SEE S.C.R.D. VOLUME
3655, PAGE 154.
- AS-BUILT PLANS OF THE SUBDIVISION SHALL BE SUBMITTED ON PAPER AND
IN DIGITAL FORMAT IN PDF AND AUTOCAD DWG FORMAT TO THE CITY OF
DOVER ENGINEER'S OFFICE UPON COMPLETION OF THE PROJECT.
- THE INSTALLATION OF ELECTRIC POWER, CABLE TELEVISION AND TELEPHONE
LINES SHALL BE UNDERGROUND THROUGHOUT THE SITE.
- THE SUBDIVISION LOTS ARE TO BE SERVICED BY MUNICIPAL WATER AND
ONSITE SEWAGE DISPOSAL SYSTEMS.
- STREET ADDRESSES FOR EACH LOT SHALL BE ASSIGNED BY THE BUILDING
OFFICIAL AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
- THE PROPOSED USE FOR THE SITE IS SINGLE FAMILY RESIDENTIAL.
- PARCEL A IS TO BE GRANTED TO THE CITY OF DOVER AS PART OF THE OLD
OAK STREET RIGHT OF WAY.
- NHDES SUBDIVISION APPROVAL: eSA2023082903, 8/29/2023.
- THE DOVER PLANNING BOARD GRANTED A WAIVER TO CHAPTER 157-45
(SIDEWALKS) AND THAT THE CRITERIA OF CHAPTER 157-51.A HAVE BEEN MET.
- THE DOVER PLANNING BOARD GRANTED A CONDITIONAL USE PERMIT FOR
IMPACT TO THE CONSERVATION DISTRICT (COND-2023-0039).
- THE DOVER PLANNING BOARD GRANTED A CONDITIONAL USE PERMIT FOR
IMPACT TO THE WETLAND BUFFER. (COND-2023-0034)
- THE HISTORICALLY MOWED FIELDLED AREAS WILL BE ALLOWED TO BE
MAINTAINED PER COND-2023-0034.
- THERE IS A REFERENCE TO A CEMETERY BEING LOCATED ON THE SUBJECT
PARCEL PER REFERENCE PLAN #1. AN EXTENSIVE REVIEW OF THE PROPERTY
TITLE, DEATH RECORDS AND A THOROUGH GROUND SEARCH FOUND NO
EVIDENCE OF A CEMETERY. REFERENCE IS MADE TO AN AFFIDAVIT RECORDED
AT S.C.R.D. BOOK 5143, PAGE 73.

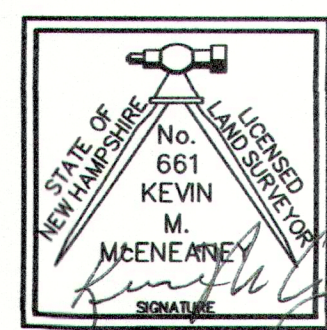
SHEET 8 OF 37

OPEN SPACE SUBDIVISION
OF
EMERSON RIDGE AT JANETOS FARM
PREPARED FOR
CHINBURG DEVELOPMENT, LLC
TAX MAP N, LOT No. 13-1
GULF ROAD, OAK STREET
& COUNTRY CLUB ESTATES DRIVE
CITY OF DOVER, COUNTY OF STRAFFORD
STATE of NEW HAMPSHIRE

DOVER PLANNING FILE No. SUBD-2023-0001

DRAWN BY: KJF FILE: MSA\1734\023-1734SUB

SCALE: 1" = 50' DATE: FEBRUARY 1, 2023



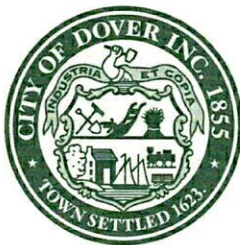
M cGeaney
Survey
Associates
of NEW ENGLAND

P.O. Box 681 - 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911

SURVEYING - PLANNING - CONSULTING

NO.	DATE	DESCRIPTION	BY	CHK
4	10/12/23	ADD NOTE #24	KJF	KMM
3	8/30/23	REVISE PER CONDITIONS OF APPROVAL	KJF	KMM
2	5/2/23	REVISE PER TRC COMMENTS	KJF	JG
1	4/5/23	REVISE PER TRC COMMENTS	KJF	KMM
REVISIONS				
23-1734	SUBDIVISION			
PROJECT NO	TYPE	FIELDBOOK & PAGES		

DONNA P. BENTON, AICP
Director of Planning and
Community Development
d.benton@dover.nh.gov



288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 516-6008
Fax: (603) 516-6049
www.dover.nh.gov

City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

NOTICE OF DECISION

July 6, 2023

Chinburg Development, LLC
3 Penstock Way
Newmarket, NH 03857

Re: Open Space Subdivision for Chinburg Development, LLC, Assessor's Map N, Lot 13-1, zoned R-40, located at Gulf Rd. and Oak St. (Proposal is to subdivide one lot into 12 lots). *(SUBD-2023-0001)

Dear Chinburg Development, LLC:

Please be advised that on Tuesday, June 27, 2023 the Dover Planning Board voted to conditionally grant final approval of the above referenced plan and found that the applicable Zoning dimensional requirement, final plot elements, and the criteria of 157-15 been met. **The specific subsequent conditions are included with this letter.**

In addition to the conditions of approval, please provide the following to the Planning Office:

- ☐ Three (3) full size plans and one (1) 11"x 17" plan (plus any additional copies for the applicant or owner);
- ☐ One (1) recordable paper copy of the plan;
- ☐ One (1) CAD file format of the plan; and
- ☐ One (1) PDF digital version of the plan

The plans must be submitted within ninety (90) days from Planning Board approval. Upon receipt, the Planning Board Chair will sign them approved. Any application which is not signed by the Planning Board Chair as complete, in accordance with the regulations, is deemed expired, and null and void.

If you have any questions, please do not hesitate to contact my office. *First in New Hampshire, with You!*

Sincerely,

Donna P. Benton, AICP
Director of Planning & Community Development

EC: Inspection Services
Engineering Office
Assessing Office
McEneaney Survey Associates
Civilworks New England
Fraggle Rock Environmental, Inc.

Waivers

Subsequent Condition to be Met Prior to Signing of Plans

Submitted Reviewed

1. Add a note to the plat that they Board granted a waiver to Chapter 157-45 (sidewalks) and that the Board found the criteria of Chapter 157-51.A have been met.

Subsequent Conditions to Be Met Prior to Signing of Plans

Submitted Reviewed

1. CUPs (COND-2023-0034 and COND-2023-0039) are granted.
☐ ☐
2. Provide physical and digital copies (including CAD to the satisfaction of the Asset Management Coordinator) of complete plan set for recording at Strafford County Registry of Deeds, which additionally shall include:
 - 2.1 The PE, CWS, and LLS signatures and stamps.
 - 2.2 The owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds.
 - 2.3 Added note that the open space meet the requirements of Section 157-21 including that the subject land may be owned, leased or controlled either by a single person, a corporation or by a group of individuals or corporations. An approved open space subdivision shall be binding on the project land with owners(s) and shall be so indicated on each individual deed.
 - 2.4 Re-located trailhead parking sign to not impede public access.
 - 2.5 Replace no access sign with the Class VI sign.
☐ ☐
3. Have PS stamp traffic impact analysis.
☐ ☐
4. The applicant shall provide homeowners association documents to be reviewed and approved by Planning Director in consultation with the City's General Legal Counsel be recorded at the SCR D which include calculation used to determine reserve amount in the treasury, prior to converting ownership and maintenance obligations, including stormwater, road, septic, open space maintenance/ownership, and private road requirements.
☐ ☐
5. Add note to plan that grading will be added on the street coming off of Oak Street, to better prepared for a future sidewalk.
☐ ☐

Conditions to be Met Prior to Construction Activity

Submitted Reviewed

6. Obtain permission to do work on Class VI right of way.
☐ ☐
7. The wetlands buffer placard shall be placed per the plan.
☐ ☐
8. A pre-construction meeting is held with City staff, engineer of record and the site contractors.
☐ ☐
9. The applicant seeks conditional acceptance of the improved right-of-way by the City Council.
☐ ☐

Conditional to be Met Prior to the Issuance of a Building Permit

Submitted Reviewed

10. Land use change fees paid.
☐ ☐
11. The new dwelling units shall be assessed and pay the current water fees in place at the time of application for service.
☐ ☐
12. The applicant shall provide a letter of credit or other form of security acceptable to the City for an unfinished work.
☐ ☐

Conditional to be Met Prior to Occupancy

13. Issuance of a Certificate of Occupancy.

Submitted**Reviewed**☐☐

14. Documentation that the HOA has been created and is in place.

☐☐

15. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision or on the portal.

☐☐

16. The Engineer of Record meet with the HOA to go over operation and maintenance requirements.

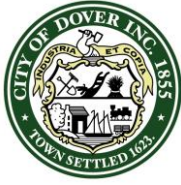
☐☐

17. Confirmation all land use fees paid.

☐☐

18. If conditional acceptance was granted, then final acceptance shall be sought.

☐☐

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Ordinance Number: O – 2023.11.08 - 14 Ordinance Title: Municipal Stormwater Utility Chapter: 123 Section: 1 Formation and purpose; 2 Scope of responsibility of stormwater management system; 3 Authority; 4 Definitions; 5 Fee Established and Billing; 6 Rates; 7 Fee Credits; 8 Abatements; 9 Appeals and hearings; 10 Liens, enforcement, and violations; and 11 Maintenance and use of stormwater utility funds.	Agenda Item#: 13.C.1.

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to create a Municipal Stormwater Utility for the City of Dover and discharges of stormwater within same, as authorized by RSA 149-I:6, I-a et seq., “for the proper maintenance and operation of the stormwater system or stormwater utility and any appurtenant structures, and to promote flood control and erosion control, water quality management, ecological preservation, management of annual pollutant load contained in stormwater discharge, and municipal compliance with applicable state and federal stormwater laws and regulations.”

2. ORDINANCE

The City of Dover ordains, Chapter 123 entitled “Municipal Stormwater Utility” is hereby enacted as follows:

Section 123-1 Formation and purpose

- A. The City Council finds that, as supported by scientific literature and policies promulgated by environmental regulators, impervious areas harm water quality by creating and exacerbating conveyance of pollutants via stormwater runoff. As stormwater travels, stormwater runoff picks up oil, chemicals, bacteria, sediment, and other pollutants and deposits them into local water bodies. Stormwater runoff has contributed to the impairment of Willand Pond and the Bellamy, Cocheco, Salmon Falls, Piscataqua Rivers, and other water bodies, most significantly the Great Bay. Additionally, heavy rainfall can lead to excess stormwater runoff, which can overwhelm the capacity of the City’s storm drains, causing water to inundate roads and public and private property. Reducing stormwater runoff aids public safety and can prevent flooding related traffic disruptions and residential basement flooding. Reducing stormwater runoff also reduces the volume of stormwater that flows directly into streams and rivers and reduces the potential for riverine flooding, which could also result in damages to infrastructure. In addition to improving water quality and reducing flooding, stormwater management can also protect drinking water and reduce drought impacts by allowing stormwater to recharge groundwater supplies.
- B. The City provides stormwater services for the public good, to promote environmental and water quality, and to meet the City’s regulatory and other obligations. The City has constructed and currently owns and operates storm sewers, stormwater drainage infrastructure, stormwater mitigation and treatment, together with other related infrastructure. The future and present usefulness of the City’s stormwater systems depends on the ability of the City to effectively manage, protect, control, use, and enhance stormwater services in the City. This, in turn, requires stable, ongoing funding by users of the stormwater system, in proportion to their use, as well as credits and other efforts aimed at reducing the adverse impacts of stormwater runoff.

- C. There is hereby created a Dover municipal stormwater utility pursuant to RSA chapter 149-I. The stormwater utility shall be administered by City staff and funded by revenue collected through assessment and collection of fees and such funds as authorized within RSA 149-I:10-a.

Section 123-2 Scope of responsibility of stormwater management system

The City's Community Services Department, under the direction of the Director of Community Services or designee, is empowered to and shall be responsible for all acts necessary for the operation, management, administration, and enforcement of the City's stormwater utility and requirements imposed by law. Specific duties include, but are not limited to, assessment, billing, collection, review and determination of credits, infrastructure system planning and maintenance of City property (i.e., catch basin cleaning, illicit discharge detection and elimination, and responding to emergency resident service calls), inspection of stormwater and related measures, and regulatory compliance.

Section 123-3 Authority

The provisions of this ordinance are adopted pursuant to RSA 149-I:6 et seq., RSA 47:17 XV, RSA 31:39, I(l), and other applicable law.

Section 123-4 Definitions

Credit: A reduction in the amount of a stormwater utility user fee to the owner of a particular property for the existence and use of beneficial, privately owned, maintained and operated on-site or off-site stormwater systems or facilities, or continuing provision of services or activities that reduce or mitigate the City's cost of providing stormwater management services for that particular property.

Equivalent Residential Unit (ERU): The statistical median amount of impervious area of a detached single-family residential property in the City. It is a measure that serves to compare runoff generated by different types of properties and a means to assess the stormwater utility user fee per property.

Impervious Area: Those areas within a property that stormwater cannot effectively infiltrate, including but not limited to surfaces such as building rooftops, pavement, sidewalks, concrete, paver stones or other stonework coverings, and compacted gravel. The sum of all impervious area on a property shall comprise the total impervious area for that property.

Flood Resilience: The ability of the City to proactively prepare for and recover from hazardous events such as extreme precipitation, coastal storms, and long-term sea level rise and associated flooding.

Non-Single Family Property: A property that is not exclusively used as a single family residential property as defined herein. Non-single family properties include, but are not limited to, such property as commercial and office buildings (mixed use and otherwise), industrial and manufacturing buildings, multi-tenant apartment buildings and other multi-family residential properties, and any other form of use not otherwise mentioned which is not a residential property, including Home Owners Associations (HOA) and other commonly held property.

Single Family Residential Property: A property that is used exclusively to provide a permanent dwelling unit to a single family. Properties with an authorized Accessory Dwelling Unit (ADU) are included in this definition.

Stormwater: Runoff from a storm event, snowmelt runoff, and surface runoff and drainage.

Stormwater Utility: The utility created and existing pursuant to the provisions stated herein, established to create a dedicated funding mechanism for the City's stormwater and to incentivize land

uses that reduce stormwater runoff, improve water quality, provide flood resilience, and provide other benefits.

Stormwater Management System: Those natural and man-made channels, swales, ditches, rivers, streams, brooks, creeks, wetlands, branches, reservoirs, ponds, drainageways, drainage structures, conveyances, storm drains, catch basins, inlets, gutters, pipes, culverts, bridges, head walls, lakes, and other physical works, properties, and improvements that collect, transport, transfer, control, pump, treat, convey, detain, retain, dispose of, or otherwise influence the movement of stormwater.

Stormwater Utility User Fee (or User Fee): The periodic user fee imposed pursuant to this ordinance by the City for providing stormwater management services. This term shall exclude special charges or assessments to the owners of particular properties for services, systems or facilities related to stormwater management, including, but not limited to, charges for development plan review, inspection of development projects, on-site stormwater control systems and other stormwater management services provided by the City for which a corresponding fee is collected for the service rendered.

User: Any person or entity liable for the stormwater utility fee on a property (including private, governmental, non-profit, and other public property owners) due to the presence of impervious area.

Undeveloped Land: Land in its unaltered natural condition or which is modified to such a minimal degree as to have a hydrologic response comparable to land in an unaltered natural condition.

Undeveloped land shall have minimal impervious area, which impedes the infiltration of stormwater runoff or causes stormwater runoff to collect, concentrate, or flow in a manner materially different from what would occur if the land were in an unaltered natural condition. For purposes of this ordinance, undeveloped land includes property altered from its natural condition by the creation or installation of 400 square feet or less of impervious area.

Section 123-5 Fee Established and Billing

- A. General. Any user who has impervious area in the City of Dover is responsible for, and shall be charged, the stormwater utility user fee payable to the stormwater utility. The stormwater utility user fee amount shall be determined by the Director of Community Services or designee based on the existence of impervious area, the rate or fee amount set forth in the City Council's Schedule of Fees, and the provisions in §123-6, and thereafter assessed and billed to the user on a quarterly basis for single family residential properties and monthly for non-single family residential properties. Bills are due and payable within thirty (30) days of receipt. Bills not paid within thirty (30) days of presentation shall be delinquent. Properties that meet the definition of undeveloped land will be exempt from the stormwater utility user fee.
- B. Identifying user. Fee owners of the subject real estate containing impervious area shall be presumed to be the user, though the fee owner may request and apply to have one or more other persons (e.g., easement holders) recognized as the user of a portion or whole of impervious area on the property, if and to the extent the fee owner can successfully carry the burden of showing that one or more other persons maintain the impervious area on the property by right, all as determined within the discretion of the Director of Community Services or designee. In the case of impervious area within public highways or right of way, the governmental entity with public ownership and control of the highway shall be regarded as the user.
- C. Impervious area. In determining if and to the extent any property contains or likely contains impervious area, the Director of Community Services or designee may use and rely on physical inspections, approved site plans, approved subdivision plans, building permits, aerial imagery, software analysis of same, and similar resources, or one or any combination thereof. The amount of impervious area on a property will be rounded down to the nearest 100 square feet for purposes of calculating the number of ERUs located on the property.
- D. Consolidation. Bills for the stormwater utility may be consolidated in the same bill as other City provided utilities, including water and sewer use, if any. Payments on any such consolidated bill

shall be applied first to the first to the sewer utility fee, next to the water utility fee and finally stormwater utility fee.

- E. Payment. Checks should be made payable to the “City of Dover”. Payment may be made in person or mailed to the Tax Collectors office in City Hall, 288 Central Avenue, Dover, New Hampshire 03820. Users may obtain a receipt for payment by mail by enclosing a self-addressed envelope with a payment made by mail. Credit for payment shall be made upon receipt of the payment by the City of Dover.

Section 123-6 Rates

- A. Basis. The basis for the stormwater utility user fee charged to users shall be the total impervious area of a property, including any share of common property, as measured by ERUs in §123-6 C.
- B. Structure. The stormwater utility user fee will be proportional to the amount of impervious area on the property as measured in equivalent residential units, or ERUs. Dollar rates per ERU shall be set by the City Council on an annual basis as part of the City’s Schedule of Fees, based on a forecast of the annual cost of each component of the City’s stormwater management program.
- C. Equivalent Residential Unit (ERU). one ERU is equivalent to 3,200 square feet. The table below depicts the applicable ERU factor per square foot of impervious area:

Impervious Area (in sq ft)	ERU Factor
400-1,600	0.5
1,601-4,800	1.0
4,801-8,000	2.0
8,001-11,200	3.0
Over 11,200	1.0 per 3,200 sq ft**

* For properties under common or fragmented ownership, where assessing multiple .5 ERUs would result in an overall assessment greater than the amount of impervious area on the overall property area, the Director of Community Services or designee may use an alternative apportionment method, including but not limited to dividing the stormwater utility user fee due for the impervious area on the overall property by the number of City water meters installed and in use on that property. In making an apportionment, the Director of Community Services or designee may also consult and use records determined to be reliable, including but not limited to land use records, Planning records, records on file at the registry of deeds, and Community Services records.

**The number of ERUs for users with over 11,200 square feet of impervious area will be rounded to the closest whole ERU.

Section 123-7 Fee Credits

- A. Pursuant to RSA 149-I:6-c, users may apply to for a credit toward the stormwater utility user fee charged to that user, provided the user carries his or her burden of demonstrating one or more of the authorized measures set forth below to accomplish on-site management of water quality impairment or peak runoff storage, or both.
- B. Credits shall be determined by the Community Services Director or designee.
- C. Single Family Residential Credit Program. All single family residential properties with 1,600 sq. ft. or greater of impervious area are eligible for the following credits in the table below, comprising the Single Family Residential Credit Program and found to sufficiently accomplish on-site management of water quality impairment or peak runoff storage, or both.

Credit Type	Resources and Guidelines	Credit Amount
Dripline Infiltration Trench		

Driveway Infiltration Trench	Stormwater Credit Manual and the NHDES Soak Up the Rain Program for guidance.	Up to 25% credit for Impervious Area Managed per credit type
Dry Well		
Porous Pavement, Patio, Walkway		
Intensity of Development		
Rain Garden	Stormwater Credit Manual and/or the NHDES Soak Up the Rain Program for guidance.	10% credit per credit type
Vegetative Buffer		
Public Participation		
Manage Offsite Stormwater	Must own and maintain a stormwater facility that is fully functioning as designed and permitted that meets local design standards and regulations.	Up to 50% credit for management of offsite impervious area equivalent to or exceeding onsite impervious area
Nitrogen Pledge	Pledge to not use lawn fertilizer or to only use slow-release organic nitrogen.	5% credit during the year of pledge

D. Non-Single Family Credit Program. All Non-Single Family Properties with 1,600 sq. ft. or greater of impervious area are eligible for the following credits in the table below, comprising the Non-Single Family Credit Program and found to sufficiently accomplish on-site management of water quality impairment or peak runoff storage, or both.

Credit Type	Resources and Guidelines	Credit Amount
Stormwater BMP	Management of stormwater with BMPs that meet local stormwater regulations and design standards.	Up to 50% credit for Impervious Area Managed per credit type
Offsite Stormwater Management		
Stormwater BMP Volume	Exceed local stormwater regulations with a minimum reduction of volume of 20% following development of redevelopment.	Up to 20% credit for Impervious Area Managed
Education	Stormwater Credit Manual	25% credit per credit type
Intensity of Development		
Landscape Maintenance Plan	Stormwater Credit Manual and site plan regulations found at Dover Code §153-14 G (1) (H).	5% credit during the year of pledge

E. Limitations, conditions, and other requirements. Users may use one or a combination of any credits. The maximum credit eligible per user for each year is 50% of the stormwater utility user fee that would otherwise be assessed to that user. For users who manage stormwater off-site, the maximum credit eligible per user for each year is 100% of the stormwater utility user fee that would otherwise be assessed to that user for users that manage off-site stormwater. Users may not accumulate credits in excess of 100% or trade credits to other users. Credits may only be claimed once per stormwater management effort, and may not be duplicated or shared, unless applied for through an Home Owners Association or other community property association. Users receiving any credit will be required to provide periodic reports on credit compliance as requested by the City. Unless otherwise stated, any stormwater utility fee credits, once awarded,

will be valid for three (3) years, after which the credit shall expire and the user may seek to renew any applicable credits.

- F. Disqualification; fraud. Any person who has successfully received a credit and is later found by the Director of Community Services or designee to have breached a condition of that credit and/or to have supplied the City material misinformation and/or fails to update a prior representation to the City upon change in material information, may be back-charged the credit amount for up to one year. Users applying for and receiving any credit are deemed to consent to periodic inspection of the users' property for purposes of verifying compliance with this ordinance.

Section 123-8 Abatements

- A. In the event the user disputes the stormwater utility user fee assessed, or the denial in part or in whole of a credit, the user may, within one hundred eighty (180) days of the date of the billing, apply for an abatement through the abatement review team within the Community Services Department. Any application for abatement submitted after the payment due date will begin to accrue interest in accordance with RSA 76:13 and may only be submitted after payment is made. Abatements shall be filed with the Utility Billing Office. All claims or arguments for abatement beyond one hundred eighty (180) days of the date of billing are irrevocably waived. The abatement review team shall consist of staff members of the Community Services Department appointed by the Community Services Director or designee.
- B. To prevail on any request for abatement on the basis of inaccurate impervious area, the user carries the burden of demonstrating that the impervious area is less than the amount used in calculating the billed stormwater utility fee. To prevail on any asserted entitlement to a credit, the user carries the burden of demonstrating that the user qualified for the credit at all applicable times. The user seeking abatement must provide all necessary information to make a determination, as reasonably requested by the abatement review team.
- C. The abatement review team shall review the abatement request and, issue a decision, in writing, within thirty (30) calendar days. If it is found that the impervious area is less than the amount used to calculate the stormwater utility fee, the sole remedy for the user shall be an abatement of the stormwater utility fee to the extent of any demonstrated accuracy, together with a refund to the account of any amounts improperly assessed and collected.

Section 123-9 Appeals and hearings

- A. The user may appeal the decision of the abatement review team to the Dover Utilities Commission within fifteen (15) days of a written decision by the abatement review team, and not thereafter. The Dover Utilities Commission shall schedule a public hearing for the appeal, following any rules of procedure established by the Dover Utilities Commission. The Dover Utilities Commission shall issue a final decision no later than thirty (30) days after the close of the appeal hearing to the Dover Utilities Commission.
- B. After a decision has been reached by the Dover Utilities Commission, an aggrieved customer may ask the City Council to review the proceedings for errors of law within thirty (30) days of the decision of the Dover Utilities Commission, and not thereafter. In the event the user is dissatisfied with the City Council's review, then, the user may seek to appeal to a Superior Court pursuant to RSA 149-I:15, within the requirements stated therein.

Section 123-10 Liens, enforcement, and violations

- A. In accordance with RSA 149-I:11, in the collection of stormwater utility fees, the City shall have the same liens and use the same collection procedures as authorized by RSA 38:22.

- B. Interest on overdue charges shall be assessed in accordance with RSA 76:13.
- C. Inspections. Application for any credits or abatement is deemed as consent by the user for Community Service Department employees to enter the premises at a reasonable time for the purpose of inspecting the impervious area or asserted basis or bases for any credit.

Section 123-11 Maintenance and use of stormwater utility funds

- A. All funds received from stormwater utility fees shall be kept and used as required by RSA 149-I:10-a.
- B. Annually, if and only to the extent authorized by vote of the City Council, all or part of any surplus in the stormwater utility fund may be placed in one or more capital reserve funds and placed in the custody of the trustees of trust funds pursuant to RSA 35:7. In the event such a reserve fund is created, then the City Council may expend such funds on stormwater capital projects pursuant to RSA 35:15 without prior approval or appropriation.

3. TAKES EFFECT

This ordinance shall take effect as of July 1, 2024, following passage and publication of notice as required by RSA 47:18.

**PUBLIC HEARING REQUIRED; TO BE REFERRED TO PUBLIC HEARING ON
DECEMBER 13, 2023.**

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Carrier
By request

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

Recorded by: Jerrica Vansylyvong-
Bizier
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		

Document Created by: Legal

Document Posted on: November 3, 2023

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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:

Over the course of several meetings with the Dover Utilities Commission and Ordinance Committee certain policy points have been identified.

Policy Point 1: Should the first tier of users be adjusted to begin at 1600 SqFt? This would change the definition of Undeveloped Land to 1600 SqFt or less of Impervious Area. The proposed change would eliminate billing for the .5 ERU tier. Billing will begin at 1.0 ERU.

Policy Point 2: Order of payment. Should payments first be applied to the stormwater fee or should the stormwater fee be applied last? The question is a matter of enforceability; applying the stormwater fee first adds a layer of enforceability. As the ordinance reads now (per DUC request) the only “enforcement” mechanism is liening the property. Liens only last for six years (RSA 38:22 II(c) and will need to be enforced by suit. The staff recommendation is the order of payment be first to the stormwater utility, next to the sewer utility, and finally to the water utility.

Policy Point 3: The inclusion of private roads. The proposed edit would change the basis of the rate to “the ERUs of [user’s] structures and parking areas” this would result in either 1) the exclusion of private roads, or 2) the City paying the utility for the private road. Neither option is supported by statute. RSA 149-I does not provide for exemption of any property. Statutes and case law relating to private roads make clear that municipalities cannot spend public funds on the maintenance of private roads. If the City were to pay the utility for the private roads it would, arguably, be an implied assumption of that road, making it a municipal road. The staff recommendation is to not accept this proposed change.

Policy Point 4: Make 100% credit available for users even without off-site management (on-site management only). Currently the ordinance allows for up to 50% credit for users who apply for and receive credit for on-site management of stormwater. To be eligible for 100% credit users would need to apply for and receive off-site management credits. These credits are available to both Single Family Residential Properties and Non-Single Family Residential Properties.