

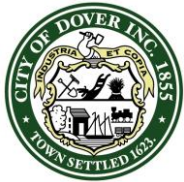
CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, April 10, 2024**
Meeting Time: **7:00 pm**

1. **CALL TO ORDER**
2. **MOMENT OF SILENCE**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL ATTENDANCE**
5. **PROCLAMATIONS/AWARDS**
6. **APPROVAL OF AGENDA**
7. **PUBLIC HEARINGS**
 - A. LICENSING, CHAPTER 97, SECTIONS 3 AND 6
SPONSORED BY MAYOR CARRIER BY REQUEST
 - B. PEDDLERS AND VENDORS, CHAPTER 109, SECTIONS 3, 5, 7 8
SPONSORED BY MAYOR CARRIER BY REQUEST
 - C. ADDITIONAL APPROPRIATION FOR FISCAL YEAR 2024 CIP PROJECT ELEMENTARY SCHOOL HVAC UPGRADE
(THIS RESOLUTION REQUIRES A 2/3 MAJORITY VOTE)
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. **March 27, 2024 – Regular Meeting & Workshop Meeting**
11. **MAYOR'S REPORT**
12. **UNFINISHED BUSINESS**
 - A. **ORDINANCES IN THE 2nd READING**
 1. LICENSING, CHAPTER 97, SECTIONS 3 AND 6
SPONSORED BY MAYOR CARRIER BY REQUEST
 2. PEDDLERS AND VENDORS, CHAPTER 109, SECTIONS 3, 5, 7, 8
SPONSORED BY MAYOR CARRIER BY REQUEST
 - B. **ORDINANCES IN THE 3RD READING**
 1. BOARDS, COMMISSIONS, AND COMMITTEES, CHAPTER 9, SECTIONS 5 AND 20
SPONSORED BY MAYOR CARRIER BY REQUEST
 - C. **RESOLUTIONS**
 1. ADDITIONAL APPROPRIATION FOR FISCAL YEAR 2024 CIP PROJECT ELEMENTARY SCHOOL HVAC UPGRADE



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, April 10, 2024**
Meeting Time: **7:00 pm**

(THIS RESOLUTION REQUIRES A 2/3 MAJORITY VOTE)

SPONSORED BY MAYOR CARRIER BY REQUEST

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **APPROVING LICENSE AGREEMENT FOR GREAT BAY ROWING FOR ITS TEMPORARY USE OF CITY-OWNED PARCEL TAX MAP 34, LOT 22 (OFF HILLSIDE DRIVE)**

SPONSORED BY MAYOR CARRIER BY REQUEST

2. **B14074 ENGINEERING SERVICES FOR THE CONSTRUCTION OF THE PUDDING HILL WATER TREATMENT FACILITY, AMENDMENT NO. 4 – UNDERWOOD ENGINEERS**

SPONSORED BY MAYOR CARRIER BY REQUEST

3. **DISPOSAL OF CITY OWNED REAL-ESTATE AT ARCOLA STREET**

SPONSORED BY MAYOR CARRIER BY REQUEST

COMMITTEE REPORTS

- | | |
|--|--|
| 1. Arts Commission (Nemeth) | 16. Solid Waste Advisory Committee (Hackett) |
| 2. Conservation Commission (Williams) | 17. Transportation Advisory Commission (Richer) |
| 3. Library Board of Trustees (Nemeth) | 18. Joint Building Committee – DHS (Carrier) |
| 4. Appointments Committee (Williams) | 19. Heritage Commission (Retrosi) |
| 5. Planning Board (Cullen) | 20. Board of Health (Richer) |
| 6. School Board Liaison (Hackett) | 21. Downtown TIF Advisory Board (Warach) |
| 7. Arena Commission (Hackett) | 22. Coheco Waterfront Development Advisory Committee (Carrier) |
| 8. Recreation Advisory (Retrosi) | 23. COAST (Shanahan) |
| 9. Energy Commission (Richer) | 24. Waterfront TIF Advisory Board (Warach) |
| 10. Parking Commission (Warach) | 25. Dover Main Street (Carrier) |
| 11. McConnell Center Advisory Committee (Retrosi) | 26. Strafford Regional Planning Commission (Williams) |
| 12. Legislative Liaison (Shanahan) | 27. Government Affairs (Carrier) |
| 13. Committee for Racial Equity and Inclusion (Nemeth) | 28. Pool Advisory (Retrosi) |
| 14. Graffiti Management Advisory Committee (Nemeth) | 29. Cemetery Board (Warach) |
| 15. Ordinance Committee (Shanahan) | 30. Joint Building Committee – Athletic Complex (Cullen) |

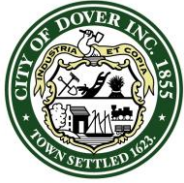
B. RESOLUTIONS

1. **RECOGNIZING THE IMPACTS OF THE ISRAEL-HAMAS WAR ON THE RESIDENTS OF DOVER, NEW HAMPSHIRE AND URGING FEDERAL POLICYMAKERS TO PUSH FOR AN IMMEDIATE CEASEFIRE AND THE DELIVERY AND DISTRIBUTION OF HUMANITARIAN AID; AFFIRMING THE CITY OF DOVER'S COMMITMENT TO BEING A WELCOMING AND INCLUSIVE COMMUNITY FOR RESIDENTS OF ALL BACKGROUNDS; AND DENOUNCING HATE, BIGOTRY, AND DISCRIMINATION IN ALL OF ITS FORMS**

SPONSORED BY COUNCILOR RICHER AND COUNCILOR WARACH

2. **REQUESTING CEMETERY BOARD TO REVIEW AND PROVIDE RECOMMENDATIONS CONCERNING GREEN BURIALS**

SPONSORED BY COUNCILOR WARACH



CITY OF DOVER

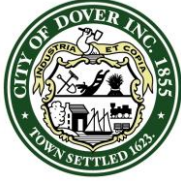
CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, April 10, 2024**
Meeting Time: **7:00 pm**

3. **CITYWIDE 2024-2025 GROUNDWATER MONITORING PROGRAM WITH EMERY & GARRET GROUNDWATER INVESTIGATIONS LLC**
SPONSORED BY MAYOR CARRIER BY REQUEST
4. **B22048 RENOVATION OF JENNY THOMPSON OUTDOOR POOL**
SPONSORED BY MAYOR CARRIER BY REQUEST
5. **B22013 CONSTRUCTION OF THE PUDDING HILL WATER TREATMENT FACILITY AMENDMENT NO. 13 – PENTA CORPORATION**
SPONSORED BY MAYOR CARRIER BY REQUEST
6. **B14074 ADDITIONAL SCOPE OF WORK DESIGN SERVICES FOR GARRISON HILL RESERVOIR – UNDERWOOD ENGINEERS**
SPONSORED BY MAYOR CARRIER BY REQUEST
7. **B24045 HOT BITUMINOUS PAVING (ASPHALT) LAID IN PLACE**
SPONSORED BY MAYOR CARRIER BY REQUEST
8. **AUTHORIZATION TO ACCEPT AND EXPEND THE NHDES WILLAND POND MILFOIL CONTROL GRANT**
(THIS RESOLUTION REQUIRES A PUBLIC HEARING AND 2/3 MAJORITY VOTE TO OCCUR ON APRIL 24, 2024)
SPONSORED BY MAYOR CARRIER BY REQUEST

C. ORDINANCES IN 1ST READING

14. **COUNCIL CORRESPONDENCE**
15. **COUNCIL MATTERS OF INTEREST**
16. **ADJOURN**

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#: 12.A.1. Ordinance Number: O – 2024.03.13 - 3 Ordinance Title: Licensing Chapter: 97 Section: 3 Fees. 6 Street Fairs, Soliciting Funds, Raffles, Peddlers and Vendors.
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The City of Dover Ordains:

1. **PURPOSE**

This ordinance is intended to update the Dover Code consistent with a companion ordinance concerning Chapter 109 clarifying licensing in light of recent legislation repealing RSA chapter 320.

2. **AMENDMENT**

Chapter 97 entitled “Licensing” is hereby amended by revising Section 97-3, “Fees”, as follows:

a. **THE FOLLOWING ARE AMENDED:**

§ 97-3 Fees.

Every licensee shall pay in advance for such license, for the use of the City, such sum or sums as the City Council may determine, but in no case shall such license fee be in excess of the maximum sum fixed in RSA 286, except where the City Council or Licensing Board determines per RSA 286:4-a that the fee is inadequate to reimburse the City for the extra expense in protecting the health and safety of the public which can reasonably be attributed to the event to be licensed.

3. **AMENDMENT**

Chapter 97 entitled “Licensing” is hereby amended by revising Section 97-6, “Street Fairs, Soliciting Funds, Raffles, Peddlers and Vendors”, as follows:

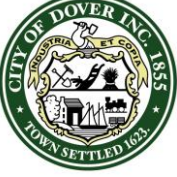
a. **THE FOLLOWING ARE AMENDED:**

§ 97-6 Street Fairs, Soliciting Funds, Raffles, Peddlers and Vendors.

The Licensing Board shall have authority in the first instance to consider and, if appropriate, issue licenses or permits pursuant to RSA 31:100 (entitled “Street Fairs”), RSA 31:91 (entitled “Soliciting Funds”), RSA chapter 287-A (entitled “Raffles”), RSA 31:102-a (entitled “Hawkers, Peddlers and Vendors”), and/or Chapter 109, Peddlers and Vendors, of the Code of the City of Dover, as applicable.

4. **TAKES EFFECT**

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

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Agenda Item#: 12.A.1.	
Ordinance Number:	O – 2024.03.13 - 3	
Ordinance Title:	Licensing	
Chapter:	97	
Section:	3 Fees. 6 Street Fairs, Soliciting Funds, Raffles, Peddlers and Vendors.	

REQUIRES PUBLIC HEARING
TO BE REFERRED TO PUBLIC HEARING ON APRIL 10, 2024

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:

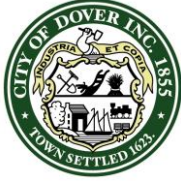
First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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 is not intended to codify any substantive change to the City’s Code or administration of same, but is instead technical in nature in keeping with a related ordinance concerning Dover Code 109.

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#: 12.A.2. Ordinance Number: O – 2024.03.13 - 4 Ordinance Title: Peddlers and Vendors Chapter: 109 Section: 3 Definitions. 5 Inspection. 7 Exemptions. 8 Violations and penalties.
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The City of Dover Ordains:

1. **PURPOSE**
- This ordinance is intended to update the Dover Code with technical amendments consistent with a companion ordinance concerning Chapter 109 clarifying the local code in light of recent legislation repealing RSA chapter 320.
2. **AMENDMENT**
- Chapter 109 entitled “Peddlers and Vendors” is hereby amended by revising Section 109-3, “Definitions”, as follows:

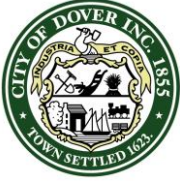
a. **THE FOLLOWING ARE AMENDED:**

§ 109-3 **Definitions.**
As used in this chapter, the following terms mean:

MOTOR VEHICLE
Any vehicle used for the displaying, storing or transporting of articles offered for sale by a vendor, which is required to be licensed and registered by the Division of Motor Vehicles.

PEDDLER
~~As defined in RSA 320:1, and includes a~~Any person, whether a resident of the City of Dover or not, traveling by foot, wagon, stand, motor vehicle, railroad car, cart, vehicle, or any other type of vehicle or conveyance from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck farm products or provisions, offering and exposing the same for sale from stock or by sample for future delivery, or offering to perform personal services for household repairs or improvements, or solicits or induces any person to sign any contracts relating to household repairs and improvements, or who, without travelling from place to place, shall sell or offer the same for sale from a wagon, stand, motor vehicle, railroad car, cart, vehicle, or other vehicle or conveyance. The term "peddler" shall not be construed to include an individual who displays his-their merchandise on a public sidewalk immediately adjacent to his-their place of business, provided that any merchandise so displayed allows 48 inches of pedestrian travel width consistent with the provisions of Chapter 125, Streets and Sidewalks.

PUBLIC PROPERTY
Any City-owned or -controlled property, including but not limited to streets and sidewalks.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.2.

Ordinance Number: **O – 2024.03.13 - 4**
Ordinance Title: Peddlers and Vendors
Chapter: 109
Section: 3 Definitions.
5 Inspection.
7 Exemptions.
8 Violations and penalties.

SELL

Includes any offer or attempt to offer any exchange of a product or service.

STAND

Any table, showcase, bench, rack, pushcart, wagon or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Division of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a peddler.

VENDOR

A peddler who on public property sells food, beverage or merchandise from a stand, motor vehicle or ~~his~~their person.

3. AMENDMENT

Chapter 109 entitled “Peddlers and Vendors” is hereby amended by revising Section 109-5, “Inspection”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 109-5 Inspection.

A vendor of food and beverages shall comply with the inspection provisions and standards for restaurants contained in Chapter **85**, Food Service Establishments, and the following:

- A. The equipment used in vending food and beverages shall not be used until the vendor receives a certificate of inspection indicating compliance with this section.
- B. Each food and beverage vending business ~~shall~~may be inspected ~~at least~~ quarterly, and normally will be inspected at least annually, by the Health Officer.

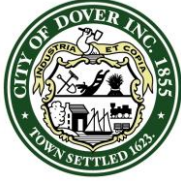
4. AMENDMENT

Chapter 109 entitled “Peddlers and Vendors” is hereby amended by revising Section 109-7, “Exemptions”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 109-7 Exemptions.

- A. Noncommercial vendors such as religious, charity, political and other social nonprofit organizations are exempt from these provisions and are not required to apply for an

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Agenda Item#: 12.A.2. Ordinance Number: O – 2024.03.13 - 4 Ordinance Title: Peddlers and Vendors Chapter: 109 Section: 3 Definitions. 5 Inspection. 7 Exemptions. 8 Violations and penalties.	

exemption.

- B. Participants in any street fair, as defined by RSA 31:100, which may be authorized from time to time by the City Council, ~~and persons selling agricultural products from their own labor on land they own or till~~ shall be exempt from the ~~fee~~ requirements of Chapter 109, Peddlers and Vendors, but are not exempt from the requirements of Chapter 85, Food Service Establishments. § 109-6 only. All other provisions of this chapter shall apply to said participants. "Said participants" Street fair participants shall be defined as those persons or business organizations which have been listed and identified by the organization sponsoring any such street fair. Any list compiled by said organization for the purposes of this subsection shall be completed and provided to the Licensing Board, to the Police Department, or to the City Clerk placed on file in the office of the City Clerk on or before the first day of the street fair.
- C. Persons selling agricultural products from their own labor on land they own or work shall be exempt from the provisions of Chapter 109, Peddlers and Vendors.
- D. Any person conducting business in any industry or association trade show within the limits of the City of Dover are exempt from the provisions of Chapter 109, Peddlers and Vendors.

5. AMENDMENT

Chapter 109 entitled "Peddlers and Vendors" is hereby amended by revising Section 109-8, "Violations and penalties", as follows:

a. THE FOLLOWING ARE AMENDED:

§ 109-8 Violations and penalties.

Any person, firm or corporation violating any provisions of this chapter shall be guilty of a violation and be subject to a fine as provided in the City Fine Schedule.

6. 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 APRIL 10, 2024

AUTHORIZATION

Document Created by: Legal
Document Posted on: April 5, 2024

O-2024.03.13 Chapter 109, Sections 3, 5, 7 & 8
Page 3 of 4



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.2.

Ordinance Number: **O – 2024.03.13 - 4**
Ordinance Title: Peddlers and Vendors
Chapter: 109
Section: 3 Definitions.
5 Inspection.
7 Exemptions.
8 Violations and penalties.

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 S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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 is not intended to effectuate a substantive change to the administration of the City's Code. Effective September 1, 2023, the State repealed former RSA chapter 320, which among other things provided certain definitions and other rules/regulations applicable to hawkers and peddlers. *See* Laws 2023, 79:299. This ordinance in large part simply clarifies Dover's local regulations, to avoid any confusion about the repeal of the State statute. A copy of former RSA chapter 320 accompanies this ordinance, for reference.

CHAPTER 320

HAWKERS AND PEDDLERS

General Provisions

Section

- 320:1. Definition.
- 320:2. Prohibition; Selling on State Property; Contracts Void; Penalty.
- 320:3. Exceptions.
- 320:4-320:7. [Repealed.]
- 320:8. State Licenses.
- 320:9. Term; Transfer.
- 320:10. Record.
- 320:11. Persons Exempt.
- 320:12. Endorsing License; Exhibiting License.
- 320:13. License, Effective Where: [Repealed.]
- 320:13-a. Veterans' Conventions.
- 320:14. Revocation of Licenses.
- 320:14-a. Appeal.
- 320:15. Counterfeiting Licenses, etc.
- 320:16. Assistance for Issuance.

Sale of Artificial Flowers, etc.

- 320:17. Prohibition. [Repealed.]
- 320:18. Permission Granted. [Repealed.]
- 320:19. Penalty. [Repealed.]

Sales for Religious and Benevolent Purposes

- 320:20. Right to Solicit and Sell. [Repealed.]
- 320:21. Exemptions. [Repealed.]
- 320:21-a. Certain Negotiable Instruments Prohibited.
- 320:21-b. When Assignee not Subject to Defenses.
- 320:22. Penalty.

NOTES TO DECISIONS

1. Generally

The right to enact reasonable statutes and ordinances for regulation and licensing hawkers and peddlers has been recognized in this jurisdiction for a long period of time; however,

the regulation and licensing must not unduly or unfairly discriminate against nonresidents. *Warren Kay Vantine Studio v. Portsmouth*, 95 N.H. 171, 59 A.2d 475, 1948 N.H. LEXIS 207 (N.H. 1948).

RESEARCH REFERENCES AND PRACTICE AIDS

Cross References.

Adoption of bylaws by cities generally, see RSA 47:17.

Adoption of bylaws by towns generally, see RSA 31:39.

Adoption of ordinances by cities, towns or village districts providing for licensure and regulation of hawkers and peddlers, see RSA 31:102-a.

Home solicitation sales generally, see RSA 361-B.

Licensing standards generally, see RSA 332-A.

Regulation of business practices for consumer protection generally, see RSA 358-A.

Regulation of itinerant vendors generally, see RSA 321.

GENERAL PROVISIONS

320:1. Definition.

The terms "hawker" and "peddler" shall mean and include any person, as defined by RSA 358-A:1, either principal or agent, who:

I. Travels from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares, or merchandise, either on foot or from any animal, cart, or vehicle; or

II. Travels from town to town, or place to place in the same town, offering to perform personal services for household repairs or improvements, or solicits or induces any person to sign any contracts relating to household repairs and improvements, including contracts for the replacement or installation of siding on any residence or building; or

III. Keeps a regular place of business, open during regular business hours at the same location, but who offers for sale or sells and delivers, personally or through his agents, at a place other than his regular place of business, goods, wares, or merchandise.

HISTORY:

1931, 102:1; RL 188:1; RSA 320:1; 1969, 481:1; 1973, 558:1; 1988, 27:1, eff. July 1, 1988.

Amendment Notes

—1969.

Rewritten to the extent that a detailed comparison would be impracticable.

—1973.

Rewritten to the extent that a detailed comparison would be impracticable.

—1988.

Rewritten to the extent that a detailed comparison would be impracticable.

320:2. Prohibition; Selling on State Property; Contracts Void; Penalty.

No hawker or peddler shall sell or barter or carry for sale or barter, or expose therefor, any goods, wares or merchandise, unless he holds a license to do so as herein provided. No person may operate as a hawker or a peddler in any building or on any land owned, leased, or controlled by the state, except as provided in RSA 186-B:13. Any person violating this section shall, notwithstanding the provisions of title LXII, be guilty of a violation and fined not more than \$500. The clerk of the district or municipal court shall dispose of fines so collected by the court as provided in RSA 502:14 or RSA 502-A:8. Any contract relating to household repairs and improvements or for siding for any building or residence solicited by any person who has not obtained the licenses as herein provided for shall be void and unenforceable, and any sale or barter of any goods, wares or merchandise by any such person shall be voidable. Provided further that any time before midnight, at the expiration of 3 business days following the signing of any solicited home repair, home improvement installment contract or cash sale of \$25 or more by the parties solicited or the owner, the parties solicited or the owner may serve a notice of cancellation upon the licensee or principal vendor.

HISTORY:

1931, 102:1; RL 188:2; RSA 320:2; 1969, 481:2; 1973, 558:2; 1983, 383:67; 1991, 254:4, eff. Aug. 9, 1991.

Amendment Notes

—1969.

Rewritten to the extent that a detailed comparison would be impracticable.

—1973.

Rewritten to the extent that a detailed comparison would be impracticable.

RESEARCH REFERENCES AND PRACTICE AIDS

Cross References.

Classification of crimes, see RSA 625:9.

Exceptions, see RSA 320:3.

Home solicitation sales generally, see RSA 361-B.

Sentences, see RSA 651.

References in text.

Title LXII, referred to in this section, is

320:3. Exceptions.

The provisions of this chapter shall not apply to the following:

I. Itinerant vendors as defined in RSA 321:1.

II. Any person selling the product of his own labor or the labor of his family or the product of his own farm or the one he tills.

III. Any person conducting sales of personal household goods on his own property.

IV. Any nonprofit organization, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes when no part of the entity's earnings benefit any private shareholder or individual.

V. Any person conducting business in any industry or association trade show.

VI. Any person who sells exclusively antiques, used goods, or vintage items.

HISTORY:

1931, 102:1; 1941, 210:1; RL 188:3; 1951, 186:1; RSA 320:3; 1988, 27:8; 1991, 254:5, eff. Aug. 9, 1991.

Amendment Notes

—1988.

Added "nor to any person conducting sales of

—1983.

Rewrote the former second sentence as the present second and third sentence and made other minor stylistic changes.

—1991.

Inserted "Selling on State Property" following "Prohibition" in the section catchline and added the second sentence.

classified to Title 62 of LEXIS New Hampshire Revised Statutes Annotated, which is comprised of chapters 625-651-E.

RSA 502:14, referred to in this section, was repealed by 2006, 267:3, I, eff. June 9, 2006.

personal household goods on his own property, nor to itinerant vendors as defined in RSA 321:1" following "he tills" at the end of the section.

—1991.

Rewritten to the extent that a detailed comparison would be impracticable.

320:4-320:7. [Repealed.]

[Repealed 1969, 481:10, eff. Sept. 1, 1969.]

Former section(s).

Former RSA 320:4, which was derived from 1931, 102:1; 1941, 210:1; RL 188:4; RSA 320:4; and 1955, 185:1, related to granting of local licenses generally. See now RSA 31:102-a.

Former RSA 320:5, which was derived from 1931, 102:1 and RL 188:5, related to the oath to be taken by applicants for local licenses and to the issuance of the license. See now RSA 31:102-a.

Former RSA 320:6, which was derived from 1931, 102:1; 1941, 210:1; and RL 188:6, related to the contents of local licenses and to the number of licenses required by persons desiring to sell goods, etc., in more than one town or city. See now RSA 31:102-a.

Former RSA 320:7, which was derived from 1931, 102:1; 1941, 210:1; RL 188:7; RSA 320:7; and 1955, 185:2, related to fees for local licenses. See now RSA 31:102-a.

320:8. State Licenses.

I. Upon compliance with this section and upon payment of \$50 for a state license, the secretary of state may grant special state licenses. Applications for such licenses shall be made upon blanks prepared by the secretary of state requiring such information regarding the applicant's character and qualifications as the secretary shall deem pertinent.

II. Any person so licensed may do business as a hawker or peddler in any city or town in this state, provided the licensee complies with all local ordinances, bylaws and regulations, including those adopted under RSA 31:102-a. If an applicant not a natural person applies for a license under this chapter, the sum of \$5,000 deposited with the secretary of state in cash or surety bond shall be required, and the employees or agents of such corporation shall be covered under such cash payment or surety bond. Any surety bond posted under this section shall remain effective for at least 60 days after the annual renewal date. All such agents or employees shall be permitted to apply for licenses under such cash payment or surety bond.

III. The annual license renewal fee shall be \$50. At the time the renewal fee is submitted to the secretary of state, the licensee shall:

(a) Update information pertaining to the license, if necessary.

(b) Submit written proof that any surety bond required by paragraph II is in effect and will remain in effect as required in paragraph II.

HISTORY:

1931, 102:1; RL 188:8; 1951, 186:2; RSA 320:8; 1955, 185:3; 1969, 481:3; 1973, 558:3; 1979, 278:1; 1981, 515:2; 1983, 186:1; 1988, 27:9; 1990, 3:25, 26; 1995, 95:1, eff. May 16, 1995.

Amendment Notes**—1955.**

Rewritten to the extent that a detailed comparison would be impracticable.

—1969.

Rewritten to the extent that a detailed comparison would be impracticable.

—1973.

Rewritten to the extent that a detailed comparison would be impracticable.

—1979.

Rewritten to the extent that a detailed comparison would be impracticable.

—1981.

Paragraph II: Added "including those adopted under RSA 31:102-a" following "regulations" at the end of the first sentence.

—1983.

Paragraph III: Added.

—1988.

Paragraph I: Substituted "is" for "shall be" preceding "no police chief" in the third sentence.

Paragraph II: Rewrote the former second and third sentences as the present second sentence and added the third and fourth sentences.

Paragraph III(b): Substituted "as required in

paragraph II" for "until the next renewal date of the license" following "remain in effect".

Paragraph III: Substituted "\$50" for "\$35" in the first sentence of the introductory paragraph.

—1990.

Paragraph I: Substituted "\$50" for "\$35" in the first sentence.

—1995.

Paragraph I: Deleted the third sentence.

RESEARCH REFERENCES AND PRACTICE AIDS**Cross References.**

Exemptions from license fee requirements, see RSA 320:11.

320:9. Term; Transfer.

All licenses issued under the provisions of this chapter shall bear the date on which they are issued and shall continue in force, subject to the provisions of RSA 320:8, III, unless revoked by the secretary of state under RSA 320:14. Any hawker or peddler who does not comply with the requirements for license renewal under RSA 320:8, III shall be subject to the same penalty as if he had no license. Said licenses may not be transferred.

HISTORY:

1931, 102:1; RL 188:9; RSA 320:9; 1969, 481:4; 1983, 186:2, eff. Aug. 9, 1983.

—1983.

Rewritten to the extent that a detailed comparison would be impracticable.

Amendment Notes**—1969.**

Rewritten to the extent that a detailed comparison would be impracticable.

RESEARCH REFERENCES AND PRACTICE AIDS**Cross References.**

Penalties generally, see RSA 320:2.

320:10. Record.

The secretary of state shall keep records of all licenses issued by him with the number of each, the names and residences of the persons licensed and the sums received therefor, and all such records shall be open for public inspection.

HISTORY:

1931, 102:1; 1941, 210:1; RL 188:10; RSA 320:10; 1969, 481:5, eff. Sept. 1, 1969.

Amendment Notes**—1969.**

Rewritten to the extent that a detailed comparison would be impracticable.

RESEARCH REFERENCES AND PRACTICE AIDS

Cross References.

Access to governmental records generally, see

RSA 91-A.

Issuance of licenses generally, see RSA 320:8.

320:11. Persons Exempt.

Any soldier or sailor disabled in any war in which the United States has been engaged or by sickness or disability contracted therein or since his discharge because of such service, and the widow of any such soldier or sailor so long as she remains unmarried, or any citizen of this state over 70 years of age, shall be exempt from paying the license fees required by this chapter.

HISTORY:

1931, 102:1; RL 188:11.

RESEARCH REFERENCES AND PRACTICE AIDS

Cross References.

Licenses and fees generally, see RSA 320:8.

320:12. Endorsing License; Exhibiting License.

Every person licensed as a hawker or peddler shall endorse his usual signature upon his license. When this license is demanded of him by a mayor, selectmen, alderman, city or town clerk, sheriff or his deputy, any constable or police officer or the person to whom he sells or offers or exposes for sale his wares, he shall forthwith exhibit the same; and, if he neglects or refuses to do so, he shall be liable to the same penalty as if he had no license.

HISTORY:

1931, 102:1; 1941, 210:1; RL 188:12; RSA 320:12; 1969, 481:6, eff. Sept. 1, 1969.

Amendment Notes

—1969.

Deleted the third and fourth sentences.

RESEARCH REFERENCES AND PRACTICE AIDS

Cross References.

Penalties generally, see RSA 320:2.

320:13. License, Effective Where. [Repealed.]

[Repealed 1969, 481:10, eff. Sept. 1, 1969.]

Former section(s).

Former RSA 320:13, which was derived from 1931, 102:1 and RL 188:13, related to limita-

tions upon the territorial effectiveness of licenses.

320:13-a. Veterans' Conventions.

Licenses granted pursuant to the provisions of this chapter shall entitle a peddler or hawker to operate at meetings or conventions of recognized veterans' organizations, but only at such meetings or conventions with the specific approval of the organization concerned.

HISTORY:

1965, 166:1; 1969, 481:7, eff. Sept. 1, 1969.

Amendment Notes

—1969.

Deleted "state or local" preceding "licenses granted".

320:14. Revocation of Licenses.

Any license granted by the secretary of state may be revoked by him after hearing (1) upon conviction of the licensee of any offense which in the judgment of the secretary of state warrants such revocation or (2) upon the submission to the secretary of state of evidence satisfactory to him that, during the term of the license, and acting under cover thereof, the licensee has accepted or solicited money, otherwise than through a bona fide sale or barter of goods, wares or merchandise or has in any manner solicited alms from the public, or (3) upon a finding by him that the applicant has wilfully falsified his application for license or (4) upon consideration of evidence that the holder of said license is insane, a sexual psychopath, is or has been guilty of assault upon others or whose conduct has been otherwise disorderly and is of such violent or offensive demeanor that to permit him to retain such license would constitute a threat to the peace or safety of the public or (5) that the holder of said license is at large pending appeal from a conviction for a violation of the law involving extreme moral turpitude. Whenever any person is convicted of a violation of any provision of this chapter relative to hawkers and peddlers, the clerk of the court or the trial justice by whom such person was convicted shall notify the secretary of state. Any person whose license has been revoked under this section shall be ineligible to be licensed as a hawker or peddler in this state for a period of not less than one year or more than 5 years from the date of said revocation. Any person whose license has been revoked, as a condition precedent to issuance of any new license, shall be required to furnish to the revoking authority satisfactory evidence of renewed reputation and character or mental health in addition to the certificate required to qualify for such license under RSA 320:8.

HISTORY:

1931, 102:1; 1941, 210:1; RL 188:14; RSA

320:14; 1955, 185:4; 1969, 481:8, eff. Sept. 1,

1969.

Amendment Notes

—1969.

Rewritten to the extent that a detailed comparison would be impracticable.

—1955.

Rewritten to the extent that a detailed comparison would be impracticable.

320:14-a. Appeal.

Any person whose license is revoked under this chapter shall have the right of appeal provided by RSA 541.

HISTORY:

1955, 185:5, eff. June 9, 1955.

320:15. Counterfeiting Licenses, etc.

Whoever counterfeits or forges a license, or has a counterfeited or forged license in his possession with the intent to utter or use the same as true, knowing it to be false or counterfeit, or attempts to sell under a license which has expired or has been revoked or cancelled, or which has not been issued or transferred to him, or has in his possession another's license with intent to use the same shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

HISTORY:

1931, 102:1; RL 188:15; RSA 320:15; 1973, 529:74, eff. at 11:59 p.m., Oct. 31, 1973.

Amendment Notes

—1973.

Rewritten to the extent that a detailed comparison would be impracticable.

RESEARCH REFERENCES AND PRACTICE AIDS**Cross References.**

Classification of crimes, see RSA 625:9.

Forgery generally, see RSA 638:1.

Sentences, see RSA 651.

320:16. Assistance for Issuance.

The secretary of state is authorized to employ such assistance and to incur such expense for the issuance of state licenses hereunder as the governor and council may approve, and the governor is authorized to draw his warrant therefor.

HISTORY:

1931, 102:1; 1941, 210:1; RL 188:16.

SALE OF ARTIFICIAL FLOWERS, ETC.**320:17. Prohibition. [Repealed.]**

[Repealed 2011, 66:1, eff. January 1, 2012.]

Former section(s).

Former RSA 320:17, which was derived from 1935, 86:1 and RL 188:18, related to prohibition.

320:18. Permission Granted. [Repealed.]

[Repealed 2011, 66:1, eff. January 1, 2012.]

Former section(s).

Former RSA 320:18, which was derived from 1935, 86:1; RL 188:19; 1945, 24:1; and 1953, 67:1, related to permission granted.

320:19. Penalty. [Repealed.]

[Repealed 2011, 66:1, eff. January 1, 2012.]

Former section(s).

Former RSA 320:19, which was derived from 1935, 86:1; RL 188:20; RSA 320:19; and 1973, 528:206, related to penalty.

SALES FOR RELIGIOUS AND BENEVOLENT PURPOSES**RESEARCH REFERENCES AND PRACTICE AIDS****Cross References.**

Authorization of solicitations, etc., for charitable purposes generally, see RSA 31:91.

320:20. Right to Solicit and Sell. [Repealed.]

[Repealed 1987, 260:4, II, eff. July 19, 1987.]

Former section(s).

Former RSA 320:20, which was derived from 1937, 87:1; RL 188:21; RSA 320:20; and 1965, 250:1, related to the issuance of temporary licenses and the disposition of funds collected.

320:21. Exemptions. [Repealed.]

[Repealed 1987, 260:4, III, eff. July 19, 1987.]

Former section(s).

Former RSA 320:21, which was derived from 1937, 87:2 and RL 188:22, related to exempted sales and solicitations.

320:21-a. Certain Negotiable Instruments Prohibited.

In a consumer credit sale or consumer lease by a hawker or peddler, other than a sale or lease primarily for an agricultural purpose, the hawker or peddler may not take a negotiable instrument other than a check as evidence of the obligation of the buyer or lessee. A holder is not in good faith if he takes a negotiable instrument with notice that it is issued in violation of this section.

HISTORY:

1969, 481:9, eff. Sept. 1, 1969.

RESEARCH REFERENCES AND PRACTICE AIDS**Cross References.**

Home repair or improvement installment contracts generally, see RSA 320:2.

Home solicitation sales generally, see RSA 361-B.

Manufacturer's right to indemnification from purchaser or lessee, see RSA 359-F.

Regulation of business practices for consumer protection generally, see RSA 358-A.

Sales generally, see RSA 382-A:2-101 et seq.

320:21-b. When Assignee not Subject to Defenses.

With respect to a consumer credit sale or consumer lease, by a hawker or peddler, other than a sale or lease primarily for an agricultural purpose, an assignee of the rights of the hawker or peddler is subject to all claims and defenses of the buyer or lessee against the hawker or peddler arising out of the sale or lease notwithstanding an agreement to the contrary, but the assignee's liability under this section may not exceed the amount owing to the assignee at the time the claim or defense is asserted against the assignee. Rights of the buyer or lessee under this section can only be asserted as a matter of defense to or set-off against a claim by the assignee.

HISTORY:

1969, 481:9, eff. Sept. 1, 1969.

RESEARCH REFERENCES AND PRACTICE AIDS**Cross References.**

Home repair or improvement installment contracts generally, see RSA 320:2.

Home solicitation sales generally, see RSA 361-B.

Manufacturer's right to indemnification from purchaser or lessee, see RSA 359-F.

Regulation of business practices for consumer protection generally, see RSA 358-A.

Sales generally, see RSA 382-A:2-101 et seq.

320:22. Penalty.

Any person violating the provisions of this subdivision shall be guilty of a misdemeanor.

HISTORY:

1937, 87:3; RL 188:23; RSA 320:22; 1973, 528:207, eff. at 11:59 p.m., Oct. 31, 1973.

Amendment Notes**—1973.**

Rewritten to the extent that a detailed comparison would be impracticable.

RESEARCH REFERENCES AND PRACTICE AIDS**Cross References.**

Classification of crimes, see RSA 625:9.

Sentences, see RSA 651.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2024.03.27 - 52**
Resolution Re: Additional Appropriation for FY2024 CIP Project
Elementary School HVAC Upgrade

WHEREAS: The City Council desires to make public improvements as identified projects contained in the City's annual Capital Improvements Program and to finance these improvements with transfers from Capital Reserve Trust Fund; and

WHEREAS: The Dover School Board, at their March 11, 2024 meeting, approved the elementary schools' HVAC upgrades at Woodman Park Elementary School and Frances G. Hopkins Elementary School at Horne Street in the total amount of \$4,428,600; and the Elementary School HVAC Upgrade project has available appropriations of \$4,034,973; and

WHEREAS: At their March 11, 2024 meeting, the Dover School Board adopted a resolution (copy attached) to seek approval from the City Council for an additional appropriation of \$393,627 for the Elementary School HVAC Upgrade project to be financed by a transfer from the School Facilities Capital Reserve; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The following capital outlay is appropriated as part of the FY2024 Capital Improvements Program for the purposes so designated and the Finance Director is authorized to transfer the funds from the respective Capital Reserve Fund in the amounts listed.

Description	Appropriation	Funding Source	Fund
Elementary School HVAC Upgrade Project	\$393,627.00	School Facilities Capital Reserve	Trust

NOTE: This Resolution Requires a Public Hearing and Vote of 2/3 Majority of members of the City Council per C6-6 of the City Charter.

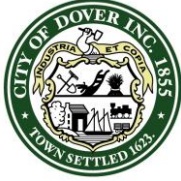
AUTHORIZATION

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#: 12.C.1.	
Resolution Number: R – 2024.03.27 - 52 Resolution Re: Additional Appropriation for FY2024 CIP Project Elementary School HVAC Upgrade		

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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:

At their March 11, 2024 meeting the Dover School Board approved HVAC upgrades to be completed at the Woodman Park Elementary School and the Frances G. Hopkins Elementary School, with scope of work being for a total amount of \$4,428,600.

Previously authorized appropriations in the amount of \$4,034,973 for the Elementary School HVAC Upgrade project include \$3,434,973 from ESSER III grant funds, and \$600,000 transfer from the School Facilities Capital Reserve.

This resolution authorizes an appropriation of \$393,627 (\$4,428,600 - \$4,034,973) for Elementary School HVAC Upgrade project in order to have \$4,428,600 in available appropriations for the project.

This resolution does not authorize an increase in the indebtedness of the City. The appropriation in this resolution is funded by a transfer from the School Facilities Capital Reserve.

The \$393,627 appropriation is to be financed by the School Facilities Capital Reserve. The School Facilities Capital Reserve has a current available balance of \$1,589,204.

RESOLUTION

RE: TRANSFER FUNDS TO THE ELEMENTARY SCHOOL HVAC UPGRADE CIP PROJECT

WHEREAS: The Dover School Board approved the elementary schools' HVAC upgrades at Woodman Park Elementary School and Frances G. Hopkins Elementary School at Horne Street in the total amount of \$4,428,600 on September 25, 2023; and

WHEREAS: There are appropriated ESSSER III funds in the amount of \$3,434,973 and existing CIP appropriations in the amount of \$600,000 for the total of \$4,034,973, the Dover School Board has identified the need for additional funds to complete the elementary schools' HVAC upgrades in the amount of \$393,627; and

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

The amount of \$393,627 to be appropriated for the Elementary Schools' HVAC upgrade CIP project and the financing source to be from the School Facilities Capital Reserve Fund.

Description	Appropriation	Funding	Fund
Building Systems – Elementary HVAC	\$393,627.00	School Facilities Capital Reserve	Trust

SUBMITTED BY:



Robin Trefethen, Chairperson



Carolyn Mebert, Vice Chairperson

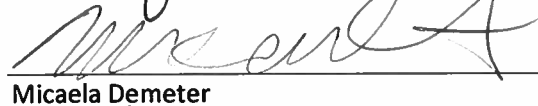
Michelle Clancy, Secretary



Maggie Fogarty



Elizabeth Goldman



Micaela Demeter



Craig Flynn

March 11, 2024

City Manager's Report

April 10, 2024

Reporting On:

March 2024

By: J. Michael Joyal, Jr.
City Manager

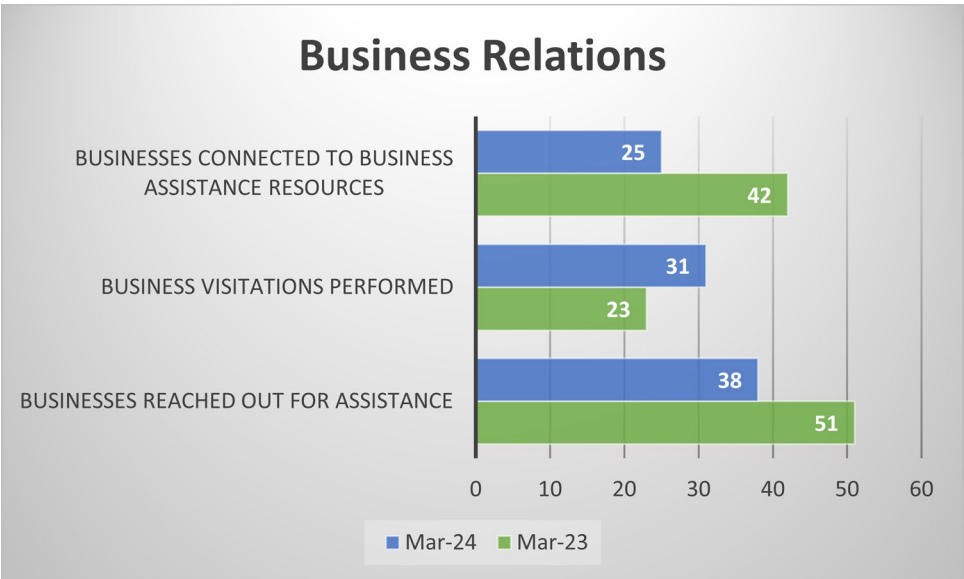
Executive Department

Six Divisions ♦ 23 Employees

Office of Business Development (OBD)

Christopher Parker, Deputy City Manager; James Burdin, Business Development Coordinator; Reid Bickley, Business Development Specialist

	Jan 23	Feb 23	Jan 24	Feb 24	12-Mo. Avg.
Dover Labor Force	18,840	18,920	18,340	18,580	18,691
Dover Unemployment Rate	2.6%	1.9%	2.3%	2.5%	1.9%
Median Home Sales-Single Family	\$499,000	\$574,500	\$440,000	\$529,500	\$ 521,654
Average Days on Market	43	23	18	39	19



New Business / Commercial Development / Downtown Updates

The month of March witnessed a noteworthy uptick in engagement from prospective commercial tenants, indicating a strong interest in the area's commercial opportunities. The surge in inquiries, along with the heightened anticipation for forthcoming commercial developments, highlights a growing enthusiasm among entrepreneurs and business owners considering establishing or relocating their operations to Dover.

The hospitality industry is experiencing an increase in activity, with hotels boasting occupancy rates between 80-85%. This rate is expected to escalate incrementally due to the influx of tourists for the forthcoming solar eclipse, an event predicted to significantly enhance tourism revenue, surpassing typical figures for this season. Furthermore, the landscape of lodging establishments is evolving, with three notable properties having changed hands recently, indicating a fresh wave of entrepreneurial energy.

Several local restaurants are in the process of either changing ownership or taking on expansion opportunities. The next two months are set to welcome the opening of four new dining venues, however, some face delays in their launch due to extended timelines for interior renovations, primarily attributed to contractor dependencies.

The Dover Retail Group's initiative to organize a "Spring Fling" event on May 4th is underway. This event aims to rejuvenate lesser-used spaces, including Waldron Court, through an infusion of musical performances and community engagement activities. The involvement of retail merchants, who are incorporating vendor opportunities and family-oriented festivities, such as bubbles, sidewalk chalk stations, and face painting, supports their goal to increase foot traffic downtown.

The end of the first quarter highlighted some businesses reporting a slight rise in revenues, coupled with an increase in job applications and a reduction in staff turnover. These indicators, while preliminary for 2024, suggest a growing confidence among consumers and a stabilizing job market.

Economic Activity

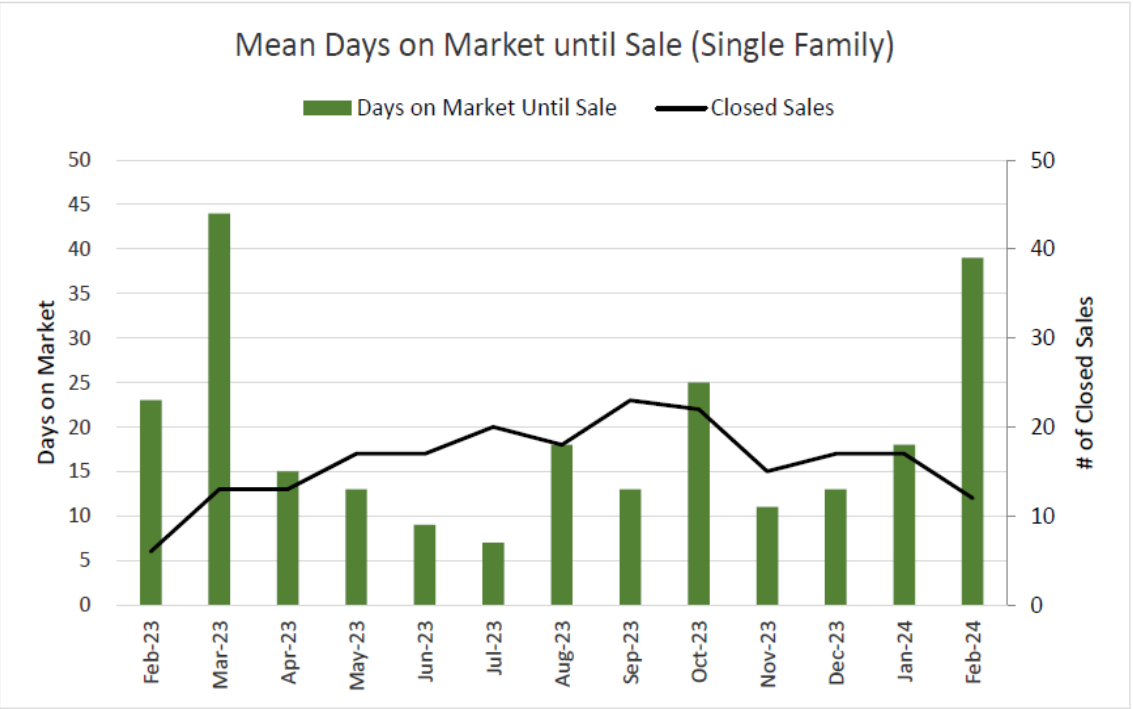
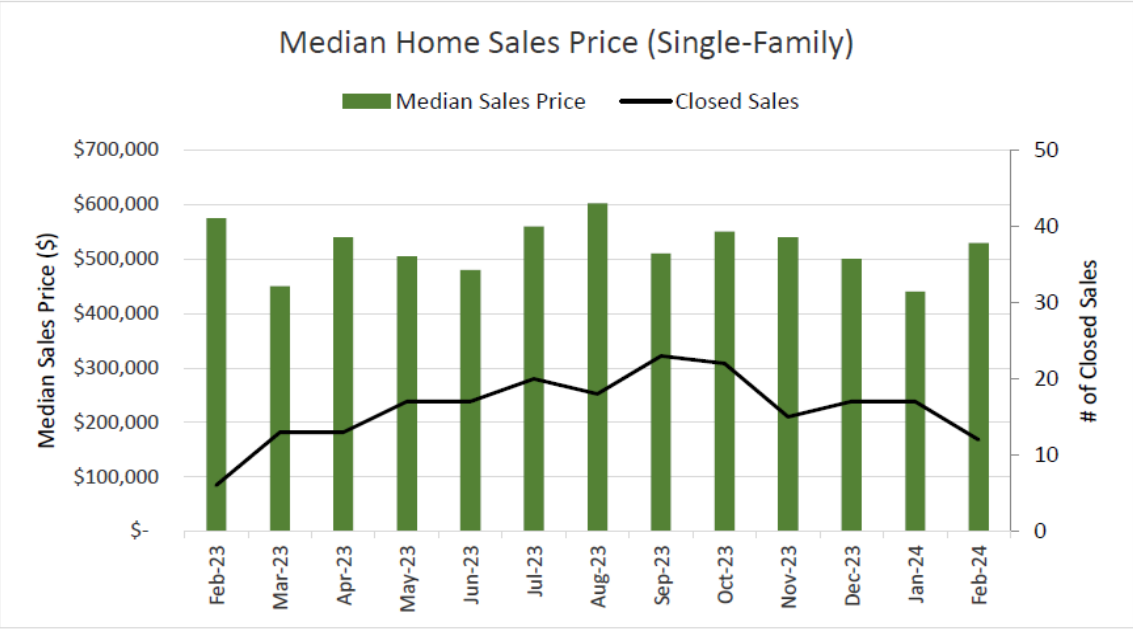
Low vacancy rates, high demand, and rising rents in the industrial market have led to an 8% increase in sales price per square foot in New Hampshire throughout the last year. These conditions, as well as limited land availabilities in the Portsmouth area, have led to an increasing amount of industrial construction within Dover.

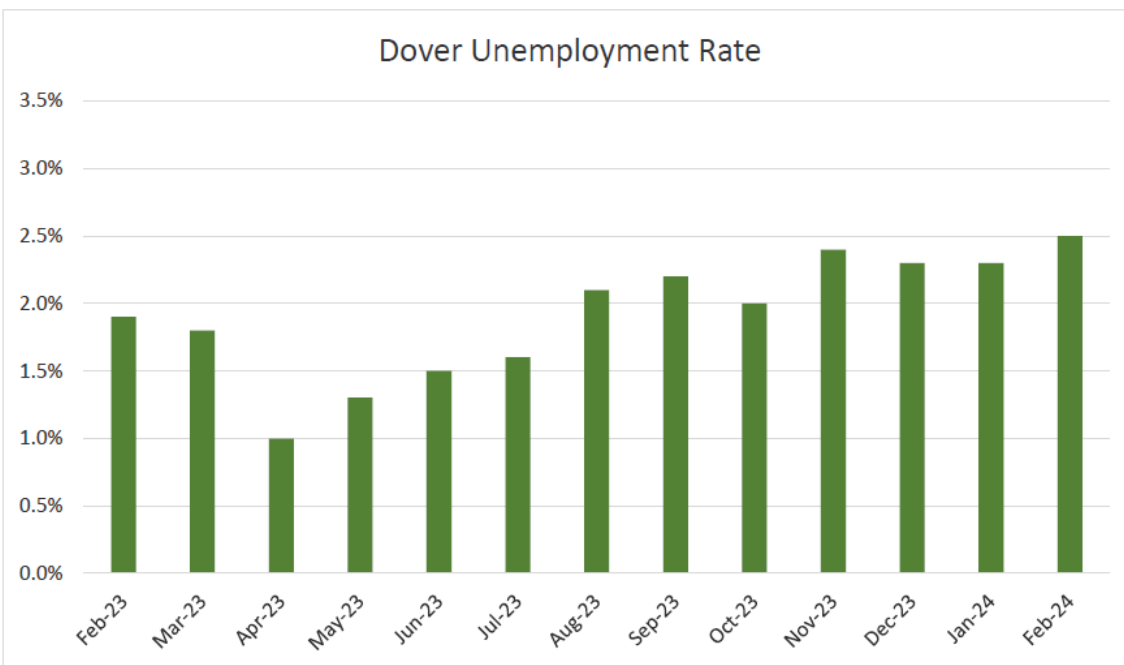
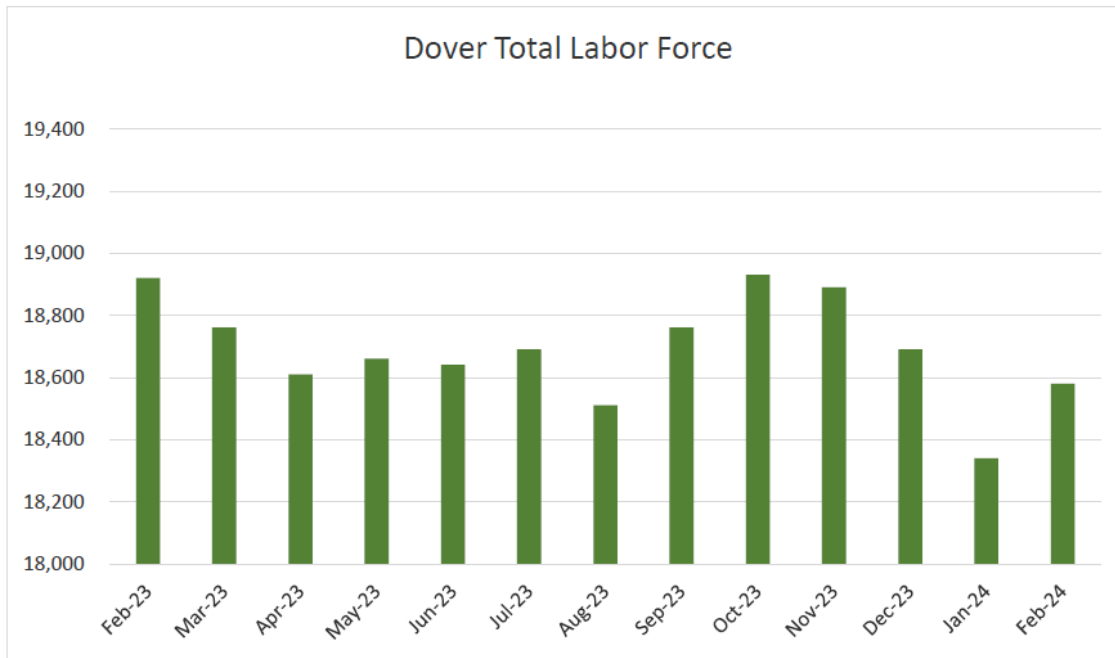
The industrial market witnessed a slight decrease in activity throughout 2023. It is assumed that this decrease is due to companies becoming more selective in choosing facilities, to ensure long term needs will be met, lengthening the decision-making timeline.

Overall outlook in the Boston area was optimistic, with activity expected to increase throughout the second half of 2024, excluding commercial office real estate which has remained relatively weak with high vacancy rates.

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

Housing metrics obtained from NHAR-Strafford County.







Waterfront Update:

This month the City's contractor completed work towards satisfying the commitments outlined in the Development Agreement to convey parcels 1-4 and 1-5 to our private partner Cathartes. This work is detailed below:

A significant milestone was achieved with the completion of the obligated obstruction removal within the foundation areas of the site parcels 1-4 and 1-5. Included in this process was the removal of debris from the former Waste Water Treatment Plant (WWTP) building. It was discovered that the majority of the building and interior components were demolished to slightly below grade. Essentially, they were buried in place. Northeast Earth Mechanics (NEEM) was able to successfully remove all that remained except the former wet well and pump room areas. These areas extended in excess of 30' below the surface. Upon review, Cathartes agreed that it would make some changes to the building foundations and associated ground improvements to bridge this area potentially with below surface grade beams. A main focus for March was achieving partial Remedial Action Plan (RAP) closure for the obligated parcels (1-4 and 1-5). This effort included the pre RAP grade survey followed by installation of delineation fabric, which is a visual barrier for where the RAP soils exist. The second part of the process was the application of 2' (in most cases) and up to 3' (where needed) of clean fill. The third component of this process was the installation of a crushed rock product, which was manufactured on site, to provide the developer and its contractors with a stable work pad. The final step was the post RAP closure survey to document that this process meets the RAP guidelines, required by the NH Department of Environmental Services.

Furthermore, effort continued this month with bluff over burden removal to make way for the ledge drilling and blasting crews to complete a series of charge detonations. The over burden is soil and vegetation that exists at the surface of the bluff areas that need to be removed for further development. Despite significant rain events, this work was completed ahead of schedule, and the work allows NEEM the ability to deliver acceptable subgrades to the private developer's vertical construction process. This work also allows the various utilities to now be installed in the roadway and surrounding areas. Large quantities of rock product have been removed from the utility trenches and that material is being manufactured into future useable material for the development's pad sites, road ways, and sidewalks throughout the site. In total, over 100k cubic yards of material have been relocated in this effort and approximately 25,000 tons of ledge material have been crushed and processed.

This month the installed sheeting, along the shoreland, was removed to expose the newly constructed granite toe wall construction. Only approximately 100' remain to be constructed of the wall. This process should near completion in the coming weeks, and is being done in accordance with the time of year restrictions on the actual shoreline. Full completion of the shoreland stabilization will pick up again later this year.

Office of the City Attorney (OCA)

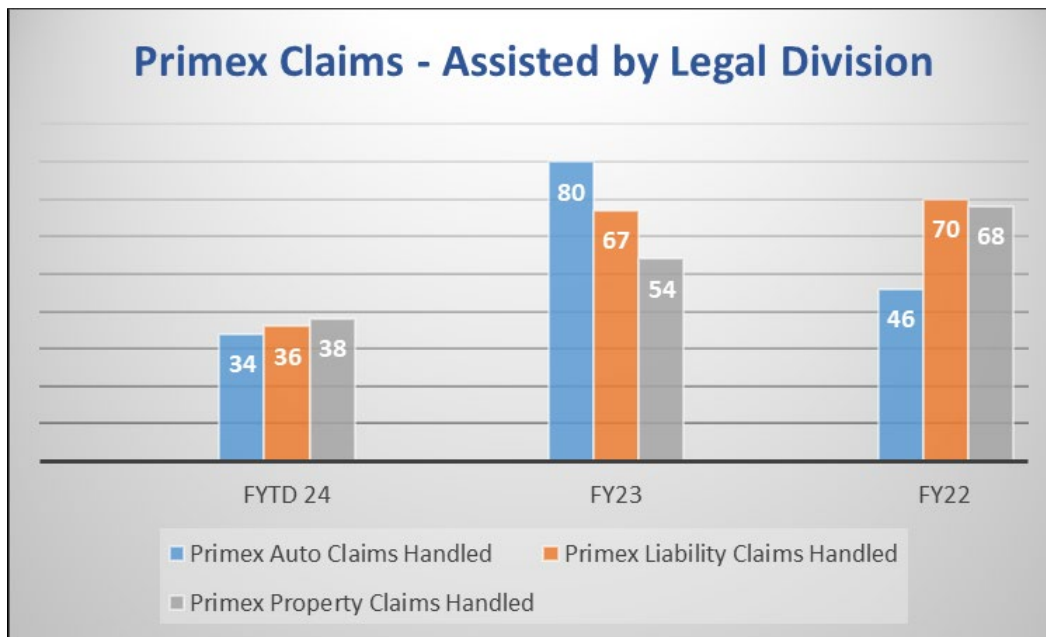
Joshua Wyatt, City Attorney; Jennifer Perez, Deputy City Attorney; Patricia Moniello, Legal Assistant

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.

TRACKED UTILIZATION DATA FOR THE MONTH OF MARCH 2024

	For Month	FY24 FYTD	FY23	FY22
Legal Matters/Questions Handled	80	798	1,061	790
Review Existing Legal Contracts & Draft Memo	7	111	153	161
Legal Contracts/Memo Created	25	136	201	214
Right to Know Requests Processed	5	58	100	78
Resolutions	7	49	70	74
Ordinances	2	14	17	24
Leases	5	7	4	14
Primex Auto Claims Handled	3	42	80	46
Primex Liability Claims Handled	2	42	67	70
Primex Property Claims Handled	5	44	54	68



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

- ♦ Elias Law Group – Request for 2024 election information
- ♦ Jeffery Glassman Law – Request for Dover Fire & Rescue patient record
- ♦ Parks Christenbury – Request related to vandalism and warranty work for Warming Center transport van
- ♦ Tighe & Bond – Request for information and/or permits on site development/improvements, zoning districts, and environmental records relating to 31 River Street, 60 River Street, Dover Landing Dredge Cell, 89-91 Henry Law Ave and 59 Henry Law Ave.
- ♦ [Name omitted for privacy reasons] – Patient request for Dover Fire & Rescue records

The City Attorney’s Office supported Council and Master Plan goals by handling the following:

Assisted with waterfront development closing tasks as well as other City development agreements. Also assisted with efforts to facilitate development of new lots for housing.

Responded to public inquiries under RSA 91-A and otherwise, timely, respectfully, and in full.

The Office undertook normal review of relevant professional literature. The Office reviewed applicable 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. The Office also reviewed case highlights provided by the International Municipal Lawyers Association. The Office receives and reviews professional journals, as well as undertakes periodic review of federal legal

developments in the field of education, labor, and other matters.

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.

Dover School District: Assisted with employment matters, compliance inquiries, public records requests, policy revisions, and JBC-related inquiries.

Executive Department: Assisted business development with development agreements and sales of City Property. Deputy City Attorney has assisted human resources and various non-school departments with ongoing labor negotiations. Assisted with translation link included on City website by information technology division.

Community Services: Assisted with construction contract administration and drafting, code enforcement, drinking water related initiatives, and public right of way issues.

Finance Department: Assisted with collections, data inquiries, contract administration and enforcement, and property tax exemption/credit questions.

Fire and Rescue Department: Assisted with public records requests.

Library: Assisted with inquiries related to programs.

Planning: Assisted with compliance matters/code enforcement, CDBG-related inquiries, review of land use conditions of approval.

Police: Assisted with parking code inquiries, physical fitness testing forms/waivers, employment/labor inquiries, and certain other matters as requested.

Recreation: Assisted with drafting of four McConnell Center leases, resolutions to City Council related to same, and drafting certain conditions of gym/pool memberships.

Welfare: Assisted with client-related inquiries.

Pending Litigation Updates

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.

Most recent developments bolded.

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. Case is undergoing appeal briefing.

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) from the United States Supreme Court. The United States Supreme Court has now granted certiorari and the appeal is believed to be in the briefing process.
- 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 filed a reply brief, which the City moved to strike portions of and the Court has not yet ruled upon. No appeal decision has been received. Case has still 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 or should be 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. To summarize, as of end of January 2024, the Hebbards have not yet fulfilled all of their obligations under the earlier stipulation, and the "damages" matter has been briefed and is still awaiting decision, which includes the City's motion requesting an award attorney's fees (and/or used to setoff of any "damages" found to be due to Mr. and Mrs. Hebbard).

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. A deposition of the plaintiffs' expert occurred in December 2023. The parties have now each filed for motions summary judgment. A four-hour summary judgment hearing is scheduled to occur on February 7, 2024. **A summary judgment hearing occurred on February 7, 2024. Case is still awaiting a summary judgment decision.**

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. **A new appeal to the First Circuit was recently filed. No appeal briefing has occurred yet.**

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. Mr. and Mrs. Lane have now appealed to the New Hampshire Supreme Court. **The appellants have filed their brief. The appellees (including City) are now preparing appeal briefs.**

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 office 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. Plaintiffs have objected. Defendants filed a summary judgment reply memorandum, to which the plaintiffs responded by reply in December 2023. No summary judgment hearing has yet been scheduled and no summary judgment decision has issued.

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. The parties underwent appellate mediation, which was not successful in resolving the dispute. **Case is undergoing appeal briefing.**

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 has now been structured and is in general discovery.

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. Case did not resolve within the mandated settlement period, which will likely prompt the BTLA to set the case for hearing on the merits at a future date. **Final hearing at the BTLA is now scheduled for October 2024.**

Essential Properties, LLC v. City of Dover -

A taxpayer has filed a property tax abatement action with the Strafford Superior Court. In December 2023, the City Attorney filed an appearance and answer. Case has been structured and is in general discovery.

NH Real Estate Comm. V. NE Coast to Country Realty Investments, LLC et al -

In December 2023, the City received a notice of a new civil receivership action commenced by the State through its Real Estate Commission. The Court has appointed a receiver to take over the assets of a real estate agency who allegedly committed various unlawful acts. The City appears to have received the notification because one possible real estate asset of the company's principal is owned in Dover, for which water/sewer liens have been perfected. The City Attorney filed an appearance and is monitoring the docket.

Reddyinfosys, Inc. v. City of Dover:

A property owner who appealed a water/sewer assessment to the Dover Utilities Commission and later City Council has now filed a Superior Court action seeking to abate water/sewer charges. City Attorney filed an appearance and motion to continue the hearing and answer deadline, which the Court granted. **City Attorney has worked with staff to prepare documents/records and is currently determining next steps in the matter.**

Professional Development

The Office of the City Attorney places significant importance on professional development in areas germane to the City's needs. 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 and is a member of the Inns of Court and participates in monthly networking and continuing education meetings. The Legal Assistant attends meetings of the Joint Loss Management Committee and this month participated in an online webinar entitled "IMLA Mental Health Strategies to Sustain & Protect Legal Professional's Well Being".

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, 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. City Code supplements are continuing on a quarterly update schedule. The recodification of the City's zoning ordinance continues—General Code has provided the proposed, recodified version of Chapter 170, and the Office of City Attorney is working with Planning to review that draft and, if in order, to bring it forward in the form of an ordinance in the near future.

Office of the City Manager (OCM)

Michael Joyal, City Manager; Colleen Bessette, Executive Assistant

As you can see, the first monthly report from the City Manager will be an Executive Department update. Previously, updates were from half of the department in the first report and half in the second report. Now the first report will be rounded out to include all divisions of the Executive Department. Parking Division update/stats will now fall under the Police Department update in the second report of the month.

Whenever there is a workplace injury, claims are filed immediately from all city departments to this office. During the month March, the City Manager’s Assistant (CMA) received and processed 7 Worker’s Compensation Claims, as well as continued to monitor and update all open claims throughout the month and coordinated efforts with PRIMEX.

The CMA gathered information from various departments and processed a total of 3 job postings during the month. The City Manager’s Assistant monitored new position and/or new hire physicals and background/motor vehicle checks for 8 employees. This oversight ensures all eligible employees and/or applicants are able to move on in the hiring process.



The CMA continues to work with the City Clerk Tax Collector in organizing Board/Committee members and getting all members listed into a database. This will enable the Clerk to more easily monitor term expirations and communicate more efficiently with all members if needed. This process will take place over the next couple of months as time allows.

The City Manager has held Coordinating meetings where the Planning Director, Community Services Director, City Engineer and Deputy City Manager discuss various projects going on in the City of Dover. T

The City Manager has also held Department Head meetings. All department heads and executive division heads attend these meetings. Updates on department happenings are given by each attendee. These meetings are very important to keep everyone on the same page and departments in sync working together.

As you know, Gary Bannon will be retiring soon after serving 34 years as the Recreation Director. The Recreation Department extends an invitation to City Council to stop by and wish Gary the best.



The City Manager's Assistant asked Gary some questions about working for the City of Dover:

1. What do you think you will miss the most about working as Recreation Director?

Honestly, first it would be the citizens and area residents that I have been blessed to meet and get to know well over the years. It is a real gift to be in the position I have been in and to have the chance to actually engage in the lives of so many people on not just a surface level but get to know more about them and what really matters to them. That way I could help provide services, programs and facilities with my staff and volunteers that really hit the need and desires of this community. Next and really just as important is the chance to work with, and for, so many great people in my time with the City. The atmosphere of quality service and dedication to be the best we possibly can be as a team and as a City government really inspired me to do my best; to be an active part of that team not only as an individual but as I lead my department year after year.

2. What are your top three most memorable moments working as Director?

First, I would have to say that being part of celebrating volunteerism and sponsorship through our annual Volunteer and Sponsor of the Year and Heyliger Awards that we held for 26 years was the real highlight. Every year we would get nominations from all of the Youth Sports programs in Dover for their individual League Volunteer of the Year as well as the sponsors that they knew that helped them and they could nominate for the Sponsor of the Year Award. The Recreation Advisory Board annually selected from all of the nominees the Volunteer and Sponsors of the Year for that particular year. We held a banquet and celebrated each person's achievements and then announced the winners of those two awards from the list of nominees. Without fail every year we heard many wonderful stories about how each volunteer made their impact on the program and the lives of so many young people. It was particularly poignant when in the later years when several of the recipients told the story of how they were inspired to give back because of someone they looked up to as a coach or league official showed

them how important that role was as they gave of themselves. Those banquets were always the highlight of my year.

Second was working on the Adventure Playground project at Henry Law Park. It was a massive undertaking to do that project as an “In House” construction project and work with the Community Services Department and contractors to take the design and really customize it in a way that really made it unique and related to Dover’s history and image and be a fun place to spend a lot of time. It was a true collaboration as well with the Children’s Museum of New Hampshire and a very special family who donated the money needed to complete the project as well as be an active consultant on the project throughout. The Cox family became very invested in the project as a way to honor the life and memory of Martha Cox, wife to Paul Cox and mother and grandmother of a wonderful family. Martha was involved in the initial design and ideas but passed away during the initial months of the construction. It took almost two years to complete but it became an iconic Dover destination for thousands of visitors each year since it opened in June 2017. The experience of working together with City staff, Children’s Museum staff and the Cox family to accomplish that successful project will forever be something that is one of my fondest memories.

Third I would have to say was the annual Fourth of July Celebration that I coordinated every year. It was one event each year but it drew close to 10,000 people to Dover to gather together to enjoy the concert and fireworks show. The real impact for me was the number interactions with so many people at one time that would occur. It was a joy to see families and friends show up and meet and wait to see what kind of show we would put on but mostly just to be part of something bigger than yourself for a while and drink that in on a summer night in Dover. No matter what the location of the show would be, in my tenure from the old High School to Garrison Hill and Maglaras Park, every place had its fans and detractors but overall, everyone got to enjoy the time together which was most important of all. Also, my chance to be on the phone with the fireworks technician while the 39th Army Band played Stars and Stripes Forever and call to first shot in sync with the music was a great experience (whether anyone else knew it was synchronized or not!). The smiles and cheers are what I will remember most about those days and it is a rare job that allows you that opportunity to add to the joy of others and I had that!

3. What taught you the most working as Rec Director?

Patience! I had to learn that anything working in government will take more time than you think it should but you know that inside there are good reasons (much of the time) for the pace of the processes and you have to go with it. Also, no staff person or department is an island. We all have to step back and see how we can work much better if we have empathy for each other’s challenges and support each other through them. Next a deep respect for the elected and appointed officials that serve the City and commit to give of their time for years in many settings and countless meetings that can tax anyone’s endurance. But over time you can see whose hearts are in it for the best reasons and they stick with it and listen to the community and staff and help make the best decisions for the present and future of the City. I have met many of those in that setting over the years and I tip my hat to them for putting the City in a better place due in part to their love for it and their willingness to serve.

4. Looking back through the years, what are you most proud of as far as your contributions?

I hope that if anyone remembers me in years to come it will be due to hopefully doing something that uplifted someone to help them do better or to set a goal to be the person they were made to be. The facilities are great and the assets and programs we have had over the years and have now been second to none for a city the size of Dover and I am thankful that I had the opportunity to contribute to that being the case. But to me I remember the faces and try to remember the names of so many people I have met in a variety of settings and the stories of where they were in their lives when we met. I hoped to be part of helping them get further down the road of life with a bit more hope and direction if I could share something with them. One program that I ran myself that was not very much publicized but was

widely known about was a gym program I ran on Saturdays from November to May at 6:00 at night called Saturday Night Out. I started it in 1994 and ran it for 26 years until Covid stopped it in 2020. It was an open gym program started for High School kids to drop in the gym on Saturday nights in the winter and early spring to play basketball and spend time with their friends in a safe and supervised setting. I didn't charge for it and I was the only staff person and on salary so there so the costs were negligible. It started by word of mouth but on any given Saturday night I averaged between 35 and 45 kids and showing up and staying until I wrapped up around 10:00pm. The age range grew over time as the kids I once started with in High School ended up coming back year after year in college or working until I had to put a maximum age on it of 20 somethings up to 30ish. All of those 26 years my family supported me being out for 6 months of the year on a weekend night because they knew it was worth the time, I was away from them to be with so many kids and young adults to give them a great place to be and focused on doing healthy things on those vulnerable nights at their age. I didn't share this to get any pats on the back but to answer the question of what I can be proud of. It is the hopeful positive impact on those young people's lives that I personally was in contact with for those years is what I do remember most significantly

5. Any words of wisdom for the next Recreation Director?

Be yourself and trust that the community will embrace and support you and the Recreation Department. Give from the heart as well as your experience and wisdom and continue to grow throughout your time here. That is the truth of my experience and I thank God for the amazing experience and gift I have had of serving this community all these very full and blessed years.

Gary will be greatly missed by many people and the City of Dover was extremely blessed to have Gary in its midst for so many years! His true kindness and many smiles will surely be missed around the various facilities he tended to and visited, but we understand it is time for him to turn the page and begin this next chapter in his life.

The recruitment process for a new Recreation Director is underway. The position was advertised for three weeks and recently closed. Interviews are scheduled for 6 individuals which will take place mid-April. A recommendation from the hiring team will then go to the City Manager, who will then conduct the final interview. Where this is a Department Head position, the City Manager's Assistant is helping the team set up interviews and handling the admin side of the process. Generally, the hiring process is handled at the department level.

Office of Human Resources (OHR)

Heather Worrall, Director of Human Resources; Jean Tsouramanis, HR Assistant; Gwen Milliman, HR Office Assistant

The National Employee Survey launched March 5th. Employees will be asked questions related to employee job satisfaction, work environment, compensation, supervisory relationships, organizational climate, and communication. The survey will close April 9th.

The Office of Human Resources, as recommended by the Committee for Racial Equity and Inclusion, is looking through its hiring procedures and documents to expand gender identity choices for new hires. It is noted that no demographic information is gathered from applicants prior to their conditional offer of employment.

The Office of Human Resources has reviewed all applicants applying for positions throughout the city via Workable, the city’s online platform. All applicants are reviewed for applicable requirements and then moved along in the process for the individual departments to take over the hiring process. In March 2024 there were a total of 134 candidates who applied to 22 open positions, 3 of whom were hired.

March Employment Statistics

Employment Separations = 5		Employment New Hires = 5	
Executive	01	Executive	01
Finance	01	Fire	01
Public Library	01	Public Library	01
Recreation	02	Police	01
		Recreation	01

Employee Anniversaries		
Employee Name	Employee Department	Length of Service
Tweedy, Samuel M	Police	29
Terlemezian, David A	Police	28
LaFrance, Denise A	Library	25
Chabot, Craig S	Fire	24
Young, Edward W Jr	Community Services	23
Mountain, Fulton T	Community Services	19
Dwyer, Cheryl L	Community Services	17
Bretz, Jennifer	Community Services	16
Gahan, Steven C	Recreation	10
Long, Mallory A	Recreation	9
Flanagan, Dennis M	Recreation	8
Gray, Janet E	Finance	8
Lynch, Bryon E	Police	8
Daley, Daniel R	Police	6
Donais, Jenna R	Police	6
Eaton, Bethany M	Finance	5
Elbert, Dennis	Police	5
Barry, Jean	Recreation	3
Garnett, Leah M	Finance	3
Paddock, Nicole E	Recreation	3
Roche, Megan E	Recreation	3
Bassegio, Erin M	Planning	2
Carnes, Jodi L	Public Welfare	2
Palaima, Marie L	Police	2
Walker, Cassidy J	Police	2
Deardorff, Kelli Jo	Police	1
Glidden, Rielly W	Recreation	1
Pope, Ryan C	Planning	1
Rowell, Jared M	Fire	1
Ryan, Bridget L	Police	1

Office of Information Technology (OIT)

Annie Dove, Director of Information Technology; Kevin Foster, Deputy Director of IT; Kathleen Meyers, Asset Management Admin, Timothy Pine, Asset Management Tech; TBD, Enterprise Systems Admin; Dave Peters, Systems Tech; Robert Stallings, Utility Systems Admin; Matt Faucher, Public Safety IT Admin; Nick Neathawk, Public Safety IT Tech

Office of Information Technology, including Police IT staff, managed 115 total monthly IT Support Tickets in February 2024. The majority of tickets were created in the Police department. The majority of tickets were categorized as User Account – Issue or Client – Issue.

NH DES grant. Reference R2023.11.08-174. Completing detailed update of water plant asset inventory in cooperation with Community Services Utilities staff.

Continued work in rolling out multi-factor authentication for all municipal employee accounts.

Continued participation and support of CAMA application upgrade by Asset Management Administrator.

Complete maintenance update for Recreation application server. Resolve intermittent send mail issue. Update adds greater security to customer account maintenance.

Endpoint re-organization to delineate endpoint security and vulnerability management tasks.

Present FY2025 Proposed DoverNet budget to City Council at budget workshop. Continue to track, update cybersecurity projects in relation to ARPA funding.

Ongoing work to complete annual subscriptions and maintenance renewals in advance of renewal date.

Continue hiring process to replace Enterprise Systems IT Administrator role.

Office of Media Services (OMS)

Michael Gillis, Director of Media Services; Brian Early, Media Services Admin; Tom Zimmerman, Media Services Tech; Lynn Clement, Media Services Tech

In March, Media Services provided numerous updates on a variety of city and school projects, public services, and current events. These included education updates; special events; road, development and construction projects; and previews of upcoming meetings of public bodies.

Media Services produced five episodes of the Dover Download podcast in March. Dover Download is a weekly look at what's happening in Dover, hosted by Deputy City Manager Christopher Parker.

In March, Media Service broadcast the annual State of the City, held at 121 Broadway in Dover. The event, organized by the Greater Dover Chamber of Commerce, featured retiring Recreation Director Gary Bannon.

Media Services continued to update the city's online budget resource, Budget Revealed, with information about the School Board's FY2025 proposed budget. All budget meetings, documents, and additional information were added to the website over the course of several budget meetings. In addition, Media Services provided detailed updates about the budget across several publications, including Dover Download, and the Budget Revealed newsletter, which is published weekly during the budget cycle.



Gary Bannon speaking at the 2024 State of the City

As part of the ongoing assistance with Dover's public schools and the SAU, Media Services continued to work with the superintendent and school administrators to draft a communications plan for the school district.

In March, Media Services Director Mike Gillis met with a delegation of Albanian government officials to discuss transparency and accountability in government institutions. The visit was organized by the World Affairs Council of New Hampshire and United States Department of State. Dover was selected to meet with officials because the city is recognized as a leader in open government and transparency.

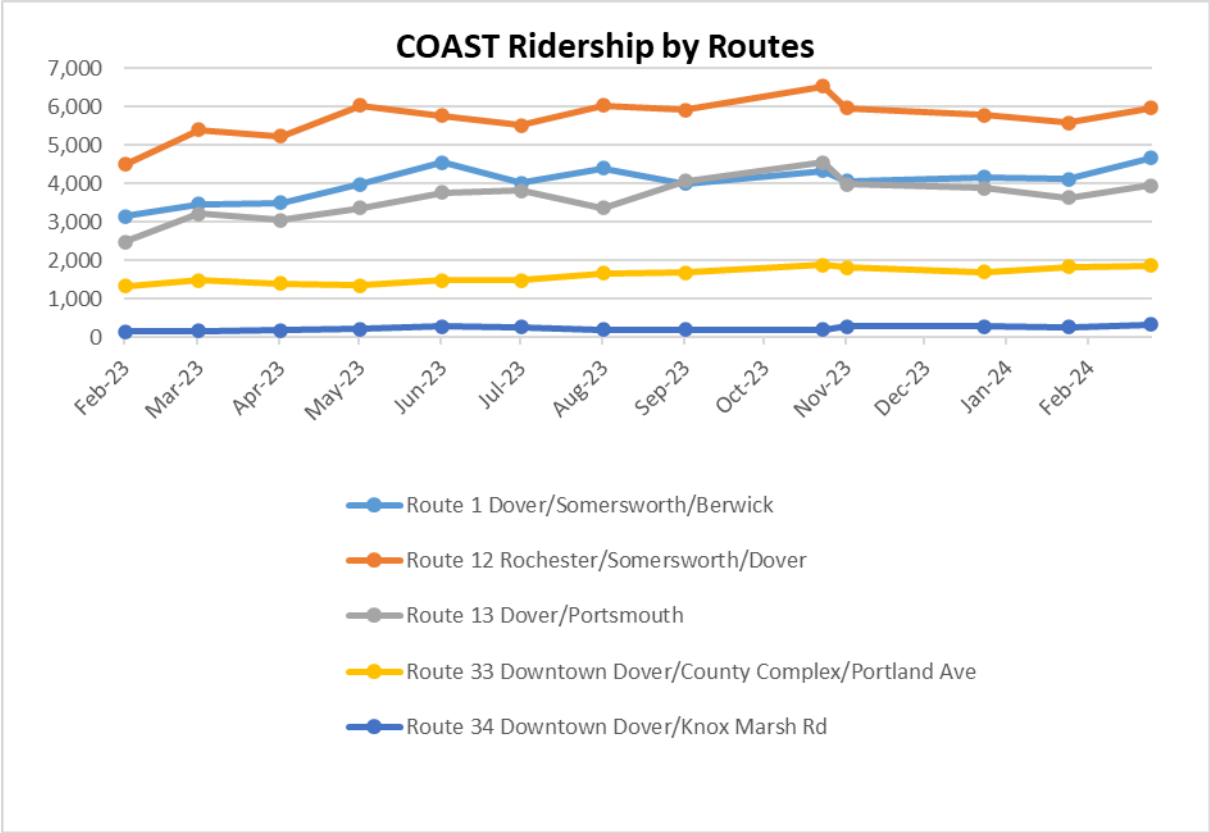
In March, Media Services sent out 81 email newsletters, including the weekly editions of Dover Download, special alerts, and departmental and project updates. These newsletters are designed to help communicate a wide variety of information to the public of general interest and for specific projects and topics and to instill the city's commitment to community stewardship. More than 200 updates were posted to social media and other external communications platforms.

In March, Media Services distributed 61 news releases across multiple platforms for other city matters, including ongoing projects and special announcements.

Media Services provided live and taped televised coverage of 23 meetings and special events in March.

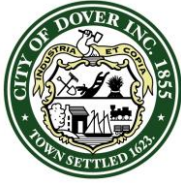
COAST

Ridership Activity



Route 1	Dover/Somersworth/Berwick
Route 12	Rochester/Somersworth/Dover
Route 13	Dover/Portsmouth
Route 33	Downtown Dover/County Complex/Portland Ave
Route 34	Downtown Dover/Knox Marsh Rd

J. MICHAEL JOYAL, JR.
CITY MANAGER



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: City Hall, Council Chambers
Meeting Date: **Wednesday, March 27, 2023**
Meeting Time: **5:30 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Deputy Mayor Shanahan led the pledge of allegiance.

4. ROLL CALL ATTENDANCE

Present: Councilor Hackett, Councilor Retrosi, Councilor Warach, Councilor Cullen, Councilor Nemeth, Councilor Richer, Councilor Williams, Deputy Mayor Shanahan, Mayor Carrier

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

5. PUBLIC FORUM

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

The Mayor, seeing no one wishing to speak, closed the Public Forum.

6. DISCUSSIONS

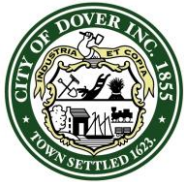
A. BUDGET PRESENTATIONS

1. GENERAL BUDGET DISCUSSION

City Manager Joyal handed out a list of suggested budget adjustments. The Manager went over the list with the Council, as well as Superintendent Harbron, Business Manager Limanni, and Chair of the School Board Robin Trefethen.

7. ADJOURNMENT

Councilor Warach motioned to adjourn, seconded by Councilor Retrosi. Vote: 9-0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, March 27, 2024**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. ~~MOMENT OF SILENCE~~

3. ~~PLEDGE OF ALLEGIANCE~~

4. ROLL CALL ATTENDANCE

Present: Councilor Cullen, Councilor Nemeth, Councilor Richer, Councilor Williams, Councilor Hackett, Councilor Retrosi, Councilor Warach, Deputy Mayor Shanahan, Mayor Carrier
Also Present: City Manager Joyal, City Attorney Wyatt, City Clerk Vansylyvong-Bizier

5. PROCLAMATIONS/AWARDS

None.

6. APPROVAL OF AGENDA

Deputy Mayor Shanahan moved to approve the agenda, seconded by Councilor Nemeth. Vote: 9-0.

7. PUBLIC HEARINGS

A. SETTING OF PROPERTY TAX EXEMPTIONS FOR ELDERLY, BLIND AND DISABLED FOR FISCAL YEAR 2025 (THIS RESOLUTION REQUIRES A MAJORITY VOTE) SPONSORED BY MAYOR CARRIER BY REQUEST

Micaela Demeter, 33A Piscataqua Road, spoke in favor of the of elderly, blind, and disabled exemptions.

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.

Shellie Lemelin, 9 Western Ave, asked the Council to find a space at the skate park or an empty building that could be renovated for extracurricular use.

Hannah Holland Moritz, 65 Oak Street, spoke in favor of a Ceasefire resolution.

Rob Kleiman, 36 Mathes Hill, asked that if the Council drafts a Ceasefire resolution that is condemn Hamas.

Nicole Cadrette, 35 Glenwood Ave, spoke in favor a Ceasefire resolution.

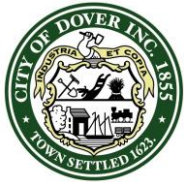
Linds Kels, Locust Street, spoke in favor of a Ceasefire resolution.

Josie Pinto, spoke in favor of a Ceasefire resolution.

Jeff Warach, Silver Street, believes that a Ceasefire resolution is out of the scope of municipal governance and spoke against the Ceasefire resolution.

Adam Buchanan, 202 Central Ave, spoke in favor of the Ceasefire resolution.

Steve Giguere, 26 Danielle Lane, spoke against the Ceasefire resolution.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, March 27, 2024**
Meeting Time: **7:00 pm**

Peter Schmidt, 53A Fourth Street, spoke in favor of the Ceasefire resolution.

9. CITY MANAGER'S REPORT

City Manager Joyal invited Police Chief Breault to the podium to present the Dover Police Department's accreditation from the Commission on Accreditation for Law Information Agencies.

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

10. APPROVAL OF MINUTES

A. March 13, 2024 – Regular & Non-Public Meeting

B. March 20, 2024 – Special & Workshop Meeting

Deputy Mayor Shanahan moved to approve the minutes, seconded by Councilor Williams. Vote: 9-0.

11. MAYOR'S REPORT

Mayor Carrier introduced Willie Hopkins to the Council, Willie is a student at St. Thomas Academy and is very interested in Municipal Government.

The Mayor gave an overview of events and meetings he attended over the last couple weeks.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

1. SETTING OF PROPERTY TAX EXEMPTIONS FOR ELDERLY, BLIND, AND DISABLED FOR FISCAL YEAR 2025

(THIS RESOLUTION REQUIRES A MAJORITY VOTE)

SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan moved for its adoption, seconded by Councilor Hackett. Roll Call Vote 9-0.

13. NEW BUSINESS

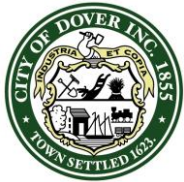
A. CONSENT CALENDAR

1. WATERFRONT DEVELOPMENT UNITIL CONSTRUCTION DEPOSIT FOR 1100 FOOT SECTION OF UTILITY MAIN

SPONSORED BY MAYOR CARRIER BY REQUEST

2. PURCHASE OF INDOOR POOL – CHILDREN'S MUSEUM SOLAR ARRAY

SPONSORED BY MAYOR CARRIER BY REQUEST



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, March 27, 2024**
Meeting Time: **7:00 pm**

3. B22042 PAVEMENT MARKINGS

SPONSORED BY MAYOR CARRIER BY REQUEST

4. B22043 REFLECTORIZED PAVEMENT LINES

SPONSORED BY MAYOR CARRIER BY REQUEST

5. B23005 OCCUPATIONAL HEALTH SERVICES

SPONSORED BY MAYOR CARRIER BY REQUEST

6. APPROVAL OF GRANITE STATE INDEPENDENT LIVING MCCONNELL CENTER LEASE

SPONSORED BY MAYOR CARRIER BY REQUEST

7. APPROVAL OF KID'S CULTURE CHILD CARE MCCONNELL CENTER LEASE

SPONSORED BY MAYOR CARRIER BY REQUEST

8. APPROVAL OF NORTHEASTERN BALLET THEATRE MCCONNELL CENTER LEASE

SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan moved to approve the Consent Calendar, seconded by Councilor Hackett.

Mayor Carrier asked the Council if they had any items they would like to pull for further discussion.

Councilor Cullen pulled 13.A.1. and 13.A.2.

Councilor Nemeth pulled 13.A.3.

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

Roll Call Vote: 8-0.

Deputy Mayor Shanahan moved to approve 13.A.1. seconded by Councilor Retrosi. Roll Call Vote: 9-0.

Deputy Mayor Shanahan moved to approve 13.A.2. seconded by Councilor Hackett. Roll Call Vote: 8-1, with Councilor Cullen opposed.

Deputy Mayor Shanahan moved to approve 13.A.3. seconded by Councilor Nemeth. Roll Call Vote: 9-0.

COMMITTEE REPORTS

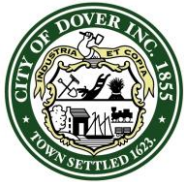
- | | |
|---|--|
| 1. Arts Commission (Nemeth) | 16. Solid Waste Advisory Committee (Hackett) |
| 2. Conservation Commission (Williams) | 17. Transportation Advisory Commission (Richer) |
| 3. Library Board of Trustees (Nemeth) | 18. Joint Building Committee – DHS (Carrier) |
| 4. Appointments Committee (Williams) | 19. Heritage Commission (Retrosi) |
| 5. Planning Board (Cullen) | 20. Board of Health (Richer) |
| 6. School Board Liaison (Hackett) | 21. Downtown TIF Advisory Board (Warach) |
| 7. Arena Commission (Hackett) | 22. Cocheco Waterfront Development Advisory Committee (Carrier) |
| 8. Recreation Advisory (Retrosi) | 23. COAST (Shanahan) |
| 9. Energy Commission (Richer) | 24. Waterfront TIF Advisory Board (Warach) |
| 10. Parking Commission (Warach) | 25. Dover Main Street (Carrier) |
| 11. McConnell Center Advisory Committee (Retrosi) | 26. Strafford Regional Planning Commission (Williams) |

Document Created by: Jerrica Vanslyvong-Bizier, City Clerk

Document Posted on: April 1, 2024

2024.03.27 City Council Minutes

Page 3 of 5



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, March 27, 2024**
Meeting Time: **7:00 pm**

- 12. Legislative Liaison (Shanahan)
- 13. Committee for Racial Equity and Inclusion (Nemeth)
- 14. Graffiti Management Advisory Committee (Nemeth)
- 15. Ordinance Committee (Shanahan)

- 27. Government Affairs (Carrier)
- 28. Pool Advisory (Retrosi)
- 29. Cemetery Board (Warach)
- 30. Joint Building Committee – Athletic Complex (Cullen)

Councilor Williams provided an Appointments Committee Report:

2 Resignations: Jason Aube and Bruce Batchelder from Conservation Commission

2 Changes in Status: Kristen Murphy alternate to regular member, Conservation Commission.
Jake Geddes, alternate to regular member, Conservation Commission.

Re-appointments: Nancy Volpe, regular member, Open Lands
Robert Marggraf, regular member, Cemetery Board

4 new appointments:

Lucas Veitch, alternate member, Energy Commission

Kean McDermott, alternate member, Transportation Advisory Commission

Mallory Strange, alternate member, Planning Board

Russ Warnock, alternate member, Conservation Committee

Deputy Mayor Shanahan moved to accept the appointments committee recommendations to include the recommendation for new appointments, accepting resignations, and new appointments seconded by Councilor Warach. Vote: 9-0.

Deputy Mayor Shanahan gave an overview of the COAST report to the Council.

Councilor Retrosi gave an overview of a recreation committee and pool committee meeting that he attended with City Manager Joyal.

Councilor Cullen gave an update on the JBC for the Athletic Complex.

B. RESOLUTIONS

1. B24026 FIFTH & GROVE RECONSTRUCTION PROJECT

SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan moved for its adoption, seconded by Councilor Warach. Roll Call Vote: 9-0.

2. B21048 ADDITIONAL SCOPE OF WORK DESIGN CONSULTING SERVICES FOR THE FIFTH & GROVE STREETS RECONSTRUCTION PROJECT AMENDMENT #4

SPONSORED BY MAYOR CARRIER BY REQUEST

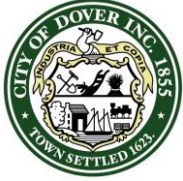
Deputy Mayor Shanahan moved for its adoption, seconded by Councilor Nemeth. Roll Call Vote: 9-0.

3. B22040 HVAC PREVENTATIVE MAINTENANCE & REPAIR SERVICES AMENDMENT #2 YEAR THREE EXTENSION

SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan moved for its adoption, seconded by Councilor Nemeth. Roll Call Vote: 9-0.

4. ADDITIONAL APPROPRIATION FOR FISCAL YEAR 2024 CIP PROJECT ELEMENTARY SCHOOL HVAC UPGRADE



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, March 27, 2024**
Meeting Time: **7:00 pm**

(THIS RESOLUTION REQUIRES A PUBLIC HEARING AND A 2/3 MAJORITY VOTE TO OCCUR ON APRIL 10, 2024)

SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan moved to refer the resolution to a public hearing to take place on April 10, 2024, seconded by Councilor Warach. Vote: 9-0.

C. ORDINANCES IN 1ST READING

14. COUNCIL CORRESPONDENCE

A. Letter from Xfinity, dated March 15, 2024

Mayor Carrier motioned to put letter on file, seconded by Deputy Mayor Shanahan. Vote: 9-0.

15. COUNCIL MATTERS OF INTEREST

Councilor Nemeth congratulated the High School on their performance of Freaky Friday. She also thanked Community Services for their work pre-treating the roads during a weather event. She also thanked the teams that were involved in the clean up during the storm.

Mayor Carrier reminded the Council of the State of City taking place on March 28.

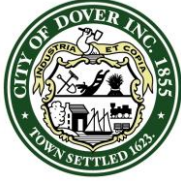
City Manager Joyal reminded the Council that next week's meeting will start with a Workshop at 7pm and then a Special Meeting will follow for the Council to adopt the FY2025 budget.

Mayor Carrier explained that he wants to acknowledge the accomplishments of other schools in the City.

Councilor Richer explained that her and Councilor Warach have been working on a Ceasefire resolution to be inclusive.

16. ADJOURN

Councilor Nemeth motioned to adjourn, seconded by Councilor Richer. Vote: 9-0.

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#: 12.A.1. Ordinance Number: O – 2024.03.13 - 3 Ordinance Title: Licensing Chapter: 97 Section: 3 Fees. 6 Street Fairs, Soliciting Funds, Raffles, Peddlers and Vendors.
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The City of Dover Ordains:

1. PURPOSE

This ordinance is intended to update the Dover Code consistent with a companion ordinance concerning Chapter 109 clarifying licensing in light of recent legislation repealing RSA chapter 320.

2. AMENDMENT

Chapter 97 entitled “Licensing” is hereby amended by revising Section 97-3, “Fees”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 97-3 Fees.

Every licensee shall pay in advance for such license, for the use of the City, such sum or sums as the City Council may determine, but in no case shall such license fee be in excess of the maximum sum fixed in RSA 286, except where the City Council or Licensing Board determines per RSA 286:4-a that the fee is inadequate to reimburse the City for the extra expense in protecting the health and safety of the public which can reasonably be attributed to the event to be licensed.

3. AMENDMENT

Chapter 97 entitled “Licensing” is hereby amended by revising Section 97-6, “Street Fairs, Soliciting Funds, Raffles, Peddlers and Vendors”, as follows:

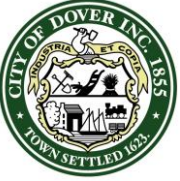
a. THE FOLLOWING ARE AMENDED:

§ 97-6 Street Fairs, Soliciting Funds, Raffles, Peddlers and Vendors.

The Licensing Board shall have authority in the first instance to consider and, if appropriate, issue licenses or permits pursuant to RSA 31:100 (entitled “Street Fairs”), RSA 31:91 (entitled “Soliciting Funds”), RSA chapter 287-A (entitled “Raffles”), RSA 31:102-a (entitled “Hawkers, Peddlers and Vendors”), and/or Chapter 109, Peddlers and Vendors, of the Code of the City of Dover, as applicable.

4. TAKES EFFECT

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

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Agenda Item#: 12.A.1.	
	Ordinance Number:	O – 2024.03.13 - 3
	Ordinance Title:	Licensing
	Chapter:	97
	Section:	3 Fees.
		6 Street Fairs, Soliciting Funds, Raffles, Peddlers and Vendors.

REQUIRES PUBLIC HEARING
TO BE REFERRED TO PUBLIC HEARING ON APRIL 10, 2024

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:

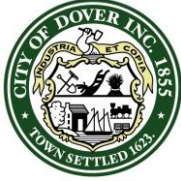
First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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 is not intended to codify any substantive change to the City’s Code or administration of same, but is instead technical in nature in keeping with a related ordinance concerning Dover Code 109.

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#: 12.A.2. Ordinance Number: O – 2024.03.13 - 4 Ordinance Title: Peddlers and Vendors Chapter: 109 Section: 3 Definitions. 5 Inspection. 7 Exemptions. 8 Violations and penalties.
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The City of Dover Ordains:

1. **PURPOSE**
- This ordinance is intended to update the Dover Code with technical amendments consistent with a companion ordinance concerning Chapter 109 clarifying the local code in light of recent legislation repealing RSA chapter 320.
2. **AMENDMENT**
- Chapter 109 entitled “Peddlers and Vendors” is hereby amended by revising Section 109-3, “Definitions”, as follows:

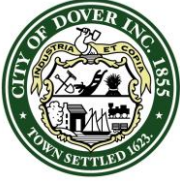
a. **THE FOLLOWING ARE AMENDED:**

§ 109-3 **Definitions.**
As used in this chapter, the following terms mean:

MOTOR VEHICLE
Any vehicle used for the displaying, storing or transporting of articles offered for sale by a vendor, which is required to be licensed and registered by the Division of Motor Vehicles.

PEDDLER
~~As defined in RSA 320:1, and includes a~~Any person, whether a resident of the City of Dover or not, traveling by foot, wagon, stand, motor vehicle, railroad car, cart, vehicle, or any other type of vehicle or conveyance from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck farm products or provisions, offering and exposing the same for sale from stock or by sample for future delivery, or offering to perform personal services for household repairs or improvements, or solicits or induces any person to sign any contracts relating to household repairs and improvements, or who, without travelling from place to place, shall sell or offer the same for sale from a wagon, stand, motor vehicle, railroad car, cart, vehicle, or other vehicle or conveyance. The term "peddler" shall not be construed to include an individual who displays his-their merchandise on a public sidewalk immediately adjacent to his-their place of business, provided that any merchandise so displayed allows 48 inches of pedestrian travel width consistent with the provisions of Chapter 125, Streets and Sidewalks.

PUBLIC PROPERTY
Any City-owned or -controlled property, including but not limited to streets and sidewalks.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.2.

Ordinance Number: **O – 2024.03.13 - 4**
Ordinance Title: Peddlers and Vendors
Chapter: 109
Section: 3 Definitions.
5 Inspection.
7 Exemptions.
8 Violations and penalties.

SELL

Includes any offer or attempt to offer any exchange of a product or service.

STAND

Any table, showcase, bench, rack, pushcart, wagon or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Division of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a peddler.

VENDOR

A peddler who on public property sells food, beverage or merchandise from a stand, motor vehicle or ~~his~~their person.

3. AMENDMENT

Chapter 109 entitled “Peddlers and Vendors” is hereby amended by revising Section 109-5, “Inspection”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 109-5 Inspection.

A vendor of food and beverages shall comply with the inspection provisions and standards for restaurants contained in Chapter **85**, Food Service Establishments, and the following:

- A. The equipment used in vending food and beverages shall not be used until the vendor receives a certificate of inspection indicating compliance with this section.
- B. Each food and beverage vending business ~~shall~~may be inspected ~~at least~~ quarterly, and normally will be inspected at least annually, by the Health Officer.

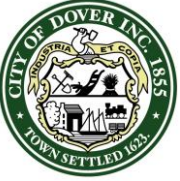
4. AMENDMENT

Chapter 109 entitled “Peddlers and Vendors” is hereby amended by revising Section 109-7, “Exemptions”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 109-7 Exemptions.

- A. Noncommercial vendors such as religious, charity, political and other social nonprofit organizations are exempt from these provisions and are not required to apply for an

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Agenda Item#: 12.A.2. Ordinance Number: O – 2024.03.13 - 4 Ordinance Title: Peddlers and Vendors Chapter: 109 Section: 3 Definitions. 5 Inspection. 7 Exemptions. 8 Violations and penalties.	

exemption.

- B. Participants in any street fair, as defined by RSA 31:100, which may be authorized from time to time by the City Council, ~~and persons selling agricultural products from their own labor on land they own or till~~ shall be exempt from the ~~fee~~ requirements of Chapter 109, Peddlers and Vendors, but are not exempt from the requirements of Chapter 85, Food Service Establishments. § 109-6 only. All other provisions of this chapter shall apply to said participants. "Said participants" Street fair participants shall be defined as those persons or business organizations which have been listed and identified by the organization sponsoring any such street fair. Any list compiled by said organization for the purposes of this subsection shall be completed and provided to the Licensing Board, to the Police Department, or to the City Clerk placed on file in the office of the City Clerk on or before the first day of the street fair.
- C. Persons selling agricultural products from their own labor on land they own or work shall be exempt from the provisions of Chapter 109, Peddlers and Vendors.
- D. Any person conducting business in any industry or association trade show within the limits of the City of Dover are exempt from the provisions of Chapter 109, Peddlers and Vendors.

5. AMENDMENT

Chapter 109 entitled "Peddlers and Vendors" is hereby amended by revising Section 109-8, "Violations and penalties", as follows:

a. THE FOLLOWING ARE AMENDED:

§ 109-8 Violations and penalties.

Any person, firm or corporation violating any provisions of this chapter shall be guilty of a violation and be subject to a fine as provided in the City Fine Schedule.

6. 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 APRIL 10, 2024

AUTHORIZATION

Document Created by: Legal
Document Posted on: April 5, 2024

O-2024.03.13 Chapter 109, Sections 3, 5, 7 & 8
Page 3 of 4



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.2.

Ordinance Number: **O – 2024.03.13 - 4**
Ordinance Title: Peddlers and Vendors
Chapter: 109
Section: 3 Definitions.
5 Inspection.
7 Exemptions.
8 Violations and penalties.

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 S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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 is not intended to effectuate a substantive change to the administration of the City's Code. Effective September 1, 2023, the State repealed former RSA chapter 320, which among other things provided certain definitions and other rules/regulations applicable to hawkers and peddlers. *See* Laws 2023, 79:299. This ordinance in large part simply clarifies Dover's local regulations, to avoid any confusion about the repeal of the State statute. A copy of former RSA chapter 320 accompanies this ordinance, for reference.

CHAPTER 320

HAWKERS AND PEDDLERS

General Provisions

Section

- 320:1. Definition.
- 320:2. Prohibition; Selling on State Property; Contracts Void; Penalty.
- 320:3. Exceptions.
- 320:4-320:7. [Repealed.]
- 320:8. State Licenses.
- 320:9. Term; Transfer.
- 320:10. Record.
- 320:11. Persons Exempt.
- 320:12. Endorsing License; Exhibiting License.
- 320:13. License, Effective Where: [Repealed.]
- 320:13-a. Veterans' Conventions.
- 320:14. Revocation of Licenses.
- 320:14-a. Appeal.
- 320:15. Counterfeiting Licenses, etc.
- 320:16. Assistance for Issuance.

Sale of Artificial Flowers, etc.

- 320:17. Prohibition. [Repealed.]
- 320:18. Permission Granted. [Repealed.]
- 320:19. Penalty. [Repealed.]

Sales for Religious and Benevolent Purposes

- 320:20. Right to Solicit and Sell. [Repealed.]
- 320:21. Exemptions. [Repealed.]
- 320:21-a. Certain Negotiable Instruments Prohibited.
- 320:21-b. When Assignee not Subject to Defenses.
- 320:22. Penalty.

NOTES TO DECISIONS

1. Generally

The right to enact reasonable statutes and ordinances for regulation and licensing hawkers and peddlers has been recognized in this jurisdiction for a long period of time; however,

the regulation and licensing must not unduly or unfairly discriminate against nonresidents. *Warren Kay Vantine Studio v. Portsmouth*, 95 N.H. 171, 59 A.2d 475, 1948 N.H. LEXIS 207 (N.H. 1948).

RESEARCH REFERENCES AND PRACTICE AIDS

Cross References.

Adoption of bylaws by cities generally, see RSA 47:17.

Adoption of bylaws by towns generally, see RSA 31:39.

Adoption of ordinances by cities, towns or village districts providing for licensure and regulation of hawkers and peddlers, see RSA 31:102-a.

Home solicitation sales generally, see RSA 361-B.

Licensing standards generally, see RSA 332-A.

Regulation of business practices for consumer protection generally, see RSA 358-A.

Regulation of itinerant vendors generally, see RSA 321.

GENERAL PROVISIONS

320:1. Definition.

The terms "hawker" and "peddler" shall mean and include any person, as defined by RSA 358-A:1, either principal or agent, who:

I. Travels from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares, or merchandise, either on foot or from any animal, cart, or vehicle; or

II. Travels from town to town, or place to place in the same town, offering to perform personal services for household repairs or improvements, or solicits or induces any person to sign any contracts relating to household repairs and improvements, including contracts for the replacement or installation of siding on any residence or building; or

III. Keeps a regular place of business, open during regular business hours at the same location, but who offers for sale or sells and delivers, personally or through his agents, at a place other than his regular place of business, goods, wares, or merchandise.

HISTORY:

1931, 102:1; RL 188:1; RSA 320:1; 1969, 481:1; 1973, 558:1; 1988, 27:1, eff. July 1, 1988.

Amendment Notes

—1969.

Rewritten to the extent that a detailed comparison would be impracticable.

—1973.

Rewritten to the extent that a detailed comparison would be impracticable.

—1988.

Rewritten to the extent that a detailed comparison would be impracticable.

320:2. Prohibition; Selling on State Property; Contracts Void; Penalty.

No hawker or peddler shall sell or barter or carry for sale or barter, or expose therefor, any goods, wares or merchandise, unless he holds a license to do so as herein provided. No person may operate as a hawker or a peddler in any building or on any land owned, leased, or controlled by the state, except as provided in RSA 186-B:13. Any person violating this section shall, notwithstanding the provisions of title LXII, be guilty of a violation and fined not more than \$500. The clerk of the district or municipal court shall dispose of fines so collected by the court as provided in RSA 502:14 or RSA 502-A:8. Any contract relating to household repairs and improvements or for siding for any building or residence solicited by any person who has not obtained the licenses as herein provided for shall be void and unenforceable, and any sale or barter of any goods, wares or merchandise by any such person shall be voidable. Provided further that any time before midnight, at the expiration of 3 business days following the signing of any solicited home repair, home improvement installment contract or cash sale of \$25 or more by the parties solicited or the owner, the parties solicited or the owner may serve a notice of cancellation upon the licensee or principal vendor.

HISTORY:

1931, 102:1; RL 188:2; RSA 320:2; 1969, 481:2; 1973, 558:2; 1983, 383:67; 1991, 254:4, eff. Aug. 9, 1991.

Amendment Notes

—1969.

Rewritten to the extent that a detailed comparison would be impracticable.

—1973.

Rewritten to the extent that a detailed comparison would be impracticable.

RESEARCH REFERENCES AND PRACTICE AIDS

Cross References.

Classification of crimes, see RSA 625:9.

Exceptions, see RSA 320:3.

Home solicitation sales generally, see RSA 361-B.

Sentences, see RSA 651.

References in text.

Title LXII, referred to in this section, is

320:3. Exceptions.

The provisions of this chapter shall not apply to the following:

I. Itinerant vendors as defined in RSA 321:1.

II. Any person selling the product of his own labor or the labor of his family or the product of his own farm or the one he tills.

III. Any person conducting sales of personal household goods on his own property.

IV. Any nonprofit organization, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes when no part of the entity's earnings benefit any private shareholder or individual.

V. Any person conducting business in any industry or association trade show.

VI. Any person who sells exclusively antiques, used goods, or vintage items.

HISTORY:

1931, 102:1; 1941, 210:1; RL 188:3; 1951, 186:1; RSA 320:3; 1988, 27:8; 1991, 254:5, eff. Aug. 9, 1991.

Amendment Notes

—1988.

Added "nor to any person conducting sales of

—1983.

Rewrote the former second sentence as the present second and third sentence and made other minor stylistic changes.

—1991.

Inserted "Selling on State Property" following "Prohibition" in the section catchline and added the second sentence.

classified to Title 62 of LEXIS New Hampshire Revised Statutes Annotated, which is comprised of chapters 625-651-E.

RSA 502:14, referred to in this section, was repealed by 2006, 267:3, I, eff. June 9, 2006.

personal household goods on his own property, nor to itinerant vendors as defined in RSA 321:1" following "he tills" at the end of the section.

—1991.

Rewritten to the extent that a detailed comparison would be impracticable.

320:4-320:7. [Repealed.]

[Repealed 1969, 481:10, eff. Sept. 1, 1969.]

Former section(s).

Former RSA 320:4, which was derived from 1931, 102:1; 1941, 210:1; RL 188:4; RSA 320:4; and 1955, 185:1, related to granting of local licenses generally. See now RSA 31:102-a.

Former RSA 320:5, which was derived from 1931, 102:1 and RL 188:5, related to the oath to be taken by applicants for local licenses and to the issuance of the license. See now RSA 31:102-a.

Former RSA 320:6, which was derived from 1931, 102:1; 1941, 210:1; and RL 188:6, related to the contents of local licenses and to the number of licenses required by persons desiring to sell goods, etc., in more than one town or city. See now RSA 31:102-a.

Former RSA 320:7, which was derived from 1931, 102:1; 1941, 210:1; RL 188:7; RSA 320:7; and 1955, 185:2, related to fees for local licenses. See now RSA 31:102-a.

320:8. State Licenses.

I. Upon compliance with this section and upon payment of \$50 for a state license, the secretary of state may grant special state licenses. Applications for such licenses shall be made upon blanks prepared by the secretary of state requiring such information regarding the applicant's character and qualifications as the secretary shall deem pertinent.

II. Any person so licensed may do business as a hawker or peddler in any city or town in this state, provided the licensee complies with all local ordinances, bylaws and regulations, including those adopted under RSA 31:102-a. If an applicant not a natural person applies for a license under this chapter, the sum of \$5,000 deposited with the secretary of state in cash or surety bond shall be required, and the employees or agents of such corporation shall be covered under such cash payment or surety bond. Any surety bond posted under this section shall remain effective for at least 60 days after the annual renewal date. All such agents or employees shall be permitted to apply for licenses under such cash payment or surety bond.

III. The annual license renewal fee shall be \$50. At the time the renewal fee is submitted to the secretary of state, the licensee shall:

(a) Update information pertaining to the license, if necessary.

(b) Submit written proof that any surety bond required by paragraph II is in effect and will remain in effect as required in paragraph II.

HISTORY:

1931, 102:1; RL 188:8; 1951, 186:2; RSA 320:8; 1955, 185:3; 1969, 481:3; 1973, 558:3; 1979, 278:1; 1981, 515:2; 1983, 186:1; 1988, 27:9; 1990, 3:25, 26; 1995, 95:1, eff. May 16, 1995.

Amendment Notes**—1955.**

Rewritten to the extent that a detailed comparison would be impracticable.

—1969.

Rewritten to the extent that a detailed comparison would be impracticable.

—1973.

Rewritten to the extent that a detailed comparison would be impracticable.

—1979.

Rewritten to the extent that a detailed comparison would be impracticable.

—1981.

Paragraph II: Added "including those adopted under RSA 31:102-a" following "regulations" at the end of the first sentence.

—1983.

Paragraph III: Added.

—1988.

Paragraph I: Substituted "is" for "shall be" preceding "no police chief" in the third sentence.

Paragraph II: Rewrote the former second and third sentences as the present second sentence and added the third and fourth sentences.

Paragraph III(b): Substituted "as required in

paragraph II" for "until the next renewal date of the license" following "remain in effect".

Paragraph III: Substituted "\$50" for "\$35" in the first sentence of the introductory paragraph.

—1990.

Paragraph I: Substituted "\$50" for "\$35" in the first sentence.

—1995.

Paragraph I: Deleted the third sentence.

RESEARCH REFERENCES AND PRACTICE AIDS**Cross References.**

Exemptions from license fee requirements, see RSA 320:11.

320:9. Term; Transfer.

All licenses issued under the provisions of this chapter shall bear the date on which they are issued and shall continue in force, subject to the provisions of RSA 320:8, III, unless revoked by the secretary of state under RSA 320:14. Any hawker or peddler who does not comply with the requirements for license renewal under RSA 320:8, III shall be subject to the same penalty as if he had no license. Said licenses may not be transferred.

HISTORY:

1931, 102:1; RL 188:9; RSA 320:9; 1969, 481:4; 1983, 186:2, eff. Aug. 9, 1983.

—1983.

Rewritten to the extent that a detailed comparison would be impracticable.

Amendment Notes**—1969.**

Rewritten to the extent that a detailed comparison would be impracticable.

RESEARCH REFERENCES AND PRACTICE AIDS**Cross References.**

Penalties generally, see RSA 320:2.

320:10. Record.

The secretary of state shall keep records of all licenses issued by him with the number of each, the names and residences of the persons licensed and the sums received therefor, and all such records shall be open for public inspection.

HISTORY:

1931, 102:1; 1941, 210:1; RL 188:10; RSA 320:10; 1969, 481:5, eff. Sept. 1, 1969.

Amendment Notes**—1969.**

Rewritten to the extent that a detailed comparison would be impracticable.

RESEARCH REFERENCES AND PRACTICE AIDS

Cross References.

Access to governmental records generally, see

RSA 91-A.

Issuance of licenses generally, see RSA 320:8.

320:11. Persons Exempt.

Any soldier or sailor disabled in any war in which the United States has been engaged or by sickness or disability contracted therein or since his discharge because of such service, and the widow of any such soldier or sailor so long as she remains unmarried, or any citizen of this state over 70 years of age, shall be exempt from paying the license fees required by this chapter.

HISTORY:

1931, 102:1; RL 188:11.

RESEARCH REFERENCES AND PRACTICE AIDS

Cross References.

Licenses and fees generally, see RSA 320:8.

320:12. Endorsing License; Exhibiting License.

Every person licensed as a hawker or peddler shall endorse his usual signature upon his license. When this license is demanded of him by a mayor, selectmen, alderman, city or town clerk, sheriff or his deputy, any constable or police officer or the person to whom he sells or offers or exposes for sale his wares, he shall forthwith exhibit the same; and, if he neglects or refuses to do so, he shall be liable to the same penalty as if he had no license.

HISTORY:

1931, 102:1; 1941, 210:1; RL 188:12; RSA 320:12; 1969, 481:6, eff. Sept. 1, 1969.

Amendment Notes

—1969.

Deleted the third and fourth sentences.

RESEARCH REFERENCES AND PRACTICE AIDS

Cross References.

Penalties generally, see RSA 320:2.

320:13. License, Effective Where. [Repealed.]

[Repealed 1969, 481:10, eff. Sept. 1, 1969.]

Former section(s).

Former RSA 320:13, which was derived from 1931, 102:1 and RL 188:13, related to limita-

tions upon the territorial effectiveness of licenses.

320:13-a. Veterans' Conventions.

Licenses granted pursuant to the provisions of this chapter shall entitle a peddler or hawker to operate at meetings or conventions of recognized veterans' organizations, but only at such meetings or conventions with the specific approval of the organization concerned.

HISTORY:

1965, 166:1; 1969, 481:7, eff. Sept. 1, 1969.

Amendment Notes

—1969.

Deleted "state or local" preceding "licenses granted".

320:14. Revocation of Licenses.

Any license granted by the secretary of state may be revoked by him after hearing (1) upon conviction of the licensee of any offense which in the judgment of the secretary of state warrants such revocation or (2) upon the submission to the secretary of state of evidence satisfactory to him that, during the term of the license, and acting under cover thereof, the licensee has accepted or solicited money, otherwise than through a bona fide sale or barter of goods, wares or merchandise or has in any manner solicited alms from the public, or (3) upon a finding by him that the applicant has wilfully falsified his application for license or (4) upon consideration of evidence that the holder of said license is insane, a sexual psychopath, is or has been guilty of assault upon others or whose conduct has been otherwise disorderly and is of such violent or offensive demeanor that to permit him to retain such license would constitute a threat to the peace or safety of the public or (5) that the holder of said license is at large pending appeal from a conviction for a violation of the law involving extreme moral turpitude. Whenever any person is convicted of a violation of any provision of this chapter relative to hawkers and peddlers, the clerk of the court or the trial justice by whom such person was convicted shall notify the secretary of state. Any person whose license has been revoked under this section shall be ineligible to be licensed as a hawker or peddler in this state for a period of not less than one year or more than 5 years from the date of said revocation. Any person whose license has been revoked, as a condition precedent to issuance of any new license, shall be required to furnish to the revoking authority satisfactory evidence of renewed reputation and character or mental health in addition to the certificate required to qualify for such license under RSA 320:8.

HISTORY:

1931, 102:1; 1941, 210:1; RL 188:14; RSA

320:14; 1955, 185:4; 1969, 481:8, eff. Sept. 1,

1969.

Amendment Notes

—1955.

Rewritten to the extent that a detailed comparison would be impracticable.

—1969.

Rewritten to the extent that a detailed comparison would be impracticable.

320:14-a. Appeal.

Any person whose license is revoked under this chapter shall have the right of appeal provided by RSA 541.

HISTORY:

1955, 185:5, eff. June 9, 1955.

320:15. Counterfeiting Licenses, etc.

Whoever counterfeits or forges a license, or has a counterfeited or forged license in his possession with the intent to utter or use the same as true, knowing it to be false or counterfeit, or attempts to sell under a license which has expired or has been revoked or cancelled, or which has not been issued or transferred to him, or has in his possession another's license with intent to use the same shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

HISTORY:

1931, 102:1; RL 188:15; RSA 320:15; 1973, 529:74, eff. at 11:59 p.m., Oct. 31, 1973.

Amendment Notes

—1973.

Rewritten to the extent that a detailed comparison would be impracticable.

RESEARCH REFERENCES AND PRACTICE AIDS**Cross References.**

Classification of crimes, see RSA 625:9.

Forgery generally, see RSA 638:1.

Sentences, see RSA 651.

320:16. Assistance for Issuance.

The secretary of state is authorized to employ such assistance and to incur such expense for the issuance of state licenses hereunder as the governor and council may approve, and the governor is authorized to draw his warrant therefor.

HISTORY:

1931, 102:1; 1941, 210:1; RL 188:16.

SALE OF ARTIFICIAL FLOWERS, ETC.**320:17. Prohibition. [Repealed.]**

[Repealed 2011, 66:1, eff. January 1, 2012.]

Former section(s).

Former RSA 320:17, which was derived from 1935, 86:1 and RL 188:18, related to prohibition.

320:18. Permission Granted. [Repealed.]

[Repealed 2011, 66:1, eff. January 1, 2012.]

Former section(s).

Former RSA 320:18, which was derived from 1935, 86:1; RL 188:19; 1945, 24:1; and 1953, 67:1, related to permission granted.

320:19. Penalty. [Repealed.]

[Repealed 2011, 66:1, eff. January 1, 2012.]

Former section(s).

Former RSA 320:19, which was derived from 1935, 86:1; RL 188:20; RSA 320:19; and 1973, 528:206, related to penalty.

SALES FOR RELIGIOUS AND BENEVOLENT PURPOSES**RESEARCH REFERENCES AND PRACTICE AIDS****Cross References.**

Authorization of solicitations, etc., for charitable purposes generally, see RSA 31:91.

320:20. Right to Solicit and Sell. [Repealed.]

[Repealed 1987, 260:4, II, eff. July 19, 1987.]

Former section(s).

Former RSA 320:20, which was derived from 1937, 87:1; RL 188:21; RSA 320:20; and 1965, 250:1, related to the issuance of temporary licenses and the disposition of funds collected.

320:21. Exemptions. [Repealed.]

[Repealed 1987, 260:4, III, eff. July 19, 1987.]

Former section(s).

Former RSA 320:21, which was derived from 1937, 87:2 and RL 188:22, related to exempted sales and solicitations.

320:21-a. Certain Negotiable Instruments Prohibited.

In a consumer credit sale or consumer lease by a hawker or peddler, other than a sale or lease primarily for an agricultural purpose, the hawker or peddler may not take a negotiable instrument other than a check as evidence of the obligation of the buyer or lessee. A holder is not in good faith if he takes a negotiable instrument with notice that it is issued in violation of this section.

HISTORY:

1969, 481:9, eff. Sept. 1, 1969.

RESEARCH REFERENCES AND PRACTICE AIDS**Cross References.**

Home repair or improvement installment contracts generally, see RSA 320:2.

Home solicitation sales generally, see RSA 361-B.

Manufacturer's right to indemnification from purchaser or lessee, see RSA 359-F.

Regulation of business practices for consumer protection generally, see RSA 358-A.

Sales generally, see RSA 382-A:2-101 et seq.

320:21-b. When Assignee not Subject to Defenses.

With respect to a consumer credit sale or consumer lease, by a hawker or peddler, other than a sale or lease primarily for an agricultural purpose, an assignee of the rights of the hawker or peddler is subject to all claims and defenses of the buyer or lessee against the hawker or peddler arising out of the sale or lease notwithstanding an agreement to the contrary, but the assignee's liability under this section may not exceed the amount owing to the assignee at the time the claim or defense is asserted against the assignee. Rights of the buyer or lessee under this section can only be asserted as a matter of defense to or set-off against a claim by the assignee.

HISTORY:

1969, 481:9, eff. Sept. 1, 1969.

RESEARCH REFERENCES AND PRACTICE AIDS**Cross References.**

Home repair or improvement installment contracts generally, see RSA 320:2.

Home solicitation sales generally, see RSA 361-B.

Manufacturer's right to indemnification from purchaser or lessee, see RSA 359-F.

Regulation of business practices for consumer protection generally, see RSA 358-A.

Sales generally, see RSA 382-A:2-101 et seq.

320:22. Penalty.

Any person violating the provisions of this subdivision shall be guilty of a misdemeanor.

HISTORY:

1937, 87:3; RL 188:23; RSA 320:22; 1973, 528:207, eff. at 11:59 p.m., Oct. 31, 1973.

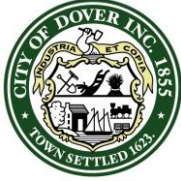
Amendment Notes**—1973.**

Rewritten to the extent that a detailed comparison would be impracticable.

RESEARCH REFERENCES AND PRACTICE AIDS**Cross References.**

Classification of crimes, see RSA 625:9.

Sentences, see RSA 651.

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#: 12.B.1. Ordinance Number: O – 2024.02.14 - 2 Ordinance Title: Boards, Commissions and Committees Chapter: 9 Section: 5 Recreation Advisory Board 20 Dover Pool Advisory Committee
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The City of Dover Ordains:

1. PURPOSE

As set forth in the background, which is incorporated by reference, the purpose of this ordinance is to repeal the Dover Pool Advisory Committee and merge/consolidate the current members of same with the Recreation Advisory Board.

2. AMENDMENT

Chapter 9 entitled “Boards, Commissions and Committees” is hereby amended by revising Section 9-20, “Dover Pool Advisory Committee”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 9-20 ~~Dover Pool Advisory Committee~~ (Reserved).

- ~~A. Membership. The Dover Pool Advisory Committee shall consist of seven members and two alternate members. In addition, there shall be one City Councilor appointed on an ex officio nonvoting basis.~~
- ~~B. Terms of members. Members shall be appointed to terms of three years. Subsequent appointees shall be appointed to three-year terms or less, if necessary, to achieve a membership with staggered terms.~~
- ~~C. Authority and duties. The Dover Pool Advisory Committee shall study, consider and recommend to the City Council and City Manager, or designee, general policies for the operation of the Dover pools.~~

6.3. AMENDMENT

Chapter 9 entitled “Boards, Commissions and Committees” is hereby amended by revising Section 9-5, “Recreation Advisory Board”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 9-5 Recreation Advisory Board.

- A. Membership. The Recreation Advisory Board shall consist of ~~nine~~eleven members and three alternates, appointed by the City Council. There may also be a City Council liaison who shall be nominated by the Mayor and appointed by the City Council for the length of his/her Council term.
- B. Terms of members. Members shall be appointed to terms of three years.
- C. Authority and duties. The Recreation Advisory Board shall perform the following functions:



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.B.1.

Ordinance Number: **O – 2024.02.14 - 2**
Ordinance Title: Boards, Commissions and Committees
Chapter: 9
Section: 5 Recreation Advisory Board
20 Dover Pool Advisory Committee

- (1) Study, consider and recommend, to the City Council and the City Manager, or designee, general policies for the provision of recreation programs and facilities.
- (2) Review programs and recommend additions to or deletions of those programs in the City of Dover; advise and recommend to the City Council and the City Manager, or designee, of such improvements.
- (3) Aid and assist the City Council and the City Manager, or designee, in the formulation of future plans and programs for the ultimate benefit of all users of recreational facilities.
- (4) Study and recommend methods for financing proposed recreation developments.

7.4. **TRANSITION PROVISION**

As this ordinance repeals the Dover Pool Advisory Committee, the currently appointed and serving members of the Dover Pool Advisory Committee are, with passage of this ordinance, hereby re-appointed to the Recreation Advisory Board for (and to the extent of) the remainder of their existing terms for the repealed Pool Advisory Committee.

8.5. **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 MARCH 13, 2024

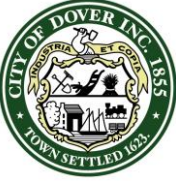
AUTHORIZATION

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 - ORDINANCE	
	Agenda Item#: 12.B.1.	
	Ordinance Number:	O – 2024.02.14 - 2
	Ordinance Title:	Boards, Commissions and Committees
	Chapter:	9
	Section:	5 Recreation Advisory Board 20 Dover Pool Advisory Committee

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 S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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 repeals and consolidates/merges the remaining members of the Dover Pool Advisory Committee with the Recreation Advisory Board, as part of the City Council’s ongoing effort to re-organize and streamline City boards and commissions. The authority and duties of the Recreation Advisory Board have not been amended by this ordinance, as it is understood that the existing provisions in Dover Code § 9-5 encompass the Dover Pool Advisory Committee’s preexisting role and duties. There are currently five active and serving members of the Dover Pool Advisory Committee and no alternates, so this ordinance provides for slightly increasing the membership of the Recreation Advisory Board.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2024.03.27 - 52**
Resolution Re: Additional Appropriation for FY2024 CIP Project
Elementary School HVAC Upgrade

WHEREAS: The City Council desires to make public improvements as identified projects contained in the City's annual Capital Improvements Program and to finance these improvements with transfers from Capital Reserve Trust Fund; and

WHEREAS: The Dover School Board, at their March 11, 2024 meeting, approved the elementary schools' HVAC upgrades at Woodman Park Elementary School and Frances G. Hopkins Elementary School at Horne Street in the total amount of \$4,428,600; and the Elementary School HVAC Upgrade project has available appropriations of \$4,034,973; and

WHEREAS: At their March 11, 2024 meeting, the Dover School Board adopted a resolution (copy attached) to seek approval from the City Council for an additional appropriation of \$393,627 for the Elementary School HVAC Upgrade project to be financed by a transfer from the School Facilities Capital Reserve; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The following capital outlay is appropriated as part of the FY2024 Capital Improvements Program for the purposes so designated and the Finance Director is authorized to transfer the funds from the respective Capital Reserve Fund in the amounts listed.

Description	Appropriation	Funding Source	Fund
Elementary School HVAC Upgrade Project	\$393,627.00	School Facilities Capital Reserve	Trust

NOTE: This Resolution Requires a Public Hearing and Vote of 2/3 Majority of members of the City Council per C6-6 of the City Charter.

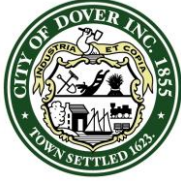
AUTHORIZATION

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#: 12.C.1.	
Resolution Number: R – 2024.03.27 - 52 Resolution Re: Additional Appropriation for FY2024 CIP Project Elementary School HVAC Upgrade		

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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:

At their March 11, 2024 meeting the Dover School Board approved HVAC upgrades to be completed at the Woodman Park Elementary School and the Frances G. Hopkins Elementary School, with scope of work being for a total amount of \$4,428,600.

Previously authorized appropriations in the amount of \$4,034,973 for the Elementary School HVAC Upgrade project include \$3,434,973 from ESSER III grant funds, and \$600,000 transfer from the School Facilities Capital Reserve.

This resolution authorizes an appropriation of \$393,627 (\$4,428,600 - \$4,034,973) for Elementary School HVAC Upgrade project in order to have \$4,428,600 in available appropriations for the project.

This resolution does not authorize an increase in the indebtedness of the City. The appropriation in this resolution is funded by a transfer from the School Facilities Capital Reserve.

The \$393,627 appropriation is to be financed by the School Facilities Capital Reserve. The School Facilities Capital Reserve has a current available balance of \$1,589,204.

RESOLUTION

RE: TRANSFER FUNDS TO THE ELEMENTARY SCHOOL HVAC UPGRADE CIP PROJECT

WHEREAS: The Dover School Board approved the elementary schools' HVAC upgrades at Woodman Park Elementary School and Frances G. Hopkins Elementary School at Horne Street in the total amount of \$4,428,600 on September 25, 2023; and

WHEREAS: There are appropriated ESSSER III funds in the amount of \$3,434,973 and existing CIP appropriations in the amount of \$600,000 for the total of \$4,034,973, the Dover School Board has identified the need for additional funds to complete the elementary schools' HVAC upgrades in the amount of \$393,627; and

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

The amount of \$393,627 to be appropriated for the Elementary Schools' HVAC upgrade CIP project and the financing source to be from the School Facilities Capital Reserve Fund.

Description	Appropriation	Funding	Fund
Building Systems – Elementary HVAC	\$393,627.00	School Facilities Capital Reserve	Trust

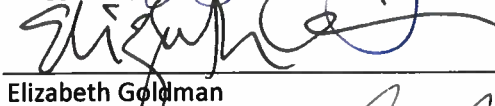
SUBMITTED BY:

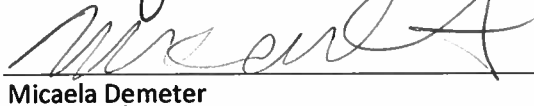

Robin Trefethen, Chairperson


Carolyn Mebert, Vice Chairperson

Michelle Clancy, Secretary

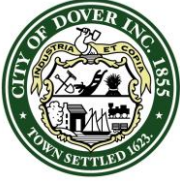

Maggie Fogarty


Elizabeth Goldman


Micaela Demeter


Craig Flynn

March 11, 2024



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R - 2024.04.10 - 53**

Resolution Re: Approving License Agreement for Great Bay Rowing for Its Temporary Use of City-Owned Parcel Tax Map 34, Lot 22 (Off Hillside Drive)

WHEREAS: Great Bay Rowing (“GBR”) is a Seacoast-based nonprofit providing recreational rowing opportunities for youth and adults; and

WHEREAS: GBR has in recent years based its operations out of the City’s waterfront parcels on the Cochecho River, the development of which has temporarily displaced GBR; and

WHEREAS: GBR has requested City assistance with finding a suitable property with adequate water access for GBR’s on-water rowing activities; and

WHEREAS: City staff identified and proposed that GBR use a City-owned parcel of Hillside Drive, Tax Map 34 Lot 22, for which GBR has requested a temporary license to occupy and use.

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

The City Manager or designee is authorized, on behalf of the City, to enter into a license agreement with Great Bay Rowing on terms mutually acceptable to both parties.

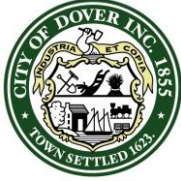
AUTHORIZATION

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.1. Resolution Number: R - 2024.04.10 - 53 Resolution Re: Approving License Agreement for Great Bay Rowing for Its Temporary Use of City-Owned Parcel Tax Map 34, Lot 22 (Off Hillside Drive)
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DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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:

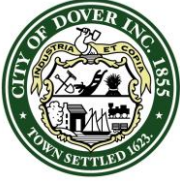
For much of the past ten years, Great Bay Rowing (“GBR”) has operated its programming from the City’s waterfront parcels, which are currently under development/construction. During the construction of the public improvements, GBR’s programming has been relocated elsewhere.

Great Bay has requested the temporary use of City owned land off Hillside Drive, with direct access to the Cochecho River, above the Central Falls, to operate GBR’s young adult and youth programs. In addition to launching the paddlesport vessels into the Cochecho River, GBR will bring a storage unit to be placed within the parking lot, similar to how Dover Baseball has storage units on its adjacent parcel. Within this unit will reside paddles, life vests and other equipment required to operate the programming.

The license is temporary in nature with the understanding that it will be renewed annually until Great Bay can return the programming to the waterfront parcel or similar location.

A current draft license accompanies this resolution. The license agreement is still under discussion with GBR, but is expected to be substantially in the form and with the terms as set forth in the accompanying draft. A screenshot of the subject parcel is included below:

Document Created by: Legal Document Posted on: April 5, 2024	R-2024.04.10 Approving License Agreement for Great Bay Rowing for Its Temporary Use of City-Owned Parcel Tax Map 34, Lot 22 (Off Hillside Drive) Page 2 of 3
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CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R - 2024.04.10 - 53**

Resolution Re: Approving License Agreement for Great Bay Rowing for
Its Temporary Use of City-Owned Parcel Tax Map 34, Lot
22 (Off Hillside Drive)



TEMPORARY LICENSE & MAINTENANCE AGREEMENT

This TEMPORARY LICENSE & MAINTENANCE AGREEMENT ("**AGREEMENT**"), is made as of the _____ day of March, 2024 by and between the **CITY OF DOVER, NEW HAMPSHIRE**, a New Hampshire municipal corporation having offices at 288 Central Avenue, Dover, New Hampshire 03820 ("**City**"), and **GREAT BAY ROWING**, a New Hampshire Non-Profit Corporation with an address of PO Box 846 Durham, County of Strafford and State of New Hampshire 03824 (**GBR**).

RECITALS

- A. The City is the owner of a certain parcel in the City of Dover, County of Strafford, State of New Hampshire known as Tax Map 34 lot 22 located off Hillside Drive and being approximately 8 acres (the "**Property**").
- B. GBR is a nonprofit corporation providing seasonal rowing opportunities for all ages to members of over 20 communities in the seacoast New Hampshire.
- C. GBR requests a temporary license upon, over and across the Property in order to install and use two boat racks for canoes, kayaks and skulls, locate a storage container and access the Cochecho River to operate its programming, and the City agrees as property owner to issue such temporary license pursuant to the terms and conditions set forth in this Agreement and subject to applicable law.
- D. Following the installation of the racks and storage container, GBR requests the right to enter onto the Property to maintain a limited access to the Cochecho River for launching its boats, including its motorized launch boat pursuant to the terms and conditions set forth in this Agreement.

AGREEMENT

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

1. **Temporary License.** The City hereby grants to GBR, and GBR accepts from the City, a temporary license over, across and through a portion of the Property to install landscaping and construct, install, and use improvements, including but not limited to, two boat racks (22ft long, 7ft wide) and a storage container (20ft long, 10 ft wide) over, across, and through the Property, all as

shown on Exhibit A. The aforesaid storage container will be placed within the gravel parking lot in such a manner which minimized impacts to the available parking and the racks will be placed adjacent to the river. The launch boat will be placed in the area near the racks and may, at GBR's decision, be secured to a tree or trees as necessary and remain in the river. Nothing in this license approves, allows, impliedly approves, or in any way relieves GBR from its sole duty to seek and obtain any and all approvals, permits, or other such requirements arising out of or related to GBR's exercise of temporary property rights hereby granted, though the City will, as property owner and to the extent reasonable, co-sign or join in GBR's applications as needed to obtain any necessary permits or approvals.

2. **Maintenance.** During the term of this Agreement, as set forth in paragraph 4 below, GBR shall maintain the landscaped sections of the area around the access to the Cochecho River, the racks and the storage in good condition and repair by performing landscaping services including but not limited to brush removal, general care and planting, removal and trimming of shrubs, bushes, plants and trees. This right/obligation to maintain the landscaped sections of the Launch Area shall include the right/obligation to install, maintain, repair and replace the natural, landscaped features of the Launch Area. The right/obligation to maintain the landscaped sections of the Launch Area under this Agreement does not, however, extend to the maintenance or replacement of any improvements constructed or installed upon or below the Launch Area, including without limitation, sidewalks, benches, flagpoles, trash receptacles, or below-ground utilities, wires, pipes, lines or other services. No work of GBR pursuant to the rights granted under this Agreement shall interfere with the orderly and free flow of vehicular and pedestrian traffic in or upon the Property. The Property shall be open as public space, and both parties agree that the public and other entities utilize the Property for recreation purposes.

3. **Term.** The term of this Temporary License shall commence upon the City Council's approval of the license and **all** parties' signatures being added to the license. The term of this Agreement is one (1) year. Notwithstanding the foregoing, in the event the City determines, in its reasonable discretion, that the landscaping creates a travel hazard for the public or other reasonable public safety grounds exist that would justify revoking the Agreement, then the City may terminate the Agreement and release GBR's rights under this Agreement, or request that GBR modify its rights under this Agreement, in order to remedy the public safety issue. This Agreement shall automatically renew annually for one year on each anniversary for successive five (5) additional one-year terms, unless terminated in writing by either party at least thirty (30) days prior to the expiration of the current term.

4. **Indemnification.** GBR shall defend and indemnify the City against claims and demands for damages to person or property, costs, expenses (including reasonable attorneys' fees and costs), arising from GBR's exercise of its rights hereunder, except if caused by the negligence or misconduct of the City, its contractors, subcontractors and/or employees. The parties acknowledge that the Property is in a wooded area and there is no expectation that GBR has exclusive access to the Property. Notwithstanding any provision contained in this Agreement to the contrary, no member, manager, officer, or employee of GBR shall have any personal liability hereunder.

5. **Insurance.** GBR shall at its cost obtain and, for the duration of this agreement and at least three years after expiration of this Agreement, maintain the following insurances:

- i. General liability/casualty and property insurance in limits of not less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the aggregate.

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

CITY OF DOVER, NEW HAMPSHIRE

Witness
Print Name: _____

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

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

On this, the _____ of _____, 2024, before me, the undersigned Officer, personally appeared J. Michael Joyal, Jr., who acknowledged himself to be the City Manager of the City of Dover, and that he, as such City Manager, being authorized to do so, executed the foregoing instrument for the purposes therein contained and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act of the City of Dover.

Notary Public
My Commission Expires: _____

GRANTEE:

Great Bay Rowing

Witness
Print Name: _____

By: Jennie Marshall
Its: Chair of the Board

STATE OF _____

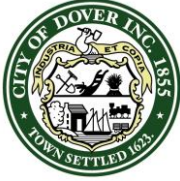
COUNTY OF _____

On this, the _____ of _____, 2024, before me, the undersigned Officer, personally appeared Jennie Marshall, who acknowledged himself to be the Chair of the Board of Great Bay Rowing, a New Hampshire Non-Profit Corporation and executed the foregoing instrument for the purposes contained herein and acknowledged the foregoing instrument to be her free act and deed in his said capacity and the free act and deed of Great Bay Rowing.

Notary Public
My Commission Expires: _____

EXHIBIT A





CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R – 2024.04.10 - 54**

Resolution Re: B14074 Engineering Services for the Construction of the Pudding Hill Water Treatment Facility, Amendment No. 4 – Underwood Engineers

WHEREAS: Underwood Engineers (UE) was awarded Request for Qualification B14074 Professional Engineering Services for City Wide Water Systems Upgrades in 2014. UE completed the final design for the construction of the Pudding Hill water treatment facility that was bid ([#B22013](#)) by the City on September 21, 2021; and

WHEREAS: The City received a scope of work from UE for professional engineering services for the construction of the Pudding Hill water treatment facility. The construction phase included construction administration, resident project representative services, startup services, preparation of an operation and maintenance manual, record drawings, as well as funding assistance and field testing in the total amount of \$1,125,000.00; and

WHEREAS: In December 2021, City Council approved a proposal of \$50,000.00 received from UE for professional engineering services for the construction of the Pudding Hill water treatment facility in the new amount of \$1,175,000.00 via resolution [R-2021.12.08-196](#); and

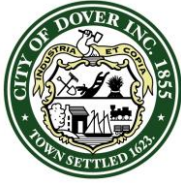
WHEREAS: In April 2022, City Council approved a proposal of \$35,000.00 which is eligible to receive funding assistance through a PFAS American Rescue Plan Act (ARPA) grant for this project. This Amendment No. 1 included a cost proposal for added costs to comply with ARPA funding requirements to the current contract documents via approved resolution [R-2022.04.27-191](#) and In February 2023, the city received Amendment No.2 to the agreement with UE for additional construction administration services in the amount of \$150,000.00, which was approved via [R-2023.03.22-049](#); and

WHEREAS: In December 2023, the city received Amendment No.3 to the agreement with UE for additional construction administration, establishment of Standard Operating Procedures, and Artificial Recharge Startup in the amount of \$150,000.00, which is eligible for full reimbursement under NHDES's PFAS Remediation Grant, and which was approved by council via [R-2024.01.24-014](#); and

WHEREAS: In March 2024, the city received Amendment No 4. to the agreement with UE for additional construction administration and additional improvements at the Griffin Well which includes maintaining the Griffin Well as a backup well in the Pudding Hill Aquifer in the amount of \$50,000.00, which is eligible for full reimbursement under NHDES's PFAS Remediation Grant; 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 revision to Underwood Engineers of Portsmouth, NH for Amendment No. 4 for professional engineering services for the construction of the Pudding Hill water treatment facility in the amount of \$50,000.00. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R – 2024.04.10 - 54**

Resolution Re: B14074 Engineering Services for the Construction of the
Pudding Hill Water Treatment Facility, Amendment No. 4 –
Underwood Engineers

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

Financing

Account	Description	Appropriation	Balance
5300.1.300.43320.4720.03595.22.	Water-Pudding Hill WTP	3,903,126.10	755,408.06

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

DOCUMENT HISTORY:

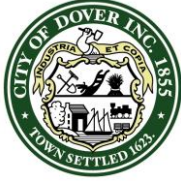
First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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.		

Document Created by: Purchasing
Document Posted on: April 5, 2024

R-2024.04.10 B14074 Engineering Services for the
Construction of the Pudding Hill Water Treatment Facility,
Amendment No.4 – Underwood Engineers
Page 2 of 3



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R – 2024.04.10 - 54**

Resolution Re: B14074 Engineering Services for the Construction of the Pudding Hill Water Treatment Facility, Amendment No. 4 – Underwood Engineers

RESOLUTION BACKGROUND MATERIAL:

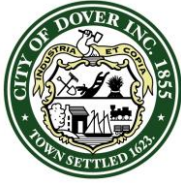
Additional work related to nearly completed Pudding Hill Water Filtration Plant has been approved for eligibility and funding by NH DES's PFAS Remediation Grant, which provides for reimbursement of up to \$5,188,000 in related expenses. The current scope of work will help develop a detailed list of Standard Operating Procedures to help guide our City staff in proper operation of the plant. The City will be coordinating sampling efforts with EPA's Office of Research & Development to monitor plant performance and contaminant removal effectiveness and efficiency. Work will also occur to optimize use of artificial aquifer recharge to minimize number of contaminants reaching the new treatment plant. Additional consultant/engineering work will also be covered for additional Construction Administration and oversight, as the treatment plant contractor has experienced a few equipment delays that have pushed back the start-up of the plant. Substantial Completion is slated for late-February, with full operation targeted for mid-April.

The Pudding Hill water treatment facility will be new construction which will treat the Griffin, Ireland and DPH-1 wells. The construction contract includes, but is not limited to, a new CMU and steel building including plumbing, HVAC, and electrical systems; new process including piping and chemical feed systems; new instrumentation and SCADA, including integration with the City's existing SCADA system; site improvements to accommodate new facility including yard piping, driveway, grading, drainage, relocation of existing utilities and fencing; and concrete basins below grade.

	Task	Current Value	Cost Adjustment	Revised contract Amount
01	Construction Administration	571,000.00	10,000.00	581,000.00
02	Resident Project Representative	502,000.00		502,000.00
03	Startup Services	77,000.00		77,000.00
04	O&M Manuals	70,000.00		70,000.00
05	Record Drawings	40,000.00		40,000.00
06	Funding Assistance	55,000.00		55,000.00
07	Field Testing	45,000.00		45,000.00
08	Increased Insurance Coverage	50,000.00		50,000.00
09	Standard Operating Procedures	60,000.00		60,000.00
10	Artificial Recharge Start Up	40,000.00		40,000.00
11	Griffin Well Improvements		40,000.00	40,000.00
	Total	1,510,000.00	50,000.00	1,560,000.00

Award Information:

A purchase order revision will be issued to Underwood Engineers to authorize expenditures as outlined in this resolution.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R – 2024.04.10 - 55**

Resolution Re: Disposal of City Owned Real Estate @ Arcola Street

WHEREAS: Pursuant to City Code Chapter 29 Section 6 Disposing of City Owned Real Estate, the City Manager is required to develop a list of surplus properties that are recommended for disposal. This process was completed in 2021 and again in 2022 and approved by City Council approved via [R-2021.03.10-033](#) and [R-2022.04.13-083](#) for the disposal of City Owned Real-Estate on Arcola Street. These resolutions authorized the City Manager to take said list of parcels and market them for sale. It further authorized him to “negotiate and enter into a purchase and sales agreement, subject to final City Council approval; and

WHEREAS: The City sent notices to abutters and has received interest to purchase city owned real estate located on Arcola Street listed as Map 33 Lot 109 in the amount of \$14,800, as well as for Map 33 Lots 110, 111 and 112 in the amount of \$21,000 and city has evaluated the real estate for its current and future use and recommends that the property be sold to abutters per the criteria of 29-6J. Which includes the following: “Exemptions also include small parcels of land of insignificant value to be deeded to abutters”. These lots are non-buildable on their own and meet the above criteria. In both cases the lots will be merged into the abutters existing lots and will cease to be; and

WHEREAS: The property tax card and maps are also included as part of this resolution.

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

Per City Code Chapter 29 Section 6 Disposing of City Owned Real Estate a request has been received and the recommendation is for City Council to vote to sell Map 33 Lots 109, 110, 111, and 112 to said abutters.

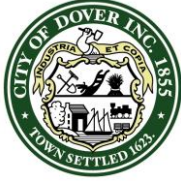
AUTHORIZATION

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.A.3.

Resolution Number: **R – 2024.04.10 - 55**

Resolution Re: Disposal of City Owned Real Estate @ Arcola Street

DOCUMENT HISTORY:

First Reading Date:
Approved Date:

Public Hearing Date:
Effective Date:

DOCUMENT ACTIONS:

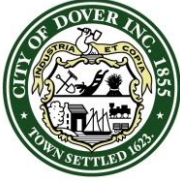
VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

Dover City Code Chapter 29 section 6 requires that the City Manager develop a list of surplus properties that are recommended for disposal and previous resolutions authorized the City Manager to take said list of parcels and market them for sale. It further authorized him to “negotiate and enter into a purchase and sales agreement, subject to final City Council approval, that provides for a quitclaim deed, inclusive of any related rights, easements, infrastructure, and appurtenances deemed necessary to retain by the City and/or convey to the purchaser.”

Seven lots were identified as small parcels of land of insignificant value to be deeded to abutters for boundary-line adjustment. Staff worked with the abutting property owners to establish interest in said parcels and negotiated sales prices equal to the assessed value. The parcels would be conveyed to the abutters, who would then – through the Planning Board – merge the lots into their existing lots, thus eliminating the separate lot(s).

These sales meet the criteria of 29-6 J, which includes the sentence: “Exemptions shall also include small parcels of land of insignificant value to be deeded to abutters for boundary-line adjustment.” These lots are all insignificant, and not buildable on their own. They may have value when merged into the adjacent lots, which will be required in the Purchase and Sales. As they met the exemption



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R – 2024.04.10 - 55**

Resolution Re: Disposal of City Owned Real Estate @ Arcola Street

clause no realtor was retained and no commission is due. All four lots were obtained over 60 years ago as tax collection deeds.

Property Location:
Arcola St

Parcel ID: 33109-000000

Map Block No. 33-109-0-0

Class: E

Use: 903

Card 1 of 1

Current Owner

City Of Dover
Central Avenue
Dover Nh 03820

Previous Owner History

Name	Deed	Date
------	------	------

Notes

Wooded/Rolling/Low

Entrance Information

Date	Time	ID	Activ	Entrance Code	Source
				Entry & Sign	
				Entry & Sign	
08/06/2018	R	JF		Est-See Note	

Miscellaneous

Deed Info: 781/322-07/08/1964
Zoning: R-12
Neighborhood: 187
Living Units: 0
Street/Road: Public

Estimates
MRA:
Weighted:
Market:

Assessment Information

Assessed Value: * Prior
Land: 16,400 14,800
Building:
Total: 16,400 14,800
Assessed Information:
Value: 16,400

Effective DOV: 4/1/2023
Value Flag: COST VALUE

Sales History

Book/Page	Date	Price	Type	Validity
781/322	07/08/1964		1	

Permit Information

Date	Permit #	Price	Purpose	% Comp.
				0
				0

Land Information

Type	Size	Grade	Influence Factor 1, 2 and %	Value
Primary	A	0.28 0	Topography Restriction -90	16,400
Total Acres for this Parcel				0.28
Total Land Value				16,400

Out Building Information

Type	Qty	Year	Size1	Size2	Grade	Cond	%Good	Value
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
Total OBY for this card								0

No Picture Available

Inspection witness by: _____

Property Location:

Parcel ID: 33109-000000

Class: E

903

Card 1 of 1

Descriptor/Area

Property Location:

Arcola St

Parcel ID: 33110-000000

Map Block No. 33-110-0-0

Class: E

Use: 132

Card 1 of 1

Current Owner

City Of Dover
Central Avenue
Dover Nh 03820

Previous Owner History

Name	Deed	Date
------	------	------

Notes

Wooded/Rolling
Not Buildable

Entrance Information

Date	Time	ID	Actv	Entrance Code	Source
				Entry & Sign	
				Entry & Sign	
08/06/2018	R	JF		Est-See Note	

Miscellaneous

Deed Info: 783/500-07/27/1964
Zoning: R-12
Neighborhood: 187
Living Units: 0
Street/Road: Public

Estimates
MRA:
Weighted:
Market:

Assessment Information

Assessed Value: * Prior
Land: 7,700 7,000
Building:
Total: 7,700 7,000
Assessed Information:
Value: 7,700

Effective DOV: 4/1/2023
Value Flag: COST VALUE

Sales History

Book/Page	Date	Price	Type	Validity
783/500	07/27/1964			

Permit Information

Date	Permit #	Price	Purpose	% Comp.
				0
				0

Land Information

Type	Size	Grade	Influence Factor 1, 2 and %	Value
Primary	A	0.09 0	Topography Restriction -95	7,730
Total Acres for this Parcel				0.09
Total Land Value				7,700

Out Building Information

Type	Qty	Year	Size1	Size2	Grade	Cond	%Good	Value
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
Total OBY for this card								0

No Picture Available

Inspection witness by: _____

Property Location:

Card 1 of 1

Descriptor/Area

Property Location:
Arcola St

Parcel ID: 33111-000000

Map Block No. 33-111-0-0

Class: E

Use: 132

Card 1 of 1

Current Owner

City Of Dover
Central Avenue
Dover Nh 03820

Previous Owner History

Name	Deed	Date
------	------	------

Notes

Wooded/Rolling

Entrance Information

Date	Time	ID	Actv	Entrance Code	Source
				Entry & Sign	
				Entry & Sign	
08/06/2018	R	JF		Est-See Note	

Miscellaneous

Deed Info: 659/458-04/27/1956
Zoning: R-12
Neighborhood: 187
Living Units: 0
Street/Road: Public

Estimates
MRA:
Weighted:
Market:

Assessment Information

Assessed Value: * Prior
Land: 7,600 6,900
Building:
Total: 7,600 6,900
Assessed Information:
Value: 7,600

Effective DOV: 4/1/2023
Value Flag: COST VALUE

Sales History

Book/Page	Date	Price	Type	Validity
659/458	04/27/1956		1	

Permit Information

Date	Permit #	Price	Purpose	% Comp.
				0
				0

Land Information

Type	Size	Grade	Influence Factor 1, 2 and %	Value
Primary	A	0.05 0	Topography Restriction -95	7,630
Total Acres for this Parcel				0.05
Total Land Value				7,600

Out Building Information

Type	Qty	Year	Size1	Size2	Grade	Cond	%Good	Value
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
Total OBY for this card								0

No Picture Available

Inspection witness by: _____



(7.5.2.4)

Printed Wed, Oct 18, 2023

April 1, 2023 Assessment

Property Location:

Card 1 of 1

Descriptor/Area

Property Location:

Arcola St

Parcel ID:

33112-000000

Map Block No.

33-112-0-0

Class:

E

Use:

132

Card 1 of 1

Current Owner

City Of Dover
Central Avenue
Dover Nh 03820

Previous Owner History

Name	Deed	Date
------	------	------

Notes

Wooded/Rolling/Low
Unbuildable

Entrance Information

Date	Time	ID	Actv	Entrance Code	Source
08/06/2018	R	JF		Entry & Sign Entry & Sign Est-See Note	

Miscellaneous

Deed Info: 783/499-07/27/1964
Zoning: R-12
Neighborhood: 187
Living Units: 0
Street/Road: Public

Estimates
MRA:
Weighted:
Market:

Assessment Information

Assessed Value: * Prior
Land: 7,900 7,100
Building:
Total: 7,900 7,100
Assessed Information:
Value: 7,900

Effective DOV: 4/1/2023
Value Flag: COST VALUE

Sales History

Book/Page	Date	Price	Type	Validity
783/499	07/27/1964		1	

Permit Information

Date	Permit #	Price	Purpose	% Comp.
				0
				0

Land Information

Type	Size	Grade	Influence Factor 1, 2 and %	Value
Primary	A	0.17 0	Topography Restriction	-95 7,930
Total Acres for this Parcel		0.17	Total Land Value	7,900

Out Building Information

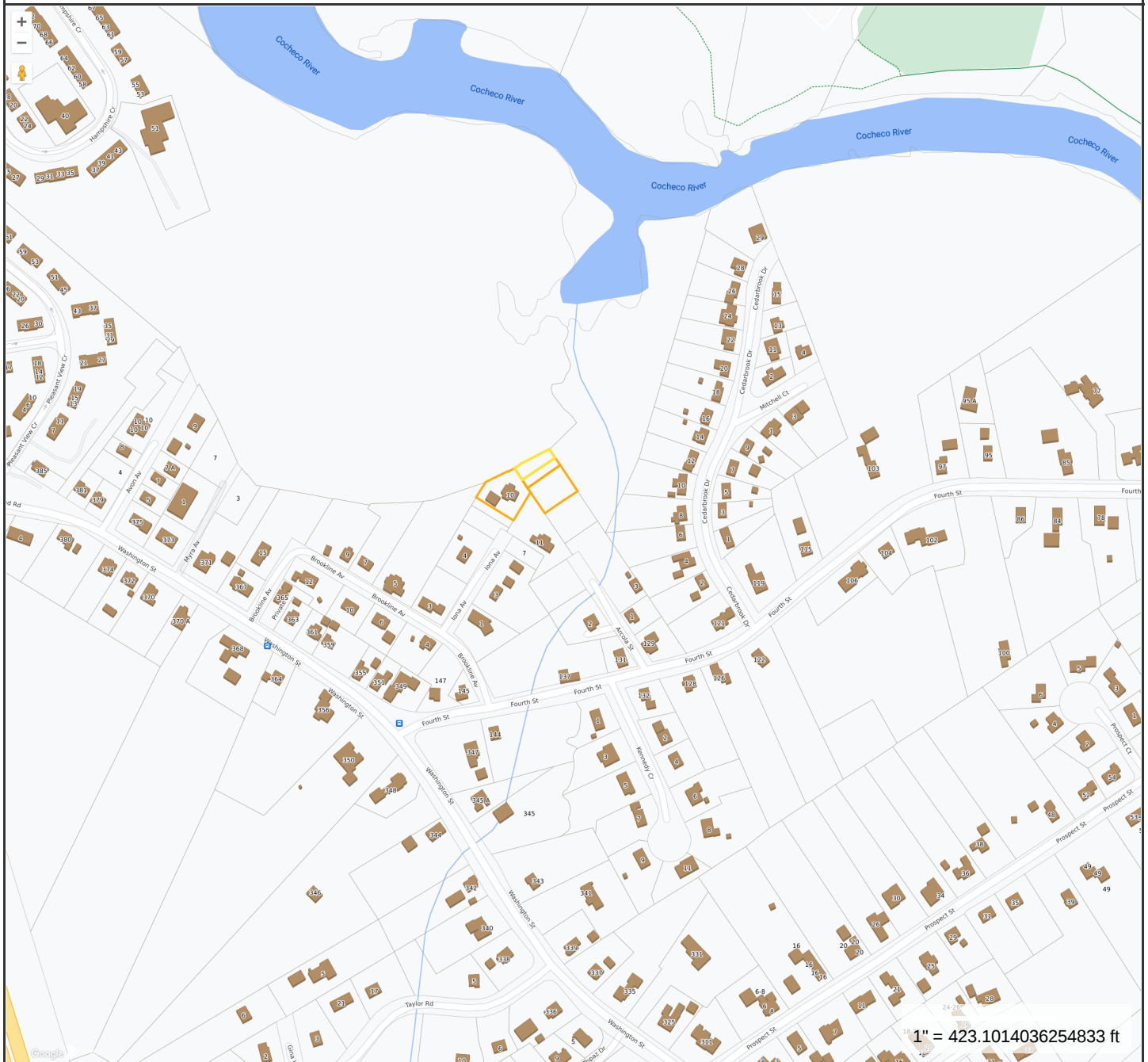
Type	Qty	Year	Size1	Size2	Grade	Cond	%Good	Value
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
Total OBY for this card								0

No Picture Available

Inspection witness by: _____

132 **Card 1 of 1**[illegible]

Lots 110, 111, 112 are being purchased by the owner of 10 Iona

**Property Information**

Location ARCOLA ST
Owner CITY OF DOVER
Land Use
Zoning Code R-12
Property Id 33110-000000



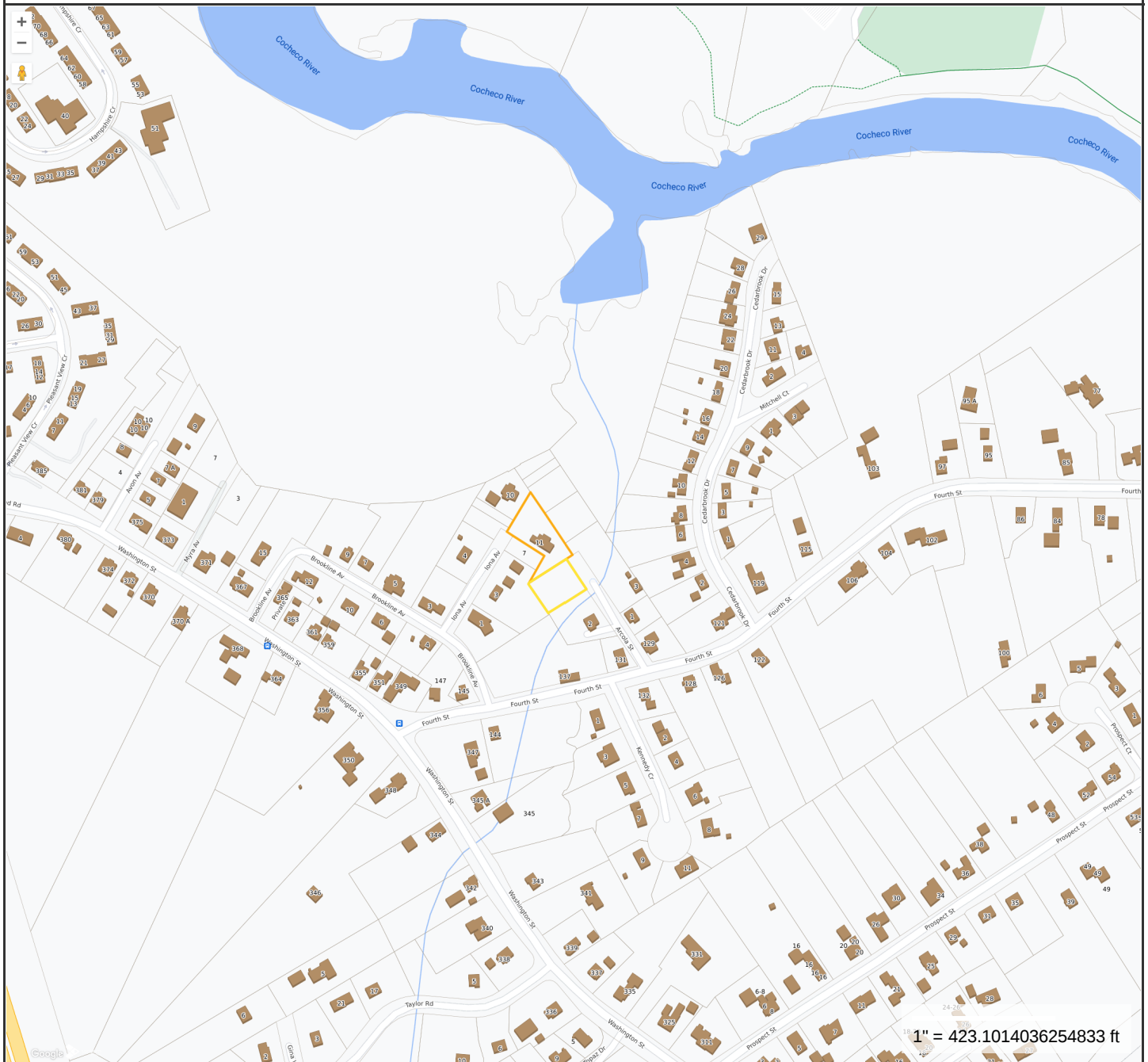
**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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

Geometry updated 10/30/2023
Data updated Daily

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

Lot 109 is being purchased by the owner of 11 Iona

**Property Information**

Location ARCOLA ST
Owner CITY OF DOVER
Land Use
Zoning Code R-12
Property Id 33109-000000

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

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

Geometry updated 10/30/2023
Data updated Daily

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

New Appointments

Mary Beth Rudolph – Alternate Member, Committee To Address Community Housing Needs



CITY OF DOVER

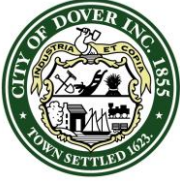
CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R - 2024.04.10 - 56**
Resolution Re: Recognizing the Impacts of the Israel-Hamas War on the Residents of Dover, New Hampshire and Urging Federal Policymakers to Push for an Immediate Ceasefire and the Delivery and Distribution of Humanitarian Aid; Affirming the City of Dover's Commitment to Being a Welcoming and Inclusive Community for Residents of All Backgrounds; and Denouncing Hate, Bigotry and Discrimination in All of Its Forms

- WHEREAS: On October 7, 2023, Hamas launched a barbaric, and deadly, massacre against Israeli civilians, leaving 1200 dead, and taking captive over 253 Israeli and international hostages, of whom over 134 hostages have still not been returned; and
- WHEREAS: Israel has responded with a massive and disproportionate military campaign that, to date, has resulted in the deaths of 32,000 Palestinians, of which 13,000 are children; and
- WHEREAS: The conflict has created conditions that have brought the people of Gaza to the brink of famine and humanitarian catastrophe; and
- WHEREAS: The City of Dover recognizes that such an international issue, while outside our scope of municipal governance, has profound social and emotional impacts on the residents of the City of Dover; and
- WHEREAS: Ongoing conflict in Israel and Gaza has caused significant distress among many of our residents, leading to feelings of pain, fear, anger, and concern for their loved ones in the region; and
- WHEREAS: The City of Dover takes pride in being a diverse and welcoming community that upholds the values of empathy, understanding, and the general well-being of all of our residents; and
- WHEREAS: The City of Dover has established the Committee for Racial Equity and Inclusion to advance our deeply committed goals of ensuring the human rights and dignity of all residents irrespective of race, color, creed, religion, national or social origin, or ancestry; and
- WHEREAS: The conflict has triggered a mass rise in antisemitism and Islamophobia across the world, including here in New Hampshire, and this Council's stated goals of making the City of Dover a welcoming and inclusive community call upon us to oppose and condemn acts of antisemitism, Islamophobia, and all other forms of hatred and bigotry whenever and wherever they appear; and

R-2024.04.10 Recognizing the Impacts of the Israel-Hamas War on the Residents of Dover, New Hampshire; Urging Federal Policymakers to Push for an Immediate Ceasefire and the Delivery and Distribution of Humanitarian Aid; Affirming the City of Dover's Commitment to Being a Welcoming and Inclusive Community for Residents of All Backgrounds; and Denouncing Hate, Bigotry and Discrimination in All of its Forms



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R - 2024.04.10 - 56**
Resolution Re: Recognizing the Impacts of the Israel-Hamas War on the Residents of Dover, New Hampshire and Urging Federal Policymakers to Push for an Immediate Ceasefire and the Delivery and Distribution of Humanitarian Aid; Affirming the City of Dover's Commitment to Being a Welcoming and Inclusive Community for Residents of All Backgrounds; and Denouncing Hate, Bigotry and Discrimination in All of Its Forms

WHEREAS: The City of Dover affirms its unwavering support for all Arab, Israeli, Palestinian, Jewish, Muslim, and all other members of the Dover community who are impacted, each of whom has the right to learn, work, worship, gather, advocate, mourn, and celebrate free from intimidation, harassment, and fear of violence; and

WHEREAS: Our values call on us to condemn violence, in all forms, in the strongest possible terms, including violence as a means of resistance, and all acts of terrorism and war and the killing of civilians; and

WHEREAS: The City of Dover expresses its deep concern at the rapidly deteriorating humanitarian situation in and around Gaza and its impact on the civilian populations there, underlining the need for timely and safe humanitarian access into and throughout the Gaza Strip, and takes note of the concerning reports from the United Nations and humanitarian organizations in this regard; and

WHEREAS: The City of Dover expresses deep concern regarding the ongoing captivity and status of hostages living and deceased.

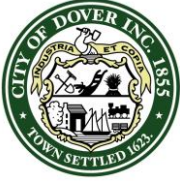
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

As principles in line with our community's values, the City of Dover asks the President of the United States and members of the United States Congress to 1) secure a bilateral ceasefire that guarantees all Palestinians and Israelis the right to safety, dignity and freedom; 2) immediately ensure the provision of humanitarian aid to civilians in Gaza; and 3) ensure the unconditional and immediate release of all hostages.

The City of Dover affirms the right of Israelis, Palestinians, and of all states and peoples to exist in peace and security.

The City of Dover firmly condemns antisemitism, Islamophobia, and all forms of hate, bigotry, and discrimination, reaffirming its commitment to a community where all

R-2024.04.10 Recognizing the Impacts of the Israel-Hamas War on the Residents of Dover, New Hampshire; Urging Federal Policymakers to Push for an Immediate Ceasefire and the Delivery and Distribution of Humanitarian Aid; Affirming the City of Dover's Commitment to Being a Welcoming and Inclusive Community for Residents of All Backgrounds; and Denouncing Hate, Bigotry and Discrimination in All of its Forms



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R - 2024.04.10 - 56**
Resolution Re: Recognizing the Impacts of the Israel-Hamas War on the Residents of Dover, New Hampshire and Urging Federal Policymakers to Push for an Immediate Ceasefire and the Delivery and Distribution of Humanitarian Aid; Affirming the City of Dover's Commitment to Being a Welcoming and Inclusive Community for Residents of All Backgrounds; and Denouncing Hate, Bigotry and Discrimination in All of Its Forms

individuals are respected and protected, regardless of their faith, ethnicity, or connections to global issues.

AND, FURTHER BE IT RESOLVED THAT:

A copy of this resolution shall be sent to United States Representative Chris Pappas from New Hampshire; United States Senators Maggie Hassan and Jeanne Shaheen from New Hampshire; and United States President Joseph Biden, urging them to take action toward this end.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor S. April Richer
Councilor Robert Warach

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

Recorded by: Jerrica Vansylvong-
Bizier
City Clerk

DOCUMENT HISTORY:

First Reading Date:
Approved Date:

Public Hearing Date:
Effective Date:

DOCUMENT ACTIONS:

Document Created by: Legal
Document Posted on: April 5, 2024

R-2024.04.10 Recognizing the Impacts of the Israel-Hamas War on the Residents of Dover, New Hampshire; Urging Federal Policymakers to Push for an Immediate Ceasefire and the Delivery and Distribution of Humanitarian Aid; Affirming the City of Dover's Commitment to Being a Welcoming and Inclusive Community for Residents of All Backgrounds; and Denouncing Hate, Bigotry and Discrimination in All of its Forms

Page 3 of 4



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R - 2024.04.10 - 56**
Resolution Re: Recognizing the Impacts of the Israel-Hamas War on the Residents of Dover, New Hampshire and Urging Federal Policymakers to Push for an Immediate Ceasefire and the Delivery and Distribution of Humanitarian Aid; Affirming the City of Dover's Commitment to Being a Welcoming and Inclusive Community for Residents of All Backgrounds; and Denouncing Hate, Bigotry and Discrimination in All of Its Forms

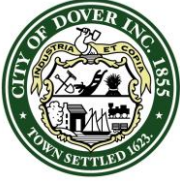
VOTING RECORD

Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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:

None.

R-2024.04.10 Recognizing the Impacts of the Israel-Hamas War on the Residents of Dover, New Hampshire; Urging Federal Policymakers to Push for an Immediate Ceasefire and the Delivery and Distribution of Humanitarian Aid; Affirming the City of Dover's Commitment to Being a Welcoming and Inclusive Community for Residents of All Backgrounds; and Denouncing Hate, Bigotry and Discrimination in All of its Forms



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R - 2024.04.10 - 57**
Resolution Re: Requesting Cemetery Board to Review and Provide
Recommendations Concerning Green Burials

WHEREAS: Green burials refer to the reduction or elimination of the use of non-biodegradable products and materials in relation to burials of human remains; and

WHEREAS: To date, the City has not enacted a policy allowing green burials in City cemeteries.

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

Within six months of the date of this resolution, the Dover Cemetery Board is requested and directed to review and provide written recommendations to City Council concerning whether and on what terms to allow the practice of green burials in City cemeteries and, if it were allowed, how the City's regulations, bylaws, policies, and practices could or should be amended so as to best enable green burials.

AND, FURTHER BE IT RESOLVED;

That the City Manager or designee transmit a copy of this resolution to members of the Dover Cemetery Board.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

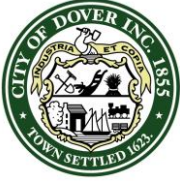
Sponsored by: Councilor Robert Warach

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

Recorded by: Jerrica Vansylyvong-
Bizier
City Clerk

DOCUMENT HISTORY:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

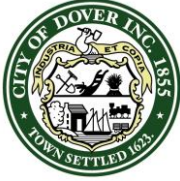
Resolution Number: **R - 2024.04.10 - 57**
Resolution Re: Requesting Cemetery Board to Review and Provide
Recommendations Concerning Green Burials

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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:

Dover's Cemetery Board exists pursuant to [Dover Code § 9-3](#). The Cemetery Board's by-laws may be viewed at this link: <https://www.dover.nh.gov/government/boards-and-commissions/cemetery-board/>. Cemeteries are also regulated by [RSA chapter 289](#) and [RSA chapter 290](#). Readers are also referred to pending "green burial" legislation, [House Bill 1324-FN](#), which appears to be in interim study.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2024.04.10 - 58**

Resolution Re: Citywide 2024-2025 Groundwater Monitoring Program with
Emery & Garrett Groundwater Investigations, LLC

WHEREAS: Emery and Garrett Groundwater Investigations, LLC (EGGI) was the awarded firm through Sealed Bid #[B13043](#) for hydrogeological consulting services, exploration and development of replacement groundwater supply. EGGI has been the ongoing consultant for various other groundwater projects for the City throughout the years; and

WHEREAS: The City received a scope of work from (EGGI) for the current 2024-2025 groundwater monitoring program at a cost totaling \$173,950.00. Due to their vast experience in this field, it is the recommendation to award the continued groundwater monitoring project to EGGI in the amounts outlined in this resolution; and

WHEREAS: Per 5-28.B Formal Bidding Purchases; Waiver. Formal bidding may be waived by majority vote of the City Council, which may be done at the time of making the award.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Emery and Garrett Groundwater Investigations, LLC for the citywide groundwater monitoring program for 2024-2025 in the amount not to exceed \$173,950.00. The City Manager, or designee, is hereby authorized to finalize and enter into an agreement 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
5300.1.300.43320.4757.03574.18-20-21	Water- Wellhead Protection	613.66	613.66
5300.1.300.43320.4757.03574.22	Water- Wellhead Protection	100,000.00	100,000.00
5300.1.300.43320.4757.03574.23	Water- Wellhead Protection	100,000.00	100,000.00
5300.1.300.43320.4757.03574.24	Water- Wellhead Protection	100,000.00	100,000.00

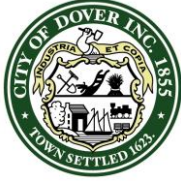
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

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

Recorded by: Jerrica Vansylyvong-
Bizier
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2024.04.10 - 58**

Resolution Re: Citywide 2024-2025 Groundwater Monitoring Program with
Emery & Garrett Groundwater Investigations, LLC

DOCUMENT HISTORY:

First Reading Date:

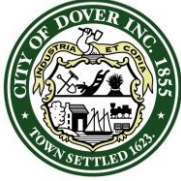
Public Hearing Date:

Approved Date:

Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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.3.

Resolution Number: **R – 2024.04.10 - 58**

Resolution Re: Citywide 2024-2025 Groundwater Monitoring Program with
Emery & Garrett Groundwater Investigations, LLC

RESOLUTION BACKGROUND MATERIAL:

In response to a City request, Emery & Garrett Groundwater Investigations, LLC (EGGI) has proposed continuation of a citywide long-term groundwater monitoring program initiated in 2016 for the monitoring year of 2024-2025. The monitoring work includes sampling and testing at 13 different monitoring wells located in strategic points of the City water supply aquifers. Testing will also occur from all 11 public water supply wells. Sampling will focus on testing for 16 different PFAS compounds, and also the presence of any naturally occurring arsenic. Expanded contaminant sampling will occur at the Pudding Hill aquifer to include contaminants such as VOC's, 1,4-dioxane, metals, chloride, sodium, etc. Sampling will meet the reporting requirements for NH DES's Large Groundwater Withdrawal Permits.

EGGI will also help with aquifer water level monitoring. They have multiple water level transducers installed in various aquifer monitoring wells. The level monitoring will help guide aquifer management decisions in terms of limiting production from aquifer.

Extra sampling and monitoring work will occur for the Smith & Cummings wells, as these are located within more of the City's urbanized areas, and have previously been monitored for increasing chloride levels. In addition to the previous City-wide PFAS sampling mentioned above, sampling will also focus on volatile organic compounds (VOC's).

An allowance is provided for as-requested services that could arise in response to the planned Brox quarry expansion, change in chloride levels, or any general water-quality or aquifer-capacity related issue.

The summary of EGGI's scope of services is as follows.

Task 1 – Water Quality Sample Collection & Analysis	\$46,250
Task 2 – Aquifer Level Monitoring	\$30,700
Task 3 – Reporting	\$31,000
Task 4 – Presentation of Groundwater Data to City Staff or Council	\$3,500
Task 5 – Smith/Cummings Water Level & Water Quality Monitoring	\$8,500
Task 6 – General Hydrogeological Consulting Services and Contingency	\$20,500
Task 9- Brox Quarry Expansion and Pike Quarry Technical Support	\$10,000
Task 8 – Chloride Monitoring and Technical Support	\$20,000
Task 9 – Data Management and Visualization Planning	\$3,500
Total Costs for Tasks 1 through 9	\$173,950.00



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2024.04.10 - 59**
Resolution Re: **B22048 Renovation of Jenny Thompson Outdoor Pool**

WHEREAS: A sealed Request for Qualifications #B22048 for the Jenny Thompson Outdoor Pool was issued and received on March 15, 2022 @ 2:00 p.m. A mandatory pre-bid meeting was conducted on March 3, 2022 with three firms attending; and

WHEREAS: The City requested proposals from firms to submit qualifications for consideration of providing design services to complete an assessment, design services, engineering, construction documents, and permitting for full renovation of the Jenny Thompson Pool, and;

WHEREAS: Two (2) bid responses were received and reviewed for necessary qualifications and experience for full renovation of the pool, and the evaluation committee deemed Weston & Sampson as the most qualified firm for this project. But upon further, detailed investigation of the deteriorated conditions of the pool, the City did not have sufficient project funding to proceed, so work was scaled back to a formal assessment including recommendations; and,

WHEREAS: Weston & Sampson completed a Feasibility Study on 5/20/2022 in the amount of \$9200.00 and on 2/14/2024, Weston & Sampson provided an updated proposal in the amount of \$196,550.00

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 Weston & Sampson for the Jenny Thompson Outdoor Pool Renovation in the amount, not to exceed, \$196,550.00. The City Manager, or designee, is hereby authorized to contract with the vendor consistent with the Purchase Order authorized herein.

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

Financing			
Account	Description	Appropriation	Balance
4021.1.350.45125.4725.05121.21	JT Pool- Building Improvements	481,067.00	481,067.00

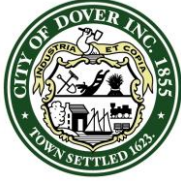
AUTHORIZATION

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 Vansylyvong-
Bizier

 CITY OF DOVER	CITY OF DOVER - RESOLUTION	
	Agenda Item#: 13.B.4.	
Resolution Number: R – 2024.04.10 - 59 Resolution Re: B22048 Renovation of Jenny Thompson Outdoor Pool		

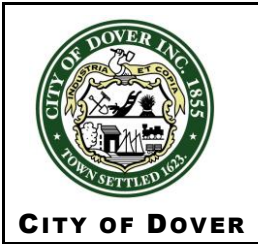
City Clerk

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 S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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.B.4.

Resolution Number: **R – 2024.04.10 - 59**
Resolution Re: **B22048 Renovation of Jenny Thompson Outdoor Pool**

RESOLUTION BACKGROUND MATERIAL:

The Jenny Thompson Pool is approximately 47 years old and in dire need of repairs and renovations. The foundation has significant structural cracking that leads to excessive water loss. The entire deck needs resurfacing, and pumping and filtration equipment was last replaced about 25 years ago.

The City initiated a qualifications-based selection process in 2022 to retain a design consultant to help prepare plans and specifications. Weston & Sampson was selected, but based upon initial site evaluation's, the City hadn't appropriated sufficient funding to tackle required repairs. The FY25 Capital Improvements Program included a \$2,000,000 appropriation to repair the liner, decking, gutter and mechanicals.

Weston & Sampson completed an initial assessment, provided short-term recommendations for repairs, and developed a longer-term plan for renovations, including cost estimates. The current objective is to finalize plans and specifications to complete renovation later this summer, likely targeting September time frame.

The current proposal from Weston & Sampson is noted as below, and would cover preparation of design plans & documents, permitting, bidding assistance, and finally construction administration and site inspection of renovation work to be completed by others.

Task 1.0 Design Development	\$75,630
Task 2.0 Construction Documents and Permitting	\$50,420
Task 3.0 Bidding Assistance	\$5,500
Task 4.0 Construction Phase Services	\$65,000
TOTAL	\$196,550

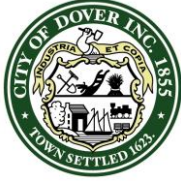
Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	32	Number of Responses:	2
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:	Weston & Sampson	Fund:	Multiple
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	yes	Reason for Council Approval:	Purchase to exceed the \$25,000

[B22048 Bid Documents](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.5.

Resolution Number: **R – 2024.04.10 - 60**

Resolution Re: B22013 Construction of the Pudding Hill Water Treatment Facility Amendment No. 13 Penta Corporation

WHEREAS: A sealed Request for Bid #B22013 was issued and received for the Construction of the Pudding Hill Water Treatment Facility on October 27, 2021 at 2:00 p.m. A non-mandatory pre-bid meeting was held at Dover City Hall, as well as by a virtual conference platform on September 29, 2021 at 10:00 AM with eight vendors in attendance; and

WHEREAS: On November 10, 2021, City Council approved the award to Penta Corporation of Moultonboro, NH in the total amount of \$13,927,910, as well as an additional \$900,000 to be held in contingency in conjunction with RFB #B22013 via resolution [R-2021.11.10-186](#); and

WHEREAS: The City then became eligible to receive funding assistance through a PFAS American Rescue Plan Act (ARPA) grant for this project, Penta Corporation provided Additional Scope of Work No. 1 which included a cost proposal for added costs to comply with ARPA funding requirements to the current contract documents in the amount of \$959,226.76 which was approved via resolution [R-2022.04.27-093](#); and

WHEREAS: A 3% or \$450,000.00 contingency allowance was included in the construction contract which has been utilized via amendments two through seven. The City requested an additional \$200,000.00 to be approved and held in contingency in conjunction with RFB #B22013 thereby making new contract total of \$15,087,136.76 which was approved via resolution [R-2023.03.2-047](#) ; and.

WHEREAS: The City is requesting an additional \$400,000.00 to be approved and held in contingency in conjunction with RFB #B22013 thereby making new contract total of \$15,487,136.7; and

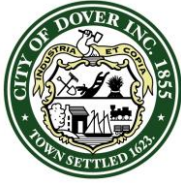
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The Purchasing Agent is hereby authorized to issue a purchase order revision to Penta Corporation of Moultonborough, NH for the increase of Contingency Account in the amount of \$400,000.00 for the Construction of the Pudding Hill Water Treatment Facility project. 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
5300.1.300.43320.4720.03595.22	Water-Pudding Hill Treatment Plant	3,903,126.10	755,408.24



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.5.

Resolution Number: **R – 2024.04.10 - 60**

Resolution Re: B22013 Construction of the Pudding Hill Water Treatment
Facility Amendment No. 13 Penta Corporation

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

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

Recorded by: Jerrica Vansylyvong-
Bizier
City Clerk

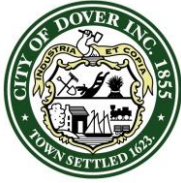
DOCUMENT HISTORY:

First Reading Date:
Approved Date:

Public Hearing Date:
Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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.5.

Resolution Number: **R – 2024.04.10 - 60**

Resolution Re: B22013 Construction of the Pudding Hill Water Treatment Facility Amendment No. 13 Penta Corporation

RESOLUTION BACKGROUND MATERIAL:

The new Pudding Hill water treatment facility is essentially substantially complete and has undergone initial start-up to check treatment equipment and samples have been taken to verify treatment efficacy.

Construction was funded with private contributions from the party responsible for contamination, and also a \$5.1 million PFAS remediation grant from NH DES. Prior to this proposed Change Order, the PFAS grant still have about \$650,000 in eligible funds remaining. The grant is scheduled to close June 1, 2025. In discussion with NH DES representatives, they will allow use of PFAS grant funds for rehabilitation of the abandoned Griffin Well. Griffin Well has been offline since 2015 and was “de-activated” by NH DES as it was no longer used to supply public water.

Rehabilitation of Griffin Well will provide a long-term, third well supply option in the Pudding Hill aquifer to supplement the Ireland and DPH-1 wells. The proposed amendment with Penta will augment the Contingency Allowance, to be used towards mechanical, electrical, and SCADA renovations. The expectation is that the abandoned well will get cleaned, a new well pump will be purchased and installed, new variable frequency drives (VFD's) will be installed for the pumping equipment, and the SCADA system will be updated.

The intent of the proposed amendment is to maximize the use of available PFAS grant funds. Currently, no City CIP funds have been utilized for the construction of the Pudding Hill water treatment plant. Construction has been funded by the private party contribution and the NH DES PFAS grant.

Therefore, the City is requesting \$400,000 additional Contingency.

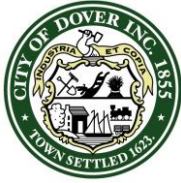
Bid Information:

A sealed Request for Bid #B22013 was issued and received for the Construction of the Pudding Hill Water Treatment Facility on October 27, 2021 at 2:00 p.m.

Award Information:

A purchase order revision will be issued to Penta Corporation to authorize expenditures as outlined in this resolution.

[B22013 Bid Documents](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.6.

Resolution Number: **R – 2024.04.10 - 61**

Resolution Re: B14074 Design Services for Garrison Hill Reservoir Additional Scope of Work Underwood Engineers

WHEREAS: A sealed Request for Qualifications (RFQ) B14074 was issued and received for Professional Engineering Services for Water Systems Facility Upgrades on July 9, 2014 at 11:00 am. Four firms replied and interviews were conducted on August 3, 2014 with representatives from all four firms. The evaluating committee recommended award to Underwood Engineers of Portsmouth, NH as the top ranked firm for this project; and

WHEREAS: The City received a Scope of Work #7 in the amount of \$10,000.00 for preliminary design of the Garrison Hill Reservoir. The city later received an Additional Scope of Work #15 in the amount of \$190,000.00 for final design and bidding services for the Rehabilitation of the Garrison Hill tank project and replacement of adjacent cast-iron main that feeds the tank. The evaluation of the Garrison Hill water storage tank was approved via council resolution [R-2021.01.27-016](#); and

WHEREAS: The City has recently received an additional Scope of Work in the amount of \$48,000.00 for added Task 4 Final Design, Task 5 Bidding and Task 6 Cadastral. It is the recommendation to add this additional scope of work to this project; and

WHEREAS: To be eligible for State of NH funding through the Drinking Water State Revolving Fund, the City followed the RFQ guidelines set by the state for professional engineering services.

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

The Purchasing Agent is hereby authorized to issue a purchase order for Additional Scope of Work to Underwood Engineers of Portsmouth, NH for Engineering Services that includes final design, bidding and cadastral for the Garrison Hill tank project in the amount not to exceed \$48,000.00. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	Appropriation	Balance
5300.1.300.43320.4757.03550.17	Water Systems Facilities Upgrades	3,062,111	2,808,845

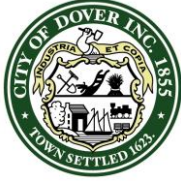
AUTHORIZATION

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.B.6.

Resolution Number: **R – 2024.04.10 - 61**

Resolution Re: B14074 Design Services for Garrison Hill Reservoir Additional
Scope of Work Underwood Engineers

DOCUMENT HISTORY:

First Reading Date:

Public Hearing Date:

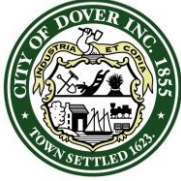
Approved Date:

Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD

Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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.6.

Resolution Number: **R – 2024.04.10 - 61**

Resolution Re: B14074 Design Services for Garrison Hill Reservoir Additional
Scope of Work Underwood Engineers

RESOLUTION BACKGROUND MATERIAL:

The City of Dover requested the submission of Statements of Qualifications from full service engineering firms to provide services for water system facilities upgrades including, but not limited to, eight wells and three water treatment facilities. Underwood Engineers was selected via council approval. There have been many amendments throughout the years to this original RFQ for related to water systems upgraded.

Additional Scope of Work is being requested for the final design of the Rehabilitation of the Garrison Hill Reservoir, which is to be completed after the new composite elevated tank off Webb Place is on line. This includes additional design services required, including design of a new inlet/outlet piping to Abbey Sawyer Memorial Drive in the amount of \$48,000.00.

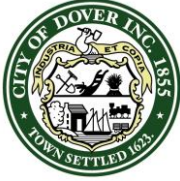
The City requested extra surveying work, as it was discovered that the old 12-inch cast iron main that ran from the Lowell Avenue water treatment plant up to Garrison Hill crosses multiple parcels owned by Wentworth Douglass Hospital. While the City believes it has an easement, additional survey was requested to definitively locate the water main on updated boundary maps. Additional work was also requested for a new inlet/outlet piping to connect to Abbey Sawyer Memorial Drive, and further surveying along the back side of Garrison Hill for a possible distribution main connection to Broadway Avenue.

The City requested Underwood Engineers also perform a TV inspection of portions of the inlet/outlet pipe, and also the tank overflow pipe. The initial engineering design was focused on the structural integrity of the tank, with recommendations for renovation/rehabilitation. The City had a final design request to review the status and condition of the existing electrical components and SCADA system.

Task	Existing Fee	Increase	Amended Fee
1 Garrison Tank Preliminary Design	10,000		10,000
1a Final Design (New Tank)	110,000		110,000
2 Survey & Cadastral	22,000		22,000
3 Subsurface Investigations	11,000		11,000
4 Final Design (Garrison)	29,000	14,000	43,000
5 Bidding	18,000	12,000	30,000
6 Cadastral		22,000	22,000
TOTAL	200,000	48,000	248,000

Award Information:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.7.

Resolution Number: **R – 2024.04.10 - 62**

Resolution Re: B24045 Hot Bituminous Paving (Asphalt) Laid in Place

WHEREAS: Sealed Request for Bid #B24045 was requested and received for Hot Bituminous Paving (Asphalt) Laid in Place on March 21, 2024 @ 2:00 p.m. The bid requested unit pricing on various scope of services and products for paving various streets; and

WHEREAS: Two bids were received with the low bid being submitted by Brox Industries, Inc. of Dracut, MA in the total amount of \$1,998,830.00. A \$50,000.00 contingency line (asphalt cement adjustment) item is added to this amount for a total cost of \$2,048,830.00. It is the recommendation to award to Brox Industries, Inc. at the itemized rates as outlined on the bid reply for the total amount of \$2,048,830.00; 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 Brox Industries, Inc. for laid in place asphalt paving services given at the per unit rates provided in conjunction with Bid #B24045 in the total amount not to exceed \$2,048,830.00. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	Appropriation	Balance
1009.1.300.43121.4715.00000.22.	Streets - Land Improvements	838,507.00	167,376.00
1009.1.300.43121.4715.00000.23	Streets - Land Improvements	677,169.00	506,580.00
1009.1.300.43121.4715.00000.00	Streets - Land Improvements	1,430,689.00	311,715.00
1000.1.300.43121.4715.00000.00	Streets - Land Improvements	2,100,000.00	1,014,328.00

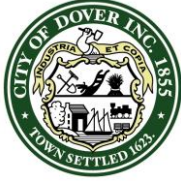
AUTHORIZATION

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 Vansylyvong-
Bizier
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.7.

Resolution Number: **R – 2024.04.10 - 62**

Resolution Re: **B24045 Hot Bituminous Paving (Asphalt) Laid in Place**

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 S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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:

Scope of work includes pavement preservation maintenance services at various locations throughout the City. Specifically, the work will include hot bituminous paving, cold planing, pavement reclamation, structure adjustment and replacement, traffic control, curbing, fine grading, and other ancillary tasks. Work is anticipated to proceed as identified in the street paving list below but may be adjusted based on actual quantities of materials placed.

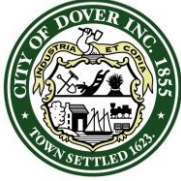
LIST OF STREETS

Preliminary Street List and Repair Method

Street	From	To	Avg. Width (ft)	Approx. Length (ft)	Pavement Thickness (in)	Repair Method	Notes
INDIAN BROOK DR	TOWN LINE	NEW ROCHESTER RD	120	550	2	Full-Width Mill & 2" overlay (1/2" mix)	Night paving
BARRY ST	SMITH WELL RD	END	35	1133	4	Reclaim & 4" repave	Add bituminous curb
CENTRAL AVE	RR	MILK ST	56	1220	2	Full-Width Mill & 2" overlay (1/2" mix)	Night paving
EAST ST	HAM ST	NEW YORK ST	36	465	1.25	1.25" Shim (1/2" mix)	
DURREL ST	SAINT JOHN ST	WINTER ST	27	561	1.5	Full-Width Mill & 1.5" overlay (1/2" mix)	
WINTER ST	BROADWAY	END	15	502	1.5	Full-Width Mill & 1.5" overlay (1/2" mix)	
SAINT JOHN ST	CHAPEL ST	BROADWAY	30	518	1.5	Full-Width Mill & 1.5" overlay (1/2" mix)	
WASHINGTON ST	MINERAL PARK DR	ARCH ST	34	4407	2	Full-Width Mill & 2" overlay (1/2" mix)	
WASHINGTON ST	ARCH ST	CHESTNUT ST	44	2519	2	Full-Width Mill & 2" overlay (1/2" mix)	Night paving
WALLACE DR	COLUMBUS AV	END	25	1584	2	Edge Mill & 2" overlay (1/2" mix)	
JENNESS ST	CENTRAL AV	STARK AV	28	141	2	Edge Mill & 2" overlay (1/2" mix)	
PISCATAQUA RD	TOWN LINE	BACK RIVER ROAD	26	7864	2	2" overlay (1/2" mix)	
BERKSHIRE LN	TANGLEWOOD DR (W)	TANGLEWOOD DR (E)	30	630	4	Reclaim & 4" repave	Add bituminous curb
TANGLEWOOD DR	SPRUCE LN (W)	SPRUCE LN (E)	32	1555	4	Reclaim & 4" repave	Add bituminous curb

Document Created by: Purchasing
Document Posted on: April 5, 2024

R-2024.04.10 B24045 Hot Bituminous Paving (Asphalt)
Laid in Place
Page 2 of 3



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.7.

Resolution Number: **R – 2024.04.10 - 62**

Resolution Re: B24045 Hot Bituminous Paving (Asphalt) Laid in Place

Bid Information:

Sealed Request for Bid #B24045 was requested and received for Hot Bituminous Paving (Asphalt) Laid in Place on March 21, 2024 @ 2:00 p.m.

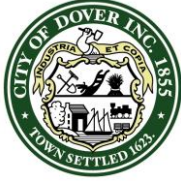
Award Information:

A purchase order will be issued to Brox Industries, Inc. to authorize expenditures as outlined in this resolution.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations emailed:	124	Number of Responses:	2
Warranty:	Per Manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	Yes	Contract:	Yes
Prices will hold for:	One Year	Estimated Delivery:	2024
Recommended Award to:	Brox Industries, Inc.	Fund:	Streets
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.

[B24045 Bid Documents](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.8.

Resolution Number: **R – 2024.04.10 - 63**

Resolution Re: Authorization to Accept and Expend the NHDES Willand Pond Milfoil Control Grant

WHEREAS: A group of concerned citizens formed “Friends of Willand Pond” and secured a commitment from the New Hampshire Department of Environmental Services (NHDES) for possible grant funding of milfoil treatments within Willand Pond; and

WHEREAS: Since the Friends of Willand Pond is not an official organization registered with the Secretary of State, NH DES suggested working through the City of Dover, whereby DES can provide a Grant amount for up to \$14,140 and would require a city match of 50% making the total project amount of up to \$28,280.00; and

WHEREAS: At their meeting of March 11, 2024 the Conservation Commission approved up to \$20,000.00 in funding for the grant-match, and noted their support for milfoil treatments to avoid any adverse impacts to the Pond; 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:

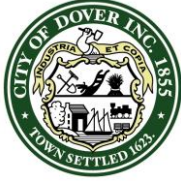
In accordance with NH RSA 31:95-b and RSA 21-P:43, the City Manager is authorized to apply for, accept, and expend grant funds allocated to the City of Dover on behalf of the NHDES, and any funding received is hereby appropriated for said purposes. The City Council, in a majority vote, accepts the terms 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	NHDES Willand Pond Milfoil Control	28,280.00	28,280.00

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.8.

Resolution Number: **R – 2024.04.10 - 63**

Resolution Re: Authorization to Accept and Expend the NHDES Willand Pond Milfoil Control Grant

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

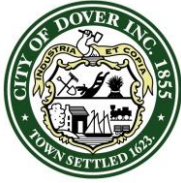
Recorded by: Jerrica Vansylyvong-
Bizier, City Clerk

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 S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, 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.8.

Resolution Number: **R – 2024.04.10 - 63**

Resolution Re: Authorization to Accept and Expend the NHDES Willand Pond Milfoil Control Grant

RESOLUTION BACKGROUND MATERIAL:

A group of concerned residents around Willand Pond formed a group called Friends of Willand Pond and reached out to NH DES about concerns of milfoil. NH DES had performed a milfoil survey during the summer of 2023, and recognized that milfoil had been spreading and per the attached map was prevalent along the entire shoreline of the pond. NH DES followed up and completed a “Long-Term Variable Milfoil Management Plan” for Willand Pond in March 2024. Due to the spread and prevalence of milfoil, NH DES recommended *“In 2024, herbicide treatment to reduce variable milfoil is recommended as a primary control effort, targeting up to 10 acres of growth in the pond. Future herbicide use will be based on field surveys to determine re-growth or persistent growth patterns.”*

The Conservation Commission reviewed both the suggested of an herbicide application, along with the need for a 50% match for the treatment at their meeting of March 11, 2024. The Commission voted unanimously to *“support the milfoil treatment effort with the understanding that untreated milfoil would have a more adverse impact on Willand Pond than the herbicide application and that a long-term integrated pest management plan be developed for the Pond.”* NH DES has since developed a Long-Term Management Plan (LTMP). The LTMP calls for future monitoring by “Weed Watchers” group and possible deployment of divers for hand-pulling of milfoil in 2025, following herbicide application in 2024.

Per NH DES, the proposed herbicide would be PROcellaCOR, which is termed a reduced risk herbicide, and has been used in drinking water supplies in NH (Alton Bay/Merrymeeting River in Alton, Paugus Bay in Laconia). While the City has 2 water supply wells near the shores of Willand Pond, these can be deliberately shut off for a period of time following the herbicide treatment.

[Long Term Management Plan](#)

Willand Pond Dover

Legend

- Willand Pond Milfoil_081423_1
- Willand Pond Milfoil_081423_2

0 110 220 440 660 880 Feet

