



CITY OF DOVER

## CITY COUNCIL - AGENDA

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, July 23, 2008**  
Meeting Time: **7:00pm**

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PROCLAMATIONS – AWARDS**
5. **APPROVAL OF AGENDA**
6. **CITIZEN’S FORUM**  
*Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.*
7. **PUBLIC HEARINGS**
  - A. **RESOLUTION: NONE**
  - B. **ORDINANCES: NONE**
8. **CITY MANAGER’S REPORT**
9. **MINUTES**
  - A. **MINUTES FROM – JULY 9, 2008**
10. **MAYOR’S REPORT**
11. **UNFINISHED BUSINESS**
  - A. **ORDINANCES IN THE 2<sup>ND</sup> READING-NONE**
  - B. **ORDINANCES IN THE 3<sup>RD</sup> READING-NONE**
  - C. **RESOLUTIONS-NONE**
12. **NEW BUSINESS**
  - A. **CONSENT CALENDAR**
    - 1) **TAG PERMIT – GREAT BAY FIGURE SKATE CLUB**
    - 2) **PARADE -- DOVER YOUTH TO YOUTH**
    - 3) **PARADE – ST. JOHNS METHODIST CHURCH**
  - 4) **RESOLUTION RE: APPOINTMENT OF WARD 1 MODERATOR**  
SPONSORED BY MAYOR MYERS BY REQUEST
  - 5) **RESOLUTION RE: BOOK AND MEDIA PURCHASE FOR LIBRARY**  
SPONSORED BY MAYOR MYERS BY REQUEST
  - 6) **RESOLUTION RE: WILLAND POND EDUCATION**  
SPONSORED BY COUNCILOR CALLAGHAN



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### 7) RESOLUTION RE: WILLAND POND ENGINEERING STUDY B08063 SPONSORED BY COUNCILOR CALLAGHAN

#### COMMITTEE REPORTS

- |   |  |
|---|--|
| 1. Appointments Committee                 | 8. City / School Joint Service Committee |
| 2. Arena Committee                        | 9. Solid Waste Advisory Committee        |
| 3. Arts Commission                        | 10. Transportation Advisory Committee    |
| 4. McConnell Center Committee             | 11. Joint Building Committee             |
| 5. <b>Planning Board –submitted</b>       | 12. Recreation Advisory Board            |
| 6. Cable Franchise Negotiations Committee | 13. COAST Bus                            |
| 7. School Board Liaison                   |  |

#### B. RESOLUTIONS

1. **RESOLUTION RE: ENERGY PERFORMANCE CONTRACT**  
SPONSORED BY MAYOR MYERS BY REQUEST
2. **RESOLUTION RE: RELEASE OF CITY ATTORNEY CORRESPONDENCE JULY 9, 2008**  
SPONSORED BY COUNCILOR CALLAGHAN
3. **RESOLUTION RE: COCHECO RIVER AND THE RIVER PROTECTION PROGRAM**  
SPONSORED BY COUNCILOR CALLAGHAN
4. **RESOLUTION RE: REPROGRAM CIP APPROPRIATION FROM HORNE ST SCHOOL PROJECT (TO BE REFERRED TO PUBLIC HEARING ON AUGUST 13, 2008)**  
SPONSORED BY MAYOR MYERS BY REQUEST
5. **RESOLUTION RE: DOVER ENERGY ADVISORY COMMITTEE (TO BE REFERRED TO PUBLIC HEARING ON AUGUST 13, 2008)**  
SPONSORED BY MAYOR MYERS BY REQUEST

#### C. ORDINANCES IN 1<sup>ST</sup> READING -

1. **ORDINANCE RE: CHAPTER 166 VEHICLES AND TRAFFIC (TO BE REFERRED TO PUBLIC HEARING ON AUGUST 13, 2008)**  
SPONSORED BY MAYOR MYERS BY REQUEST
2. **ORDINANCE RE: CHAPTER 166 VEHICLES AND TRAFFIC NO PARKING AT ANYTIME (TO BE REFERRED TO PUBLIC HEARING ON AUGUST 13, 2008)**  
SPONSORED BY MAYOR MYERS BY REQUEST
3. **ORDINANCE RE: REZONING K-6 FROM ETP TO R-40 (TO BE REFERRED TO PUBLIC HEARING ON AUGUST 13, 2008)**  
SPONSORED BY COUNCILOR TREFETHEN AND COUNCILOR SCOTT
4. **ORDINANCE RE: RESTRICTING RESIDENTIAL USES IN THE B-3, O AND UMUD**



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**DISTRICTS (TO BE REFERRED TO PUBLIC HEARING ON AUGUST 13, 2008)**  
SPONSORED BY COUNCILOR TREFETHEN

**D. COUNCIL CORRESPONDENCE**  
LETTER FROM CLAUDETTE COLOKATHIS

**13. COUNCIL MATTERS OF INTEREST**

**14. ADJOURN**

# CITY MANAGER'S REPORT

July 23, 2008



Submitted by:

**J. Michael Joyal, Jr.**  
**City Manager**

288 Central Avenue  
Dover NH 03820  
603.516.6023

## GENERAL SUMMARY OF MATTERS OFFICE OF THE CITY ATTORNEY

The use of outside counsel to handle specialty matters continues and consists of counsel involved in environmental matters(Attorney Peltonen), labor negotiations(Attorney Broth and assistant ), cable and telecommunications(Attorney Ciandella), and zoning and assessing matters(Attorney Mitchell/Attorney Whitelaw). There are a small number of other attorneys hired on a variety of smaller matters.

### SELECTED MATTERS FOR THE MONTH: June, 2008

- Assistance to the Police Department re: court proceedings
- Assistance to the Planning Department re: conservation, roads, land use statutes and sign matter
- Collection of CDBG debt
- Negotiation of an easement purchase
- Review of contracts and policies for various departments and City projects
- Processing of RSA 91-A requests (2 requests for the month of June—e-mail correspondence, payroll records); attendance at seminar re: amendments to RSA 91-A
- Assistance to the Zoning Board of Adjustment; interpretation of jurisdiction issues
- Assistance to Community Services re: construction, tree, water and pre-treatment enforcement issues
- Resolution of *Naser Jewelers v. City of Dover*
- Assistance to the School Department re: contractual matter

- Enforcement of Sewer Pre-Treatment license regulations
- Attendance at LGC meetings re: Pole licenses
- Review of FY '08 year to date (5/30/08) Operating Budget spending for specialized outside legal counsel--\$62,220.07 (excludes capital fund environmental law expenditures of \$22,345.21)



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## CITY COUNCIL - MINUTES

**DRAFT**

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, July 9, 2008**  
Meeting Time: **7:00pm**

### 1. MOMENT OF SILENCE

### 2. PLEDGE OF ALLEGIANCE

Councilor Callaghan led the Pledge of Allegiance.

### 3. ROLL CALL

**Present:** Mayor Myers, Councilors Callaghan, Cheney, Dede, McCusker, Scott, Trefethen, Weston. Also Present: City Manager Joyal, City Attorney Krans, and City Clerk Lavertu. Councilor Trefethen filled in as Deputy Mayor.

### 4. PROCLAMATIONS – AWARDS

### 5. APPROVAL OF AGENDA

Mayor Myers asked the Council if they had any agenda items they would like to remove, add, or change.

Councilor Trefethen asked that 12.A.3. and 12.A.4. be removed from the Agenda, per the request of the City Manager, because they need to go out to rebid.

Councilor Weston made a motion to accept the Agenda as amended; seconded by Councilor Cheney.

Vote: 8/0.

### 6. CITIZEN'S FORUM

*Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.*

**Edward Bleiler, 28 Isaac Lucas Circle:** He said he wished to discuss two topics. First, the Foster's Daily Democrat article regarding the Whittier Street Bridge and the lack of maintenance of the City's infrastructure. He said that all vehicle registration fees, parking tickets, and street violation fines should go to repair of the City's infrastructure, and he felt they haven't been in the past. Second, he discussed the total cost for the repairs to the Butterfield Gym. He requested that the City Manager release the total cost during the City Manager's Report.

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

### 7. PUBLIC HEARINGS

#### A. RESOLUTION RE: DISCONTINUANCE OF WATER STREET

SPONSORED BY MAYOR MYERS BY REQUEST

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

#### B. ORDINANCE RE: CHAPTER 3 ADMINISTRATIVE CODE DOVER ENERGY COMMITTEE

SPONSORED BY MAYOR MYERS BY REQUEST



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**Eric Steltzer, Chairman, Former Dover Energy Committee:** He discussed the highlights of the Council's concerns with the Ordinance. First, he said the Committee was just going to be in an advisory capacity, and would not be interested in making policy. He said they envision working with the Conservation Commission, Open Lands Committee, and the City Council, as well as department heads on the energy issues. Second, he said they changed the name of the Committee in the Ordinance to reflect their primary focus, and didn't want to cross paths with other committees that were already established. Third, he discussed the differences in services between Energy Service Company (ESCO) and the Dover Energy Advisory Committee. He discussed the qualifications of the people on the previous committee and the possibilities for the new committee. He discussed the issues on which the committee would like to work.

**Elizabeth Goldman, 44 Rutland Street:** She discussed the change in the name of the Committee. She spoke on the change of the word "protect" to "insulate". She said the EPA regards Dover as having one of the most effective energy committees in the State.

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

### 8. CITY MANAGER'S REPORT

City Manager Joyal said he sent out corrections to some of his data tables in the City Manager's Report. He said he also received some Human Resource statistics, and added those in the email that was sent out. He discussed the press release regarding the Whittier Street Bridge. He said they have consulted with the State of New Hampshire and the City Engineer, and have determined the need to reduce the weight limit and speed limit on the bridge. He said the bridge is still safe to use, but reducing the weight limit and speed limit will help preserve the bridge until it can be replaced. He said it would not affect emergency vehicle access, but only trucks and buses. He said the City is in the process of applying for State aid for the bridge replacement. He said the City has not started immediately to replace the bridge; because they feel there will be State funds to help with the costs. He said there will be a resolution coming before the Council, regarding Willand Pond, to award a bid for the consulting agency that is going to work on the preliminary design. He spoke on the ESCO energy issues, and noted they will be beginning interviews with the three bids that were received. He expects to have some information at the July 16, 2008 Workshop Session. He discussed the nomination to have the Cochecho River designated as a significant river under the New Hampshire River Management Protection Act. He said there will be a Public Hearing on July 23, 2008 at 7:00 pm at the Rochester City Hall. He said the EPA will be conducting an informational session on the consent decree that has been finalized concerning closure of the Tolend Landfill. He said it would be held on July 17, 2008, 7:00 pm, at 271 Mast Road. He spoke to Mr. Bleiler's comments concerning the final cost to repair the Butterfield Gym and said he didn't have them, but would report on it as soon as he did have them.

Mayor Myers asked if the Council had any questions or comments regarding the City Manager's Report.



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Councilor Scott had a few comments. First, he requested that the pages of the City Manager's Report be numbered. He referred to Page 6, Jeff Taylor & Associates complete work on the open space development of the Master Plan. He asked what the cost was for that contract. City Manager Joyal said he would have to look it up.

Councilor Scott asked which year that was appropriated.

City Manager Joyal said he would have to look that up, but he believed it was in the budget for this past year.

Councilor Scott referred to Page 15, Downtown traffic signal improvements for Third Street, Central Avenue and Chestnut Street intersections. He remembered the Council discussing this and asked if the Council had voted on it.

City Manager Joyal said that was funding that was appropriated as part of the Capital Improvement Program.

Councilor Scott referred to the mention of Edwards, Angell, Palmer & Dodge, for \$45,000, for professional services relating to something.

City Manager Joyal said they were the attorneys used for the bond issuance process.

Councilor Callaghan referred to the Berry Brook Watershed Management. He said there is still no mention of the industrial complex that travels through the property, directly under the building. He didn't want that to be overlooked, and would like to see that in the Report. He referred to the \$1.3 million left in the general fund, and the culmination of all the other funds, and asked if the City could use some of that money to fund the Resource Officer, for which the City did not receive grant money.

City Manager Joyal said the numbers were produced as of July 1<sup>st</sup>, and not all of the postings for month-end have been reflected. He said the debt service amount is not reflected in the \$1.3 million in the general fund, and that it is close to \$500,000. He said Community Services actually has a deficit in Community Outlay that will show at the end of the year. He said the numbers in the report are preliminary numbers, and are not the true numbers that will be left after the audit. He referred to finding the money to fund the Resource Officer, and noted that they will find the money, but not out of these monies, because the year has closed. He said the Council would have to do a budget appropriation for Fiscal Year 2009. He said any monies that are left over from this year will go into Fund Balance, and the Council will have to do an appropriation out of Fund Balance.

Councilor Callaghan asked how long it will take to get the numbers close to the point where the Council can know if there is enough money left in the Fund Balance to fund the Resource Officer.

City Manager Joyal said the City will not have audited financial statements for year-end until December. He could give the Council estimates by the end of July, but he couldn't be sure until the audit financial statement is received. He said that there are funds currently available in Fund Balance and the Council can make an appropriation. He said the Fund Balance carries over from year to year.

Councilor Callaghan asked if a resolution was needed to make that happen.

City Manager Joyal said it would be a budget amendment.

Mayor Myers asked if a public hearing would be needed.

City Manager Joyal said yes. He also said it would more than likely be reflected as an override to the tax cap, because it is being funded out of revenues from a savings account, as opposed



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to revenues derived from operations. He said that would require a 2/3 vote and a public hearing.

Councilor Callaghan asked, if the money was there and the Council doesn't have to adjust tax revenues, then why would it be considered an override?

City Manager Joyal said the Council would basically be spending money it doesn't have. He said it was deficit financing to tap into the savings account without raising the money, spending more money than what is being taken in for revenue.

Councilor Trefethen made a motion to accept the City Manager's Report; seconded by Councilor Dede.

Vote: 8/0.

### 9. MINUTES

#### A. MINUTES FROM – JUNE 25, 2008

Councilor Trefethen moved the Minutes approval; seconded by Councilor Dede.

Vote: 8/0.

### 10. MAYOR'S REPORT

Mayor Myers thanked Councilor Trefethen for filling in as Deputy Mayor. He mentioned he did a few ribbon cuttings for the Dover Chamber of Commerce. He said on the morning of the Fourth they had the best turnout ever for the reading and reenactment of the Declaration of Independence. He thanked the City staff for their extra time and putting on a great fireworks show.

Councilor Trefethen made a motion to accept the Mayor's Report; seconded by Councilor Weston.

Vote: 8/0.

### 11. UNFINISHED BUSINESS

#### A. ORDINANCES IN THE 2<sup>ND</sup> READING-NONE

#### B. ORDINANCES IN THE 3<sup>RD</sup> READING- ORDINANCE RE: CHAPTER 3 ADMINISTRATIVE CODE DOVER ENERGY COMMITTEE (TO BE REMOVED FROM TABLE) SPONSORED BY MAYOR MYERS BY REQUEST

Councilor Trefethen moved for its adoption; seconded by Councilor Dede.

Mayor Myers thanked the members who talked during the Public Hearing.

Councilor Trefethen said after speaking with other councilors and committee members, he is not quite ready to do anything with this Ordinance. He wanted to work on it a little more and bring it up again at the August meeting.

Mayor Myers asked if it could be brought up in a workshop session.

Councilor Trefethen said that was a good idea, and asked if it could be discussed during the July 16, 2008 Workshop Session.

Councilor Callaghan said he also spoke with a member of the committee and came up with a substantial list of items that he felt were advantageous to making the committee work well.



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Councilor Trefethen moved to table this Ordinance for the July 16, 2008 Workshop Session and for it to be put on the August 13, 2008 Agenda; seconded by Councilor Callaghan.  
Vote: 8/0.

### **C. RESOLUTION RE: DISCONTINUANCE OF WATER STREET** SPONSORED BY MAYOR MYERS BY REQUEST

Councilor Trefethen moved for its adoption; seconded by Councilor McCusker.  
Mayor Myers asked the City Manager to give some background information on this Resolution.

City Manager Joyal said this was part of an agreement with the property owner for access to the Washington Street Bridge. The property owner owns two parcels of land that are intersected by Water Street. He said it was part of the negotiated purchase of the land the City needs for the Washington Street Bridge. He said the City will maintain an easement to the property to maintain water and sewer utilities. He asked the Council to make an amendment to the Resolution. He asked that after the words "public highway" that the words "subject to the recording of the utilities easement" be added, and to then continue on with the original wording.

Councilor Trefethen moved to make that amendment; seconded by Councilor Dede.  
Mayor Myers asked for a vote on the amendment.

Vote: 8/0.

Mayor Myers asked for a vote on the amended Resolution.

Vote: 8/0.

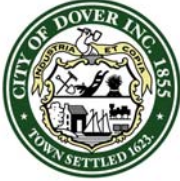
## **12. NEW BUSINESS**

### **A. CONSENT CALENDAR**

1. TAG PERMIT – DOVER LITTLE GREEN CHEERLEADERS
2. BLOCK PARTY – FLORENCE STREET
  
3. RESOLUTION RE: #2 HEATING OIL B09003  
SPONSORED BY MAYOR MYERS BY REQUEST
4. RESOLUTION RE: DIESEL FUEL B09004  
SPONSORED BY MAYOR MYERS BY REQUEST

Items 12.A.3. and 12.A.4. were removed from the Agenda.

5. RESOLUTION RE: NATURAL GAS B0886 REBID  
SPONSORED BY MAYOR MYERS BY REQUEST
6. RESOLUTION RE: SETTING VOTING HOURS FOR SPECIAL ELECTION FOR WARD 1 CITY COUNCILOR  
SPONSORED BY MAYOR MYERS BY REQUEST
7. RESOLUTION RE: CHANGE OF WARD 4 POLLING FACILITY  
SPONSORED BY MAYOR MYERS BY REQUEST



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### COMMITTEE REPORTS

- |  |  |
|--|--|
| 1. Appointments Committee                  | 8. City / School Joint Service Committee |
| 2. Arena Committee                         | 9. Solid Waste Advisory Committee        |
| 3. Arts Commission                         | 10. Transportation Advisory Committee    |
| 4. McConnell Center Committee              | 11. Joint Building Committee             |
| 5. Planning Board – Councilor D. Trefethen | 12. Recreation Advisory Board            |
| 6. Cable Franchise Negotiations Committee  | 13. COAST Bus                            |
| 7. School Board Liaison                    |  |

Councilor Trefethen moved for its adoption; seconded by Councilor Dede.  
 Mayor Myers asked if the Council had any items they would like pulled for further discussion.  
 Councilor Scott asked for Item 12.A.5.

Mayor Myers asked for a vote on the rest of the Consent Calendar.  
 Vote: 8/0.

Councilor Trefethen moved to substitute as a whole; seconded by Councilor Weston.  
 Mayor Myers asked for a vote for substituting the Resolution as a whole.  
 Vote: 8/0.

Councilor Scott discussed the price of oil. He felt the City should consider going out to bid every three months.

City Manager Joyal said there would probably be no interest from vendors for a short period of time. He said he would look into it if the Council decided, but considered it to be a gamble.

Mayor Myers asked if the recommended vendor for this bid was locking in the price until August of 2009.

City Manager Joyal said that was correct.

Councilor Trefethen asked if the price was to go down if the City could go out to bid at that point, or was the City locked in to buy an “x” number of therms.

City Manager Joyal said the City was locked in to buy an “x” number of therms of gas. The vendor is making a commitment to buy a specific amount of therms for the City, but the City doesn’t pay for it until we use it.

Councilor Callaghan said we should ask the vendors for pricing for different time periods to have something to compare.

Councilor Dede said he would be comfortable in locking in this price, because heating fuel is just going to go up, and he did not want to gamble.

Councilor Cheney asked if the note on the Substituted Resolution should be removed.

Councilor Weston said she agreed with Councilor Dede, to lock in on the price for a year.

Mayor Myers said Councilor Scott does bring up a valid point. He asked the City Manager, if the Council didn’t vote this in this evening, if it would keep the Dover Housing Authority and Schools from locking in at this price.

City Manager Joyal said that was correct. He said right now the Resolution is based on its purchasing power of combining the City, School, and Dover Housing Authority. He said they asked the bidders to give their pricing in two different ways: One, combining all three entities in one price; and Two, separate pricing for all three entities. He said the Resolution combines all three entities and saves \$5,000. He handed out a worksheet to the Council and discussed it.



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Councilor McCusker asked if the Dover Housing Authority could reimburse the City to offset the additional \$4,179.

City Manager Joyal said they could discuss that with the Dover Housing Authority and see if they are willing to make up the difference with the City departments. He said it can be done, but will be very convoluted to figure out actual figures.

Councilor Trefethen said the City will have to find \$17,000 somewhere else in the budget to cover our increase by the combination of all three entities.

Councilor Dede said the Dover Housing Authority expenses don't show up in the tax bills. He said the taxpayers will pay more for the City and School by combining. He said he didn't know why this was introduced.

Councilor Trefethen asked to make an amendment to award the bid to Santa Buckley Energy, just for the City portion at \$1.65 4/10, and everybody else will be on their own; seconded by Councilor Dede.

Mayor Myers said he hoped Councilor Trefethen's amendment would fail, because he wanted to make an amendment to have the City Manager go to the Dover Housing Authority and ask them to pay the \$4,000 difference, so the taxpayers won't pay it.

Mayor Myers asked for a voted on the amendment to the Resolution.

Vote: 3/5, Failed. Councilors Cheney, Dede and Trefethen voted in favor.

Councilor Scott asked to make an amendment for the City to choose MSI Utilities, because it will cost \$132,000 less than Santa Buckley Energy, because he doesn't believe the swing fee will have that much of an impact; seconded by Councilor Cheney.

City Manager Joyal said it was not \$132,000, but \$29,536. He said Councilor Scott was combining entities that won't participate with the City's portion. He said he was informed by the School Staff and Dover Housing Authority Staff that they would not participate in the swing fee variability. They wanted to go with Santa Buckley.

Mayor Myers asked Councilor Scott if he wanted to change his amendment to the City only. Councilor Scott said yes. Councilor Scott made a motion to the amendment to select MSI Utilities for the City; second by Councilor Cheney for discussion.

Councilor Scott said he doesn't like leaving out the other entities. He offered to show them his statistics from PSNH on how constant the temperatures are in the winter months, which makes the danger of the swing fee negligible.

City Manager Joyal said the City and School have contracted with MSI Utilities before and have had concerns about how their contract operates. The School and Dover Housing Authority said they did not want to contract with MSI Utilities. He asked the Council to go back to Santa Buckley Energy, and go to the Dover Housing Authority to make up the difference.

Councilor McCusker said he didn't think he would ever be in favor of taking the risk. He said he felt the Dover Housing Authority was saving over \$9,200 and would consider helping the City recoup the \$4,100.

Councilor Cheney said she would not support this amendment without the other entities.

Mayor Myers asked for a vote on the amended Resolution.

Vote: 1/7; Failed. Councilor Scott voted in favor.

Councilor Cheney asked for an amendment to the original Resolution, that the Dover Housing Authority will give the City \$4,179 to make up the difference; seconded by Councilor Weston.



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Councilor Trefethen asked if the money received from another governmental agency is booked as revenue, and not toward the additional \$17,000 expense on the City.

City Manager Joyal said he was hoping that indirectly it would. He said it could be grant money that will offset some of the money.

Mayor Myers asked for a friendly amendment, that if the Dover Housing Authority said no, then the City would accept the standalone bid.

Councilor Cheney said no. She felt it should go out to rebid at that point.

Mayor Myers said he would not support it if we don't have a way to protect the City and taxpayers with that dollar amount.

Mayor Myers asked for a vote on the amendment.

Vote: 6/2, Passed. Mayor Myers and Councilor Weston opposed.

Councilor Callaghan made a motion that the Council go back to the original motion made by Councilor Trefethen, and if the Dover Housing Authority doesn't want to do business, they could then go separate; seconded by Councilor Trefethen.

Mayor Myers said he agreed with that.

Vote: 8/0.

Councilor Dede asked for clarification of the new Resolution as amended.

Mayor Myers said the Resolution is to go with Santa Buckley Energy for the locked in price for City, School, and Dover Housing Authority, with the stipulation that the Dover Housing Authority provide \$4,179. If they choose not to participate, then the City Manager will lock in the price just for the City. He asked for a Roll Call Vote on the amended Resolution.

Roll Call Vote: 8/0.

### **B. RESOLUTIONS**

#### **1. RESOLUTION RE: EXCLUSIVE USE OF THE CITY SERVER FOR CITY BUSINESS**

SPONSORED BY COUNCILOR DEDE

Councilor Dede moved for its adoption; seconded by Councilor Trefethen.

Councilor Dede said he has had an opportunity to look at what the State is doing. He said it was pointed out to him that this motion was premature. He said he was trying to lock in what the Council uses for its directories. He said it is a bigger issue than the City Council or any single Councilor. Councilor Dede moved to withdraw the Resolution.

Mayor Myers indicated that the Resolution was withdrawn.

#### **2. RESOLUTION RE: CITY OWNED EMAIL SERVER USAGE CORRESPONDENCE POLICY**

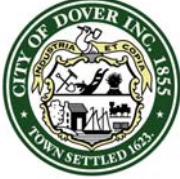
**DOVER CITY COUNCIL**

SPONSORED BY COUNCILOR CHENEY

Councilor Cheney moved for its adoption; seconded by Councilor Trefethen.

Councilor Cheney said this Resolution would provide the City Manager with an email address, to which that he can then forward City emails.

Councilor Trefethen said he will support this Resolution. He said he has been adamant that the City Council use only the City's email server. He said even though the emails are being looked at on a private email service, the input and output of email goes through the City server.



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Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, July 9, 2008**  
Meeting Time: **7:00pm**

Councilor Dede said he would not support it. He maintains that the City won't know about outgoing emails.

Councilor Scott said he has told his constituents that if they email him with a complaint or suggestion, that stays between the constituent and himself, unless they want him to release it to a third party. He wanted to make sure this Resolution does not interfere with that, because he would not want to insist that his constituents go through the City Server to reach him. He said if that is true then he felt it had a totalitarian impact, that it is a restriction on free speech.

Mayor Myers said this Resolution has his support. He suggested an amendment to include boards and commissions. He said there should also be an email policy statement, indicating that a particular email account may have to be made available if a request for it to be produced is received.

Councilor Cheney referred the Council to Article 32 of the New Hampshire Constitution. She told the Council not to worry about being able to contact their constituents.

Councilor Trefethen said if a constituent contacts a Councilor with an issue or complaint that has potential liability issues for the City, then the City Councilor is obligated to make the City Manager aware of it.

Councilor Scott wanted to make sure that this procedure does not interfere with the direct relationship that the Council has with their constituents, and that the constituents will not fear making a complaint because it might become known by others, and that their privacy is respected.

Mayor Myers said there were no changes in that at all.

Councilor McCusker asked for clarification; if they passed this and a question came up, would they have the right to access his computer? He said if this is what the Resolution means, then he is not in favor of it.

Mayor Myers said the Council would have to inform the City where the emails would be forwarded. If the Council chose not to do that, then the emails would not be forwarded. Councilor McCusker said there would be no risk involved if he didn't supply a second email.

City Manager Joyal said nothing is absolute. He said the emails could be manually forwarded right now. It is a risk the Council would have to take.

Councilor Callaghan said he would support this Resolution.

Mayor Myers said he would be coming before the Council with a Resolution to include boards and commission and housekeeping changes at a later date, when they are ready to go with that. He asked for a vote on the Resolution.

Vote: 7/1; Passed. Councilor Dede opposed.

### C. ORDINANCES IN 1<sup>ST</sup> READING-NONE

### D. COUNCIL CORRESPONDENCE

## 13. COUNCIL MATTERS OF INTEREST

Councilor McCusker asked the Council to ask the City Manager beforehand the questions they have about his report, so that he can have an answer ready for the Council.



CITY OF DOVER

## CITY COUNCIL - MINUTES

**DRAFT**

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, July 9, 2008**  
Meeting Time: **7:00pm**

Councilor Trefethen asked the City Manager or City Clerk about the August 12, 2008 Special Election for Ward 1 Councilor, and if the newly elected Councilor would be able to sit on the Council on August 13, 2008.

City Clerk Lavertu said there is a recount period until Friday, August 15, 2008, and the person elected would not be a Councilor until after that time period.

Mayor Myers spoke about the Parking Committee and their great work. They are looking at a couple of different scenarios, and are looking to report to the Council in mid-September, extending it from July.

The general consensus of the Council was to extend it to September.

### **14. ADJOURN**

Councilor Trefethen moved to adjourn; seconded by Councilor Weston.

RECEIVED  
DOVER CITY CLERK  
DOVER, NH

2008 JUN 30 P 2: 47



### APPLICATION CITY OF DOVER, NEW HAMPSHIRE

RAFFLE\*.....TAG\*.....PARADE\*\*..... BLOCK PARTY\*\*..... ROAD TOLL\*\*\*.....

Fill In Completely and Return To City Clerk - NO LATER THAN 30 DAYS PRIOR TO EVENT

Organization Name: Great Bay Figure Skate Club

Federal Tax ID number for Organization: 237430884

Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: Terry Hanson Day Time Telephone: 603 742-8656

Address: 10 Nute Road Madbury NH 03823 Email Address: thanson113@Comcast.net

Purpose of Permit: tagging

Date of Event: Sat-Sun in July & August 9-3 pm Specific Time: \_\_\_\_\_

Location of Event: anywhere we can get permission

\*\*\*\*\*

(Raffle Permit only)

Prize (s) To Be Awarded: \_\_\_\_\_

Amount of Donation: \_\_\_\_\_ Date of Drawing: \_\_\_\_\_ Specific Time: \_\_\_\_\_

Place of Drawing: \_\_\_\_\_

**\* NOTICE TO RAFFLE AND TAG PERMIT APPLICANTS: Please be advised the City will verify that your organization is in compliance with the regulations of N.H. Charitable Trusts Unit of the Attorney General's Office prior to the acceptance of your application. The police department may contact you to obtain additional information. Please provide a way for us to contact you during the day so the request can expedited Information on these requirements may be found at [http://doj.nh.gov/publications/charitable\\_forms.html](http://doj.nh.gov/publications/charitable_forms.html).**

**\*\* NOTE: ALL REQUESTS FOR PARADE PERMITS AND BLOCK PARTIES MUST HAVE PARADE ROUTE APPROVED BY THE POLICE DEPT. BEFORE GOING ON THE COUNCIL AGENDA**

**\*\*\*NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT**

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.  
I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of RSA 287-A , RSA 31:91 and/or RSA 286 and I agree to abide by same.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Licensing Board approval [Signature] Date: 7/9/08  
Revised 03/17/08

ok w/ [Signature]



RECEIVED  
DOVER CITY CLERK  
DOVER, NH

2008 JUL -3 A 8:48

### APPLICATION CITY OF DOVER, NEW HAMPSHIRE

RAFFLE\*.....TAG\*.....PARADE\*\*..... BLOCK PARTY\*\*..... ROAD TOLL\*\*\*.....

Fill In Completely and Return To City Clerk NO LATER THAN 30 DAYS PRIOR TO EVENT

Organization Name: DOver Youth to Youth

Federal Tax ID number for Organization: \_\_\_\_\_

Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: Dana Mitchell Day Time Telephone: 516-3274

Address: c/o Dover Police Dpet. Email Address d.mitchell@ci.dover.nh.us

Purpose of Permit: Informational demonstration on Underage drnking of alcohol

Date of Event: August 13, 2008 Specific Time: 11 Am - 2 PM  
(rain date August 14)

Location of Event: Central Ave at Washington St.; Cochecho Courtyard; and Third Street

\*\*\*\*\*  
(Raffle Permit only)

Prize (s) To Be Awarded: \_\_\_\_\_

Amount of Donation: \_\_\_\_\_ Date of Drawing: \_\_\_\_\_ Specific Time: \_\_\_\_\_

Place of Drawing: \_\_\_\_\_

\* NOTICE TO RAFFLE AND TAG PERMIT APPLICANTS: Please be advised the City will verify that your organization is in compliance with the regulations of N.H. Charitable Trusts Unit of the Attorney General's Office prior to the acceptance of your application. The police department may contact you to obtain additional information. Please provide a way for us to contact you during the day so the request can expedited Information on these requirements may be found at [http://doj.nh.gov/publications/charitable\\_forms.html](http://doj.nh.gov/publications/charitable_forms.html).

\*\* NOTE: ALL REQUESTS FOR PARADE PERMITS AND BLOCK PARTIES MUST HAVE PARADE ROUTE APPROVED BY THE POLICE DEPT. BEFORE GOING ON THE COUNCIL AGENDA. *MUR*

\*\*\*NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT *OK*

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.  
I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of RSA 287-A , RSA 31:91 and/or RSA 286 and I agree to abide by same.

Signature: *Dana Mitchell* Date: 7/3/2008

Licensing Board approval \_\_\_\_\_ Date: \_\_\_\_\_



APPLICATION  
CITY OF DOVER, NEW HAMPSHIRE

Gathering

RAFFLE\*.....TAG\*.....PARADE\*\*..... BLOCK PARTY\*\*..... ROAD TOLL\*\*\*.....

Fill In Completely and Return To City Clerk NO LATER THAN 30 DAYS PRIOR TO EVENT

Organization Name: ST JOHN'S UNITED METHODIST CHURCH

Federal Tax ID number for Organization: 02-0237514

Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: SARA CURTIS Day Time Telephone: 603.292.5734

Address: 28 CATARACT AV Email Address sara\_nj67@hotmail.com

Purpose of Permit: SPECIAL WORSHIP SERVICE

Date of Event: JULY 27, 2008 Specific Time: RENTAL 6am-1pm  
WORSHIP SERVICE 9:30am-11am

Location of Event: HENRY LAW PARK

*(Raffle Permit only)*

Prize (s) To Be Awarded: \_\_\_\_\_

Amount of Donation: \_\_\_\_\_ Date of Drawing: \_\_\_\_\_ Specific Time: \_\_\_\_\_

Place of Drawing: \_\_\_\_\_

**\* NOTICE TO RAFFLE AND TAG PERMIT APPLICANTS:** Please be advised the City will verify that your organization is in compliance with the regulations of N.H. Charitable Trusts Unit of the Attorney General's Office prior to the acceptance of your application. The police department may contact you to obtain additional information. Please provide a way for us to contact you during the day so the request can expedited Information on these requirements may be found at [http://doj.nh.gov/publications/charitable\\_forms.html](http://doj.nh.gov/publications/charitable_forms.html).

**\*\* NOTE: ALL REQUESTS FOR PARADE PERMITS AND BLOCK PARTIES MUST HAVE PARADE ROUTE APPROVED BY THE POLICE DEPT. BEFORE GOING ON THE COUNCIL AGENDA**

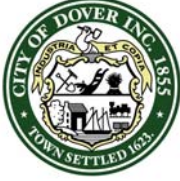
**\*\*\*NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT**

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.  
I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of RSA 287-A , RSA 31:91 and/or RSA 286 and I agree to abide by same.

Signature: Sara Curtis Date: 6/27/08

Licensing Board approval [Signature] Date: 7/9/08  
Revised 03/17/08

[Handwritten signature]



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12A.4

Resolution Number: **R – 2008.07.23.109**

Resolution Re: Approval and Appointment of Ward 1 Ward Moderator

WHEREAS: The current Ward 1 Moderator, Edward Spuler, has filed for candidacy as a Ward 1 Councilor; and

WHEREAS: Brenda Gaudet, a registered Ward 1 voter, has volunteered to be a temporary replacement.

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

That Brenda Gaudet be appointed as the Ward 1 Moderator as a temporary replacement for the August 12, 2008 election.

### AUTHORIZATION

Approved as to Funding: Daniel R. Lynch  
Finance Director

Sponsored by: Mayor Scott Myers  
By request

Approved as to Legal Form: Allan B. Krans, Sr.  
City Attorney

Recorded by: Karen Lavertu  
City Clerk



CITY OF DOVER

# CITY OF DOVER - RESOLUTION

Agenda Item#: 12A.4

Resolution Number: **R – 2008.07.23.109**

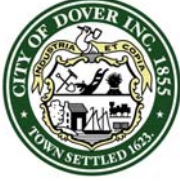
Resolution Re: Approval and Appointment of Ward 1 Ward Moderator

## DOCUMENT HISTORY:

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

## DOCUMENT ACTIONS:

<b>VOTING RECORD</b>		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor*	n/a	n/a
Councilor Ward 1 - Vacancy		
Councilor Douglas DeDe, Ward 2		
Councilor David Scott, Ward 3		
Councilor Dean Trefethen, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does   does not pass.		
* Deputy Mayor not elected at time of vote.		



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

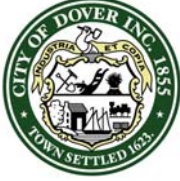
Agenda Item#: 12A.4

Resolution Number: **R – 2008.07.23.109**

Resolution Re: Approval and Appointment of Ward 1 Ward Moderator

### RESOLUTION BACKGROUND MATERIAL:

Edward Spuler is currently a candidate for the Ward 1 City Council seat and therefore must step down as the Ward 1 Moderator. Brenda Gaudet has volunteered to assume the duties of Ward 1 Moderator for the August 12, 2008 election as a temporary replacement.



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5

Resolution Number: **R - 2008.07.23.110**  
Resolution Re: Book and Media Purchases

WHEREAS: The City of Dover NH Public Library is a member of the New Hampshire State Library's Book Purchasing Co-Op; and

WHEREAS: The State Library has identified Baker & Taylor as the book wholesaler most advantageous in terms of service and pricing for various children's and adult books, tapes, CD's and DVD's; and

WHEREAS: The City can take advantage of the substantial savings realized by using Baker and Taylor as their book jobber.

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

Per 3-36B, Optional Purchasing, of the Dover Purchasing Procedure, the purchasing agent may, with approval of the city manager, waive bidding procedures when purchasing through the state of New Hampshire or at state bid prices.

The Purchasing Agent is hereby authorized to issue a Purchase Order to Baker and Taylor of Philadelphia PA for Continued book, tape, CD and DVD purchases in the amount not to exceed appropriations to be charged to the following accounts:

### Financing

Account	Description	Appropriation	Balance
1000-45500-4748-0000-00-39	Books and Publications	\$93,053.00	\$93,053.00
3455-45500-4748-0000-00-39	Books and Publications	\$91,203.00	\$91,203.00

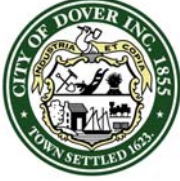
### AUTHORIZATION

Approved as to Funding: Daniel R Lynch  
Finance Director

Sponsored by: Mayor Scott Myers  
By request

Approved as to Legal Form: Allan B. Krans, Sr.  
City Attorney

Recorded by: Karen Lavertu  
City Clerk



CITY OF DOVER

# CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5

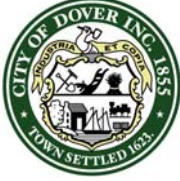
Resolution Number: **R - 2008.07.23.110**  
Resolution Re: Book and Media Purchases

## DOCUMENT HISTORY:

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

## DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor*	n/a	n/a
Councilor, Ward 1		
Councilor Douglas DeDe, Ward 2		
Councilor David Scott, Ward 3		
Councilor Dean Trefethen, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does   does not pass.		
* Deputy Mayor not elected at time of vote.		



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5

Resolution Number: **R - 2008.07.23.110**  
Resolution Re: Book and Media Purchases

### RESOLUTION BACKGROUND MATERIAL:

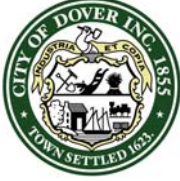
The Dover Public Library has continued to use a book jobber originally identified a number of years ago by the NH State Library, to provide various types and large quantities of books and media materials as needed. The City of Dover receives the same pricing schedule as other members of this Co-Op Organization.

### Award Information:

A Purchase order will be issued to Baker & Taylor of Philadelphia PA to authorize future expenditures.

### Purchasing Information:

<b>Type:</b>	Purchase Order	<b>Advertised:</b>	No
<b>Invitations Mailed:</b>	None	<b>Number of Responses:</b>	0
<b>Warranty:</b>	Meets Specifications	<b>Terms:</b>	Net 30, FOB Dover
<b>Work Bonded:</b>		<b>Contract:</b>	
<b>Prices will hold for:</b>	June 30, 2009	<b>Estimated Delivery:</b>	As needed
<b>Recommended Award to:</b>	Baker & Taylor Inc	<b>Fund:</b>	Books & Collections
<b>Other Approvals Required:</b>	No	<b>References Checked:</b>	Satisfactory
<b>Previously Worked for City:</b>	Yes	<b>Reason for Council Approval:</b>	Waived bid – Cost exceeds \$10,000.00



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6

Resolution Number: **R – 2008.07.23.111**

Resolution Re: Willand Pond Public Education Services

WHEREAS: Sealed Request for Qualifications for the technical portion was solicited and received on April 4, 2008 @ 2:00pm and is a separate resolution; and,

WHEREAS: The Department of Environmental Services has asked that the City work with Strafford Regional Planning on the Public Outreach and Education portion of the project. Strafford Regional Planning is the regional planning agency and will take a broader viewpoint on the Pond and the implication of actions in the vicinity of the pond. SRPC will facilitate the creation of an advocacy group made up of Dover, Somersworth and residents of other communities. They will also develop materials for education workshops on water quality and quantity issues. Additionally, they will hold demonstrations to assist residents in developing ways to evaluate runoff and water quality relating to storm water and impervious surfaces. Finally, they will assist SW Cole on public outreach and education pertaining to the development of remediation plan for the impairment of Willand Pond.

WHEREAS: The City of Dover wishes to follow the recommendation of the NHDES and award the public education portion to the Strafford Regional Planning office.

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

Per 3-40.I. The competitive Bid Procedure may be waived by a majority Vote of the City Council.

The Purchasing Agent is hereby authorized to issue a Purchase Order to Stafford Regional Planning Commission for Public Education Services in the amount of \$18,964.00. The amount of this authorization shall be limited so as not to exceed available funding

### Financing

Account	Description	Appropriation	Balance after award of Technical Portion
2400-41910-4339-2505-09-18	Willand Pond Watershed	\$68,280.00	\$26,300.00



CITY OF DOVER

# CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6

Resolution Number: **R – 2008.07.23.111**

Resolution Re: Willand Pond Public Education Services

## AUTHORIZATION

Approved as to Funding: Daniel R. Lynch  
Finance Director

Sponsored by: Councilor Richard Callahan  
By request

Approved as to Legal Form: Allan B. Krans, Sr.  
City Attorney

Recorded by: Karen Lavertu  
City Clerk

## DOCUMENT HISTORY:

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

## DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor*	n/a	n/a
Councilor, Ward 1		
Councilor Douglas DeDe, Ward 2		
Councilor David Scott, Ward 3		
Councilor Dean Trefethen, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does   does not pass.		
* Deputy Mayor not elected at time of vote.		



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6

Resolution Number: **R – 2008.07.23.111**

Resolution Re: Willand Pond Public Education Services

### RESOLUTION BACKGROUND MATERIAL:

Willand Pond is a 86 acre natural and spring fed Class A water body, situated in the Middle Salmon Falls River, which is located in the Piscataqua River Watershed. The sub-watershed of interest, although not delineated at this time, is approximately 290 acres.

Over the previous 100 years the watershed has been steadily developed. Route 108 borders the pond to the south and west in Dover and Route 9 is situated along the east of the pond in Somersworth. A multitude of factors contribute to a sustained elevated water level that has resulted in flooding, property damage, inaccessibility to trails and other detrimental human and environmental impacts.

There has been encroachment into the disorganized drainage outlet to the north east over time. In addition, installation of a sanitary sewer line and water mains in Somersworth has intersected the path of the drainage flow. Surface water flows out of the pond, through a wetland to the north and appears to be redirected and/or impounded where the sanitary line crosses the hydric soils. Sustained flooding at Willand Pond began with the so called “Mother’s Day Storm” in May 2006, and continued with the April 2007 “Patriots Day” flooding as well.

On July 12, 2007, DES documented a cyanobacteria bloom in Willand Pond. This occurrence has decreased transparency and affected overall water quality and caused the pond to be classified as eutrophic. Willand Pond is impaired under the DES Surface Water Quality Standard, Env-Ws 1703.01 Water Use Classifications, (c) and (d).

In October of 2007, DES issued an action plan outlining a series of steps the City’s of Dover and Somersworth need to take regarding the pond. Those steps include:

- Develop a water quality monitoring program for Willand Pond and its watershed
- Apply for a 319 impaired watershed grant
- Implement a "no additional runoff volume and no net nutrient loading requirement for all future projects in the Willand Pond Watershed.
- Consider the creation of a map using geographic information system (GIS) software to delineate the Willand Pond watershed.
- Plan and design construction of a surface outlet channel as follows:
- Conduct an education and outreach program for Willand Pond watershed property owners to promote understanding of the problem and the solutions.
- Develop a strategy that considers options to retrofit Best Management Practices (BMPs) onto the existing storm water conveyance systems to reduce nutrient loads from developed lands.



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6

Resolution Number: **R – 2008.07.23.111**

Resolution Re: Willand Pond Public Education Services

Following the action plan, the City of Dover along with Somersworth applied for the 319 grant. This grant was awarded in early 2008 and will be used to pay for this project. The grant was split into two areas, the technical side and a Public Outreach and Education side.

The Department of Environmental Services has asked that the City work with Strafford Regional Planning on the Public Outreach and Education portion of the project. Strafford Regional Planning is the regional planning agency and will take a broader viewpoint on the Pond and the implication of actions in the vicinity of the pond. SRPC will facilitate the creation of an advocacy group made up of Dover, Somersworth and residents of other communities. They will also develop materials for education workshops on water quality and quantity issues. Additionally, they will hold demonstrations to assist residents in developing ways to evaluate runoff and water quality relating to storm water and impervious surfaces. Finally, they will assist SW Cole on public out reach and education pertaining to the development of remediation plan for the impartment of Willand Pond.

The dollar amount is \$18,964

### Award Information:

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

### Purchasing Information:

<b>Type:</b>	Purchase Order	<b>Advertised:</b>	NO
<b>Invitations Mailed:</b>	0	<b>Number of Responses:</b>	na
<b>Warranty:</b>	na	<b>Terms:</b>	Net 30, FOB Dover
<b>Work Bonded:</b>	No	<b>Contract:</b>	Yes
<b>Prices will hold for:</b>	Until Completion	<b>Estimated Delivery:</b>	As needed
<b>Recommended Award to:</b>	Strafford Regional Planning	<b>Fund:</b>	Grant
<b>Other Approvals Required:</b>	Recommended by State NH	<b>References Checked:</b>	Satisfactory
<b>Previously Worked for City:</b>	Yes	<b>Reason for Council Approval:</b>	Waive Bidding procedure. Purchase to exceed the \$25,000 amount requiring Council approval



CITY OF DOVER

# CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7

Resolution Number: **R – 2008.07.23.112**  
Resolution Re: Willand Pond Engineering Study B08063

**WHEREAS:** Sealed Request for Qualifications B08063 was solicited and received on April 4, 2008 @ 2:00pm for a statement of qualification for engineering study and to develop plans and alternatives for the high water levels at Willand Pond and surrounding areas; and,

**WHEREAS:** From the list of 14 responding vendors four were chosen to be interviewed on May 12, 2008. Follow up discussion amongst the selection committee and the preferred consultant began. A final agreement on scope and timeline was determined in June, and contract negotiations have been finalized with SW Cole in the amount of \$49,100.00.

**WHEREAS:** The City of Dover along with Somersworth applied for the 319 grant. This grant was awarded in early 2008 and will be used to pay for this project. The grant was split into two areas, the technical side and a Public Outreach and Education side.

**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 SW Cole Engineering Inc for Professional Engineering services in the amount of \$49,100.00. The amount of this authorization shall be limited so as not to exceed available funding

<b>Financing</b>			
<b>Account</b>	<b>Description</b>	<b>Appropriation</b>	<b>Balance</b>
2400-41910-4339-2505-09-18	Willand Pond Watershed	\$68,280.00	\$68,280.00

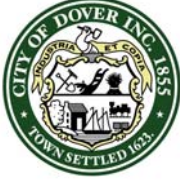
## AUTHORIZATION

Approved as to Funding: Daniel R. Lynch  
Finance Director

Sponsored by: Councilor Richard Callahan  
By request

Approved as to Legal Form: Allan B. Krans, Sr.  
City Attorney

Recorded by: Karen Lavertu  
City Clerk



CITY OF DOVER

# CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7

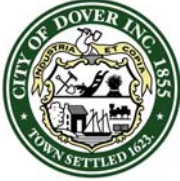
Resolution Number: **R – 2008.07.23.112**  
Resolution Re: Willand Pond Engineering Study B08063

## DOCUMENT HISTORY:

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

## DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor*	n/a	n/a
Councilor, Ward 1		
Councilor Douglas DeDe, Ward 2		
Councilor David Scott, Ward 3		
Councilor Dean Trefethen, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does   does not pass.		
* Deputy Mayor not elected at time of vote.		



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7

Resolution Number: **R – 2008.07.23.112**

Resolution Re: Willand Pond Engineering Study B08063

### RESOLUTION BACKGROUND MATERIAL:

On July 12, 2007, DES documented a cyanobacteria bloom in Willand Pond. This occurrence has decreased transparency and affected overall water quality and caused the pond to be classified as eutrophic. Willand Pond is impaired under the DES Surface Water Quality Standard, Env-Ws 1703.01 Water Use Classifications, (c) and (d).

In October of 2007, DES issued an action plan outlining a series of steps the City's of Dover and Somersworth need to take regarding the pond.

Following the action plan, the City of Dover along with Somersworth applied for the 319 grant. This grant was awarded in early 2008 and will be used to pay for this project. The grant was split into two areas, the technical side and a Public Outreach and Education side.

Under the technical side, the City released a request for proposals on **April 4, 2008**, and received 12 responses and two no Bids. Four (4) were identified for interviews. Interviews occurred on May 12<sup>th</sup>, and follow up discussion amongst the selection committee and the preferred consultant began. A final agreement on scope and timeline was determined in June, and contract negotiations have been finalized with SW Cole in the amount of \$49,100.00

The overall goals of the project are as follow:

- To construct a foundation of hydrogeologic data and a historical timeline of development in the area of Willand Pond, in order to develop a conceptual model and understanding of the natural hydrogeologic system as it functioned prior to (1940-1995) and during (1995 – present) significant development of the area.
- To develop an understanding of the natural hydrogeologic regime of Willand Pond and its response to anthropogenic forces including: 1) a ground-truthing investigation of the hydrogeologic dynamics of the system: its glacial origins, (perched water table, kettle hole) it's natural inflows (springs) and it's outflows (connection to Peter's Marsh Brook, bordering wetlands) and, 2) a computer simulation of the hydrogeologic system to assess the amount of stormwater runoff and recharge loss as well as estimate nutrient loading as a result of the impervious surfaces in the watershed. A Quality Assurance Project Plan (QAPP) will be developed to guide the watershed assessment and modeling activities.
- Prepare a watershed and wetlands map to aid in understanding the functionality of the wetlands to the Willand Pond hydrogeologic regime and gain an understanding of direct anthropogenic impacts to the wetlands system in the watershed.



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7

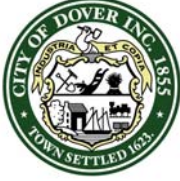
Resolution Number: **R – 2008.07.23.112**

Resolution Re: Willand Pond Engineering Study B08063

- Assist the communities in drafting language to revise their Site Plan and Subdivision ordinances to institute policies which will aid in preventing further impacts to the watershed with the aim of the ultimate restoration of the watershed.
- Based on the accumulated information, identify viable solutions to mitigate impacts and restore water quality and chronic high water levels at Willand Pond. Conduct a robust engineering review (feasibility assessment) of each of the solutions (“alternatives”) in consideration of key stakeholders, and select a preferred alternative for recommendation to the Steering Committee. The engineering review will include an opinion of cost and suggestions for possible funding mechanisms to implement the recommended alternative.
- The NH Volunteer Lake Assessment Program (NH VLAP) has established a QAPP which will be adopted by the cities to create a long-term monitoring program for Willand Pond. In accordance with information provided by the City since the issuance of the RFP, the team’s function on this task will be largely supportive to City Planning officials.
- Develop a Watershed Management Plan which brings together the assessment and analysis performed in the other tasks of the project and which will present recommendations for best management practices, engineering improvements and regulatory changes to improve the conditions in and around the pond. This plan will include the elements required in EPA’s Nonpoint Source Program and Grants Guidelines for States and Territories (October 2003) and will also draw on the Center for Watershed Protection’s Methods to Develop Restoration Plans for Small Urban Watersheds (August 2005).

### Purchasing Information:

<b>Type:</b>	Purchase Order	<b>Advertised:</b>	Yes
<b>Invitations Mailed:</b>	66	<b>Number of Responses:</b>	12 and 2 nb
<b>Warranty:</b>	na	<b>Terms:</b>	Net 30, FOB Dover
<b>Work Bonded:</b>	No	<b>Contract:</b>	Yes
<b>Prices will hold for:</b>	Until Completion	<b>Estimated Delivery:</b>	4 weeks
<b>Recommended Award to:</b>	SW Cole	<b>Fund:</b>	Watershed Grant
<b>Other Approvals Required:</b>	No	<b>References Checked:</b>	Satisfactory
<b>Previously Worked for City:</b>	Yes	<b>Reason for Council Approval:</b>	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7

Resolution Number: **R – 2008.07.23.112**

Resolution Re: Willand Pond Engineering Study B08063

### Vendor List B08063

CMA Engineers  
35 Bow Street  
Portsmouth NH 03801

Civil Consultants  
PO Box 100  
S. Berwick ME 03908

Dufresne Henry  
175 Canal Street  
Manchester NH 03101

Underwood Engineers  
25 Vaughan Mall, #1  
Portsmouth NH 03801

Aries Engineering  
46 South Main Street  
Concord NH 03301

Civil Works  
PO Box 1166  
Dover NH 03821-1166

TriTech Engineering  
755 Central Avenue  
Dover, NH 03820

Kimball Chase Co.  
PO Box 537  
Portsmouth NH 03802-0537

Roaring Brook Consultants  
15 Sewall Road  
S. Berwick ME 03908

Dubois and King  
100 Perimeter Road  
Nashua NH 03063

Woodard and Curran  
197 Loudon Road  
Concord NH 03301

Whitman & Howard  
143 N. Main Street  
Concord NH 03301

Oak Point Associates  
PO Box K  
Biddeford ME 04005

Hoyle Tanner & Associates  
150 Dow Street  
Manchester NH 03101

The Louis Berger Group, Inc.  
1001 Elm Street  
Suite 203  
Manchester, NH 03101

SFC Engineering Partnership  
25 Sundial Avenue  
Suite 205A  
Manchester, NH 03103-7230

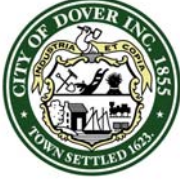
Jack Mette AICP  
56 Rutland Street  
Dover, NH 03820

AMES MSC  
The John Hart Mansion  
P. O. Box 427  
Portsmouth, NH 03801

Maguire Group  
P. O. Box 6619  
Portsmouth, NH 03802-6619

Aries Engineering  
Attn: Peter McGlew  
46 South Main Street  
Concord, NH 03301

McFarland Johnson, Inc.  
Concord Center  
10 Ferry St, Unit 11 ste 210  
Concord, NH 03301-5022



CITY OF DOVER

# CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7

Resolution Number: **R – 2008.07.23.112**

Resolution Re: Willand Pond Engineering Study B08063

Comprehensive  
Environmental Inc.  
21 Depot Street  
Merrimack, NH 03054

R. Craig Williams  
Caneybrook Engineer  
Consulting  
154 Middle Road  
Dover, NH 03820

Wright-Pierce  
99 Main St.  
Topsham, ME 04086

XDD LLC  
Dennis Keane  
22 Marion Way Unit 3  
Stratham NH 03885

Golder Associates  
400 Commercial Street  
Manchester, NH 03101

S.W. Cole Engineering, Inc.  
10 Centre Road  
Somersworth, NH 03878-  
2926

Robin  
John Turner Consulting, Inc.  
19 Dover Street  
Dover, NH 023820

WH Shurtleff Co.  
One Runway Road, Suite B  
South Portland, ME 04106

ATC Associates, Inc.  
150 Zachary Road  
Manchester, NH 03103

JGI Eastern, Inc.  
77 Sundial Avenue  
Suite 401 W  
Manchester, NH 03103

RW Gillespie & Assoc.  
86 Industrial Park Road Suite  
4  
Saco, ME 04073

Leggette, Brashearn &  
Graham  
Attn: James M. Tarr  
Riverside Place  
17 Riverside Street  
Manchester, NH 03103  
Bedford Design Consultants  
136 Harvey Road  
Hilltop Center, Bldg B  
Londonderry, NH 03053

GOVE Environmental  
Services  
8 Continental Dr (Randall  
Shuey)  
Bldg 2 Unit H  
Manchester, NH 03103  
Miller Engineering  
100 Sheffield Road  
P.O. Box 4776  
Manchester, NH 03108

The H.L. Turner Group  
27 Locke Road  
Concord, NH 03301

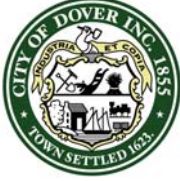
McFarland Johnson Concord  
Cnt  
10 Ferry Street, Unit 11 ste  
210  
Concord, NH 03301-5022

Aqua Terra Environmental  
Consultants, Inc.  
P.O. Box 4247  
Portsmouth, NH 03801

GZA Geo Environmental, Inc.  
380 Harvey Road  
Manchester NH 03103-3347

Rizzo Associates, Inc.  
889 Elm Street 2<sup>nd</sup> Floor  
Manchester NH 03101

Macguire Group, Inc.  
PO Box 6619  
Portsmouth, NH 03802



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7

Resolution Number: **R – 2008.07.23.112**

Resolution Re: Willand Pond Engineering Study B08063

JGI Eastern, Inc.  
77 Sundial Avenue Ste 401 W  
Manchester, NH 03103

ATC Associates, Inc.  
150 Zachary Road  
Manchester, NH 03103

Corporate Environmental  
Advisors  
Concord Business Center  
124 Hall Street, Suite J-2  
Concord, NH 03301

MARIN Environmental  
722 Route 3A. Suite #3  
Bow, NH 03304

Weston & Sampson Engineers  
195 Hanover Street, Ste. 28  
Portsmouth NH 03801

Juneau Geoservices, LLC  
222 Snook Road  
Goffstown NH 03045

Stephens Associated  
Consulting  
60 Northrup Drive  
Brentwood, NH 03833

Geoinsight, Inc.  
25 Sundial Avenue  
Suite 515W  
Manchester, NH 03103-7244

Jacques Whitford Co., Inc.  
P.O. Box 4696  
Portsmouth, NH 03802-4696

ECS.  
722 Route 3A Suite #3  
Bow, NH 03304

David J. Balanchette  
Vanasse Hangen Brustlin, Inc.  
Kilton Road  
6 Bedford Farms, Ste. 607  
Bedford, NH 03110-6532

Sheild Environmental  
Associates  
Coheco Mill  
100 Main Street  
Dover, NH 03820

Chevenal Gallen & Assoc  
195 Commerce Way  
Portsmouth, NH 03801

Aqua Terra Environmental  
Consultants Inc.  
P.O. Box 4247  
Portsmouth, NH 03802

Jaworski Geotech Inc.  
150 Zachary Road  
Manchester, NH

Les A. Carter and Assoc. Inc.  
P.O. Box 559  
Candia, NH 03053-3564

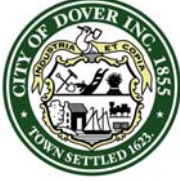
Nobis Engineering Inc.  
P.O. Box 2890  
Concord, NH 03302-2890

DSM Environmental Services  
P.O. Box 521  
Contoocook, NH 03229

JoAnn Fyer  
CLD Consulting Engineers  
316 US Rte 1 Ste D  
York ME 03909

Dave Danielson  
SEA Consultants Inc  
10 Ferry St Box 7 Ste137  
Concord NH 03301

Jennifer Viarengo  
Appledore Engineering  
15 Rye St Ste 305  
Pease Tradeport  
Portsmouth NH 03801



CITY OF DOVER

# CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7

Resolution Number: **R – 2008.07.23.112**

Resolution Re: Willand Pond Engineering Study B08063

Forest Bell  
FB Environmental Consulting  
97 A Exchange St Ste 305  
Portland ME 04101

Eileen Pannetier  
Comprehensive  
Environmental  
21 Depot St  
Merrimack NH 03054

Watershed Assistance Section  
NH DES  
50 International Dr Ste 200  
Portsmouth NH 03801

Woodlot Alternatives  
30 Park Dr  
Topsham ME 04086

Stoney Ridge Environmental  
229 Prospect Mt Rd  
Alton NH 03809

## Qualifications Results B08063

Hydroterra Environmental Svs, LLC 2721/2 Dover Pt. Rd Dover NH 03820
SEA Consultants Inc 10 Ferry St Ste 137 Concord NH03301
CLD Consulting Engineering 316 US Rt 1, Ste D York ME 03909
Comprehensive Environmental Inc 21 Depot St Merrimack NH 03054
Haight Engineering PLLC 181 Watson Rd Dover NH 03820
Vanasse Hangen Brustlin Inc 6 Bedford Farms Dr Ste 607 Bedford NH 03110
TriTech Engineering 755 Central Ave Dover NH 03820
Weston and Sampson 195 Hanover St. Ste 28 Portsmouth NH 03801



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7

Resolution Number: **R – 2008.07.23.112**

Resolution Re: Willand Pond Engineering Study B08063

Baystate Environmental Consultants and GZA GeoEnvironmental Inc 296 No Main St E. Longmeadow, MA 01028
TF Moran, Inc 48 Constitution Dr Bedford NH 03110
The Maguire Group Inc 110 Corporate Dr Ste 6 Portsmouth NH 03802
SW Cole Engineering Inc 10 Centre Rd Somersworth NH 03878-2926
Underwood Engineers Inc (No Bid) Roaring Brook Consultants (No Bid)

### Pricing Results B08063

Vendor	Price
SEA Consultants Inc 10 Ferry St Ste 137 Concord NH03301	\$47,720.00
CLD Consulting Engineering 316 US Rt 1, Ste D York ME 03909	\$68,000.00
Comprehensive Environmental Inc 21 Depot St Merrimack NH 03054	\$74,700.00
<b>SW Cole Engineering Inc 10 Centre Rd Somersworth NH 03878-2926</b>	<b>\$49,100.00</b>

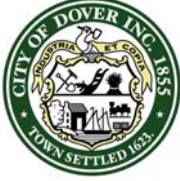
**PLANNING BOARD REPORT FOR July 2008 COUNCIL MEETING**

Prepared by Councilor Dean Trefethen.

With the adoption of the updated Master Plan, the Planning Board (PB) has rigorously started to work on updates to both the Site Review Regulations and Land Subdivision Regulations, as well as forming several sub-committees to review specific areas of zoning regulations. The aim of all this activity is to slow down the development rate in the city and to make future development less dense and more appealing. It is the goal of the PB to have a series of changes forwarded to the City Council over the next year or so.

Obviously, development activity has already slowed in the city due to the current economic conditions. This turns out to be a good time to be doing this type of activity as the PB has the time to do it as there are few proposals in the pipeline. The idea is to have the new regulations and rules in place when the economy does improve and development activity increases again. This is not to say there is not any development activity, because there is, but it is at a lower pace than previous few years.

While there has been some talk in recent years about enacting a moratorium, of some type, in the city, that turns out not be necessary as the economic downturn has essentially accomplished that. The more stringent rules and regulations now being worked at the PB level should result in more "quality" type developments in the future instead of "quantity" types.



CITY OF DOVER

# CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2008.07.23.113**  
Resolution Re: Energy Saving Performance Contracting B08100

WHEREAS: Sealed bid B08100 was solicited and received on June, 30, 2008 @ 2:00pm for energy savings performance contracting services. The city hired American Development Inc for professional consulting services to assist in the development and management of this solicitation process; and,

WHEREAS: On July 15, 2008, separate interviews were conducted with each of the three responding vendors. The proposal that the selection committee deemed most advantageous to the city was submitted by Johnson Control; and,

WHEREAS: The following letter of intent authorizes Johnson Controls to begin an investment grade audit of approximately 500,000 square feet of building space at the rate of \$0.05 per sq ft. This will only be paid if the City Council decides after reviewing the audit that they do not to proceed with a performance contract.

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 Johnson Controls in the amount of \$25,000 and corresponding rates provided June 30, 2008. The amount of this authorization shall be limited so as not to exceed available funding.

### Financing

Account	Description	Appropriation	Balance
1000-41991-4840-0000-00-19	Misc Gen Gov Contingency	\$100,000.00	\$100,000.00

### AUTHORIZATION

Approved as to Funding: Daniel R. Lynch  
Finance Director

Sponsored by: Mayor Scott Myers  
By request

Approved as to Legal Form: Allan B. Krans, Sr.  
City Attorney

Recorded by: Karen Lavertu  
City Clerk



CITY OF DOVER

# CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2008.07.23.113**

Resolution Re: Energy Saving Performance Contracting B08100

## DOCUMENT HISTORY:

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

## DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor*	n/a	n/a
Councilor, Ward 1		
Councilor Douglas DeDe, Ward 2		
Councilor David Scott, Ward 3		
Councilor Dean Trefethen, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does   does not pass.		
* Deputy Mayor not elected at time of vote.		



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2008.07.23.113**

Resolution Re: Energy Saving Performance Contracting B08100

### RESOLUTION BACKGROUND MATERIAL:

The City of Dover is seeking services of an Energy Services Company (hereinafter referred to as ESCO) to provide energy savings performance contracting services on city owned or operated facilities. The CITY has retained American Development Institute, LLC (ADI) as an energy consultant to assist in the development and management of this solicitation. ADI tasks included:

1. identify and review all relevant energy data
2. prepare a Request for Proposals and evaluate ESCO responses for program comprehensive and to define the best economic proposal
3. prepare a recommendation for ESCO selection
4. assist in the negotiation and development of an Energy Services Agreement

As part of the Proposal, ESCOs must agree to fully cooperate with the personnel of any energy consultant retained by the CITY.

The CITY and its energy consultant have collected and prepared all end use energy data for all fuel sources used by the CITY FACILITIES including electricity, natural gas, fuel oil and propane. FACILITY-specific data has also been collected.

The selected ESCO will provide the following services as defined in the Tasks below:

Task 1: Conduct a comprehensive Investment Grade Audit (“IGA”) that optimizes the available energy savings from CITY FACILITIES;

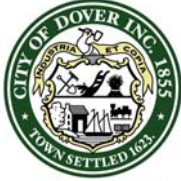
Task 2: Develop a financing program that takes advantage of tax-exempt resources. While the CITY anticipates utilizing bond resources, it will consider alternative financing options as presented by the ESCO;

Task 3: Implement approved Energy Savings Performance Contract; and

Task 4: Perform measurement and verification as approved in the Energy Services Agreement.

### Award Information:

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



CITY OF DOVER

# CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2008.07.23.113**

Resolution Re: Energy Saving Performance Contracting B08100

## Purchasing Information:

<b>Type:</b>	Purchase Order	<b>Advertised:</b>	Yes
<b>Invitations Mailed:</b>	10	<b>Number of Responses:</b>	3
<b>Warranty:</b>	Contract	<b>Terms:</b>	Net 30, FOB Dover
<b>Work Bonded:</b>	yes	<b>Contract:</b>	Yes
<b>Prices will hold for:</b>	Until Completion	<b>Estimated Delivery:</b>	
<b>Recommended Award to:</b>	Johnson Controls	<b>Fund:</b>	contingency
<b>Other Approvals Required:</b>	No	<b>References Checked:</b>	Satisfactory
<b>Previously Worked for City:</b>	Yes	<b>Reason for Council Approval:</b>	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation

### Vendor List B08100

Jim Lucy  
Honeywell Inc  
139 Dennett St  
Portsmouth NH 03801

Michael Berube or Brad Parsons  
Johnson Controls Inc  
920 Candia Rd  
Manchester NH 03109

John W Kauppinen or Alan Davis  
Noresco  
1 Research Dr Ste 400C  
Westborough MA 01581

William Hatch  
Select Energy Services Inc  
24 Prime Park Way  
Natick MA 01760-1528

Siemens  
Roland Butzke  
85 John Rd Unit 1  
Canton MA 02021

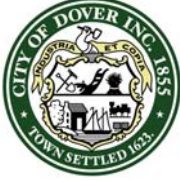
Peter Placet  
Power Up Generator  
8 Pricilla Ln  
Auburn NH 03032

Murry Sims or Greg Fritsch  
Titus  
330 E. Kilbourn Ave Ste 1425  
Milwaukee WI 53202

Michael Daigneault  
Amerisco  
111 Speen St Ste 410  
Framingham MA 01710

Mark Aronson  
Constellation Energy  
100 Foot of St John St  
Boot Mills South Lowell MA  
01852

Kenneth Nathanson  
ConEdison Solutions  
Burlington Woods  
Burlington MA 01803



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

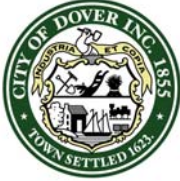
Agenda Item#: 12.B.1.

Resolution Number: **R – 2008.07.23.113**

Resolution Re: Energy Saving Performance Contracting B08100

### Results B08100

Vendor	Investment Grade Audit Fee	Multiplier
Johnson Controls 39 Salem St Lynnfield MA 01940-0840	\$0.05 per Sq Ft	\$1.29
Siemens Building Technologies 131 Portsmouth Ave Ste1 Exeter NH 03833	\$0.05 per Sq Ft	\$1.47
Ameresco 111 Speen St Ste 410 Framingham MA 01701	\$0.055 per Sq Ft	\$1.49



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2008.07.23.113**

Resolution Re: Energy Saving Performance Contracting B08100

### **City of Dover Energy performance contracts the selection process.**

Project timeline

May 21<sup>st</sup> the RFP (#B08100) for performance contract and was advertised

June 21<sup>st</sup> walk-throughs were performed by 5 vendors.

June 30<sup>th</sup> the city of Dover received three competitive proposals

The companies were Ameresco, Johnson Controls and Siemens. Two vendors did not bid – NORESCO and Constellation Energy Services

All three proposals were compliant with the RFP.

Our July 14<sup>th</sup> all three vendors were interviewed by selection team made up of City of Dover personnel as well as our consultant ADI.

The attached scoring matrix was used as part of the selection process.

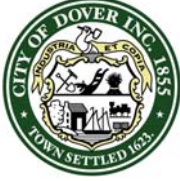
All three vendors scored well. The qualifications of each company and personnel are capable to perform satisfactory services for the city of Dover.

Six references for each vendor were contacted.

Based on the technical and financial review of the three vendor proposals, it is our opinion that the Johnson Controls proposal provides superior risk mitigation and lower overall cost than the other two proposers.

The risk mitigation comes in the form of the type of measurement and verification protocol that Johnson Controls will use for a portion of the project. Johnson Controls will be effectively guaranteeing the savings based on our electric and fossil fuel meters at buildings that have larger mechanical projects. (Ice Rink) This reduces the city's risk in the event that the energy savings estimated is not realized at the meter. The other two vendors use a combination of metered and stipulated energy savings, while effective; this creates more risk for this City.

Additionally, Johnson Controls as an overall lower cost of installation and the other two. For the sample project that was listed in the RFP, Johnson Controls' cost would be nearly \$500,000 less than the other two.



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2008.07.23.113**

Resolution Re: Energy Saving Performance Contracting B08100

It is the selection committees' recommendation that the City Council enters into a letter of intent to award the detailed energy audit a Johnson Controls tonight.

Within two weeks a formal detailed energy audit contract will be provided to the council that has all the terms and conditions established. The energy audit has a fee associated with it. This fee is \$0.05 per square foot of any audited space. (\$25,000.00) The city of Dover will only pay this fee in the event that the parties can not enter into a performance contract.

Within 60 days Johnson Controls will provide a full detailed energy audit for the City facilities. This audit will be in thoroughly reviewed by our consultant ADI.

The City Council is only being asked for approval of the detailed energy audit phase of this project, not the approval of the contract for implementation services.

Upon approval of this audit, the City of Dover may enter into a performance contract with Johnson Controls. At a later council meeting Johnson Controls will be providing a summary of the findings of the detailed energy audit.



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2008.07.23.113**

Resolution Re: Energy Saving Performance Contracting B08100

### Letter of Intent

Mr. J. Michael Joyal, City Manager  
City of Dover  
288 Central Ave  
Dover NH 03820

Re: Letter of Intent for Performance Contracting Program for the City of Dover

Dear Mr. Joyal:

The City of Dover intends to contract with Johnson Controls (“JCI”) for the implementation of a Performance Contracting Program designed to improve the mechanical system infrastructure and operational efficiencies of the City of Dover Buildings as listed in the ADI Report.

As indicated by ADI’s feasibility study dated May, 2008 this program is estimated to have a total cost of \$1,523,550 and indicates an estimated potential total annual savings of \$261,769. These numbers will be reviewed and confirmed during the Investment Grade Audit.

#### **The City of Dover’s objectives for this program are as follows:**

1. Obtain energy efficiency improvements
2. Reduce Operating Costs through a guaranteed savings program.
3. Replace or upgrade equipment.
4. Improve facilities infrastructure

#### **The project will include:**

1. Identification, engineering, installation, and monitoring of energy and operating cost reduction measures.
2. Installation of new equipment.
3. Training for the City of Dover maintenance staff.
4. Ongoing maintenance services performed to supplement the City of Dover staff.



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2008.07.23.113**

Resolution Re: Energy Saving Performance Contracting B08100

### 5. Assessment of financing options.

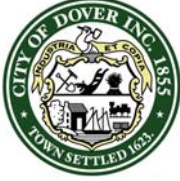
**The execution of this program is contingent upon the program meeting the following criteria.**

1. The program meets the financial requirements of the City of Dover of a 10 yr payback overall, including financing costs.
2. JCI guarantees the energy and/or operational savings resulting from implementation of this program to the City of Dover in writing.
3. JCI will use Option C for the Ice Arena Facility Improvement measure M&V protocol.
4. JCI costs will be open-book and will be reviewed by ADI and the City of Dover for reasonableness. The JCI multiplier will be as listed in the JCI proposal dated June, 2008.
5. The parties agree to negotiate an Energy Services Agreement that will be supplied by Dover.

If the JCI provides a program which meets the above conditions and the City of Dover chooses not to implement the Performance Contracting Program with JCI within 180 days following submittal of the program, the City of Dover agrees to pay the JCI the sum of \$25,000 for services rendered.

Signature of *City of Dover* Officer:

Title
Date



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2.

Resolution Number: **R – 2008.07.23.114**  
Resolution Re: **RELEASE OF CITY ATTORNEY  
CORRESPONDENCE**

WHEREAS: The City Council received a letter from the City Attorney dated July 9, 2008, marked “Confidential”; and

WHEREAS: NH RSA 91-A:5 has specific provisions pertaining to when public documents are not required to be released to the public; and

WHEREAS: The NH Constitution Article 8 provides for the public’s right to know “...Government, therefore, should be open, accessible, accountable and responsive...” ; and

WHEREAS: The City Council may release confidential material from the City Attorney

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

The Mayor and City Council of Dover, NH releases to the public, the letter from the City Attorney dated July 9, 2008;

AND, FURTHER BE IT RESOLVED;

The letter from the City Attorney identified above released as the result of this resolution shall be appended to, and complete the Background contained in this resolution.

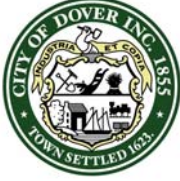
### AUTHORIZATION

Approved as to Funding: Daniel R. Lynch  
Finance Director

Sponsored by: Councilor Richard Callaghan

Approved as to Legal Form: Allan B. Krans, Sr.  
City Attorney

Recorded by: Karen Lavertu  
City Clerk



CITY OF DOVER

# CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2.

Resolution Number: **R – 2008.07.23.114**  
Resolution Re: **RELEASE OF CITY ATTORNEY  
CORRESPONDENCE**

## DOCUMENT HISTORY:

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

## DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor*	n/a	n/a
Councilor Robert Keays, Ward 1		
Councilor Douglas DeDe, Ward 2		
Councilor David Scott, Ward 3		
Councilor Dean Trefethen, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does   does not pass.		
* Deputy Mayor not elected at time of vote.		



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

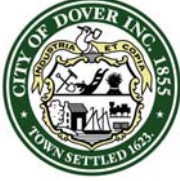
Agenda Item#: 12.B.2.

Resolution Number: **R – 2008.07.23.114**  
Resolution Re: RELEASE OF CITY ATTORNEY  
CORRESPONDENCE

### RESOLUTION BACKGROUND MATERIAL:

It is a matter of practice for the City Attorney to mark all correspondence to the City Council “Confidential”.

The City Council may consider the importance of keeping the contents of the letters of the City Attorney “Confidential” after it receives them.



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

Resolution Number: **R – 2008.07.23.115**  
Resolution Re: **COCHECO RIVER & THE RIVER PROTECTION PROGRAM**

WHEREAS: The NH Department of Environmental Services has notified the City of the Cocheco River's nomination for designation as a significant river per the NH River Management Protection Act; and

WHEREAS: Dover is a corridor community of the Cocheco River Watershed, and the Dover community is a stakeholder in the process; and

WHEREAS: NHDES will be conducting a public hearing on the proposed designation at the Rochester City Hall on July 23, 2008 at 7:00pm; and

WHEREAS: NHDES considers an endorsement from the governing body in each community as part of the designation process;

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

The City of Dover accepts and endorses the Cocheco River nomination into the N. H. River Management Protection System.

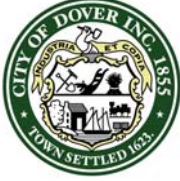
### AUTHORIZATION

Approved as to Funding: Daniel R. Lynch  
Finance Director

Sponsored by: Councilor Richard Callaghan

Approved as to Legal Form: Allan B. Krans, Sr.  
City Attorney

Recorded by: Karen Lavertu  
City Clerk



CITY OF DOVER

# CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

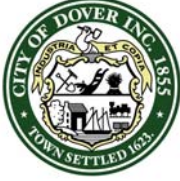
Resolution Number: **R – 2008.07.23.115**  
Resolution Re: **COCHECO RIVER & THE RIVER PROTECTION PROGRAM**

## DOCUMENT HISTORY:

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

## DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor*	n/a	n/a
Councilor, Ward 1 - Vacancy		
Councilor Douglas DeDe, Ward 2		
Councilor David Scott, Ward 3		
Councilor Dean Trefethen, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does   does not pass.		
* Deputy Mayor not elected at time of vote.		



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

Resolution Number: **R – 2008.07.23.115**  
Resolution Re: COCHECO RIVER & THE RIVER PROTECTION PROGRAM

### RESOLUTION BACKGROUND MATERIAL:

River designation increases public awareness of the river and creates a local planning and management effort centered specifically on the river and its resources. The establishment of a local river management advisory committee creates a forum for multi-town and multi-interest coordination of efforts to protect and manage valuable river resources and creates an incentive for the riverfront communities to adopt and implement local river corridor management plans.

The nomination application is being made by the **Cocheco River Watershed Coalition**. General Rivers Management and Protection Program information is available from the NHDES website: <https://www.des.state.nh.us/Rivers/>. Specific information on the CRWC application is also available: [https://www.des.state.nh.us/Rivers/documents/cochecho\\_nomination.pdf](https://www.des.state.nh.us/Rivers/documents/cochecho_nomination.pdf).

The Dover Conservation Commission has endorsed the nomination at its May 5, 2008 meeting, and City staff is also in favor of the nomination.

Attached is a Fact Sheet compiled by the Strafford Regional Planning Commission that highlights the purpose for securing designation and addresses related concerns.

# WHAT IT MEANS TO HAVE A RIVER IN YOUR COMMUNITY DESIGNATED IN THE NEW HAMPSHIRE RIVERS MANAGEMENT AND PROTECTION PROGRAM

## THE PROGRAM

The Rivers Management and Protection Act of 1988 (RSA 483) established a statewide rivers program based on a two tier approach to river management and protection: *state* designation of significant rivers and protection of instream values and *local* development and adoption of river corridor management plans (by the designated local river management advisory committee) to protect shorelines and adjacent lands. The Rivers Management and Protection Program is administered by the N.H. Department of Environmental Services and is staffed by a rivers coordinator. The act also established the statewide Rivers Management Advisory Committee (RMAC). The RMACs members represent a wide range of river interests and work closely with DES in an advisory capacity.

## STATE DESIGNATION

**Nomination:** A river or river segment may be nominated for state designation by any citizen or organization in the state. Sponsors must submit a description of the river's values and characteristics to the Commissioner of DES. Each river nomination is evaluated by the DES Commissioner to ensure that the river's designation would be consistent with the purpose of RSA 483, the Rivers Management and Protection Act. If the Commissioner determines that the river or river segment meets the criteria in RSA 483:6, the nomination is forwarded to the state legislature.

**Legislative Action:** The final step in the designation process is the state legislature's consideration of a bill to designate the nominated river. When the bill gets passed and signed by the governor, this formally designates the river into the RMPP. Each designated river is protected and managed to maintain and enhance instream river values such as water quality and instream flows.

**Local Implementation:** An important and unique feature of the Rivers Management and Protection Program is the opportunity for municipalities to participate, through local river management advisory committees, in multi town river corridor planning and implementation efforts. A local river management advisory committee (LAC) is appointed for each designated river. Each LAC is comprised of representatives from each riverfront municipality and is responsible for developing a local river corridor management plan and commenting on activities affecting the river that require state or federal permits. Representatives come from a broad range of interests, including but not limited to local government, business, conservation, recreation, agriculture, and riparian landowners. This diversity helps bring a variety of perspectives to bear on resource protection and development issues.

While state designation provides instream protection, the local river management plan addresses the management and protection of the shoreline and adjacent lands that make up the river corridor. Because the plan is locally developed, adopted and implemented, it reflects the specific needs, interests and concerns of local citizens. The Department of Environmental Services provides technical assistance to the local river management advisory committee and other interested local and regional groups and officials on corridor management planning and other issues.

## COMMUNITY RIVER PROTECTION

### How does a designation protect a river?

The Rivers Management and Protection Program provides certain instream protection measures for designated rivers and a river classification system to match general river characteristics with the specific protection measures. Rivers can be classified as natural, rural, rural-community or community. For each river classification, state law establishes specific protection measures related to dams, hydroelectric energy facilities, channel alterations, water quality, protected instream flows, interbasin water transfers, siting of solid and hazardous waste facilities, and recreational use of the river (see table on page 3). Local river corridor management plans make recommendations regarding the use and conservation of the shoreline and adjacent lands which make up the river corridor.

### What does the Rivers Management and Protection Program provide that is not offered by existing state laws and programs?

River designation increases public awareness of the river and creates a local planning and management effort centered specifically on the river and its resources. The establishment of a local river management advisory committee creates a forum for multi-town and multi-interest coordination of efforts to protect and manage valuable river resources and creates an incentive for the riverfront communities to adopt and implement local river corridor management plans. Designation can also promote public interest and a sense of respect or stewardship for the river and its resources by the citizens and local officials in the adjacent communities. As a result, future development is more apt to take place in a manner which assures that the valued river resources are maintained. A state designated river may also be targeted by various assistance programs, thereby increasing the probability that the efforts of various local river interests will be successful.

### Are there any other regulatory restrictions placed on land along designated rivers?

Rather than restricting river access and placing further growth restrictions along a river, designating a river into the Rivers Management and Protection Program primarily benefits the river through increased public education, awareness, and river corridor planning. One of the added benefits that designated rivers have over other rivers in New Hampshire is that each Local River Management Advisory Committee has the opportunity to comment on all state permit applications for projects along their designated river corridor within a quarter-mile buffer, and the LAC can develop river corridor management plans that can be adopted at the local level.

### Will designation affect local land use control in the river corridor?

#### (Are my rights as a riverfront landowner in jeopardy?)

No. By law, the only land use protection measures are those for solid and hazardous waste facilities. The Rivers Management and Protection Act (RSA 483) strengthens existing waste management regulations on designated rivers. There are no other development restrictions in the Act; what is a local decision before a river is designated is a local decision following designation. The Act specifically states that "nothing in this chapter shall be interpreted to preempt any land and zoning authority granted to municipal bodies ... ."

## RIVERFRONT LAND OWNERS

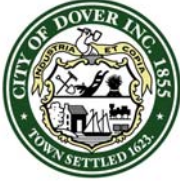
### What are my responsibilities as a riparian landowner on a designated river?

As a riparian landowner, the actions that you take on your property can affect the river, either negatively or positively. First and foremost, exercise stewardship and care when working on any projects on your riverfront property. Keep in mind that there are certain activities, such as adding fertilizers and pesticides to your lawn that can be harmful to the river if not properly applied. If you have questions on how to be a good river steward, the Local River Management Advisory Committee and DES are there to help provide resources that can help with decisions to effectively manage your riverfront property.

Designation to the Rivers Management and Protection Program  
Source: From NHDES Fact Sheets R&L-14, R&L-19 and R&L-2

## RIVER CLASSIFICATION AND STATE REGULATED PROTECTION MEASURES

	<b>4 River (or River Segment) Classifications</b>			
	<b>Natural</b>	<b>Rural</b>	<b>Rural-Community</b>	<b>Community</b>
<b>Activities Allowed</b>				
<b>Dams &amp; Encroachments</b>				
Construction of New Dams	No	No	No	Yes
Reconstruction of Breached Dams	No	Yes (within six years)	Yes (within six years)	Yes
Channel Alterations	No (excluding repair)	Yes (w/ conditions)	Yes (w/ conditions)	Yes (w/ conditions)
<b>Water Quality/ Water Quantity</b>				
Water Quality	Class A or B	Class B	Class B	Class B
Interbasin Transfers	No	No	No	No
Protected Instream Flow	Yes	Yes	Yes	Yes
<b>Waste Disposal</b>				
New Landfills	No (within 1/4 mile)	No (within 1/4 mile)	No (within 500-year floodplain)	No (within 500-year floodplain)
New Hazardous Waste Facilities	No (within 1/4 mile)	--	--	--
Other New Solid Waste Facilities	No (within 250 feet)	No (within 250 feet)	No (within 250 feet)	No (within 250 feet)
<b>Fertilizer</b>				
Manure, Lime, and Wood Ash	Yes	Yes	Yes	Yes
Sludge and Septage	No -within 250 feet (with limited exceptions)	No -within 250 feet (with limited exceptions)	No -within 250 feet (with limited exceptions)	No -within 250 feet (with limited exceptions)
<b>Recreation Use</b>				
Motorized Watercraft	No	Yes (within 150 feet of shoreline, only "headway" speed)	Yes (within 150 feet of shoreline, only "headway" speed)	Yes (within 150 feet of shoreline, only "headway" speed)



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.4

Resolution Number: **R – 2008.07.23.116**  
Resolution Re: Reprogramming of CIP Appropriation from Horne Street School Project to High School Roof Replacement Project

WHEREAS: On April 11, 2007 an appropriation in the amount of \$1,000,000 was approved for the replacement of the Dover High School roof and since the date of adoption, extensive investigation and research of the roof's condition has been performed; and

WHEREAS: Since 2007, roofing materials, labor costs, and the scope of work associated with a project of this magnitude have increased dramatically and through a competitive bid process, the Dover School District has determined that an additional \$450,000.00 is needed to properly complete the work; and

WHEREAS: An appropriation in the amount \$2,000,000 was approved in the CIP by the City Council on May 14, 2008 for renovations and improvements to Horne Street Elementary School and the amount of \$450,000.00 is requested for reprogramming from the Horne Street School Project to the Dover High School Roof Replacement Project by the Dover School Board per resolution approved July 9, 2008; and.

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

The City Council approves reprogramming an amount not to exceed \$450,000.00 from the Horne Street Elementary School CIP Project to the Dover High School Roof Replacement CIP Project.

**In accordance with the NH Municipal Finance Act, RSA 33 and City Charter provisions C6-6 and C6-14 a PUBLIC HEARING IS REQUIRED for this resolution and must be approved by a 2/3 majority vote of the City Council.**

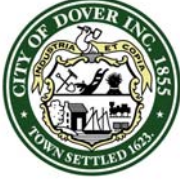
### AUTHORIZATION

Approved as to Funding: Daniel R. Lynch  
Finance Director

Sponsored by: Mayor Scott Myers  
By request

Approved as to Legal Form: Allan B. Krans, Sr.  
City Attorney

Recorded by: Karen Lavertu  
City Clerk



CITY OF DOVER

# CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.4

Resolution Number: **R – 2008.07.23.116**  
Resolution Re: Reprogramming of CIP Appropriation from Horne Street School Project to High School Roof Replacement Project

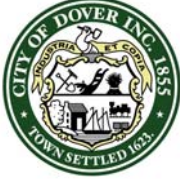
### DOCUMENT HISTORY:

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

### DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEA	NAY
Mayor Scott Myers		
Deputy Mayor *		
Vacancy, Ward 1		
Councilor Douglas DeDe, Ward 2		
Councilor David Scott, Ward 3		
Councilor Dean Trefethen, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does   does not pass.		

\* Deputy Mayor not elected at time of vote.



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.4

Resolution Number: **R – 2008.07.23.116**  
Resolution Re: Reprogramming of CIP Appropriation from Horne Street School Project to High School Roof Replacement Project

### RESOLUTION BACKGROUND MATERIAL:

The Dover High School roof was last replaced in 1990 with a fully adhered rubber membrane installed directly over the first and original layer of roofing. The surface consists of nearly 80,000 square feet of area. In 1988, systems began to fail and the building has experienced continuous water leaks during rain storms. Intermittent patching and spot repairs were performed over a three-year period in an attempt to limit damage to the interior of the building.

In 2006, the District consulted with several manufacturers and roofing installers to obtain rough estimates to replace the roof (excluding the freshman academy wing constructed in 2003). In September 2007, the District anticipated that the project would cost \$1,000,000.00 and included this figure in the 2007 CIP budget. Once the appropriation was approved by the City Council, the District contracted with an architect to design the project. Throughout the design phase, Goudreau and Associates, P.A. determined that the roof decking would require structural repairs, replacement of roof drains, and replacement of all skylights. These items were unknown at the time the original estimate was developed in 2006. Additionally, an infra-red roof moisture analysis was conducted in April 2008 and concluded that of the 106,000 square feet to be replaced, 30.8 percent of the roof's surface has saturated roof insulation. These areas of wet insulation must be replaced.

In May 2008, a public bid was issued and six firms participated in submitting a bid for construction management delivery process. Through a formal interview process, the District determined that Horne Construction, the low bidder, was best suited by hiring Melanson Roofing Company to perform specifically the roofing portion. In addition, the roofing system was upgraded from a 20 year to a 25 year warranted Firestone TPO system.

RESOLUTION

RE: REQUEST TO REPROGRAM AN EXISTING APPROPRIATION

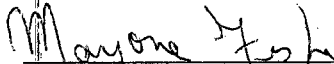
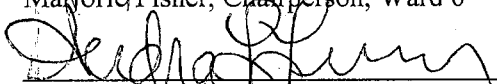
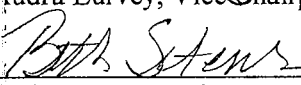
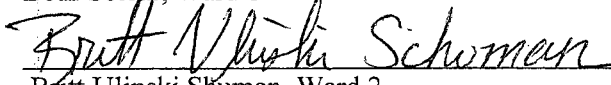
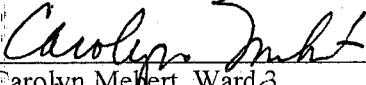
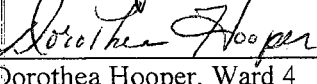
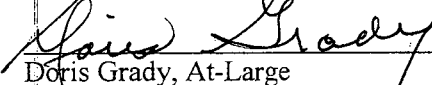
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- WHEREAS: On April 11, 2007 an appropriation in the amount of \$1,000,000. was approved for replacement of the Dover High School Roof; and
- WHEREAS: Since the date of adoption, extensive investigation and research of the roof's condition has been performed; and
- WHEREAS: Since 2007, roofing materials, labor costs, and the scope of work associated with a project of this magnitude have increased dramatically; and
- WHEREAS: Through a competitive bid process, the Dover School District has determined that an additional 450,000.00 is needed to properly complete the work; and
- WHEREAS: An appropriation in the amount of \$2,000,000 was proposed and approved by the City Council on May 14, 2008 for renovations and improvements to Horne Street Elementary School; and
- WHEREAS: The amount of \$450,000.00 is requested for reprogramming from the Horne Street School Appropriation to the Dover High School Roof Replacement.

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

The City Council approves reprogramming an amount not to exceed \$450,000.00 from the Horne Street Elementary School Appropriation to the Dover High School Roof Replacement Project.

SUBMITTED BY:

-   
Marjorie Fisher, Chairperson, Ward 6
-   
Audra Lurvey, Vice Chairperson, Ward 5
-   
Beth Setear, Ward 1
-   
Britt Ulinski Schuman, Ward 2
-   
Carolyn Mebert, Ward 3
-   
Dorothea Hooper, Ward 4
-   
Doris Grady, At-Large

July 9, 2008

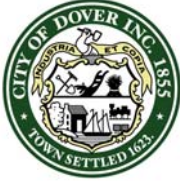
## BACKGROUND FOR RESOLUTION

The Dover High School roof was last replaced in 1990 with a fully adhered rubber membrane installed directly over the first and original layer of roofing. The surface consists of nearly 80,000 square feet of area. In 1988, a 26,000 square foot ballast system was installed over the Regional Career Technical Center. During 2004, the roofing systems began to fail and the building has experienced continuous water leaks during rain storms. Intermittent patching and spot repairs were performed over a three-year period in an attempt to limit damage to the interior of the building.

In 2006, the District consulted with several manufacturers and roofing installers to obtain rough estimates to replace the roof (excluding the freshman academy wing constructed in 2003). In September 2007, the District anticipated that the project would cost \$1,000,000.00, and included this figure in the 2007 CIP budget. Once the appropriation was approved by the City Council, the District contracted with an architect to design the project. Throughout the design phase, Goudreau and Associates, P.A. determined that the roof decking would require structural repairs, replacement of roof drains, and replacement of all skylights. These items were unknown at the time the original estimate was developed in 2006. Additionally, an infra-red roof moisture analysis conducted in April 2008 and concluded that of the 106,000 square foot to be replaced, 30.8 percent of the roof's surface has saturated roof insulation. These areas of wet insulation must be replaced.

In May 2008, a public bid was issued and six firms participated in submitting a bid for construction management delivery process. Through a formal interview process, the District determined that Horne Construction, the low bidder, was best suited by hiring Melanson Roofing Company to perform specifically the roofing portion. In addition, the roofing system was upgraded from a 20 year to a 25 year warranted Firestone TPO system.

*(End of Document)*



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.5.

Resolution Number: **R -2008.07.23-117**  
Resolution Re: Creation of Energy Advisory Committee

WHEREAS: In June 2006, the Dover City Council adopted the Cities for Climate Protection Campaign known as “Cool Cities”; and

WHEREAS: There are opportunities for the City of Dover to review energy policies and solutions involving heating, lighting, vehicles and renewable energy with the potential for creating a healthier City while saving taxpayer dollars; and

WHEREAS: The City Council previously created an ad hoc energy committee for a limited duration resulting in an extensive survey and report on energy matters.

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

The Dover Energy Advisory Committee is hereby created. The committee shall consist of seven (7) members for a three (3) year period. Members shall be appointed by the Council. The City Manager shall designate one staff member as a non-voting administration liaison.

The committee shall elect a chair and vice chair and shall establish rules subject to Council approval.

The committee shall serve in an advisory capacity with the following functions:

1. Assist in creating recommendations for an energy conservation policy and procedures to develop energy efficiency and renewable energy projects, to reduce greenhouse gas emissions, and to insulate the City from fluctuations in future energy costs.
2. Collaborate with and advise City boards, commissions and committees involved in similar matters and issues, but only when requested to do so.
3. Appropriate educational outreach

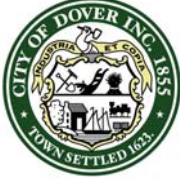
### AUTHORIZATION

Approved as to Funding: Daniel R. Lynch  
Finance Director

Sponsored by: Mayor Scott Myers  
By Request

Approved as to Legal Form: Allan B. Krans, Sr.  
City Attorney

Recorded by: Karen Lavertu  
City Clerk



CITY OF DOVER

# CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.5.

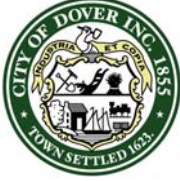
Resolution Number: **R -2008.07.23-117**  
Resolution Re: Creation of Energy Advisory Committee

### DOCUMENT HISTORY:

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

### DOCUMENT ACTIONS:

<b>VOTING RECORD</b>		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor*	n/a	n/a
Councilor Ward 1 - Vacancy		
Councilor Douglas DeDe, Ward 2		
Councilor David Scott, Ward 3		
Councilor Dean Trefethen, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does   does not pass.		
* Deputy Mayor not elected at time of vote.		



CITY OF DOVER

## CITY OF DOVER - RESOLUTION

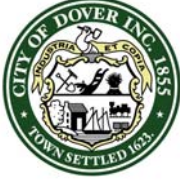
Agenda Item#: 12.B.5.

Resolution Number: **R -2008.07.23-117**

Resolution Re: Creation of Energy Advisory Committee

### RESOLUTION BACKGROUND MATERIAL:

The objective of this committee is to reduce greenhouse gas emissions, improve air quality and enhance urban livability and sustainability within the City of Dover. The committee will provide advice.



CITY OF DOVER

## CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1

Ordinance Number:  
Ordinance Title: **O – 2008.07.23.6**  
Chapter: Chapter 166, Vehicles and Traffic

The City of Dover Ordains:

**1. PURPOSE**

The purpose of this ordinance is to amend Chapter 166, entitled “Vehicles and Traffic” of the Code of the City of Dover, 1983.

**2. AMENDMENT**

Chapter 166 entitled “Vehicles and Traffic” is hereby amended by inserting housekeeping changes throughout the entire Chapter 166

**SEE ATTACHED ORDINANCE IN ITS ENTIRETY**

**3. TAKES EFFECT**

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

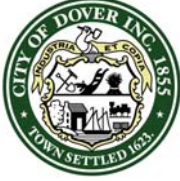
### AUTHORIZATION

Approved as to Funding: Daniel R. Lynch  
Finance Director

Sponsored by: Mayor Scott Myers  
By Request

Approved as to Legal Form: Allan B. Krans, Sr.  
City Attorney

Recorded by: Karen Lavertu  
City Clerk



CITY OF DOVER

# CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1

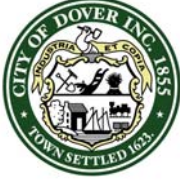
Ordinance Number:  
Ordinance Title: **O – 2008.07.23.6**  
Chapter: Chapter 166, Vehicles and Traffic

## DOCUMENT HISTORY:

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

## DOCUMENT ACTIONS:

<b>VOTING RECORD</b>		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor*	n/a	n/a
Councilor, Ward 1 - Vacancy		
Councilor Douglas DeDe, Ward 2		
Councilor David Scott, Ward 3		
Councilor Dean Trefethen, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does   does not pass.		
* Deputy Mayor not elected at time of vote.		



CITY OF DOVER

## CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1

Ordinance Number:  
Ordinance Title: **O – 2008.07.23.6**  
Chapter: Chapter 166, Vehicles and Traffic

### ORDINANCE BACKGROUND MATERIAL:

Numerous housekeeping changes were necessary throughout the entire attached Chapter 166. Items removed have been stricken through, and items to be incorporated are in bold.

# VEHICLES AND TRAFFIC

## CHAPTER 166

### ARTICLE I GENERAL PROVISIONS

- 166-1. Definitions.
- 166-2. Applicability.
- 166-3. Installation of traffic control devices.
- 166-4. Schedules; *and tables*, adoption of orders, rules and/or regulations.

### ARTICLE II TRAFFIC REGULATIONS

- 166-5. Travel Restrictions.
- 166-6. One-way roadways designated.
- 166-7. Turning restriction.
- 166-8. Stop intersections.
- 166-9. Yield intersections.
- 166-10. Misuse of Vehicles
- 166-11. Snow removal.
- 166-12. (Reserved)
- 166-13. (Reserved)
- 166-14. (Reserved)
- 166-15. Violations and Penalties.

### ARTICLE III PARKING; STOPPING; STANDING

- 166-16. General parking restrictions.
- 166-17. General parking provisions.
- 166-18. Parking lots.
- 166-19. Winter parking.
- 166-20. No parking anytime.
- 166-21. No parking Certain hours.

**VEHICLES AND TRAFFIC  
CHAPTER 166**

- 166-22. Limited time parking.**
- 166-23. (Reserved)**
- 166-24. (Reserved)**
- 166-25. (Reserved)**
- 166-26. (Reserved)**
- 166-27. (Reserved)**
- 166-28. Exceptions.**
- 166-29. Police officer's report.**
- 166-30. First notice of violations; payment schedules.**
- 166-31. Subsequent notice of violation.**
- 166-32. Payment not an admission of guilt.**
- 166-33. Summons to court.**

**ARTICLE IV  
METERED PARKING**

- 166-34. Definitions.**
- 166-35. Applicability.**
- 166-36. Installation of meters.**
- 166-37. Hours of operation.**
- 166-38. Unlawful acts; separate violations.**
- 166-39. Truck parking.**
- 166-40. Contractor parking.**
- 166-41. (Reserved)**
- 166-42. Penalties and procedures.**
- 166-43. Registration of Motor Vehicles.**
- 166-44. (Reserved)**
- 166-45. (Reserved)**
- 166-46. (Reserved)**

**ARTICLE V  
WEIGHT LIMITS**

- 166-47. Weight limit; authority.**

**ARTICLE VI  
SCHEDULES**

<b>166-48.</b>	<b>SCHEDULE A:</b>	<b>One-way Roadways.</b>
<b>166-49.</b>	<b>SCHEDULE B:</b>	<b>Prohibited Turns at Intersections.</b>
<b>166-50.</b>	<b>SCHEDULE C:</b>	<b>Stop Intersections.</b>
<b>166-51.</b>	<b>SCHEDULE D:</b>	<b>Yield Intersections.</b>
<b>166-52.</b>	<b>SCHEDULE E:</b>	<b>Travel Restricted to Emergency Vehicles.</b>
<b>166-53.</b>	<b>SCHEDULE F:</b>	<b>Commercial Vehicle Travel Restricted.</b>
<b>166-54.</b>	<b>SCHEDULE G:</b>	<b>Truck Travel Restricted.</b>
<b>166-55.</b>	<b>SCHEDULE H:</b>	<b>Right Turn Required.</b>
<b>166-56.</b>	<b>SCHEDULE I:</b>	<b>No Parking at Any Time.</b>
<b>166-57.</b>	<b>SCHEDULE J:</b>	<b>Limited Time Parking.</b>
<b>166-58.</b>	<b>SCHEDULE K:</b>	<b>Parking of Commercial Vehicles.</b>

**[HISTORY: Adopted by the City Council at the City of Dover 12-14-77.\* Sections 166-4, 166-5, 166-6, 166-9, 166-10, 166-23, 166-24 and 166-25 added and 166-7, 166-8, 166-47 and Article VI amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Articles I through VI amended in whole October 1989. Chapter 166 updated in accordance with E-911 amendments January 2006. (Other amendments noted where applicable).]**

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**\*Editor's Note:**

**The provisions of Arts. I, II, II and VI are derived from Ch. 34, adopted 12-14-77 and amended 8-19-81 by Ord. No. 13-81; Art. V is derived from Ch. 37, adopted 12-14-77.**

**VEHICLES AND TRAFFIC  
CHAPTER 166**

**ARTICLE I  
GENERAL PROVISIONS  
[Amended 09-09-81 by Ord. No. 16-81]**

**166-1. Definitions.**

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

PERSON: Any individual, company, firm, corporation, association or any other organization.

PUBLIC HIGHWAY: ~~Any road, street, avenue, boulevard, court, parking lot or way legally accepted for maintenance and dedicated for public use by the legislative authority of the state and/or city.~~ **The entire width between the boundary lines of any public highway, street, avenue, road, alley, park or parkway, or any private way laid out under authority of statute or approved by the Planning Board, or any such way provided for public use, or any such way which has been used for public travel thereon for 20 years, or any public or private parking lot which is maintained primarily for the benefit of paying customers.**

SIDEWALK: ~~That portion of a public highway between the curb and adjacent property lines~~ **edge of the traveled way and the limit of the public right-of-way, laid out as such by the City or reserved by custom for the use of pedestrians.**

VEHICLES: Any device by which any person or property may be transported on a public highway, except those operated on rails or permanent tracks.

**166-2. Applicability.**

- A. The rules and regulations herein contained pertaining to control of motor vehicle traffic and parking areas shall apply to any person, company, firm, corporation, association or other organization.
- B. The City Council of the City of Dover may, by resolution, suspend the operation of this chapter or any portion thereof for temporary periods in cases of emergency, for the public good or for other reasons which to it appears to justify such suspension.

**166-3. Installation of traffic control devices.**

- A. The City Council, **pursuant to RSA 47:17 VII**, shall regulate the use of highways not otherwise regulated by the Commissioner of ~~Public Works and Highways~~ **Transportation** pursuant to Revised Statutes Annotated ~~249-5~~ **236:1** and shall establish stop intersections, erect or cause to be erected stop signs or other traffic devices or signals thereon or upon any such highway entering therein and shall

further determine the character and type of all such official signs and signals. Every stop sign, traffic device or traffic signal erected on such highways shall be deemed lawfully erected and maintained, until the contrary is proven in all cases, civil or criminal.

- B. The Chief of Police shall have the authority to establish or modify traffic patterns, establish parking areas, restrict parking, or to modify the provisions of this chapter of the revised ordinances of the City of Dover on a temporary basis. When such action is taken, the Chief of Police shall make every reasonable effort to notify the general public of such action and shall notify the City Manager.
- C. The penalty for violation of any of the provisions established under the authority of this Article shall be as prescribed in 166-15 of this chapter.

**166-4. Schedules and tables; adoption of orders, rules and/or regulations.**  
[Added 04-27-83 by Ord. No. 10-83]

For the purpose of maintaining an accurate record of all orders, rules and/or regulations adopted and/or issued under the provisions of this chapter, there is hereby established a system of schedules **and tables**, appearing as Article **III and VI** of this chapter, in which shall be entered such orders, rules and/or regulations after adoption and/or issuance. Such schedules **and tables** shall be deemed a part of the section to which they refer. Orders, rules and/or regulations shall be adopted with reference to the appropriate schedule **or table**, as indicated in the various sections of this chapter.

**ARTICLE II**  
**TRAFFIC REGULATIONS**  
[Amended 09-09-81 by Ord. No. 16-81]

**166-5. Travel Restrictions.** [Added 04-27-83 by Ord. No. 10-83]

**A. Emergency Vehicles Only**

The streets or parts of streets indicated in Schedule E (166-52) shall be restricted to be used only by emergency vehicles as defined in RSA ~~259:1-VIII-a~~ **259:28**.

~~**B. Playing Fields** No unauthorized person shall operate a motor vehicle upon any playing field, play area or running track within the confines of a playground or park in the City of Dover, New Hampshire.~~

**C. B. Commercial vehicles travel restricted.** [Amended by Ord. 10-83; amended 05-15-91 by Ord. No. 19-91]

~~4.~~ The streets or parts of streets described in Schedule F (166-53) shall be restricted to pleasure vehicles and local delivery by commercial vehicles.

**VEHICLES AND TRAFFIC**  
**CHAPTER 166**

Through commercial vehicle traffic shall be prohibited.

- D. No persons shall operate a motor vehicle, OHRV, tracked or other motorized vehicle upon any city owned or controlled property except upon ways designed and designated for public access. Government owned vehicles and vehicles authorized by the Chief of Police are exempt. [Added 12-21-94 by Ord. No. 27-94]

**166-6. One-Way roadways designated.** [Added 04-27-83 by Ord. No. 10-83]

The streets or parts of streets described in Schedule A (166-48) are hereby designated as one-way streets, and vehicles shall proceed along those streets or parts of streets only in the direction indicated.

**166-7. Turning Restrictions.**

- A. No person shall make a turn of the kind designated (left, right, all) at any of the locations described in Schedule B (166-49). Emergency vehicles shall be exempted from the provisions of the this section.
- B. **Required right turns.**

It shall be unlawful for the operator of any motor vehicle to make any traffic movement other than a right-hand turn at the locations described in Schedule H (166-55).

**166-8. Stop Intersections.** [Amended 4-27-83 by Ord. No. 10-83]

The intersections described in Schedule C (166-50) are hereby designated as stop intersections, and stop signs shall be erected as indicated. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the cross walk on the near side of the intersection or, in the event that there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway, and shall remain stopped until such time as he can safely enter the intersection.

**166-9. Yield Intersections.** [Amended 04-27-83 by Ord. No. 10-83]

The intersections described in Schedule D (166-51) are hereby designated as yield intersections, and yield signs shall be erected as indicated. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event that there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway.

### **166-10. Misuse of vehicle.**

No person shall operate any vehicle within the City of Dover so as to make excessive noise by any of the following means:

- A. Misuse of power, acceleration or traction so as to spin the wheels in the manner commonly known as "laying rubber."
- B. Misuse of brake and stopping power in the deceleration of a motor vehicle where no emergency exists.
- C. Misuse of power, acceleration or traction by means of rapid upshift of transmission gears.
- D. Misuse of stopping or deceleration by means of rapid downshift of transmission gears.
- E. Racing of engine by means of the accelerator, carburetor, gear selector, either when the motor vehicle is in motion or stationary.

### **166-11. Snow Removal.**

No person shall deposit, or cause to be deposited, any ice or snow which has been removed from private property, in or upon any street, sidewalk or public place in the city, or deposit or cause to be deposited any ice or snow on private property in such manner as to obstruct the normal and reasonable flow of traffic in or upon any street, sidewalk or public place within the city.

### **166-12. (Reserved)**

### **166-13. (Reserved)**

### **166-14. (Reserved)**

### **166-15. Violations and Penalties.**

~~Any person found in violation of 166-5 through 166-11 of this chapter shall be guilty of a violation as provided by the Revised Statutes Annotated of the State of New Hampshire and shall be fined no less than twenty-five dollars (\$25.) for each offense. A violation of any provision in Article I of this chapter shall be punishable by a fine of up to \$1,000 for each offense.~~

**VEHICLES AND TRAFFIC  
CHAPTER 166**

**ARTICLE III  
PARKING; STOPPING; STANDING  
[Amended 09-09-81 by Ord. No. 16-81]**

**166-16. General Parking Restrictions.**

**A. Truck Parking**

Vehicles over nineteen (19) feet in overall length, with permission of the Chief of Police or his designated representative, may stop and unload merchandise in a parking space but under no circumstances shall any vehicle obstruct or impede the free flow of traffic.

**B. Designation of taxicab stands and bus stops.**

The Chief of Police may establish bus stops and taxicab stands on such public streets and in such places and such numbers as shall be determined to be of the greatest benefit and convenience to the public, and every such bus stop or taxicab stand shall be designated by an appropriate sign. It shall be unlawful for the owner/operator, owner or person having custody of any vehicle other than a bus or taxicab to park or permit same to be parked in an officially designated bus stop or taxicab stand.

**C. Loading and unloading zones.**

The Chief of Police may establish loading and unloading zones which shall be marked by appropriate signs. It shall be unlawful for the owner of any vehicle or any person having custody to any vehicle to park said vehicle or permit the same to be parked in any zone designated as a loading or unloading zone unless actually engaged in loading and unloading.

**D. Parking of commercial vehicles.**

1. It shall be unlawful for the driver of any bus or taxicab to stand or park upon any street in any business district at any place other than a bus stop or taxicab stand, except while actually engaged in taking on or leaving passengers.
2. No tractor-trailer combination or other truck, shall park on the travel portion of the street for the purpose of loading or unloading on Monday through Saturday, between the hours of 11:00 a.m. and 1:00 p.m. and from 3:30 p.m. to 6:00 p.m. upon the streets indicated in **Schedule K (166-58)**.
3. This section of the chapter shall not apply to trucks used on said streets for emergency purposes or while engaged in highway or other necessary maintenance or repairs.

**E. Restricted Parking. [Added 10-02-96 by Ord. No. 13-96]**

Henry Law Park. No person shall park a vehicle in designated parking at Henry Law Park and Recreation Facility unless they are a City Employee on city business or are present and using the recreational facility or grounds at Henry Law Park. The parking of vehicles for any other purpose is prohibited. Violators shall be subject to Schedule D fines under 166-30. Minimum Court fine shall be \$100.00.

**F. Parking for Primary Purpose of Advertising Prohibited. [Added 10-19-05 by Ord. No. 19-2005].**

No person shall park a vehicle upon any public way for the primary purpose of advertising goods or services, except as provided in Chapter 133 – Peddlers and Vendors. Violators shall be subject to ~~Schedule B~~ **Table B** fines under 166-30 (First Notice \$50.00, Minimum Court Fine \$100.00).

**166-17. General parking provisions.**

Except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or official traffic control device, no person shall:

A. Stop, stand or park a vehicle:

- (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (2) On a sidewalk.
- (3) Within an intersection.
- (4) On a crosswalk.
- (5) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (6) Upon any bridge or other elevated structure upon a highway or within a highway tunnel, unless a parking space is specifically provided.
- (7) On any railroad tracks.
- (8) Within twenty (20) feet of the corner of any intersecting street, unless a parking space is specifically provided.
- (9) It shall be unlawful for the owner or operator of any motor vehicle to park or allow to be parked any motor vehicle for any length of time in a designated fire lane. [Amended 02-24-82 by Ord. No. 3-82]

**VEHICLES AND TRAFFIC**  
**CHAPTER 166**

- (10) At any place where official signs prohibit parking.  
~~(a) one parking space on the westerly side of Green Street, immediately north of the Waldron Towers parking access way at the south end of the building, be reserved for police vehicles only.~~
- (11) In any parking place, whether on public or private property, specially designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol, unless that person has a special number plate, decals, or a card issued pursuant to RSA 261:86, 87 or 88, or a similar license plate, decal or card issued by another state or country displaying the international accessibility symbol and the persons who qualifies for the plate, decal or card is being transported to or from the parking place. [Amended 04-21-93 by Ord. No. 05-93]
- (12) In or overlapping into any access aisle. "Access aisle" shall mean a designated space for maneuvering a wheelchair or other mobility device when entering or exiting a vehicle, that is immediately adjacent to a properly designated parking space for persons with a walking disability, whether public or private property. Access aisles shall be so marked as to discourage parking in them. [Added 04-30-05 by Ord. No. 07-2005]
- B. Stand or park a vehicle, whether occupied or not, except momentarily, to pick up or discharge a passenger or passengers:
- (1) In front of or within five (5) feet of the edge of a public or private driveway.
  - (2) Within ten (10) feet of a fire hydrant.
  - (3) Within twenty (20) feet of a crosswalk at an intersection.
  - (4) Within twenty (20) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway.
  - (5) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted.
  - (6) Adjacent to any curb painted yellow or along any curb where there is a yellow line along the pavement adjacent to said curb.
  - (7) Within twenty (20) feet of the entrance to any multi-family complex consisting of five (5) or more units. [Added 11-16-83 by Ord. No. 32-83]

- C. Stand or park a vehicle in a roadway, other than paralleled with the edge of the roadway, headed in the direction of traffic, and with the right side of the vehicle within twelve (12) inches of the edge of the roadway, except as provided in the following subsections:
- (1) In locations where the Police Department shall have marked or cause to be marked off individual parking spaces on the public streets, public parking areas or highways of the city, in which case it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the spaces so designated, unless such vehicle is too large to be confined to one (1) such space.
  - (2) When a vehicle, truck, trailer or tractor-trailer is backed to the curb for the purpose of loading or unloading merchandise, in which case, the vehicle, truck, trailer or tractor-trailer shall be turned so as to stand as near parallel to the curb as possible and shall not stand or park a vehicle so as to obstruct the view of any traffic control device of other drivers traveling upon such a street.
- D. Stand or park a vehicle, whether occupied or not, upon the travel portion or shoulder of the roadway or parts there as listed in **Schedule I-(B)**, between 10:00 p.m. and 6:00 a.m.
- E. Notwithstanding the provisions of Subsection C, allow or permit a motor vehicle to stand unattended, ~~in any location on any public highway~~ within the City of Dover, without first stopping the engine, locking the ignition and removing the key from the vehicle.
- F. Display a disability placard issued pursuant to RSA 261:86, 87 or 88, or a similar placard issued by another state or country displaying the international accessibility symbol while parked in a metered or time limited parking area unless the person who qualifies for the placard is being transported to or from the parking place. **[Added 08-24-94 by Ord. No. 11-94]**

**166-18. Parking lots. [Amended 04-01-88 by Ord. No. 2-88]**

- A. The Police Department is authorized to sell and distribute monthly parking passes for the parking of motor vehicles in any ~~municipal owned parking lot~~ **municipally owned parking lot or parking area** so designated by the City Council, for such periods of time, under such conditions and at such rates as determined by the City Council.
- B. Parking in the City Hall parking lots shall be restricted to one-hour parking, Monday through Friday, from 9:00 a.m. to 5:00 p.m., except for publicly owned vehicles.
- C. ~~Excepting for those parking spaces otherwise designated with appropriate signing, no motor vehicle shall be parked in the Locust Street parking lot in said Dover, without the benefit of a permit issued by the Police Department. Said permit shall be numbered, indicate the registration number of the vehicle(s) for which the permit has been issued, indicate the expiration date of said permit and be conspicuously displayed on the driver's side of the dashboard. In addition to any parking violation notice issued as provided in this chapter, vehicles found in violation of this section may be towed from the lot and stored, the expenses of both to be paid by the registered owner of the vehicle. (RESERVED)~~

**VEHICLES AND TRAFFIC**  
**CHAPTER 166**

- D. ~~Excepting for those parking spaces otherwise designated with appropriate signing, no motor vehicle shall be parked in the Library Parking Lot in said Dover on Monday through Friday between the hours of 7:00 a.m. to 2:00 p.m., without the benefit of a permit issued by the Police Department. The said permit shall be numbered, indicate the expiration date and be conspicuously displayed on the driver's side of the dashboard. In addition to any parking violation notice issued as provided in this chapter, vehicles found in violation of this section may be towed from the lot and stored, the expense of both to be paid by the registered owner of the vehicle. (RESERVED)~~
- E. The Dover School Department is authorized to sell and distribute parking passes for parking motor vehicles in the Bellamy Parking Lot between August 25 and June 20, Monday through Friday or on school days, as set by the Dover School District Calendar, between the hours of 7:00 a.m. and 3:30 p.m. Parking rules and rates for permits shall be determined by the Dover School Department. Except for five (5) spaces, which shall be marked with appropriate signs and reserved for Bellamy Park users only, no motor vehicle shall be parked in the Bellamy Lot during this time period without the benefit of a permit issued by the School Department. Any vehicle found in violation of this section may be towed from the lot and stored, the expenses of both to be paid by the registered owner of the vehicle. The Dover School Department shall have the authority to enforce parking rules in the Bellamy Parking Lot in accordance with the requirements of NH RSA 262:40-a, and shall be responsible for maintenance and snow removal in the lot. [Added 05-17-95 by Ord. No. 07-95; amended 08-20-03 by Ord. No. 13-2003]

**166-19. Winter Parking.** [Amended 11-16-83 by Ord. No. 31-83; 03-11-87 by Ord. No. 5-87, Amended 11-11-98 by Ord. No. 15-98]

- A. No person shall, between the hours of 1:00 a.m. and 6:00 a.m. from the first day of December to the first day of April, park or allow to be parked any motor vehicle on any street or sidewalk within the City of Dover. The Chief of Police may, when deemed necessary because of weather conditions, suspend enforcement of this section upon giving notification of said suspension to the City Manager. Any vehicle parked on any public way contrary to the provisions of this section and interfering with municipal snow removal operations, shall, at the request of the Public Works Department, be towed from its place and stored as directed by the Police Department. The expenses of both towing and storage shall be paid by the owner of the vehicle before reacquiring the same.
- B. It shall be unlawful for any persons to park, place or leave, or cause to be parked, placed or left, any motor vehicle in and upon any municipally owned parking lot between the hours of 1:00 a.m. and 6:00 a.m. during the months of December, January, February and March, except upon written permit issued by the Chief of Police or his delegate, or as specifically permitted by signs posted in such parking lots by authority of the Chief of Police or his delegate in a manner reasonably calculated to facilitate snow removal. [Amended 04-20-05 by Ord. No. 10-2005]

- C. The Chief of Police shall have the authority, after consultation with the Community Services Director, to declare an emergency parking ban affecting some or all City streets to facilitate municipal snow removal operations. The same public notification requirements contained in section 166-3(B) shall apply. Any vehicle which is parked on a public way during an emergency parking ban time period and which is interfering with municipal snow removal operations shall be towed from its place and stored, the expenses of both to be paid by the owner of the vehicle before reacquiring the same. [Amended 03-11-87 by Ord. No. 5-87; amended 05-18-06 by Ord. No. 05-2006]
- D. Chronic Offenders. Any person with five (5) violations in a season will be fined \$100 for each subsequent offense. In addition to a fine, any vehicle to be found in violation of the aforementioned provisions may be towed by the direction of the Police Department and the expense of said towing will be at the expense of the owner of the vehicle. [Added 11-11-98 by Ord. No. 15-98]

**166-20. No Parking Anytime.**

The parking of vehicles is prohibited at all times in those streets or parts of streets described in Schedule I-(A) (166-56).

**166-21. ~~No Parking Certain Hours.~~** [Added 04-27-83 by Ord. No. 10-83]

~~The parking of vehicles is hereby prohibited in the locations described in Schedule J-(E) (166-57) during the hours indicated.~~ (RESERVED)

**166-22. Limited-time parking.** [Added 04-27-83 by Ord. No. 10-83]

The parking of vehicles is hereby prohibited in the locations described in Schedule J- (A through H) (166-57) for a longer period of time than that designated, during the hours indicated.

**166-23. (RESERVED)**

**166-24. (RESERVED)**

**166-25. (RESERVED)**

**166-26. (RESERVED)**

**166-27. (RESERVED)**

**VEHICLES AND TRAFFIC  
CHAPTER 166**

**166-28. Exceptions.**

- A. The provisions of the aforementioned 166-18 and 166-21 shall not apply to publicly owned vehicles nor to disabled persons who have obtained a disability parking permit from the State of New Hampshire or disabled or other persons who have obtained a parking permit from the Chief of Police.
- B. In any area in which parking is restricted, except the no-parking areas on the Central Avenue Bridge, the restriction shall not apply to vehicles loading or unloading when such loading and unloading is actually being accomplished and when such vehicle does not unreasonably block or impede traffic.

**166-29. Police Officer's Report.**

Any police officer observing a violation of 166-16 through 166-22 of this chapter shall issue a parking ticket, the copy of which shall be considered his report of the violation. The report shall contain information as follows:

- A. The location of the vehicle in violation of this ordinance.
- B. The state license plate number of the vehicle in violation.
- C. The time and date such vehicle is parked in violation.
- D. Any other pertinent facts which are necessary for a thorough understanding of the circumstances of the violation.

**166-30. First notice of violation; payment schedules tables .** [Amended 03-25-88 by Ord. No. 28-87; amended 04-19-2000 by Ord. No. 03-2000; amended 03-20-2002 by Ord. No. 15-2002; amended 04-20-05 by Ord. No. 06-2005]

- A. All parking violations enumerated in 166-16 through 166-46 shall be **SCHEDULE TABLE A** violations, except as follows:
  - (1) Violations of Section **166-16E, 166-17A(9) and 166-17A(12), and 166-17E** shall be **SCHEDULE TABLE B** violations.
  - (2) Violations of Section 166-17A(11) and 166-17F shall be **SCHEDULE TABLE C** violations.
- B. Parking violation schedules shall be as follows:

<b>(1) SCHEDULE TABLE A</b>			
(A)	FIRST NOTICE:	Fifteen dollars	\$15.00
(B)	FINAL NOTICE:	Thirty dollars	\$30.00
(C)	Minimum Court Fine:	Fifty dollars	\$50.00

**(1) SCHEDULE TABLE B**

(A)	FIRST NOTICE:	Fifty dollars	\$50.00
(B)	FINAL NOTICE:	Eighty dollars	\$80.00
(C)	Minimum Court Fine:	One hundred dollars	\$100.00

**(1) SCHEDULE TABLE C**

(A)	FIRST NOTICE:	Two hundred fifty dollars	\$250.00
(B)	FINAL NOTICE:	Two hundred fifty dollars	\$250.00
(C)	Minimum Court Fine:	Two hundred fifty dollars	\$250.00

C. Unpaid Fine Collection.

Any fine that is unpaid in accordance with chapter 166-30:B that is turned over to a collection service for action shall be as follows:

SCHEDULE A:	Fifty dollars	\$ 50.00
SCHEDULE B:	One hundred dollars	\$100.00

**166-31. Final notice of violation.** [Amended 3-11-87 by Ord. No. 5-87; amended 6-2-88 by Ord. No. 6-88; amended 04-19-00 by Ord. No. 03-2000]

- A. **Final Notice.** If the fine indicated for the first notice is not paid within five (5) days, the Chief of Police shall send a final notice violation to the owner of the vehicle. Such notice shall be sent to the address listed with the State Motor Vehicle Department of the state in which the vehicle is registered, shall be sent by First Class mail and shall instruct him/her that he/she may avoid further prosecution and fine by paying the City of Dover Police Department the final notice payment in the applicable payment schedule for that violation.
- B. **Final Notice Requirement Waiver.** If the final notice of violation required in Subsection A above is returned to the Police Department by the United States Postal Service as undeliverable to the addressee for any reason, the notice returned shall be considered evidence that the Police Department has complied with the provisions of Subsection B.

**166-32. Payment not an admission of guilt.**

Such payment as outlined in 166-30 and 166-31 of this chapter shall not constitute an admission of guilt nor a determination of guilt. ~~On receipt of payment, no further action shall be taken by the Dover Police Department on such violation. The charge in the aforementioned cases is not a fine or penalty.~~

*VEHICLES AND TRAFFIC*  
*CHAPTER 166*

**166-33. Summons to Court/Towing or Immobilization of motor vehicle for Non-payment of parking fines** [Amended 03-11-87 by Ord. No. 5-87; Amended 08-03-88 by Ord. No. 09-88]

- A. Any person to whom is sent or issued notification of a violation or violations of the preceding section of this Article and who does not pay the charges prescribed above may be summonsed to the Dover District Court. The penalty for a violation of this Article in such case shall be no less that the fine indicated in Chapter 166-30, no portion of which may be suspended. If a person fails to appear after being summonsed, the vehicle involved shall be subject to immobilization in accordance with Section B below. [Amended 05-19-93 by Ord. No. 10-93]
- B. Any vehicle found parked on any public street, parking lot or any other place for which three (3) or more outstanding parking violation "Final Notices" for violations or preceding section have been sent ~~equaling at least Fifty dollars (\$50)~~ may be subject to towing and storage or immobilization by the Police Department provided notice of intent to tow and store or immobilize said vehicle has been sent to the address listed with the State Motor Vehicle Department of the State in which the vehicle is registered. Said notice shall contain the following information [Amended 04-19-00 by Ord. No. 03-2000]:

1. The date, time and location of the violations leading to the issuance of this notice;
2. That the subject vehicle shall be subject to towing and storage or immobilization after a specific date of not less than five (5) days subsequent to the date of the notice unless the matter is resolved;
3. That the recipient of the notice may contact the Police Department and request a hearing on the subject of the violations.
  - a. Hearing. At the request of any recipient of a notice pursuant to this section, the designated member of the Police Department shall arrange a hearing. Such designated member of the Police Department shall conduct and preside over such hearings which shall be informal. At such hearing, the owner of the motor vehicle that is the subject of the hearing, may present any relevant facts or information on the issue.

The decision of the Hearing Officer shall be final, subject only to a judicial review.

- 1) Upon receipt of the request for a hearing, a vehicle shall not be towed and stored or immobilized until such requested hearing is conducted.
- C. Any vehicle towed and stored or immobilized in accordance with the preceding may be released as follows:

1. By payment of all charges due including an administrative fee of twenty-five dollars (\$25.). [Amended 04-19-00 by Ord. No. 03-2000]
  2. By order of the Chief of Police or the person designated to conduct hearings in accordance with Section B3(a) above, after a hearing has been conducted.
  3. By posting cash bond with the Police Department in an amount sufficient to make full payment of all parking charges due arising out of violations subject to the provisions of this Chapter in order to allow judicial determination regarding the matter in question.
  4. By judicial determination.
- D. In the event that any motor vehicle has been towed and stored or immobilized pursuant to this Chapter, a further precondition to the release of said vehicle shall be the payment by the party desiring the release of said vehicle of all fees and charges incurred by the City for the towing and storage or immobilization of said vehicle.
- E. When a motor vehicle has been immobilized pursuant to the provisions of this Chapter, the Police Department shall affix a warning notice on the windshield of the vehicle advising the driver not to attempt to operate the vehicle or remove the immobilization device, and advising the operator or owner of the steps to be taken to have the immobilization device removed.
- F. Any person attempting to remove a Police Department immobilization parking device from a vehicle without authorization by the Police Department, shall be guilty of a violation, and fined One Hundred Dollars (\$100), no portion of which may be suspended.

**ARTICLE IV**  
**METERED PARKING**  
[Amended 08-19-81 by Ord. No. 13-81]

**166-34. Definitions.**

Whenever in this Article the following terms are used, they shall have the meanings respectively ascribed to them in this section:

**PARKING METER** - A mechanical device located upon a public highway or sidewalk in a place regularly designed as a parking zone as hereinafter defined, which device shall record a certain number of minutes by the use of a clock mechanism determining the period of time for which parking privileges may be extended to the person so depositing a coin or any device which produces a ticket upon which the time for which parking privileges are extended may be printed.

**VEHICLES AND TRAFFIC**  
**CHAPTER 166**

**PARKING METER ZONE** - Any designated section of the public highway within which a motor vehicle may be temporarily parked and allowed to remain for such period of time as indicated upon the parking meter attached therein.

**PERSON** - Any individual, company, firm, corporation, association or other organization.

**PUBLIC HIGHWAY** - ~~Any road, street, avenue, boulevard, court, parking lot or way legally accepted for maintenance and dedicated to public use by the legislative authority~~  
**The entire width between the boundary lines of any public highway, street, avenue, road, alley, park or parkway, or any private way laid out under authority of statute or approved by the Planning Board, or any such way provided for public use, or any such way which has been used for public travel thereon for 20 years, or any public or private parking lot which is maintained primarily for the benefit of paying customers** of the state and city.

**SIDEWALK** - That portion of a public highway between the ~~curb and adjacent property lines~~  
**edge of the traveled way and the limit of the public right-of-way, laid out as such by the City or reserved by custom for the use of pedestrians.**

**VEHICLE** - Any device by which any person or property may be transported upon a public highway, except those operated upon rails or permanent tracks.

**166-35. Applicability.**

- A. The rules and regulations herein contained pertaining to the control of motor vehicle traffic and parking areas shall apply to any person, company, firm, corporation, association or other organization.
- B. The City Council of the City of Dover may, by resolution, suspend the operation of this Article for temporary periods in cases of emergency, for the public good or for other reasons which, to it, appear to justify such suspension. If any section or part of a section of this Article is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining sections or part thereof.

**166-36. Installation of meters.**

The City of Dover shall provide for the installation, regulation and operation of such meters and provide curb and street marking lines therefore. Meters shall be placed upon the curb in relation to the individual parking spaces or, in the case of a so-called master parking meter, shall be placed at a designated ~~entrance for the parking area~~ **location to be controlled by said master parking meter**, and shall be constructed so as to show the limit of legal parking upon deposit of ~~a coin or coins of the United States~~ **payment** and to provide some signal, ticket or some other mechanical device showing the expiration of said parking. The Chief of Police may designate and have specially marked at such place or places as he shall deem advisable parking spaces wherein it shall be unlawful for anyone to park or leave standing, or cause or permit to be left

parked or standing, any vehicle for more than fifteen (15) minutes, and proper parking meters shall be installed that indicate illegal parking upon the expiration of that time.

**166-37. Hours of operation.** [Amended 01-13-88 by Ord. No. 34-87]

Parking meters shall be in operation daily between the hours of 8:00 a.m. and 6:00 p.m., except on Saturdays, Sundays and legal holidays.

**166-38. Unlawful acts; separate violations.**

The following shall be considered violations of this Article:

- A. It shall be unlawful for any person to park or allow any vehicle registered in his name to be parked in a parking meter zone so that vehicle is not entirely within the area designated or delineated by lines or markings.
- B. It shall be unlawful for any person to park or allow any vehicle registered in his name to be parked in excess of nineteen (19) feet in overall length in a parking meter zone except as provided in 166-39.
- C. It shall be unlawful for any person to park or allow any vehicle registered in his name to be parked or left standing in any area where parking is controlled by a master parking meter:
  - (1) Without purchasing a ticket from said master parking meter for such parking or standing time.
  - (2) Without displaying any ticket so purchased in a position on the dashboard of the vehicle in order that the time printed on said ticket may be clearly visible from outside the vehicle.
  - (3) After parking or standing time which has been purchased has expired.
  - (4) Displaying an altered or falsified ticket or any ticket that has not been purchased from the master parking meter controlling the parking space in which the vehicle displaying the ticket is parked.
- D. Each subsection of the acts described in Subsection C(1) to (4) shall constitute a separate violation and additional violation. It shall further be unlawful for any person to park or allow any vehicle registered in his name to remain parked in a parking meter zone when time purchased on the parking meter for that space has expired, except as provided in 166-37.

**VEHICLES AND TRAFFIC**  
**CHAPTER 166**

- E. It shall be unlawful for any person to park or allow any vehicle registered in his name to be parked or left standing on any public highway or part of a public highway within the city in a parking meter zone without conforming to the provisions of this Article.
- F. Where a violation of this Article is found, each additional one (1) hour that a vehicle is so parked in violation shall constitute a separate additional violation.
- G. **Exceptions.** The provisions of the aforementioned sections of this Article shall not apply to publicly owned vehicles nor to persons who are disabled and have obtained permission so to park from the Chief of Police.

**166-39. Truck Parking.**

Vehicles over nineteen (19) feet in overall length, with permission of the Chief of Police or his designated representative, may stop and unload merchandise in a parking meter zone, but under no circumstances shall any vehicle obstruct or impede the free flow of traffic.

**166-40. Contractor parking.**

The Chief of Police, or his designated representative, may permit plumbers, electricians or other contractors to park in any area, without regard to meter fees or time restrictions, provided that it is essential to work being done in the immediate area. [Amended 04-20-05 by Ord. No. 09-2005]

**166-41. (Reserved)**

**166-42. Penalties and procedures.** [Added 03-11-87 by Ord. No. 05-87]\*

Any violations of any section of this Article shall be handled by the Police Department in accordance with the procedures and penalties for other parking violations in Article III, 166-29, 166-30, 166-31, 166-32, and 166-33.

**166-43. Registration of Motor Vehicles.** [Added 06-02-88 by Ord. No. 08-88]

The provisions of RSA 231:130-a, Notification of Unpaid Fines, is hereby adopted by the City of Dover, New Hampshire. Pursuant to the adoption of RSA 231:130-a, the Tax Collector shall:

1. Maintain a record in the office of the Tax Collector which shall contain a listing of all residents of the City of Dover who have outstanding parking violations incurred in municipalities that have adopted the provisions of this section.
2. Notify the Town or City Clerk of any other municipality that has adopted the provisions of this section of any outstanding parking violations incurred by

residents of such municipality within the limits of the notifying municipality.

3. Notify the Town or City Clerk of any municipality that has adopted the provisions of this section of the payment of any outstanding parking violations incurred by residents of such municipality within the limits of the notifying municipality. Such action shall be taken within ten (10) days of the payment of the outstanding violation.
4. The Tax Collector shall update and keep readily available the records required by RSA 231:30-a, (1), in order that such records may be consulted at such time as residents of such municipalities apply for permits for the registration of motor vehicles pursuant to RSA 261:148.
5. Furthermore, no resident in the City of Dover shall be allowed to register a motor vehicle until all outstanding parking violations have been paid to the City of Dover or to any other municipality that has adopted the provisions of RSA 231:130-a.

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**\*Editor's Note: This ordinance also repealed former 166-42, Police Officer's Report.**

**166-44. (Reserved)\***

**166-45. (Reserved)\***

**166-46. (Reserved)\***

## **ARTICLE V WEIGHT LIMITS**

~~**166-47. Weight limit; authority.** [Amended 04-27-83 by Ord. No. 10-83]~~

~~—The purpose of this Article is to set a gross weight limit of ten (10) tons on the so-called Central Avenue Bridge and to authorize the Community Services Director to advertise said limit by posting signs at the northerly approaches to said bridge.~~

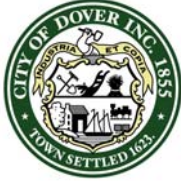
**VEHICLES AND TRAFFIC  
CHAPTER 166**

**ARTICLE VI  
SCHEDULES**

**[Amended 09-09-81 by Ord. No. 16-81; 10-28-91 by Ord. No. 18-81; 11-10-81 by Ord. No. 20-81; 02-24-82 by Ord. No. 04-82; 06-09-82 by Ord. No. 11-82; 09-08-82 by Ord. No. 14-82; 09-08-82 by Ord. No. 15-82; 09-22-82 by Ord. No. 18-82; 10-13-82 by Ord. No. 19-82; 04-27-83 by Ord. No. 10-83]**

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**\*Editor's Note: This ordinance also repealed former 166-43, First notice of violation; 166-44, Second Notice of Violation; 166-45, Payment not admission of guilt; and 166-46, Summons to court; were repealed 03-11-87 by Ord. No. 05-87.**



CITY OF DOVER

## CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2

Ordinance Number:

Ordinance Title:

**O – 2008.07.23.7**

Chapter:

Chapter 166, Vehicles and Traffic, No Parking At Anytime

The City of Dover Ordains:

### 1. PURPOSE

The purpose of this ordinance is to amend Chapter 166, entitled “Vehicles and Traffic” by adding new locations to the list of streets in 166-57 “Schedule J: Limited Time Parking” which limit parking in excess of two hours, and by revising 166-56 “Schedule I; No Parking at Any Time”.

### 2. AMENDMENT

Chapter 166 entitled “Vehicles and Traffic” is hereby amended by revising Section 166-57, “Schedule J: Limited Time Parking” as follows:

B. In accordance with the provisions of 166-22, it shall be unlawful for the owner or operator of any motor vehicle to park or allow to be parked any motor vehicle for more than two (2) hours in the following described locations:

#### a. The following are added:

**STREET:**

**LOCATION:**

Sunset Drive

Both sides for the entire length, between the hours of 8:00 AM and 2:00 PM, Monday through Friday, between September 1<sup>st</sup> and June 15<sup>th</sup>.

Hartswood Road

Both sides for the entire length, between the hours of 8:00 AM and 2:00 PM, Monday through Friday, between September 1<sup>st</sup> and June 15<sup>th</sup>.

Lisa Beth Drive

Both sides for the entire length, between the hours of 8:00 AM and 2:00 PM, Monday through Friday, between September 1<sup>st</sup> and June 15<sup>th</sup>.

Lisa Beth Circle

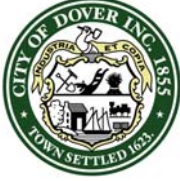
Both sides for the entire length, between the hours of 8:00 AM and 2:00 PM, Monday through Friday, between September 1<sup>st</sup> and June 15<sup>th</sup>.

Adelle Drive

Both sides for the entire length, between the hours of 8:00 AM and 2:00 PM, Monday through Friday, between September 1<sup>st</sup> and June 15<sup>th</sup>.

Sylvan Drive

Both sides for the entire length, between the hours of 8:00 AM and 2:00 PM, Monday through Friday, between September 1<sup>st</sup> and June 15<sup>th</sup>.



CITY OF DOVER

## CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2

Ordinance Number:  
Ordinance Title: **O – 2008.07.23.7**  
Chapter: Chapter 166, Vehicles and Traffic, No Parking At Anytime

**b. The following are repealed or amended as shown:**

166-56, Schedule I

- ~~Lisa Beth Circle~~ — ~~Both sides, for the entire length, from 7:30 AM to 2:30 PM Monday through Friday, between September 1 and June 15~~
- ~~Lisa Beth Circle~~ — ~~Both sides southerly from a distance of 200 feet to 700 feet, 7:30 AM to 2:30 PM, Monday through Friday, between September 1 and June 15.~~
- Bellamy Road — Easterly side, from the intersection with Cataract Avenue southerly to ~~the property line of 28 Bellamy Road~~ **Alumni Drive**
- ~~Bellamy Road~~ — ~~Easterly side from #28 southerly to Alumni Drive 7:30 AM to 2:30 PM, Monday through Friday, between September 1 and June 15~~

**3. TAKES EFFECT**

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

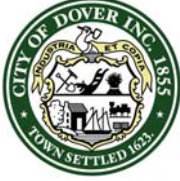
### AUTHORIZATION

Approved as to Funding: Daniel R. Lynch  
Finance Director

Sponsored by: Councilor Dean Trefethen

Approved as to Legal Form: Allan B. Krans, Sr.  
City Attorney

Recorded by: Karen Lavertu  
City Clerk



CITY OF DOVER

## CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2

Ordinance Number:

Ordinance Title: **O – 2008.07.23.7**

Chapter:

Chapter 166, Vehicles and Traffic, No Parking At Anytime

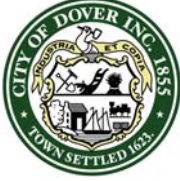
### DOCUMENT HISTORY:

First Reading Date:  
Approved Date:

Public Hearing Date:  
Effective Date:

### DOCUMENT ACTIONS:

<b>VOTING RECORD</b>		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor*	n/a	n/a
Councilor , Ward 1 - Vacancy		
Councilor Douglas DeDe, Ward 2		
Councilor David Scott, Ward 3		
Councilor Dean Trefethen, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does   does not pass.		
* Deputy Mayor not elected at time of vote.		



CITY OF DOVER

## CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2

Ordinance Number:  
Ordinance Title: **O – 2008.07.23.7**  
Chapter: Chapter 166, Vehicles and Traffic, No Parking At Anytime

### ORDINANCE BACKGROUND MATERIAL:

Dover High School students who have attained legal driving age have relied on personal vehicles for transportation in increasing numbers over the years. In 2003, the Dover High School adopted a paid parking permit program to help manage student parking on school grounds. Since then, student parking has increased on neighborhood streets near the high school. A certain percentage of the student population will choose not to pay for a permit or will not be eligible for one. The school cannot control the parking behaviors of its students who park off site. On a fairly consistent basis, DHS and DMS lots are underutilized.

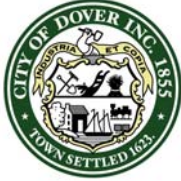
Neighborhood parking by DHS students brings a number of associated public safety hazards. There are imminent public safety concerns associated with increased student pedestrian traffic on Route 108 (Durham Road) or on Bellamy Road, where many of the students park on the neighborhood streets and then walk to and from the school. This increases the potential for collisions when drivers stop suddenly for pedestrians who may or may not be utilizing a crosswalk. Many of these affected neighborhood streets are not designed to accommodate long term parking on both sides, resulting in narrowed travel lanes. The police department has fielded complaints regarding excessive noise, littering, and excessive speed in the neighborhoods.

In 2004, residents of Lisa Beth Circle petitioned the City for relief. The result was an ordinance that restricted all parking on that street during school hours. This eliminated the problem of student parking, but it also restricted all parking (including residents, guests, contractors working on their homes, etc.) Once an ordinance was passed to restrict parking on Lisa Beth, the problem expanded outward to other neighborhood streets.

The implementation of time limited parking on these neighborhood streets would be less restrictive than a blanket parking ban. It is also consistent with timed parking restrictions in effect in the downtown area, which ensure that parking turns over appropriately for customers of the downtown merchants. It is intended to allow residents, their guests, and contractors who work on their homes to park on the affected streets during the school day, but keep those who would otherwise park for the entire time period (students) from utilizing the areas. The affected streets would be posted with signs reading “Two Hour Parking – Mon-Fri, 8 AM – 2 PM, Sept 1 – June 15”.

As is the case in the downtown area, residents can receive an on-street parking permit from the police department (in this case at no charge) to exempt them from the two hour limit. The police department will enforce the two hour parking restriction only upon complaint from the residents.

The Transportation Advisory Commission has heard concerns from residents of these neighborhoods. Lisa Beth Drive residents have also expressed their favor of a less restrictive ordinance compared to their current restriction. The Transportation Advisory Commission recommends that this ordinance revision be adopted for each of the public streets named. These streets are within a 1500’ radius of Dover High School.



CITY OF DOVER

## CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.3

Ordinance Number: **O – 2008.07.23.8**  
Ordinance Title: Rezoning K-6 from ETP to R-40  
Chapter: Chapter 170, Zoning

The City of Dover Ordains:

**1. PURPOSE**

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, to incorporate an amendment that redefines the allowances for “eating and drinking establishments with drive thru service” within the Hotel/Retail (B-4) Districts in the City of Dover.

**2. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Executive Technology Park (ETP) to Rural Residential (R-40) an area of approximately 18 acres located Middle Road consisting of a portion of parcel K-6 west of Middle Road.”

**3. TAKES EFFECT**

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

### AUTHORIZATION

Approved as to Funding: Daniel R. Lynch  
Finance Director

Sponsored by: Dean Trefethen, Councilor Ward 4

Approved as to Legal Form: Allan B. Krans, Sr.  
City Attorney

David Scott, Councilor Ward 3

Recorded by: Karen Lavertu  
City Clerk



CITY OF DOVER

## CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.3

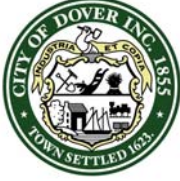
Ordinance Number: **O – 2008.07.23.8**  
Ordinance Title: Rezoning K-6 from ETP to R-40  
Chapter: Chapter 170, Zoning

### DOCUMENT HISTORY:

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

### DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor*	n/a	n/a
Vacant, Ward 1		
Councilor Douglas DeDe, Ward 2		
Councilor David Scott, Ward 3		
Councilor Dean Trefethen, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does   does not pass.		
* Deputy Mayor not elected at time of vote.		



CITY OF DOVER

## CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.3

Ordinance Number: **O – 2008.07.23.8**  
Ordinance Title: Rezoning K-6 from ETP to R-40  
Chapter: Chapter 170, Zoning

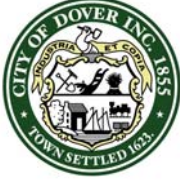
### ORDINANCE BACKGROUND MATERIAL:

Please see attached letter from the landowner, and accompanying map.

On May 6<sup>th</sup>, 2008 the Planning Board received a letter from Mrs. Helen Preston of 130 Middle Road (Assessor's Map K lot 6), asking the Board to rezone her property from Executive Technology Park (ETP) to Rural Residential (R-40), as per chapter 170 – 53.

On May 27<sup>th</sup>, 2008 the Planning Board posted the rezoning and scheduled a public hearing adhering to 170-53C. The public hearing was held on June 24<sup>th</sup>, 2008.

On July 8, 2008 the Planning Board unanimously voted to adopt this ordinance, and forward it onto the City Council for ratification.



CITY OF DOVER

# CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.4

Ordinance Number: **O – 2008.07.23.8**  
 Ordinance Title: Restricting Residential uses in the B-3, O and UMUD Districts  
 Chapter: Chapter 170, Zoning

The City of Dover Ordains:

### 1. PURPOSE

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, to amend the allowance for residential structures in the B-3 (Thoroughfare Business District) O (Office) and UMUD (Urban Mixed Use District) Districts in the City of Dover.

### 2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12, Applicability of Table of Use Regulations: Table I: Principal Uses, Part A, by amending as follows:

“A. Residential Uses.

USES	B-3
CONVERSION OF EXISTING DWELLING TO ACCOMMODATE NOT MORE THAN 4 UNITS	<del>S</del> -
CONVERSION OF EXISTING DWELLING TO ACCOMMODATE 5 OR MORE UNITS	<del>S</del> -

And; revising footnote numbers [9] and [23] to read as follows:

[9] Provided that the lot contain at least six hundred (600) square feet for each dwelling unit and that each dwelling unit contain at least six hundred (600) square feet of gross floor area, **and that dwelling units are allowed only in the second story or higher of a structure. Units must be contained within an existing structure.**

[23] Provided that the lot contain at least five thousand (5,000) square feet for each dwelling unit, **and that dwelling units are allowed only in the second story or higher of a newly constructed structure.**

### 3. TAKES EFFECT

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

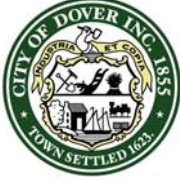
## AUTHORIZATION

Approved as to Funding: Daniel R. Lynch  
Finance Director

Sponsored by: Dean Trefethen, Councilor Ward 4  
Planning Board Representative

Approved as to Legal Form: Allan B. Krans, Sr.  
City Attorney

Recorded by: Karen Lavertu  
City Clerk



CITY OF DOVER

## CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.4

Ordinance Number: **O – 2008.07.23.8**  
 Ordinance Title: Restricting Residential uses in the B-3, O and UMUD Districts  
 Chapter: Chapter 170, Zoning

### DOCUMENT HISTORY:

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

### DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor*	n/a	n/a
Vacant, Ward 1		
Councilor Douglas DeDe, Ward 2		
Councilor David Scott, Ward 3		
Councilor Dean Trefethen, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does   does not pass.		
* Deputy Mayor not elected at time of vote.		



CITY OF DOVER

## CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.4

Ordinance Number: **O – 2008.07.23.8**  
 Ordinance Title: Restricting Residential uses in the B-3, O and UMUD Districts  
 Chapter: Chapter 170, Zoning

### ORDINANCE BACKGROUND MATERIAL:

Included as part of the 2007 update to the Land Use chapter of the City’s Master Plan, are over 40 recommendations. As part of that list “MU4 – Restrict allowed residential uses in non-residential zones to be limited to the second floor or above” promotes first floor commercial uses in these districts. Following up on that recommendation, staff developed this ordinance change.

The following are the anticipated affects of this ordinance:

In the B-3 (Thoroughfare Business) District, current regulations allow for the conversions for one (1) unit to four (4) or more units with special exception. Additionally, multi-family dwelling units are allowed with special exception, and may be on the first floor.

Under the proposed regulations, conversions are not allowed to create more than two (2) units, and multi-family dwelling units are allowed only in the second story or higher of a newly constructed structure.

The B-3 districts are in the following locations of the City:

- Dover Point Road (Weathervane)
- Dover Point Road (Thornwood Lane to Constitution)
- Central Avenue (Exit 7 interchange)
- Silver Street (Exit 8 interchange)
- Portland Avenue (Opposite Guppy Park)
- Broadway (Railroad Bridge – Oak Street)
- Oak and Central Ave
- Central Avenue (Miracle Mile)
- New Rochester Road (Strafford Farms – Long Hill)

In the UMUD (Urban Mixed Use District) District, current regulations allow for multi-family dwelling units and they may be on the first floor.

Under the proposed regulations, multi-family dwelling units are allowed only in the second story or higher of a newly constructed structure.

The UMUD districts are in the following locations of the City: Dover Point Road (Weathervane)

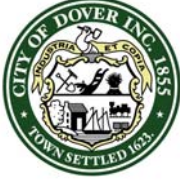
- Main Street (Pacific Mills)
- Charles/Mill Street (Sawyer Mills)

In the O (Office) District, current regulations allow 3 to 4 units provided there is 5000 s.f. per unit on the lot.

Under the proposed regulations, 3 to 4 units are allowed provided there is 5000 s.f. per unit on the lot and dwelling units are allowed only in the second story or higher of a newly constructed structure..

The O districts are in the following locations of the City:

- Silver/Locust Streets (Belknap to St Thomas)
- Central Avenue (Sixth Street to WDH)
- Central Avenue (WDH)



CITY OF DOVER

## CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.4

Ordinance Number: **O – 2008.07.23.8**  
Ordinance Title: Restricting Residential uses in the B-3, O and UMUD  
Districts  
Chapter: Chapter 170, Zoning

- New Rochester Road (Weeks Crossing to Willand Pond)

The Planning Board first reviewed this recommendation on April 8<sup>th</sup>, 2008 when the board had a workshop on the proposal, as well as discussed it during their regular meeting that night. On April 22<sup>nd</sup>, the board discussed and posted the proposal. On May 13<sup>th</sup>, 2008 the Board held a public hearing on the item, and discussed it further on the 27<sup>th</sup> of May. At that meeting the Board requested a further workshop, which was held on June 24<sup>th</sup>, 2008.

On July 8, 2008 the Planning Board unanimously voted to adopt this ordinance, and forward it onto the City Council for ratification.

*FROM THE DESK OF CLAUDETTE COLOKATHIS*  
*67 Oak Street*  
*Dover, New Hampshire*

July 3, 2004

Honorable Mayor and Members of the City Council  
Municipal Building  
288 Central Avenue  
Dover, New Hampshire 03820

Dear Mayor and Members of the City Council:

I've lived most of my life in Dover, and most of that time on 67 Oak Street. The street has (1) 30 mile an hour speed limit posted and almost everyone exceeds that speed, going 50+ miles an hour when they pass my home. Last week I was almost hit when someone dropped me off across from my home, as I attempted to cross the street. Cars are going too fast to slow down, in fact, several times a week, you hear cars blowing their tires or losing hub caps, as they are going too fast to make the curve. Cars have almost been hit leaving my driveway.

Maybe you need to hang a blinking yellow light in an attempt to slow cars down before they get to the intersection, and before they get to the houses that sit so closely to the street. There are children on this street, it is not a highway. Something should be done before someone gets killed on Oak Street – speed needs to be reduced and it needs to be strictly enforced. Rollinsford Police stop cars all the time. Please do what you can to resolve this situation and to keep the residents of this street safer. To correct this situation, I don't think is an expensive proposition for the City.

Thank you in advance for your efforts.

Respectfully,

  
Claudette B. Colokathis