



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 10, 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 RE: RENAMING OF LONG HILL ROAD EXTENSION TO SANDY LANE

SPONSORED BY COUNCILOR WESTON

B. RESOLUTION RE: RENAMING OF VARNEY ROAD EXTENSION TO LAURA LANE

SPONSORED BY COUNCILOR WESTON

C. RESOLUTION RE: FISCAL YEAR 2009 BUDGET- AMENDMENT # 1

SPONSORED BY COUNCILOR MCCUSKER AND COUNCILOR TREFETHEN

D. RESOLUTION RE: DISSOLUTION OF ARENA FUND INTO GENERAL FUND- FY09 BUDGET AMENDMENT #2

SPONSORED BY COUNCILOR TREFETHEN

E. RESOLUTION RE: NAMING OF THE LIBERTY NORTH END FIRE STATION

SPONSORED BY MAYOR MYERS BY REQUEST

F. RESOLUTION RE: INCREASE IN PRICE FOR DOVER TRASH BAGS AND TAGS

SPONSORED BY COUNCILOR DEDE

G. ORDINANCE: CHAPTER 166-53 SCHEDULE F VEHICLES AND TRAFFIC

SPONSORED BY COUNCILOR WESTON

H. ORDINANCE: HENRY LAW AVENUE ONE WAY

SPONSORED BY COUNCILOR WESTON

8. CITY MANAGER'S REPORT

9. MINUTES

- A. MINUTES FROM – August 6, 2008 (to be removed from table)**
– August 27, 2008
– September 3, 2008

10. MAYOR'S REPORT



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11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING

1. **ORDINANCE: CHAPTER 166-53 SCHEDULE F VEHICLES AND TRAFFIC
SPONSORED BY COUNCILOR WESTON**
2. **ORDINANCE: HENRY LAW AVENUE ONE WAY
SPONSORED BY COUNCILOR WESTON**

B. ORDINANCES IN THE 3RD READING – NONE

C. RESOLUTIONS

1. **RESOLUTION RE: RENAMING OF LONG HILL ROAD EXTENSION TO SANDY
LANE
SPONSORED BY COUNCILOR WESTON**
2. **RESOLUTION RE: RENAMING OF VARNEY ROAD TO LAURA LANE
SPONSORED BY COUNCILOR WESTON**
3. **RESOLUTION RE: FISCAL YEAR 2009 BUDGET- AMENDMENT # 1
SPONSORED BY COUNCILOR MCCUSKER AND COUNCILOR TREFETHEN**
4. **RESOLUTION RE: DISSOLUTION OF ARENA FUND INTO GENERAL FUND
FY09 BUDGET AMENDMENT
SPONSORED BY COUNCILOR TREFETHEN**
5. **RESOLUTION RE: NAMING OF THE LIBERTY NORTH END FIRE STATION
SPONSORED BY MAYOR MYERS BY REQUEST**
6. **RESOLUTION RE: INCREASE IN PRICE FOR DOVER TRASH BAGS AND TAGS
SPONSORED BY COUNCILOR DEDE**
7. **RESOLUTION RE: MUNICIPAL INFORMATION TECHNOLOGY ACCEPTABLE
USE POLICY (TO BE REMOVED FROM TABLE)
SPONSORED BY MAYOR MYERS**
8. **RESOLUTION RE: AMENDMENT TO COUNCIL RULES-RULE 10: FILING WITH
CLERK (TO BE REMOVED FROM TABLE)
SPONSORED BY COUNCILOR CHENEY**
9. **RESOLUTION RE: AMENDMENT TO COUNCIL RULES-RULE 15:
PROCEDURES AND FILING WITH THE COUNCIL (TO BE REMOVED FROM
TABLE)
SPONSORED BY COUNCILOR CHENEY**



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**10. RESOLUTION RE: AMENDMENT TO COUNCIL RULES-RULE 15.2:
COLLECTIVE BARGAINING AGREEMENTS (TO BE REMOVED FROM TABLE)
SPONSORED BY COUNCILOR CHENEY**

12. NEW BUSINESS

A. CONSENT CALENDAR

1. **PARADE - Benevolent and Protective Order of Elks**
2. **RESOLUTION RE: WINTER ROAD SALT FOR DOVER, ROCHESTER AND SOMERSWORTH B09013
SPONSORED BY MAYOR MYERS BY REQUEST**
3. **RESOLUTION RE: CHANGE ORDER INDIAN BROOK DR B07041
SPONSORED BY MAYOR MYERS BY REQUEST**
4. **RESOLUTION RE: SUPPORT OF LGC POLICY PROPOSALS
SPONSORED BY MAYOR MYERS BY REQUEST**
5. **RESOLUTION RE: COUNCIL ADOPTION OF CITY MANAGER EVALUATION
SPONSORED BY MAYOR MYERS BY REQUEST**
6. **RESOLUTION RE: DUC MEMBERSHIP EXTENSION
SPONSORED BY MAYOR MYERS BY REQUEST**

COMMITTEE REPORTS

- | | |
|---|---------------------------------------|
| 1. Appointments Committee | 7. School Board Liaison |
| 2. Arena Commission | 8. Solid Waste Advisory Commission |
| 3. Arts Commission | 9. Transportation Advisory Commission |
| 4. McConnell Center Oversight Committee | 10. Joint Building Committee |
| – Councilor DeDe | 11. Recreation Advisory Board |
| 5. Planning Board – Deputy Mayor D. Trefethen | 12. Coast Bus |
| 6. Cable Access Committee | 13. Joint Fiscal Committee |

B. RESOLUTIONS -- NONE

C. ORDINANCES IN 1ST READING – NONE

D. COUNCIL CORRESPONDENCE

13. COUNCIL MATTERS OF INTEREST

14. ADJOURN

City Manager's Report

September 10, 2008



Submitted by:

J. Michael Joyal, Jr.
City Manager

288 Central Avenue
Dover NH 03820
603.516.6023

STREETS, WATER, SEWER UPDATES

Utilities: Bill Boulanger met with engineers and discussed bidding on the Leighton Way Pump Station Project. Specifications were put together for the V.F.D. (Variable Frequency Drive) damage at the wells. Griffin Well was cleaned out. Crews were looking for inflow and infiltration services in the Rutland Street area. Sewer cleaning was completed on Broadway and they have started cleaning the Mt. Vernon Street area as well. Crews worked on Broadway tying over streets and homes onto a 12" main and they continued to work on the under drain at the McConnell Center. A possible illicit connection was re-investigated on Maple Street but nothing was found. Crews repaired a leak on Salem Avenue as well as a broken water main on Bellamy Road. On Boyle Street, 100' of a 4" water main was unplugged and the city is waiting on a rodding machine to complete the work. A hydrant which was hit by a vehicle was replaced on Broadway and St John Street. A water break was repaired on an old 6" main in the area of Broadway. Crews have been working on a pump problem at Varney Brook Station (pumps are cavitating). The jet truck was sent to Rochester for an emergency situation. New water service was hooked up on Cataract Avenue. A grit dumpster was cleaned out so the garage could do repairs. The monthly industrial water meter reading was completed. Crews have also been busy working with residents for a common private sewer line that is backing up into Bellamy Road.

Streets: During the month of August, crews finished paving at the Tolend Road Culvert Reconstruction Project, the Newport Road under-drain job and for City-wide pothole repairs. The Baker Street drain job was completed which involved pulling stumps and installing approximately 80' of 24" drain pipe. Crews replaced 45' of drain line at 30 Hill Street and are installing a new catch basin over the culvert box to create an access point so the system can be inspected. Two catch basins were reconstructed on Grove Street. New England Sweeping continued catch basin cleaning throughout the City. They are scheduled to complete this maintenance project by the first week in September. The reconstruction of approximately 180' of sidewalk was completed at 18 Horne Street. The crews also graded the street on South Watson Road.

We experienced another month of substantial rainfall which required emergency response to roadside washouts and flooding, storm drains backups and numerous household driveway, yard and basement flooding. The crews continued responding to calls for plow damage in the ROW, including damage to lawns, curbing and sidewalks. Public Works also continued to sweep roadways in trouble spots and in the downtown area on a bi-weekly schedule.

PROGRAMS AT CITY CENTERS/BUREAUS

Police Special Investigations Bureau: During the month of August, there were a total of five letters generated by the Dover Police Special Investigations Unit that were sent to certain licensed liquor establishments in Dover. The letters were a result of analysis of police reports involving overly intoxicated persons. When it was determined where an overly intoxicated person had been over-served, a letter is sent from the Police Department to the establishment. The letter, along with the police report, is also sent to the NH Liquor Commission's Bureau of Enforcement.

On August 14, 2008, members of the Dover Police Special Investigations Unit arrested two individuals related to a simulated pipe bomb that they had been placed on a co-workers car as a prank. The prank had resulted in the lengthy shut down of downtown Dover on August 9, 2008. Members of the Dover

Police Special Investigations Unit worked with the NH State Police, the Berwick Police, the Maine State Police, and the Bureau of Alcohol, Tobacco, and Firearms on this case.

Field Operations Division: The Dover Police Department participated in an exercise/drill at Wentworth Douglas Hospital (WDH). The scenario depicted a fight between rival gangs, with several subjects taken to WDH for various injuries, including one shooting victim. A hostage situation developed at the hospital at which time Dover Police responded to successfully negotiate the release of the hostage.

In August several patrol details were conducted on a grant from NH Highway Safety. Speed patrols, Red Light/Stop Sign patrols, Pedestrian/Crosswalk patrols, and one 6-hour DWI patrol.

Community Service Program: The Community Service Program tracked 25 active participants in the month of August. Of the 25 subjects in the program only 6 worked off hours in the month of August. It should be noted that due to scheduling issues there were only five days of available community service work in August. A total of 28.5 hours of community service work was completed. There were no members that completed their court ordered hours in August.

To date in 2008, 372.75 hours of community service have been completed by a total of 48 individuals. This year 18 participants have completed their court ordered obligations.

Most of the community service work was done in town picking up trash at a variety of locations.

Community Outreach Program: The annual summer program was held August 11-14th, 2008. The program had over 40 participants and consisted of the following activities:

- Numerous presentations on underage drinking, tobacco use and individual/ group presentation skills.
- Individual group activities also included education in the field of advocacy.
- A community informational protest called the Fridge Campaign. The campaign gained a great deal of media coverage due to an unexpected confrontation with Anheiser- Busch distributors days earlier at two area grocery stores. The incident drew media attention from all of the major television networks in the Boston area.
- UNDERAGE DRINKING CONFERENCE IN NASHVILLE TN: 12 students and 3 staff attended this conference August 20-23. The members participated in the below listed events:

Taught 2 workshops in the Adult Track.

Helped run the Youth Track.

Molly Martuscello presented to the entire Youth Track on Presentation Skills (80 members in attendance).

Molly Martuscello, Julia Huggins, Tyler Burdwood and Dana Mitchell participated in a panel on underage drinking and youth. The panel presented to the entire conference (approximately 1,200 in attendance).

Teen Center: Our Teen Center calendar for August consisted of the second month of the annual summer program. The Teen Center saw a total of 199 participants, on 21 days of programming, which

yielded an average of just over 9 participants per day. These numbers do not include the DoverPalooza show held on Thursday, August 28th which had 70 in attendance.

August was a slower month than July partly due to the weather conditions, as we experienced rain 13 of the 21 days we were open, and that August was a very popular "camp" month, where we lost a few of our "regular" participants.

Some program highlights for the month of August included:

Summer Trip –York – Short Sands Beach
Summer Trip – NH Fisher Cats Baseball Game
Summer Trip – Canobie Lake Park
Movie @ Strand Theater - "The Mummy 3"
Summer Trip – Bow Lake BBQ
TC Bingo Mania – Prizes & Bingo
Movie @ Fox Run 15 – "The Rocker"
TC Special Event: "Welcome Back BBQ"
"DoverPalooza" Live Band Show

Recreation: There were 19 children that had scholarships directly through the Recreation fund, 5 children supported through a school based program and 30 children through the Seymour Osman Community Center in the Summer Playgrounds program.

The Playgrounds Program had a very busy (and wet!) August, wrapping up with the last day on August 15th. The program wrapped up with the end of the year field trip to Water Country on August 13th.

Tennis lessons were on-going by Littlefield Tennis. Golf programs with the First Tee of the Seacoast continued, with SNAG classes wrapping up and a week of the PAR program held at Pease. Both programs were full.

Work concluded on our abbreviated Recreation News brochures, which will be available at recreation facilities mid to late September. Registrations were accepted for the fall session of Lil' Kickers for 4&5 year olds, which begins September 6th. The September session is currently full, but Recreation is currently taking registrations for the October session.

Recreation began taking registrations for the new fall session of Pilates classes and Body Sculpt classes which will begin September 16th.

Camp Sun 'n Fun for ages 6-12 years old and held at Bellamy Park ended August 15th. Camp consisting of eight weeks of camp are reflected in the numbers below. Recreation offered before and after care for campers, along with an array of theme weeks and activities, trips, swimming, sports, and many fun things for campers to do.

Program Attendance:

Playgrounds – Total Registrations: 141 (FULL)
First Tee – SNAG: 8 (Full)
PAR: 5 (Full)
Camp Sun 'n Fun-August: 57
Total Campers for 8 weeks: 229

Senior Center: The Dover Community Senior Center (DCSC) continues their recurring daily activities of Bingo, Beginner Bridge, Bridge, Canasta, Cribbage, Poker, Scat, Scrabble, Kitty Whist, Pay Me, and Whist and Kitty Whist.

The Senior Book Club met Tuesday, August 26th in the Green Bean restaurant due to the DCSC being closed the week of 8/25-29 for annual maintenance. The book club will meet again on September 30th. After having the summer months off, the Visiting Nurse will return with her blood pressure checks September 25th from 10:00-11:00 am.

Seniors continue to use all fitness areas at Dover Recreation Monday through Friday. Senior fitness classes, including Yoga, are well attended Monday through Thursdays with most sessions full. Theresa Bean is the instructor for these popular classes.

The DCSC Mystery Luncheons are now held the 2nd Tuesday, 1st Wednesday and the 3rd Saturday of the month. This program has grown considerably with many seniors participating.

The Senior Advisory Committee continues to meet the first Friday of the month.

A committee for self-guided day trips and a committee for monthly socials have formed to empower Senior Center members to get more involved in the center and be responsible for some of the activities.

The DCSC had a trip to the Mohegan Sun Casino which was well attended. 'The Silver Strummers' ukulele group continues to meet on Wednesdays in the center.

There was no monthly social for August; the next social is September 26th featuring 'Senior Moments' and Show and Tell.

Senior Mystery Luncheons
2nd Tuesday, 1st Wednesday, 3rd Saturday 40

Indoor Pool: The indoor pool finished their swim lessons at the beginning of the month and finished the last session of summer swim lessons by holding the last session at the outdoor pool. 101 children enjoyed our swim lessons filling up 83% of the spots. The indoor pool closed on August 18th to undergo their annual maintenance and will reopen on Labor Day.

Various groups continued to use the pools for swim practice such as Seacoast Swimming, Oyster River Otters and Great Bay Masters.

The Jenny Thompson outdoor pool started the month of August with the Granite State Swimming Association Championship meet on the 2nd and 3rd. It was well attended and ran very smoothly. Various camp programs used the outdoor pool such as the City of Dover summer camps, Birch Hill Camp, Rollinsford Rec, Barrington Rec, St. Mary's Academy, Tri-Star Gymnastics Camp and the Good Shepherd School just to name a few. The summer staff is now mostly departing for school though some will be staying on for the school year as well. The Jenny Thompson Pool will close for the season on Labor Day when the Dover Indoor Pool re-opens. Overall it was a very good and busy summer with no major problems.

Adult Lap Swim (Indoor Pool): 75 swimmers daily
Adult Lap Swim (JT Pool): 25 swimmers daily

Rec Swim (JT Pool): 300 swimmers daily
Masters Swim Team: 30 participants daily

Ice Arena: Programs for this month consist of Coed C League on Monday nights, Girl's Summer League on Tuesday nights, and Arena Learn to Skate on Mondays which runs for 6 weeks.

Camp Kool Summer Program ended August 15.

Attendance for the Arena is as follows:

| | |
|------------------------------|----------------------|
| Arena Learn To Skate-Monday: | 13 |
| Birthday Parties | 1 |
| Coed C League: | 65 players (5 teams) |
| Introduction to Youth Hockey | 13 |
| Stick Practice: | 508 |
| Girl's Summer League | 25 |
| Camp Kool | 40 per week |

Library Programs: The Summer Reading Program final party with Magic Show by Peter Boie was attended by 163 individuals. 8th grader Ashlee Whitehouse was the winner of the Wii gaming system, donated by the Friends of the Library.

Special programs attendance:
Monday Movie matinees: 60
Craft Table: 326
Magic Show: 163

DEPARTMENTAL COLLABORATION & ENHANCEMENTS

The Planning Department worked on creating an electronic Planning Board packet. Contained within the recently adopted changes to the Subdivision and Site Review Regulations are requirements for land owners to digitally submit application materials. These materials are combined with the agenda and placed electronically on the City's web site for review by abutters and Planning Board members.

Planning staff is working with neighboring communities to coordinate regional projects and has begun discussion about cross training staff and having staff learn from neighboring communities regarding how their processes and procedures work as a review of our own procedures.

The Work Order Software for Public Works has been installed and the system is expected to be operational by the end of September.

The library continues to work on major shifting of materials in adult non-fiction stacks. They have also added "Party Music" collection to music CDs available to the public.

PARKING & TRANSPORTATION

The Planning Department worked with COAST to review route options for implementing the FastTrans public transit service. Staff merged two potential routes into one route to economize and increase the coverage areas. Word was received however, that the Federal Transit Authority denied the use of recreation funds to purchase the shared bus; the department is currently investigating options.

CITY GROUNDS – FACILITIES & PARKS

The McConnell Center floors were screened and polyurethaned by the Facilities and Grounds Division, which included the Butterfield Gym, Senior Center Activity Room and the Meeting Room.

Facilities and Grounds re-situated and lined the soccer field on Shaw's Lane.

A tree was planted at the McConnell Center by Facility crews and one was removed in front of 555 Central Avenue. Additional tree pruning was done throughout the City to help with site distances and traffic issues.

The train station walls were repaired by employees of the Facility and Grounds Division after C&J vacated the property and wireless internet equipment was also installed at this location.

The indoor pool was shut down for maintenance (existing piping was replaced, a leak in the HVAC feed line was repaired and a severed wire and missing sensor were found). Parts have been ordered and repairs are to follow.

The Fire Department and building committee have been working hard to ensure the North End Fire Station continues to be on time and on budget. Weekly construction meetings continue to be held with all parties. The interior work on the building is progressing well. Ledge was hit while installing the sewer line and the costs for removing this ledge will be in the \$35,000 range. In spite of this setback, the project is still on time and will be completed on budget.

The Fire Department is also in the process of purchasing and receiving the equipment for the new fire engine which will arrive in October. As with the building project, the new apparatus purchase is on budget. The department has setup training on this new piece of apparatus, which will ensure a smooth and efficient transition to the North End Fire Station.

McConnell Center common areas are just about booked through December 2008 by groups that use the rooms all the time on a monthly basis. Random reservations continue to come in.

Requests to use the pavilions, stages, and parks continue to come in weekly to the Recreation Department. Some outside groups are still requesting to use the athletic fields. Fall field scheduling by established sports teams' under the Recreation umbrella have come in since mid-summer.

The work on the Shaws Lane Bathroom/Concession Building has been handed over to the leagues to complete. The bathrooms will be open when programs are on the fields through the fall.

The work on the Woodman Park Tennis and Basketball Courts has been completed. Work on the parking area and drainage will be planned for future construction.

GENERAL UPDATES:

- ✦ The Facility and Grounds Division has stayed busy with ongoing mowing and trash removal of the cemeteries, grounds and public areas throughout the City as well as continual maintenance of street lights, traffic signals and signs.
- ✦ The Finance Department negotiated a 2 year agreement with Citizens Bank for banking services. This agreement will result in an approximate savings of \$2,000 per month for service fees. City Council approved entering into the 2 year agreement on August 27, 2008.
- ✦ FY08 year end closing and audit is ongoing. Auditors were here the week of August 18th and will return in October.
- ✦ Tax Collection Office is proceeding through process for Intention of Tax Deeding as deadline of September 4, 2008 is quickly approaching.
- ✦ Pending Tax Lien notification letters were issued by the Tax Collection Office and deadline for payments to avoid lien is September 11, 2008.
- ✦ The Public Library is assisting McIntosh College on dissemination of some of their historic Dover materials/collections.
- ✦ The Public Library offered assistance with a Dover Main Street project to convert the CD-ROM of downtown historic markers audio tour to MP3/MP4 format.
- ✦ The Fire Department continues to revise its operating procedures that will accommodate the third fire station and ensure the most rapid response to emergencies throughout the city.
- ✦ The Fire Department continues to work to fully integrate the Inspection Services Division with Fire Department operations. A new part-time secretary has been hired, replacing the full time employee who had retired. The new employee is doing well and has been training for the past few weeks.
- ✦ The Fire Chief, Assistant Chief and Deputy Chief participated in a State of NH Bureau of Homeland Security and Emergency Management preparedness drill testing segments of the RERP, or Radiological Emergency Response Plan, utilizing the Dover Emergency Operations Center located at City Hall. Dover's participation was monitored by a State of NH , Controller present during the event. The drill's premise was a radioactive release incident from the Seabrook Nuclear Power Plant. Dover is a host community which is scheduled to receive some of the residents living with in the ten mile evacuation zone around the power plant in the event of a release of radioactive material.

- ✦ A joint drill involving the Dover Police Department and Wentworth-Douglass Hospital was conducted which tested segments of various plans including the Mass Casualty Plan and the Joint Management Plan by the three entities of a simulated serious incident at Wentworth-Douglass Hospital. The scenario simulated a gang fight with multiple people injured, then retribution between the rival gangs occurring inside the hospital with a hostage situation and simulated intentionally set fire. Though seemingly far fetched at face value, this scenario was loosely based on real events that have occurred in similar sized communities in the United States.
- ✦ The Recreation Department continues to work with the developer and other interested parties regarding waterfront park/boating facilities, to move ahead with initial plans and permits that would allow interim programming to begin while the development is underway.

PLANNING/ZONING

The Planning Board met as usual in August. The board approved requests for two conditional use permits and denied one. Two site plans were approved, as was one minor subdivision and 4 lot line adjustments. Additionally, the board approved proposed land use regulations, and held two site walks.

The Zoning Board approved a use variance, and denied a use variance. Additionally, a sign variance was denied.

The Transportation Advisory Commission met to discuss Henry Law Avenue and a Pay and Display parking system.

NEIGHBORHOOD AREA SPOTLIGHTS

The Planning Department worked to develop a scope for the education and outreach component of the 319 Grant. This portion of the project will be released for bid on September 5, 2008. The intent of this bid is to bring on board a consultant to assist with the outreach aspects of SW Coles work as well as the creation of a Friends of Willand Pond group.

Additionally, the Planning Department worked with Legal and Community Services to review current water and sewer discharge regulations to account for residents who need to pump water from their basements into their lawns and potentially the street due to inadequate drainage in the area north and west of Willand Pond.

The upgrades to Alden Woods Neighborhood Park are in the planning stages to do site improvements and add more equipment for hopeful construction this fall.

ACKNOWLEDGEMENTS & EVENTS

Thank you to Grace Community Church and City Blessings in Rochester for the donation of 100 back packs with school supplies which were distributed through the various school nurses and McConnell agencies, Dover Day Care and the HUB. Some bags are still available through the Human Services Department.

A tree was donated for Hancock Park by Al and Sharon Poissant and a tree was donated for the front of the McConnell Center by the Dover High School and St. Marys class of 1956.

OPERATING STATISTICS

| | August 2007 | July 2008 | August 2008 |
|--|---|----------------------|------------------------|
| | 31 Days | 31 Days | 31 Days |
| F&R Ambulance Revenue | \$39,135 | \$51,629 | \$76,202 |
| F&R Total Calls for Service | 463 | 442 | 407 |
| F&R Calls for Fires | 29 | 22 | 17 |
| F&R Simultaneous Emergency Incidents | 51 | 52 | 53 |
| F&R 3/4 Simultaneous Emergency Incidents | 13 | 15 | 16 |
| F&R Emergency Medical Calls | 227 | 246 | 215 |
| F&R Patients Transported Area Hospitals | 217 | 236 | 205 |
| F&R Hazardous Condition Calls | 10 | 10 | 13 |
| F&R Service Calls - Miscellaneous | 48 | 34 | 33 |
| F&R Public Assistance Calls | 59 | 55 | 60 |
| F&R False/Good Intent Calls | 87 | 75 | 69 |
| F&R Certificate of Occupancy Inspections | 31 | 9 | 8 |
| F&R Life Safety Inspections | 2 | 8 | 5 |
| F&R Business Inspections | 38 | 42 | 43 |
| F&R Sprinkler/Alarm Inspection | 8 | 8 | 15 |
| F&R Car Safety Seat Inspections | 39 | 14 | 9 |
| F&R Building Inspections | 109 | 60 | 48 |
| F&R Electrical Inspections | 121 | 67 | 74 |
| F&R Plumbing/Mechanical Inspections | 81 | 40 | 65 |
| F&R Health Inspections | 67 | 13 | 44 |
| F&R Housing Standards Inspections | 11 | 3 | 20 |
| F&R School/Daycare Inspections | 10 | 0 | 1 |
| F&R Oil Burner Inspections | 18 | 0 | 1 |
| F&R Woodstove/Fireplace Inspections | 1 | 0 | 2 |
| F&R Chimney Inspections | Totals now added to Woodstove/Fireplace Inspections above. | | |
| F&R Burning Permits Issued | 7 | 1 | 6 |
| F&R Building Permits Issued | 46 | 42 | 40 |
| F&R Blasting Permits Issued | 1 | 0 | 0 |

| | | | |
|--|------------|------------|------------|
| Fire Loss Totals | \$121,000 | \$30,000 | \$54,500 |
| Library-Circulation | 26,671 | 31,264 | 25,649 |
| Library-New Patrons | 188 | 204 | 179 |
| Library-Total Cardholders | 25,384 | 26,586 | 26,765 |
| Library-Public Meetings Held | 35 | 30 | 30 |
| Library-Audio Downloads | 22 | 16 | 13 |
| Library-Internet/PC Usage | 2,645 | 2,758 | 2,601 |
| Library-Museum Passes borrowed | 86 | 73 | 88 |
| Library-Circulation desk hold requests | 1,585 | 1,819 | 1,479 |
| Library-Remote online hold requests | 1,029 | 1,390 | 1,012 |
| Library-Attendance at Programs | - | 2,112 | 712 |
| Human Services-Number of Contacts | 458 | 369 | 407 |
| Human Services-Number of Cases | 111 | 75 | 72 |
| Human Services-Case Expenditures | \$43,714 | \$25,228 | \$31,777 |
| F&G – Number of Burials | 5 | 3 | 5 |
| F&G – Number of Work Orders Received | 185 | 118 | 111 |
| Total Visitors to Website | 92,925 | 51,339 | 44,496 |
| Average Visitors to Website Per Day | 2,997 | 1,656 | 1,435 |
| City Clerk – Total Revenue | \$9,129 | \$7,610 | \$9,317 |
| City Clerk – Death Certificates Issued | 267 | 164 | 285 |
| City Clerk – Marriage Licenses Issued | 41 | 38 | 66 |
| City Clerk – Birth Certificates Issued | 296 | 267 | 248 |
| City Clerk – Notary Public Requests | 56 | 85 | 63 |
| Vehicle Registrations | 2,802 | 2,762 | 2,580 |
| Police Dept Total Calls for Service | 2,932 | 3,402 | 2,918 |
| Police Dept Total Number of Offenses | 199 | 241 | 233 |
| Police Dept Motor Vehicle Stops | 974 | 1,561 | 992 |
| Police Dept Total Motor Vehicle Summonses | 226 | 230 | 152 |
| Police Dept MV Accidents Investigated | 63 | 74 | 72 |
| Police Dept Parking Tickets Issued | 431 | 613 | 446 |
| Police Dispatch Total Phone Calls | 14,012 | 11,393 | 11,393 |
| Police Dispatch – 911 Calls | 448 | 419 | 428 |
| Police Dispatch – Radio Transmissions | 12,504 | 11,848 | 10,164 |
| Police Records Bureau Revenue | \$14,356 | \$16,953 | \$12,002 |
| Police Reports/Criminal Record Requests | 197 | 83 | 82 |
| Police Case Reports Processed | 849 | 548 | 1,039 |
| Police Prosecution – Adult Arraignments | 96 | 80 | 103 |
| Police Prosecution – Adult Trials | 5 | 6 | 6 |
| Police Prosecution – Hearings | 76 | 23 | 20 |
| Teen Center Participants-Average Per Day | 26 | 11 | 9 |
| PD Com. Service Program –Juveniles Tracked | 17 | 28 | 25 |
| PD Community Service Hours | 100 | 79 | 29 |
| Public Works – Work Orders Resolved | 31 | 109 | 107 |
| Public Works – Work Orders Pending | 17 | 25 | 41 |
| PW – Water Gallons Pumped | 76,704,000 | 85,449,000 | 74,413,000 |
| PW – Average Water Gallons per Day | - | 2,756,000 | 2,400,000 |
| Total Tonnage of Trash Collected | 490.77 | 457.35 | 466.21 |

| | | | |
|--|--------|--------|--------|
| Total Tonnage of Paper Collected | 108.04 | 110.91 | 107.5 |
| Total Tonnage of Commingles Collected | 95.88 | 118.77 | 108.67 |
| Arena Public Skate Attendance | 650 | 424 | 495 |
| Arena Rock Night Attendance | 105 | 34 | 151 |
| McConnell Center – ‘Open Gym’ Participants | 364 | 1803 | 1699 |
| McConnell Center Common Area Reservations | 43 | 71 | 85 |
| Senior Center Membership Renewals | 28 | 18 | 11 |
| Senior Center New Memberships | 52 | 18 | 14 |
| Senior Center – Participants on Trips | 126 | 51 | 67 |
| Senior Center – Daily Game/Class Participants | 819 | 972 | 733 |
| Senior Center – Walk ins, no particular activity | 364 | 680 | 492 |

HUMAN RESOURCE STATISTICS

| Average Number of Employees Paid by Department | | | |
|---|--------------------|------------------|--------------------|
| Department: | August 2007 | July 2008 | August 2008 |
| | 5 week | 4 week | 5 week |
| Community Services | 72 | 73 | 72 |
| Executive | 11 | 14 | 14 |
| Finance | 16 | 16 | 16 |
| Fire & Rescue | 53 | 59 | 61 |
| Human Services | 3 | 3 | 3 |
| Library | 24 | 23 | 23 |
| Planning | 10 | 8 | 6 |
| Police | 87 | 81 | 80 |
| Recreation | 81 | 89 | 87 |
| Average Number of Employees Total | 357 | 365 | 362 |

| | | |
|--|----|---|
| New Hires for Month | 4 | (2 – Comm Srvcs, 2 – Fire) |
| Separations for Month | 5 | (3 – Comm Srvcs, 2 – Police) |
| New Hires – Fiscal Year to Date | 15 | (3 – Comm Srvcs, 1 – Finance, 2 – Fire, 2 – Police, 7 – Recreation) |
| Separations – Fiscal Year to Date | 14 | (4 – Comm Srvcs, 3 – Police, 7 – Recreation) |

| Total Compensation Cost | | |
|--------------------------------|--------------------|--------------------|
| August 2007 | July 2008 | August 2008 |
| 5 week | 4 week | 5 week |
| \$1,468,799 | \$1,274,409 | \$1,501,676 |

| Employee Name | Position | Dept | Employee Type | Base Rate | Reason |
|----------------------|---------------------------------|-------------|----------------------|------------------|---------------|
| Separations: | | | | | |
| LeClair, Barbara | Police Prevention Programmer | Police | RPT | \$12.09/hr | Voluntary |
| Lytle, Nicholas | Seasonal Worker III | C/S | SFT | \$9.94/hr | Voluntary |
| Quint, David | Public Works Supervisor | C/S | RFT | \$27.23/hr | Involuntary |
| Thompson, Robert | Counselor | Police | SPT | \$16.00/hr | Voluntary |
| Trudell, David | Facilities & Grounds Supervisor | C/S | RFT | \$24.94/hr | Voluntary |
| New Hires: | | | | | |
| Dube, Michelle | Secretary I | Fire | RPT | \$14.06/hr | |
| Kramlinger, George | Firefighter | Fire | RFT | \$16.19/hr | |
| Pine, Timothy | Laborer | C/S | RFT | \$12.69/hr | |
| Vlasich, Paul | Management Analyst | C/S | Temp | \$20.00/hr | |

Total Permits Issued: August 2008

| Permit # | Owner's Last Name | Street # | Street | Description | Type | Map | Lot | Construction Value | Fee |
|----------|------------------------|----------|-----------------------|----------------------------------|------|------|------|--------------------|-------|
| 08-109 | WINKLER | 253 | DOVER POINT ROAD | DECK | | L-1 | 69 | 6200 | 79 |
| 08-199 | TRI-COUNTY REALTY | 301 | CENTRAL AVENUE | OFFICE TO RETAIL SPACE | | 2 | 20 | 0 | 25 |
| 08-237 | GENOVESE | 31 | WOODLAND ROAD | FRONT PORCH | | 17 | 095 | 14000 | 126 |
| 08-264 | CROTHER | 312 | DOVER POINT ROAD | DOCK | | L | 112A | 9800 | 115 |
| 08-282 | COLBATH | 129 | SILVER STREET | REWIRE APTS | | 12 | 167 | 8300 | 115 |
| 08-284 | SUMMIT LAND DEVELOPMEN | 538 | CENTRAL AVENUE | BUILDING SHELL-FUTURE BUSINESS & | | 4 | 29 | 1185000 | 11875 |
| 08-286 | PRPC DEVELOPMENT, LLC | 38-40 | ROSANNA DRIVE | TWO FAMILY DWELLING W/ ATT. GARA | | I | 3-16 | 312000 | 3145 |
| 08-291 | GAGNON | 9 | JACKSON BROOK TERRACE | ABOVE GROUND POOL | | B | 18-7 | 2400 | 55 |
| 08-292 | FEDERAL SAVINGS BANK | 169 | LOCUST STREET | SHED FOR STORAGE | | 12 | 66 | 1800 | 45 |
| 08-308 | FISHER | 14 | FOURTH STREET | TAKE OUT RESTAURANT REDO | | 31 | 27 | 14900 | 175 |
| 08-311 | CYNEWSKI | 7 | TANGLEWOOD DRIVE | SIDE SCREENED PORCH | | I-99 | H | 9000 | 115 |
| 08-312 | MACE | 46 | BACK RIVER ROAD | CONNECT CARRIAGE HOUSE & CONVE | | I | 6C | 175000 | 1775 |
| 08-315 | TERLEMEZIAN | 2 | CHESLEY STREET | REPLACE DECK AND STAIRWAY | | 29 | 78 | 4800 | 75 |
| 08-316 | LIBERTY MUTUAL | 100 | LIBERTY WAY | PRE-FAB SHELTER | | E | 24 | 22000 | 245 |
| 08-318 | HADLEY | 32 | DURHAM ROAD | REPLACE ENTRANCE DECK | | I | 9 | 6400 | 95 |
| 08-319 | SHADLEY | 17 | RUTLAND STREET | RECONSTRUCT PORCH ADDITION | | 12 | 146 | 1800 | 45 |
| 08-322 | MCPHEE | 137 | DURHAM ROAD | REPLACING INCLOSED PORCH | | H | 4-I | 19000 | 215 |
| 08-325 | MEEHAN | 39 | UPPER FACTORY ROAD | ENCLOSE REAR DECK | | E | 57-B | 6000 | 85 |
| 08-254 | BIG J REALTY+ | 83 | MAIN STREET | EXPAND KITCHEN, RENOV. BATH | C | 3 | 31 | 17000 | 178 |
| 08-283 | WENTWORTH DOUGLASS HOS | 10 | MEMBERS WAY | FIT OUT / INT. IMPROVEMENT | C | D | 17-C | 4150000 | 41525 |
| 08-298 | MEASURED PROGRESS | 100 | EDUCATION WAY | MINOR INTERIOR RENOVATIONS | C | E | 27B | 28000 | 305 |
| 08-300 | HENRY | 450 | CENTRAL AVENUE | INTERIOR DEMO | C | 6 | 21-A | 0 | 25 |

| Permit # | Owner's Last Name | Street # | Street | Description | Type | Map | Lot | Construction Value | Fee |
|----------|-------------------------|----------|------------------|------------------------------------|------|-----|-------|--------------------|------|
| 08-335 | SANDERS | 10 | CROSBY ROAD | INT. RENOV LIGHT INDUSTRIAL USE | C | G | 31-2 | 40000 | 425 |
| 08-233 | TAYLOR | 6 | MEETINGHOUSE WAY | SINGLE FAMILY | R | B | 18-29 | 128000 | 1177 |
| 08-285 | PHILBRICK | 177 | SPUR ROAD | ADDITION/ALTERATION | R | L | 45E | 3000 | 55 |
| 08-290 | BERG | 15 | MIDDLEBROOK ROAD | STORAGE SHED | R | K | 15K | 3000 | 55 |
| 08-297 | DONAHUE | 304 | DURHAM ROAD | MINOR INTERIOR RENOVATIONS | R | I | 123 | 6000 | 85 |
| 08-301 | DEAN | 7 | MERIDIAN DRIVE | CANOPY TO COVER CAR | R | 100 | V0000 | 6800 | 100 |
| 08-302 | HITCHCOCK | 29 | COURT STREET | REPLACE DRYWALL AND INSULATE | R | 20 | 71 | 5000 | 75 |
| 08-307 | FORTIER | 13-15 | FIRST STREET | REAR DECK WITH STAIRCASE | R | 6 | 9 | 3500 | 65 |
| 08-320 | ADAMS | 133 | COTTONWOOD DRIVE | STORAGE SHED | R | B | 4-54 | 4400 | 75 |
| 08-321 | SABIN | 22 | AUGUSTA WAY | REAR 3 SEASON PORCH AND COVERED | R | K | 49A-4 | 20000 | 225 |
| 08-329 | HATCHER | 9 | WOODLAND ROAD | REMOVAL OF INGROUND POOL | R | 17 | 95D | 0 | 25 |
| 08-333 | NEVINS | 37 | APPLEVALE DRIVE | FULL DORMER | R | K | 17J | 48600 | 495 |
| 08-334 | LECLERC | 66 | PISCATAQUA ROAD | ADDITION - FARMERS PORCH | R | J | 19A | 8000 | 105 |
| 08-305 | SHERRY | 17 | SPRUCE DRIVE | BREEZEWAY | RES | I | 28-D | 7600 | 105 |
| 08-99 | BOUVIER | 8 | APPLEVALE DRIVE | REAR DORMER | RES | K | 15-F | 4000 | 61 |
| 08-204 | GLADIOLA LANE DEV., LLC | 24 | GLADIOLA WAY | SINGLE FAMILY RESID W/ ATT. GARAGE | RES | A | 28-6 | 149500 | 1375 |
| 08-86 | GLADIOLA LANE DEV., LLC | 12 | GLADIOLA WAY | SINGLE FAMILY RESID. W/ ATT. GARAG | RES | A | 28-1 | 93000 | 862 |
| 08-288 | GLADIOLA LANE DEV., LLC | 26 | GLADIOLA WAY | SINGLE FAM RES W/ ATT. GARAGE | RES | A | 28-7 | 125000 | 1275 |

| <u>Permit #</u> | <u>Owner's Last Name</u> | <u>Street #</u> | <u>Street</u> | <u>Description</u> | <u>Type</u> | <u>Map Lot</u> | <u>Construction Value</u> | <u>Fee</u> |
|-----------------|--------------------------|-----------------|---------------|--------------------|-------------|----------------|---------------------------|------------|
|-----------------|--------------------------|-----------------|---------------|--------------------|-------------|----------------|---------------------------|------------|

Total Permits Issued: 40

Total Construction Value: \$6,648,800.00

Total Fees Collected: \$67,078.00

| Type of Permits Issued | | Certificate of Occupancy's | |
|--------------------------|---|----------------------------|----------|
| Apartment dwlg units | 0 | Apartment Units | 0 |
| Commercial | 0 | Commercial | 1 |
| Condo Units | 0 | Condo Units | 0 |
| Congregate Care Facility | 0 | Congregate Care Facility | 0 |
| Convert 1 to 2 Fmly Dwlg | 0 | Convert 1 to 2 Fmly Dwlg | 0 |
| Duplex Unit | 1 | Duplex Unit | 0 |
| Industrial | 0 | Industrial | 0 |
| Multi Family | 0 | Renovations | 2 |
| Manufactured Dwlg | 0 | Manufactured Dwlg | 0 |
| Single Family Dwelling | 4 | Single Family Dwellings | 3 |
| | | Total | 6 |

PROJECTS BEFORE DOVER PLANNING BOARD

| NAME | LOCATION | | Total Units | Units Built* | Units left | DATE OF PB SIGNATURE | DATE OF PB APPROVAL | SCRD DATE | PLANNING FILE # | MAP | LOT | EXPIRATION DATE | SCHOOL | Students** |
|-----------------------------|--------------------------------|-----|-------------|--------------|------------|----------------------|---------------------|------------|-----------------|-----|-----------|-----------------|----------|------------|
| Code | H = Homes A = Apts. C = Condos | | | | | | | | | | | | | |
| Multi-Family: | | | | | | | | | | | | | | |
| Paolini | 54 Dover Point Road | C | 12 | 0 | 12 | | 7/22/2008 | | P08-15 | K | 20 | | G | 3.96 |
| Cedar Cove | Regent Dr | A | 62 | 54 | 8 | 5/29/2008 | 4/22/2008 | 6/19/2008 | P07-64 | E | 66 | 5/29/2012 | W | 20.46 |
| Summit Land | Fifth St | A | 8 | 0 | 8 | 4/7/2008 | 4/22/2008 | Site | P08-10 | 5 | 16 | 4/7/2012 | H | 2.64 |
| Temple Associates | Washington St | A | 15 | 15 | 0 | 3/4/2008 | 10/23/2007 | 5/14/2008 | P06-03 | 2 | 14 | 3/4/2012 | W | 4.95 |
| Bamford | Third St | A | 20 | 0 | 20 | 9/12/2007 | 8/14/2007 | Site | P06-37 | 6 | 46 | 9/12/2011 | H | 2.2 |
| New Meadows Inc | Knox Marsh Rd | A | 120 | 48 | 72 | 9/27/2005 | 9/27/2005 | Site | P04-04 | H | 35C | 9/27/2009 | W | 13.2 |
| PRPC | Roseanne Dr | H/C | 18 | 16 | 2 | 2/2/2006 | 9/13/2005 | 5/23/2006 | P04-46 | I | 3 | 2/2/2010 | G | 5.94 |
| Total: Multi-family | | | 117 | 69 | 28 | | | | | | | | | 32 |
| Subdivisions: | | | | | | | | | | | | | | |
| Harbor Hills | Dover Point Rd | H | 14 | 0 | 14 | Extension | 10/23/2007 | | P07-39 | L | 89G | | G | 5.18 |
| Paddocks/Tidewater Farms | Saddle Trail Dr | H | 9 | 1 | 8 | 2/21/2008 | 10/23/2007 | 2/21/2008 | P07-43 | N | 8 | 2/21/2012 | G | 7.4 |
| Long Meadow | Gladiola Ln | H | 20 | 5 | 15 | 1/30/2008 | 8/28/2007 | 2/6/2008 | P06-40 | A | 28 | 1/30/2012 | H | 7.4 |
| Picnic Rock | Back River Rd | H | 21 | 0 | 21 | 10/31/2007 | 7/10/2007 | 11/6/2007 | P07-32 | 16 | 20 | 10/31/2011 | G | 7.77 |
| Schooner Landing | Schooner Dr | H | 10 | 2 | 8 | 7/19/2007 | 4/10/2007 | 7/25/2007 | P06-54 | M | 96A | 7/19/2011 | G | 3.7 |
| Pacific Landing | Upper Factory Rd | H | 15 | 4 | 11 | 2/8/2007 | 7/25/2006 | 2/8/2007 | P05-72 | E | 49 | 2/18/2011 | W | 5.55 |
| Stern Subdivision | Lika Dr | H | 3 | 0 | 3 | 3/23/2006 | 2/28/2006 | 3/23/2006 | P05-71 | E | 45 | 3/23/2010 | W | 1.11 |
| Duffy Drive | Middle Rd | H | 3 | 3 | 0 | 10/24/2005 | 10/11/2005 | 10/25/2005 | P05-24 | M | 101 | 10/24/2009 | G | 1.11 |
| Narrows at Tidewater Farm | Wysteria Dr | H | 5 | 3 | 2 | 12/16/2005 | 8/9/2005 | 12/21/2005 | P05-38 | N | 8-3 | 12/16/2009 | G | 1.85 |
| Emerald Woods III | Emerald Ln/Viridian Ln | H | 37 | 0 | 37 | 1/31/2006 | 6/14/2005 | 2/1/2006 | P05-10 | F | 15 | 1/31/2010 | W | 13.69 |
| StoneCroft | Carriage Hill Ln | H | 11 | 8 | 3 | 8/9/2005 | 5/24/2005 | 8/9/2005 | P05-18 | A | 16 | 8/9/2009 | H | 4.07 |
| Havenwood Farm at Alden | Boxwood/Wildewood | H | 32 | 13 | 19 | 6/6/2005 | 5/10/2005 | 6/7/2005 | P04-42 | B | 21 | 6/6/2009 | H | 11.84 |
| Ayer | Falcon Dr | H | 5 | 4 | 1 | 5/24/2005 | 2/22/2005 | 6/8/2005 | P04-61 | N | 21 | 5/24/2009 | G | 1.85 |
| Waldron Falls | Watson Rd | H | 10 | 3 | 7 | 3/30/2005 | 1/11/2005 | 4/7/2005 | P04-59 | E | 37 | 3/30/2009 | W | 6.29 |
| White Tail | Picard Ln | H | 17 | 2 | 15 | 1/10/2005 | 11/10/2004 | 1/10/2005 | P04-47 | A | 19 | 1/10/2009 | H | 6.29 |
| Emerald Woods I & II | Emerald Ln | H | 25 | 15 | 10 | 12/6/2004 | 9/28/2004 | 12/10/2004 | P02-01 | F | 27 | 12/6/2008 | W | 9.25 |
| Weeden | Garrison Rd | H | 4 | 3 | 1 | 9/28/2004 | 6/22/2004 | 10/4/2004 | P04-25 | I | 1P | 9/24/2008 | G | 1.48 |
| Lionheart | Littleworth Rd. | H | 4 | 2 | 2 | 2/24/2004 | 2/24/2004 | 3/8/2004 | P03-66 | G | 28-1 | 2/24/2008 | W | 1.48 |
| Cornerstone Crossing III | Conerstone Dr | H | 18 | 7 | 11 | 7/5/2004 | 7/8/2003 | 7/16/2004 | P02-26 | B | 18 | 7/5/2008 | H | 6.66 |
| Ayer | McKone Ln | H | 3 | 1 | 2 | 6/5/2003 | 6/5/2003 | 6/5/2003 | P02-67 | N | 18 | 6/5/2007 | G | 1.11 |
| Three Rivers Farm | Three Rivers Farm Rd. | H | 6 | 3 | 3 | 6/9/1999 | 6/9/1999 | 6/9/1999 | P99-13 | N | 2,3,4B,4A | 6/9/2003 | G | 2.22 |
| Total: Single Family | | | 272 | 79 | 193 | | | | | | | | | 107 |
| TOTAL APPROVED UNITS | | | 389 | 148 | 221 | | | | | | | | | 139 |
| Elderly: | | | | | | | | | | | | | | |
| The Village at Thornwood | Middle Rd | H | 48 | 0 | 48 | 7/2/2008 | 3/13/2007 | | P06-55 | M | 4 | 7/2/2011 | G | |
| Arbor Woods | Mast Road | H | 63 | 4 | 59 | 2/20/2007 | 1/9/2007 | 2/20/2007 | P06-24 | H | 4 | 2/20/2011 | W | |
| Dover Retirement Cottages | Back River Rd | C | 48 | 0 | 48 | 8/4/2006 | 2/28/2006 | Site | P05-48 | I | 56 | 8/4/2010 | Living | |
| Goldberg/Tolend Rd Prop. | Columbus Ave/Tolend | H | 72 | 0 | 72 | 10/5/2006 | 7/14/2005 | 11/2/2006 | P03-36 | G | 24 | 10/5/2010 | W | |
| Dover Retirement | Back River Rd | A | 115 | 115 | 0 | 8/4/2006 | 5/9/2005 | Site | P05-49 | I | 56 | 8/4/2010 | Assisted | |
| Total: Elderly | | | 346 | 119 | 227 | | | | | | | | | |
| APPROVED + ELDERLY | | | 735 | 267 | 448 | | | | | | | | | 139 |

** Students are estimated based upon Impact Fee multipliers. THERE IS NO GUARANTEE TO THESE NUMBERS

* Built or permit issued and unit under construction

**COMMUNITY SERVICES
CAPITAL IMPROVEMENTS PROJECTS**

STREET IMPROVEMENTS

Current: Revising cost estimates and work list to come inline with proposed budget.

SIDEWALK IMPROVEMENTS

Current: Revising cost estimates and work list to come inline with proposed budget for this years projects.
Minor punch list items left from last years work.

BROADWAY/RR CULVERT (formerly NY St Drainage)

Current: No action.

Previous: The railroad is requesting a Use and Occupancy agreement instead of providing an easement. Legal Dept continues to pursue.

COCHECHO RIVER DREDGING

Current: We are anticipating a meeting with the ACOE to discuss their negotiations with the dredging contractor during the first week of September.

Previous: The USACOE has completed the specs. For the upcoming dredge and has begun negotiations with the dredge contractors.

CITY HALL IMPROVEMENTS

Current: No action.

Previous: Electrical contractor continuing to correct problems.

HENRY LAW AVE RECONSTRUCTION

Current: All the drainage has been installed. Base pavement has been installed. All curbing will be completed the week of 9.5.08. The sidewalks will be installed the following week.

Previous: Work by Virgin Construction has resumed. All pipe work should be completed within two weeks on Henry Law.

Base pavement should be installed in two weeks.

TOLEND LANDFILL REMEDIATION

Current: The 100% Remedial Design was submitted to EPA for their review and approval in August. Construction on the AS/SVE system to treat the hotspot is progressing smoothly and on schedule despite the wet weather conditions this summer.

Previous: EPA has approved the hotspot design, and the subcontractor has begun construction of the system. It is expected to be operational by the end of September. The Southern plume pumping will continue through the fall. On July 17th EPA held a public meeting to receive comments and answer question regarding the recently lodged Consent Decree. The meeting was attended by approximately 17 members of the public some of whom gave comment.

GLENWOOD AVE RECONSTRUCTION

Current: Hydroseeding is required and the project will be complete.

Previous: The contractor has minor punch list items to be completed.

OLD DOVER PT WATERMAIN REPLACEMENT

Current: No action.

Previous: Design on hold.

ATLANTIC / GULF RD WATERMAIN REPLACEMENT

Current: The project has been Bid and awarded. The contractor will start in September.

Previous: Contractor has been awarded. Work to begin in mid September.

RIVER ST PUMPSTATION UPGRADE

Current: The design contract has been signed and the work has begun.

Previous: The design contract has been signed and the work has begun. The variable frequency drives were installed and are operational.

DOWNTOWN TRAFFIC IMPROVEMENTS

Current: Need to prepare an RFP for a consultant to design the signal improvements for Third/Central/Broadway and Chestnut/Central intersections.

Previous: Need to prepare an RFP for a consultant to design the signal improvements for Third/Central/Broadway and Chestnut/Central intersections.

WASHINGTON ST BRIDGE TO RIVER ST

Current: The City has received permission from the State to re-bid this project at the beginning of September.

Previous: The City must first resolve the land issues and then rebid the project according to NHDOT

OLD ROCHESTER RD/LONGHILL RD WATER

Current: The project has been substantially completed. A punchlist has been developed and the contractor will work on resolving these items.

Previous: Project has resumed. Old Rochester Rd and Longhill have been paved. Minor fixes for some driveway puddles and landscaping still needs to occur.

WALLINGFORD ST SEWER REPLACEMENT

Current: RFP required for a consultant.

Previous: Estimates have been completed for water and street improvements. Projects have been included in upcoming CIP for review. Sewer portion on hold. Need to insert CIP items for water, roadway and drainage

SEWER INFLOW / INFILTRATION MITIGATION

Current: Design work is progressing with plans and specs for bidding anticipated by the end of September. Test pits and borings were completed on Bellamy Road.

Previous: Design of the Bellamy Road sewer line replacement is under way. Depending on the timing of completion of plans and specifications, bidding and construction may occur this fall or next spring. Results from the I&I flow monitoring done last Spring show marked improvement in areas where work has been previously completed. The testing also confirmed the need to do additional sewer line rehabilitation work in the Rutland Street and Lisa Beth area.

ROUTE 9 RR BRIDGE WATERMAIN REPLACEMENT

Current: No action.

Previous: NHDOT is again requesting the water main design for this bridge replacement. On hold – the water main design on the Washington St Bridge may possibly be used in this location also. Need to prepare RFP for the water main supports.

SILVER ST RECONSTRUCTION

Current: No action.

Previous: Awaiting accident data from Police Department for audit. Organizing a safety audit review with various City departments.

BRIDGE PROGRAM

Current: Estimates for the Fourth Street and Washington Street bridge decks have been received. Recommended repairs to the Whittier Street Bridge are being drafted by a consultant.

Previous: The original consultant was asked to prepare a proposal to modify the original bid specifications.

BERRY BROOK WATERSHED MANAGEMENT

Current: Still awaiting receipt of the final plan document from consultant. Crews investigated 40 Maple St for possible illicit connections but none were found.

Previous: City staff have reviewed the final version of the Watershed Plan and submitted comments to Louis Berger Engineers. The Berry Brock Watershed Management Plan will be printed in the coming month. Once the plan is received we will map out a strategy to begin implementing the recommendations in the plan. The Berry Brock Watershed Management Plan will be available for the public to review at the library, the Dover Planning Office and the Dover DPW facility. A copy of the plan will be placed on the City web site for download as well.

INDIAN BROOK DR/SIXTH ST / EXIT 9 IMPROVEMENTS

Current: The project has been completed and only a few punchlist items remain to be done.

BUTTERFIELD GYM FOUNDATION REPAIRS

Current: Repair work has been completed.

NEW ROCHESTER RD/LONGHILL RD SIDEWALK/INTERSECTION

Current: The drainage portion of the project has been substantially completed. Curbing has been installed from Newton to Willand Pond. Concrete sidewalks are being installed starting 9.2.08.

City of Dover

Bid Solicitation Report

For August 2008

9/2/2008

| Department | PO Date | PO No | Vendor | Description | PO Amount |
|-------------------------------------|-------------|------------|-------------------|-------------------|------------------|
| Bid Number | Bid Date | Bid Due | CC Meeting | Item No | PO Notes |
| | Approved By | Fund | | Function/Division | |
| 19 Misc General Gov't | | | | | |
| CS Admin | 08/12/2008 | 30-252843 | Horizon Solutions | VFD's | 29,269.64 |
| B09015 | 08/05/2008 | 08/07/2008 | | | |
| | PA | | General Fund | Misc Gen Gov't | |
| Total for Misc General Gov't | | | | | 29,269.64 |

30 Comm Serv PW

| | | | | | |
|-------------------------------|------------|------------|--------------|-------------------------------|--|
| CS ADMIN | | | | SOLAR AND ROCK WINTER SALT | |
| B09013 | 08/04/2008 | 08/21/2008 | | | |
| | | | General Fund | CS - Snow Rmvl | |
| Total for Comm Serv PW | | | | | |

35 Recreation

| | | | | | |
|------------------|------------|------------|-----------------|---------------------------------------|--|
| Recreation Admin | | | MLC Catering | Senior Center Christmas Ham Dinner | |
| Q09-003 | 08/19/2008 | 09/02/2008 | | | |
| | | | Recreation Pgms | | |

City of Dover
Bid Solicitation Report
For August 2008

9/2/2008

| Department | PO Date | PO No | Vendor | Description | PO Amount |
|------------------------------------|-------------|--------------|------------|-------------------------------|-------------------------|
| Bid Number | Bid Date | Bid Due | CC Meeting | Item No | PO Notes |
| | Approved By | Fund | | Function/Division | |
| Recreation | | | | Fall Recreation News Brochure | |
| B09018 | 08/19/2008 | 09/02/2008 | | | |
| Total for Recreation | | | | | |
| 39 Public Library | | | | | |
| Public Library | | | | Roof Repair, Library | |
| B09017 | 08/21/2008 | 09/24/2008 | | | |
| | | General Fund | | Public Library | |
| Total for Public Library | | | | | |
| Grand Total All Departments | | | | | <u>29,269.64</u> |

City of Dover

Purchase Order Report

For August 2008

9/2/2008

| Department | PO Date Bid Number Approved By | PO No Bid Date CC Meeting | Vendor Bid Due Fund | Description PO Notes Item No Function/Division | PO Amount |
|-------------------------------|--------------------------------------|---------------------------------|--------------------------------------|---|------------------|
| | 08/19/2008 B08107 | 30-253016 | MXI ENVIRONMENTAL SERV 06/12/2008 | House Hold Hazardous Waste 07/21/2008 | 30,000.00 |
| | PA | | | | |
| Total for | | | | | 30,000.00 |
| <hr/> | | | | | |
| 00 Other | | | | | |
| Planning | 08/04/2008 | 15-252776 | Aramis Black | Performance Bond 301 Durham Road | 6,000.00 |
| | PA | | | | |
| | Performance Deposit Fund | | | | |
| CS Admin | 08/19/2008 | 30-252929 | Changing Places/Thornwood Corr | Performance Deposit TR74963 | 20,175.00 |
| | pa | | | | |
| | Performance Deposit Fund | | | | |
| CS Admin | 08/19/2008 | 30-252928 | Opechee Construction Corp | Performance Deposit TR71092 | 5,000.00 |
| | pa | | | | |
| | Performance Deposit Fund | | | | |
| Total for Other | | | | | 31,175.00 |
| <hr/> | | | | | |
| 10 City Council | | | | | |
| Executive | 08/04/2008 | 13-252690 | Dover Main Street | Release of FY09 Subsidy | 15,000.00 |
| | pa | | | | |
| | General Fund City Council | | | | |
| Total for City Council | | | | | 15,000.00 |

19 Misc General Gov't

City of Dover

Purchase Order Report

For August 2008

9/2/2008

| Department | PO Date Bid Number Approved By | PO No Bid Date CC Meeting | Vendor Bid Date CC Meeting | Bid Due Fund | Item No Function/Division | Description PO Notes | PO Amount |
|-------------------------------------|--------------------------------------|---------------------------------|------------------------------------|-----------------|------------------------------|---------------------------------|------------------|
| CS Admin | 08/12/2008 B09015 | 30-252843 | Horizon Solutions 08/05/2008 | 08/07/2008 | | VFD's | 29,269.64 |
| | PA | | | | General Fund | Misc Gen Gov't | |
| Total for Misc General Gov't | | | | | | | 29,269.64 |
| 21 Police | | | | | | | |
| CS Admin | 08/11/2008 | 30-253110 | Hillsboro Ford, Inc | | | 4 New Cruisers | 86,096.00 |
| | PA | | | | General Fund | Police Operations | |
| Total for Police | | | | | | | 86,096.00 |
| 22 Fire & Rescue | | | | | | | |
| F& R Admin | 08/12/2008 B08104 | 22-252840 | Air Vacuum Corp 05/27/2008 | 06/13/2008 | | Hose free Air Filtration System | 19,428.00 |
| | PA | | | | | F&R Buildings | |
| Fire | 08/19/2008 B09009 | 22-252958 | NEW ENGLAND EMERGENC 07/22/2008 | 08/11/2008 | | Fire Department Supplies | 6,531.00 |
| | PA | | | | | F&R Suppression | |
| Fire | 08/13/2008 | 22-252933 | FIRE TECH & SAFETY OF NE | | | Fire Department Supplies | 17,500.00 |
| | PA | | | | | F&R Suppression | |
| Total for Fire & Rescue | | | | | | | 43,459.00 |

30 Comm Serv PW

City of Dover

Purchase Order Report

For August 2008

9/2/2008

| Department | PO Date Bid Number Approved By | PO No Bid Date CC Meeting | Vendor Bid Due Fund | Description Item No Function/Division | PO Amount |
|---------------------------------|--------------------------------------|---------------------------------|-------------------------------|---|---------------------|
| CS Admin | 08/04/2008 | 30-252692 | Waste Management of Turnkey L | Grit Disposal | 9,100.00 |
| | PA | | | Sewer Fund CS - Sewer | |
| CS Admin | 08/15/2008 | 30-252880 | Pinard Waste Systems, Inc | Recclng Curbside Collection | 404,201.40 |
| | PA | | | General Fund CS - Recycling Mgmt | |
| CS Admin | 08/15/2008 | 30-252881 | Pinard Waste Systems Inc | Curbside Collection Trash | 398,309.76 |
| | PA | | | CS - Waste Mgmt | |
| CS Admin | 08/15/2008 | 30-252882 | Pinard Waste | Waste Disposal | 511,440.00 |
| | PA | | | Residential Solid Waste CS - Waste Mgmt | |
| Total for Comm Serv PW | | | | | 1,323,051.16 |
| | | | | | |
| 35 Recreation | | | | | |
| Recreation Admin | 08/06/2008 | 15-252779 | Hall Brothers Contracting Inc | Arena Roof Repairs | 7,900.00 |
| | PA | | | Arena Improvements Arena | |
| Total for Recreation | | | | | 7,900.00 |
| | | | | | |
| 39 Public Library | | | | | |
| Public Library | 08/20/2008 | 39-253020 | Sirsidynix | Maintenance of System | 10,607.83 |
| | PA | | | General Fund Public Library | |
| Total for Public Library | | | | | 10,607.83 |

City of Dover

Purchase Order Report

For August 2008

9/2/2008

| Department | PO Date | PO No | Vendor | Bid Due | Item No | Description | PO Amount |
|------------------------------------|-------------|-------|------------|---------|---------|-------------------|-----------------------------------|
| | Bid Number | | Bid Date | | | PO Notes | |
| | Approved By | | CC Meeting | Fund | | Function/Division | |
| Grand Total All Departments | | | | | | | <u><u>1,576,558.63</u></u> |

City of Dover

**Purchase Order Count
July 2008 thru June 2009**

| | 1,000 - 4,999.99 | 5,000 - 9,999.99 | 10,000 - 24,999.99 | 25,000 - Over | Totals |
|-----------|------------------|------------------|--------------------|---------------|--------|
| July | 27 | 11 | 4 | 8 | 50 |
| August | 20 | 5 | 5 | 6 | 36 |
| September | | | | | |
| October | | | | | |
| November | | | | | |
| December | | | | | |
| January | | | | | |
| February | | | | | |
| March | | | | | |
| April | | | | | |
| May | | | | | |
| June | | | | | |
| Totals: | 47 | 16 | 9 | 14 | 86 |

City of Dover

Expenditures of Major Funds

August 31, 2008

(General Fund Excludes County, School and Debt Service)

| Account | Original Budget | Adjusted Budget | Expenditures This Period | Expenditures Year to Date | Encumb | Budget Availability | Avail % |
|--|----------------------|----------------------|--------------------------|---------------------------|---------------------|----------------------|--------------|
| 1000 General Fund | | | | | | | |
| City Council | 169,096.00 | 222,269.01 | 15,945.12 | 47,702.73 | 9,497.89 | 165,068.39 | 74.27 |
| Executive | 979,026.00 | 986,292.02 | 56,029.20 | 114,064.67 | 3,940.84 | 868,286.51 | 88.04 |
| Finance | 1,167,001.00 | 1,185,139.97 | 85,367.05 | 169,026.80 | 139,595.17 | 876,518.00 | 73.96 |
| Planning | 445,954.00 | 507,835.43 | 35,022.19 | 71,937.85 | 30,405.00 | 405,492.58 | 79.85 |
| Misc Gen Gov't | 856,774.00 | 1,132,658.81 | 39,544.49 | 403,306.02 | 174,229.64 | 555,123.15 | 49.01 |
| Police | 6,422,037.00 | 6,465,274.80 | 406,474.12 | 874,706.16 | 108,614.08 | 5,481,954.56 | 84.79 |
| Fire & Rescue | 6,228,171.00 | 6,244,969.00 | 451,025.40 | 911,086.55 | 1,270.26 | 5,332,612.19 | 85.39 |
| Comm Serv PW | 5,322,246.00 | 5,658,748.08 | 249,054.92 | 506,580.87 | 553,780.32 | 4,598,386.89 | 81.26 |
| Recreation | 1,310,221.00 | 1,339,998.90 | 103,049.48 | 231,480.94 | 216.00 | 1,108,301.96 | 82.71 |
| Public Library | 1,074,129.00 | 1,076,379.06 | 83,067.92 | 162,255.06 | 4,512.69 | 909,611.31 | 84.51 |
| Human Services | 717,702.00 | 745,742.01 | 42,451.91 | 83,069.29 | 4,177.01 | 658,495.71 | 88.30 |
| Total for General Fund | 24,692,357.00 | 25,565,307.09 | 1,567,031.80 | 3,575,216.94 | 1,030,238.90 | 20,959,851.25 | 81.99 |
| 3320 Residential Solid Waste | | | | | | | |
| Comm Serv PW | 1,113,486.00 | 1,368,633.69 | 80,299.59 | 83,586.26 | 1,005,802.33 | 279,245.10 | 20.40 |
| Total for Residential Solid Waste | 1,113,486.00 | 1,368,633.69 | 80,299.59 | 83,586.26 | 1,005,802.33 | 279,245.10 | 20.40 |
| 3381 McConnell Center | | | | | | | |
| Comm Serv PW | 0.00 | 14,778.94 | 766.59 | 879.26 | 7,284.47 | 6,615.21 | 44.76 |
| Recreation | 745,662.00 | 810,289.09 | 12,256.23 | 36,881.99 | 23,275.34 | 750,131.76 | 92.58 |
| Total for McConnell Center | 745,662.00 | 825,068.03 | 13,022.82 | 37,761.25 | 30,559.81 | 756,746.97 | 91.72 |
| 5300 Water Fund | | | | | | | |
| Comm Serv PW | 4,158,670.00 | 4,245,885.52 | 215,566.20 | 485,099.43 | 61,337.34 | 3,699,448.75 | 87.13 |
| Total for Water Fund | 4,158,670.00 | 4,245,885.52 | 215,566.20 | 485,099.43 | 61,337.34 | 3,699,448.75 | 87.13 |

City of Dover

Expenditures of Major Funds

August 31, 2008

(General Fund Excludes County, School and Debt Service)

9/2/2008

| Account | Original Budget | Adjusted Budget | Expenditures This Period | Expenditures Year to Date | Encumb | Budget Availability | Avail % |
|-----------------------------|---------------------|---------------------|-----------------------------|------------------------------|------------------|------------------------|--------------|
| 5320 Sewer Fund | | | | | | | |
| Comm Serv PW | 5,575,072.00 | 5,617,027.94 | 332,244.78 | 816,873.48 | 79,761.18 | 4,720,393.28 | 84.04 |
| Total for Sewer Fund | 5,575,072.00 | 5,617,027.94 | 332,244.78 | 816,873.48 | 79,761.18 | 4,720,393.28 | 84.04 |
| 5500 Arena Fund | | | | | | | |
| Recreation | 1,619,173.00 | 1,619,327.95 | 82,876.92 | 164,976.36 | 25,389.42 | 1,428,962.17 | 88.24 |
| Total for Arena Fund | 1,619,173.00 | 1,619,327.95 | 82,876.92 | 164,976.36 | 25,389.42 | 1,428,962.17 | 88.24 |

City of Dover

Revenues of Major Funds

August 31, 2008

(General Fund Excludes Property Taxes and Education Revenues)

| Account | Original Budget | Adjusted Budget | Revenues This Period | Revenues Year To Date | Revenue Due | Uncollected % |
|--|---------------------|---------------------|----------------------|-----------------------|---------------------|---------------|
| 1000 General Fund | | | | | | |
| Taxes | 282,010.00 | 282,010.00 | 58,352.77 | 87,551.59 | 194,458.41 | 68.95 |
| Licenses & Permits | 4,467,223.00 | 4,467,223.00 | 316,162.34 | 676,986.42 | 3,790,236.58 | 84.85 |
| Intergovernmental | 2,518,756.00 | 2,518,756.00 | 111.12 | 446,441.48 | 2,072,314.52 | 82.28 |
| Charges for Services | 1,385,535.00 | 1,385,535.00 | 102,083.78 | 215,125.12 | 1,170,409.88 | 84.47 |
| Misc. Revenue | 1,200,657.00 | 1,200,657.00 | 295,672.37 | 391,061.27 | 809,400.73 | 67.41 |
| Operating Transfers In | 50,000.00 | 50,000.00 | 0.00 | 0.00 | 50,000.00 | 100.00 |
| Other Financing Sources | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Total for General Fund | 9,904,181.00 | 9,904,181.00 | 772,382.38 | 1,817,165.88 | 8,086,820.12 | 81.65 |
| 3320 Residential Solid Waste | | | | | | |
| Charges for Services | 1,113,486.00 | 1,113,486.00 | 92,021.45 | 195,031.56 | 918,454.44 | 82.48 |
| Misc. Revenue | 0.00 | 0.00 | 6.14 | 70.52 | (70.52) | 0.00 |
| Total for Residential Solid Waste | 1,113,486.00 | 1,113,486.00 | 92,027.59 | 195,102.08 | 918,383.92 | 82.48 |
| 3381 McConnell Center | | | | | | |
| Misc. Revenue | 731,096.00 | 731,096.00 | 17,820.44 | 38,605.79 | 692,490.21 | 94.72 |
| Operating Transfers In | 14,566.00 | 14,566.00 | 31,013.49 | 62,026.98 | (47,460.98) | (325.83) |
| Total for McConnell Center | 745,662.00 | 745,662.00 | 48,833.93 | 100,632.77 | 645,029.23 | 86.50 |
| 5300 Water Fund | | | | | | |
| Charges for Services | 4,137,670.00 | 4,137,670.00 | 128,674.13 | 253,210.51 | 3,884,459.49 | 93.88 |
| Misc. Revenue | 21,000.00 | 21,000.00 | 1,922.01 | 5,632.62 | 15,367.38 | 73.18 |
| Total for Water Fund | 4,158,670.00 | 4,158,670.00 | 130,596.14 | 258,843.13 | 3,899,826.87 | 93.78 |
| 5320 Sewer Fund | | | | | | |
| Intergovernmental | 210,499.00 | 210,499.00 | 0.00 | 8,361.28 | 202,137.72 | 96.03 |
| Charges for Services | 4,262,654.00 | 4,262,654.00 | 147,670.38 | 283,399.30 | 3,979,254.70 | 93.35 |
| Misc. Revenue | 32,000.00 | 32,000.00 | 2,847.05 | 7,166.17 | 24,833.83 | 77.61 |
| Other Financing Sources | 1,069,919.00 | 1,069,919.00 | 0.00 | 0.00 | 1,069,919.00 | 100.00 |
| Total for Sewer Fund | 5,575,072.00 | 5,575,072.00 | 150,517.43 | 298,926.75 | 5,276,145.25 | 94.64 |

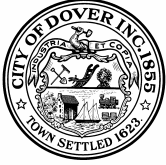
City of Dover

Revenues of Major Funds

August 31, 2008

(General Fund Excludes Property Taxes and Education Revenues)

| Account | Original Budget | Adjusted Budget | Revenues This Period | Revenues Year To Date | Revenue Due | Uncollected % |
|-----------------------------|---------------------|---------------------|-------------------------|--------------------------|---------------------|------------------|
| 5500 Arena Fund | | | | | | |
| Charges for Services | 1,588,909.00 | 1,588,684.00 | 67,723.96 | 131,255.79 | 1,457,203.21 | 91.72 |
| Misc. Revenue | 30,264.00 | 30,264.00 | 1,576.05 | 3,819.65 | 26,444.35 | 87.38 |
| Total for Arena Fund | 1,619,173.00 | 1,618,948.00 | 69,300.01 | 135,075.44 | 1,483,647.56 | 91.64 |



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: Workshop
Meeting Location: City Hall Auditorium-288 Central Ave,Dover,NH 03820
Meeting Date: August 6, 2008
Meeting Time: 7:00 pm

Present: Mayor Myers, Councilors Callaghan, Cheney, Dede, McCusker, Scott, Trefethen, Weston.
Also Present: City Manager Joyal, City Attorney Krans, and City Clerk Lavertu.
Vacancy: Ward 1 Councilor

1. PLEDGE OF ALLEGIANCE

Councilor Trefethen led the Pledge of Allegiance.

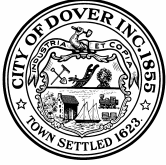
2. CITY MANAGER EVALUATION

Mayor Myers went over the background information for the Workshop. He said it was the end of a year-long process. The Council's goals for the City Manager are usually set in the fall, and they provide the City Manager with direction. He said the Council adopted the methodology being used to score the written comments, giving extra weighting to higher priorities. He said there were 17 goals passed that the Council evaluated, in four different sets of priorities. The first five goals are the highest priority, followed by three sets of four goals ranking 2, 3, and 4. He said each Councilor was given a scoring sheet. The scoring is based on a 1 to 10 point system, with 10 being the highest and 1 the lowest. He said the breakdown was: 1 to 4 would fall into the below expectations category, a 5 or 6 would fall into the meets expectations category, 7 or 8 would fall into the often exceeds expectations, a 9 means exceeds expectations, and a 10 would be consistently exceeds expectations. He said that additionally the Councilors were encouraged to submit written comments, either general in nature or specific to the goals. The combined Council score for the City Manager was 6.54, which falls in the higher end of meets expectations category, and the lower end of often exceeds expectations. Individual scores of Councilors were: Ward 2, Councilor DeDe, 8.56; Ward 3, Councilor Scott, 3.59; Ward 4, Councilor Trefethen, 8.76; Ward 5, Councilor Cheney, 4.52; Ward 6, Councilor Callaghan, 4.42; Councilor-At-Large Weston, 5.88; Councilor-At-Large McCusker, 9.21; and Mayor Myers, 7.39. His plan for the workshop was to go through the items in order of priority. The Council would discuss each item, and the City Manager would have an opportunity to respond. The Council would be able to amend their scores after hearing comments, but he felt it should be during the workshop session. He said he would have concerns if the amendments were given at a later time after the public hearing.

Mayor Myers started with the first goal of the highest priority: Develop an updated yearly master plan for road paving and sidewalk improvements, which would be a five-year plan, include variables such as costs, funding, and tie-ins with water, sewer, and drainage, and make this information easily accessible to the public. The Council score on this particular item was 6.13.

Councilor DeDe asked the Mayor to read each Councilor's score, so the public is made aware of them. Mayor Myers said he would read them in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers. He said the scores for this particular item were 9, 2, 8, 4, 4, 6, 10, and 6; with an average of 6.13. He said the Councilors' comment will be made public as a matter of record.

Mayor Myers moved on to the second item: Identify current outsourcing and potential future outsourcing opportunities, recommend efficiencies and savings as appropriate for either expanding outsourcing or bringing some tasks back in-house. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were:



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: Workshop
Meeting Location: City Hall Auditorium-288 Central Ave, Dover, NH 03820
Meeting Date: August 6, 2008
Meeting Time: 7:00 pm

9, 3, 9, 3, 4, 7, 10, 7; with an average of 6.5, which falls in the higher end of meets expectations towards often exceed expectations.

Mayor Myers moved on to the third item: Work with the Dover Industrial Business Development Authority (DBIDA) to improve the opportunities to the City for economic development and business retention, and keep the Council updated with the role of the DBIDA Board. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 9, 1, 10, 2, 1, 5, 8, 8; with an average of 5.5, which falls in the meets expectations category.

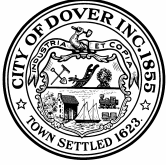
Mayor Myers moved on to the fourth item: Implement updated financial software and recommendations of both the Comprehensive Annual Financial Report (CAFR) and the most recent payroll audit to improve and correct noted issues. Mayor Myers said again in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 8, 2, 6, 4, 2, 6, 10, and 7; with an average of 5.63, which falls in the meets expectation category. Councilor Trefethen had a question about one of the comments about including the SAU in this. He was under the impression that the SAU was going to convert to the new system when the City gets it. City Manager Joyal said he was working closely with the SAU office on this and they were involved in developing the RFP at this point.

Mayor Myers moved on to the next item: Provide a budget for the Council's guidance, such guidance to be given in the January – February timeframe. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 10, 2, 10, 1, 1, 4, 10, 10; with an average of 6.0.

Mayor Myers said he was surprised at the range of scores on this item. He said the City Manager had submitted a budget that met all the limitations of the Charter Amendment, in a timely manner that included the school and the county. He knew some on the Council were not happy with some of the proposed cuts, but ultimately that becomes the job of the Council to determine what stays in the budget and what comes out of the budget. He felt that the City Manager had additional information that included costs for particular programs so the Council could place some things back into the budget. He said providing a budget for Council guidance was exactly what the City Manager did. He said the Council should have provided additional guidance to tell him not to cut children's programs and safety programs.

Councilor Trefethen said he felt some Councilors were engaging in what they wished the guidance of the Council was, or what their personal thoughts were as opposed to what was actually passed by the Council. He said he knew not everyone was happy with the Resolution, but it was passed by an overwhelming majority of the Council. He said to turn around and again present the disagreement as if this was the guidance that was given was wrong, and it was not a reflection of what actually happened. He said the Council, not individual Councilors, gave direction to the City Manager. He said he would like to see where the City Manager did not do what the Council told him to do in that Resolution. He said the statements in the evaluation are a reflection of what some Councilors wished he didn't do, but not a reflection of the Resolution. He said some of the scores were vindictive.

Councilor Callaghan said these were supposed to be individual scores. He said the quality of the product was also built into that decision. He said the point of individual scoring is to put down your viewpoint and not second guess what other Councilors are thinking.



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: Workshop
Meeting Location: City Hall Auditorium-288 Central Ave, Dover, NH 03820
Meeting Date: August 6, 2008
Meeting Time: 7:00 pm

Councilor DeDe said the rating should be objective as opposed to subjective. He said those who didn't recognize that the City Manager submitted exactly what the Council requested have just rated it incorrectly.

Councilor Cheney said she disagreed. She said the City Manager has been in this position since 2005. She said he has heard the same thing over and over again. She said she felt the message should have gotten across.

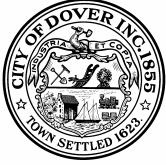
Councilor McCusker said his individual score was a 10 in this area and he felt it was for good reason. He said the history of presenting budgets in the City was completely erased when it came to this year's preparation as a result of the Tax Cap Ordinance. He said there were certain restrictions that were placed on the Council, the City Manager, and the Department Heads. He said each of the department heads were directed by the person they work for to prioritize, because the City can't exceed this budget limitation number. He said the City Manager looked at the City as a whole and said recreation is not on the priority scale, because the City needs public safety, schools, roads, to keep the infrastructure alive and well for the citizens. He said the City Manager can't say he doesn't want as much police enforcement in order to keep the pool open. He said the City Manager should not have been rated so low. He said the scores continue to prove how the Council is divided.

Councilor Weston said she disagreed with Councilor McCusker. She felt when the City Manager followed the Council's direction he should get a 5 or 6, meets expectations. To get 7 through 10, he had to go above and beyond to become creative. She said she gave him a 4 for two particular reasons. He did prepare the budget to fall under the tax cap, not only as a directive from the Council, but the taxpayers. During the budget process, when the City Manager came back to the Council to clarify the direction of the Council to find \$22,000 within the budget, he was specifically directed by the Council not to take it just from the Police Department. She said the next day the City Manager came back to the Council and said he took the funds from the Police Department only. She said the vote for that directive was 8/0. She found that to be disregard for the will of the Council. She said she emailed the City Manager about not following the will of the Council, and said she didn't even get a response.

Mayor Myers said he recalled that night the minutes were clarified. He said he believed it was Councilor Callaghan who made the original motion to cut the Police Department's budget \$22,000 in order to find this money for the Victim's Witness Advocate, but the Council wanted to give the City Manager the discretion to find it somewhere within the entire budget, but didn't preclude him from taking it from the Police Department's budget. He then spoke to Councilor Scott's comments regarding the \$1.8 million fiscal year 2008 surplus. He said he was concerned about misinformation going out, and that the City does not have a \$1.8 million surplus. He asked Councilor Scott why he keeps bringing that number up when it has been discussed several times that it is not accurate.

Councilor Scott said they were presented with some documents showing a comparison of what the budget expected for revenues and what actually came in. He said it looked to him like the City received about \$1 million more revenues than budgeted. He said there was also a second page which talked about expenses, and it seemed to him that expenses were \$800,000 less than budgeted. He said the only reply he received on his comments was that the City couldn't be certain about these figures until after the audit. He felt that was a bad excuse. He said if the audit shows a substantial difference it means the City has a problem in accounting. He said the City Manager should be able to have his fingers on the cash flow and know in March what the City is going to be running.

Mayor Myers said it was answered in the June and July meetings in much more detail than Councilor Scott's comments. He said he was concerned that there is still some misinformation coming forward on this in August.



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: Workshop
Meeting Location: City Hall Auditorium-288 Central Ave,Dover,NH 03820
Meeting Date: August 6, 2008
Meeting Time: 7:00 pm

Councilor Scott said the answer was unacceptable and didn't make any accounting sense. Mayor Myers said he just wanted to go on the record that he found that misinformation continuing to come out to be unacceptable.

Councilor Scott said it was not misinformation. He said the City Manager should give the Council an idea of what the surplus will be for the year.

Councilor Trefethen continued with Councilor Scott's comments that if the City does have a surplus in 2008, then that money was available to spend in fiscal year 2009. He said that was a completely inaccurate statement. He said that was not what happens, has never happened, and will never happen. He said if it did happen it would be in violation of the spending ordinance, because it would be additional money that the City is spending that would be over and above the cap.

Councilor DeDe said he failed to see what Councilor Scott's comments about fiscal year 2008 had to do with the budget that was submitted for fiscal year 2009. He said it was irrelevant and doesn't even apply to this item for evaluation. He said this was again personal.

Councilor Callaghan said it appears the Council will have to agree to disagree on how the Council evaluates what is given to them. He said he felt bad that the City Manager has to take the hit for some of this. He said when the previous Council directed the City Manager for a budget they weren't just expecting a book. He said he expected a little more creativity.

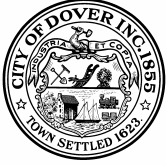
City Manager Joyal thanked the Council for taking the time to put their comments down. He said it was important for him to hear their feedback on these items. He said Councilor Callaghan just alluded to what is very important in this evaluation process; he needed to hear from each of the Councilors what their expectations were. He said there are eight different people sitting around the room, that he is trying to get a sense of what they want and where they want the City to go. He said ultimately the Council is who he takes direction from. He said once a decision is made he will do his best to get done what needs to be done. He spoke on the budget surplus issue and said the Council needs to be cognizant of the fact that the Council represent the citizens of Dover and provides information to them. He said when misinformation gets put out there, for whatever purpose, it is not serving the public. He said it shouldn't be the Council against the City Manager, but the Council and City Manager hand in hand explaining to the citizens what the \$1.8 million is. He said it has been explained many times, and he needs to know what to do to get the Council to understand it. He asked Councilor Scott how he can explain it so he could understand that is not a \$1.8 million surplus that flows into the general fund.

Councilor Scott said if the City Manager followed generally accepted accounting principles, and sees that the revenue was underestimated by \$1 million for the fiscal year 2008 and the expenses were overestimated by \$800,000, he asked how the City Manager doesn't come up with the \$1.8 million surplus. He said the City Manager's explanation was unacceptable.

City Manager Joyal said he understood the addition and subtraction of revenues and expenditures, but said Councilor Scott needed to understand the bigger picture of what those numbers represent. He said in the scheme of balancing the general fund budget, the numbers presented in the City Manager's Report were a snapshot of the general fund budget. They do not represent a surplus. He said simply adding one and subtracting the other is doing a disservice and misinforming the citizens.

Councilor Scott said he wanted a written explanation of the \$1 million of more revenue and \$800,000 less spending, and why that doesn't add up to \$1.8 million of extra money.

Mayor Myers said they will try to come up with something that will get the point across to everybody.



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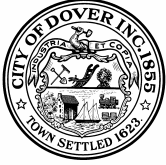
Mayor Myers continued to the first item in the second tier of goals: Henry Law Avenue reconstruction, expedite resolution to property abutters so that this could occur in the spring. Update Council, as needed, as to any legal road blocks that prevent this from occurring.

Councilor Trefethen said he had to be careful what he says, because a lot of the background information was done in Executive Session, because it pertained to legal matters. He said comments from three Councilors try to indicate that the City Manager and his staff were the ones that pursued eminent domain. He said that was absolutely false. He said the items were discussed in Executive Session and the Council gave direction. The end result of that was the resolution and that was done by the direction of the Council. He said anyone remembering it differently was not remembering it correctly. He told the Council to think about it, and in light of that different scores would be appropriate. Mayor Myers said he had similar thoughts. He read Councilor Callaghan's comment that the City Manager brought forward a resolution to take land by eminent domain. He read Councilor Cheney's comment that there was quite a controversy started when the City allowed a vote to come forward to take land from an abutter, and saying luckily that failed. He said he asked the City Manager to find the dates that the Council had non-public meetings. There were three: December 13, 2006, June 27, 2007, and September 12, 2007. He said three Councilors present weren't a part of those meetings, because they weren't Councilors at that time. He said there were five current Councilors present at those meetings. He said he was going to be coming forward with a resolution to release those non-public meeting minutes, so the record can be set straight, because he felt the comments were far out of line in blaming the City Manager.

Councilor Scott said the Henry Law Avenue construction goes through Wards 2 and 3. He said the residents were concerned that the construction could produce a high-speed road that would be dangerous to dogs, children, and the people who like to walk and run. The second area which many people are quite sensitive to is the trees, which make a beautiful arbor in color in the fall. He said it was mentioned in the City Manager's Report that the Council was advised of the tree cutting, and he didn't remember that. He has asked which of the trees need to be cut, and would like to see a report on that to advise the people in Ward 3 that these trees are marked for extinction.

Councilor DeDe said that he believed what was said was that there needed to be neighborhood meetings, so the problems that had occurred earlier would not occur this time around. He said the easements have not been a problem with just the farm, but with two other locations as well. He said once the road is paved and smooth, instead of rough like a washboard, it is probable that people will drive faster. He said the speed limit is posted. He said the City Manager has done everything possible in order to get Henry Law Avenue Reconstruction underway. He said there have been all kinds of snags; none of them are the City Manager's fault. He said most of the snags are problems with easements that the homeowners have to agree to, and he said the City Manager shouldn't be held accountable. He said the resolution to take the land by eminent domain wasn't something that the City Manager did. The original meeting that took place involved a lot of residents who wanted sidewalks, and when the issue came up to vote not one person who wanted those sidewalks showed up. He said prior to the vote he was ready to vote to take the land by eminent domain, but because nobody showed up to support it, it didn't make any sense to support it; otherwise it probably would have been considered.

Mayor Myers said he failed to read the scores into the record. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers; the scores were: 10, 3, 10, 4, 5, 6, 9, and 8.



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Councilor McCusker said as he went through this evaluation he gave scores based on what he knew of those areas. He said this situation happened before he became a Councilor. He said he knew about Henry Law Avenue through the CIP process. He said anything that happened one or two years ago in Executive Session he wouldn't be privy to. He said if he was to make a comment on something that happened in the Executive Session, someone would have had to tell him about it, and he said the Council knows that doesn't happen. He said Councilor Callaghan made comments that meant he had privileged information that the other new councilors didn't have. He felt that his grading on this particular item should have been limited, because they have only been councilors for seven months. Councilor Scott said the report that came from the City Manager with the evaluation said the Council was advised of the tree cutting. He wanted someone to go down and mark the trees that are going to be cut so people can see which of their trees are going to be cut. He said it was better to do it now, instead of after they have been cut. He asked the City Manager to mark the trees and give the Council a report.

City Manager Joyal said he remembered responding to Councilor Scott's comments that the trees would be marked. He said any property owner that abutted a tree that was going to be trimmed or cut down received notification from the City, and the City received a release from the property owner before the tree was removed. He said the only exception would be due to an eminent threat to public safety because of disease or storm damage. He said all of the residents have been provided this information. He said it was a time-consuming process that the City has to go through. He said this has all been presented to the Council. He said it has been in his City Manager's Report. He asked again what he could do differently to get the information across.

Councilor Scott asked if he could assume that every tree that is to be cut has been marked.

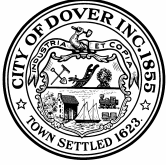
City Manager Joyal said he couldn't assume that, because there are still more fail conditions that they are going to run into. The roots might extend into the roadway and may get damaged and affect the tree, and they would contact the property owner and advise them that it might be better to take down the tree now during the construction instead of coming back later. He said the answer is no, he shouldn't assume that the cutting is done.

Councilor Scott asked if it was possible to tell the people which trees might be cut, so the people know. City Manager Joyal reiterated that every tree that has already been identified for cutting has been marked. He said if it hasn't already been cut, there are discussions ongoing with the property owners to get their approval or compensate them for that tree being removed. He said it wouldn't be doing anyone a service by telling the property owners that a tree might be taken down.

Councilor Scott said it was, because there are beautiful trees there that people want to know if they're going to be cut down.

City Manager Joyal said Councilor Scott should be telling his constituents that the City wants to limit any reduction of any treescape on any street, but we also have to balance that with the need to put through a roadway, within the right of way, that is going to be safe and designed on current engineering standards.

Councilor Callaghan said he wanted to respond to Councilor McCusker's statements, which he found indicative of trying to say that he got some information illegally or wrongfully. He said eminent domain has been a serious issue in the United States. He said the New Hampshire's Justice went to the Supreme Court, Suter, and immediately ruled on eminent domain rules. He said that since then it has been an extremely hot topic. He said when the resolution came before the Council it was something he didn't forget. He said that information was public in a resolution.



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Councilor Trefethen said he wanted to state that the resolution originated by the Council, was dealt with by the Council, and it was a unanimous vote “no” on the resolution. He said he fails to see why it is a knock against the City Manager.

Councilor Callaghan said it may not be. He has heard new information that may change his position on it. He was curious why the City Council told the City Manager to go ahead and do this, and then would shoot it down in the resolution.

Councilor Trefethen said Councilor DeDe explained that. He said again he just didn’t see why it was a knock against the City Manager.

Councilor Callaghan said he would possibly change his scoring once he saw the documentation that supports this discussion.

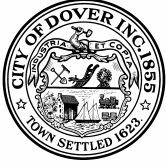
City Manager Joyal said Councilor Callaghan did not contact him about the details of this, and he would like it to be known that historically it has been the City’s approach not to use eminent domain to acquire land, but in fact to negotiate to extremes to acquire property or easements that are needed for public projects. It is his own professional position that the City should avoid at all costs using eminent domain. He said he has consistently communicated that to the Council and anyone else that has asked. He said there may be times where the City would have to do it, key words “have to”, but it shouldn’t be done and the City should find ways around it.

Mayor Myers continued on to the next item: Establish formalized department head goals and present with annual budget submission. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 7, 4, 7, 6, 7, 7, 10, and 5.

Mayor Myers said he felt the goals the City Manager presented to the Council for department heads were fairly comprehensive. He said they laid out specific goals for departments and laid out general goals as far as how we approach the business of the City. He said in that sense they were good. He thought the process could be improved where some of the goals are tied into the budget issues, and felt by knowing the impact to the department, whether it was new financial software, transitions of buildings, consolidation of offices – he would like to know how they impact the budget decisions. He felt there should be draft goals submitted with the budget, so when the Council is discussing certain spending issues, the City Manager can revise the goals based on decisions that the Council makes and have the final goals put in place going forward. Then have another preliminary report next budget time, on what was accomplished with the new goals and how the Council’s decision impacted them.

Councilor Callaghan read the comments by the other Councilors. He said it was a real eye-opener. He felt the Council should have a workshop to approve them.

Mayor Myers said department head goals were not the goals that the Council can approve. These are employees of the City Manager. He said it is not the place of the Council to approve goals that the City Manager has set. He said he would like to see them presented with the budget, so when he is requesting that the City buy new financial software, it shows that it is a goal of the finance department to integrate this software within this timeframe. Or it is the goal of the combined office of the City Clerk and Tax Collection, to make the transition and cross-train, but the Council needs appropriate funds to make the consolidation. He said the Council has a piece in this as to what the City Manager is setting for goals for his department heads. He said if the Council is not going to fund something, then the City Manager has to change his goals that he is setting forward. He said it needs a preliminary step, a final step, and then an evaluation that the City Manager does based on performance, without violating personnel issues.



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Councilor Callaghan asked if there was a system that the Council can implement that assists the City Manager in getting goals together that the Council agrees with. He suggested a workshop for the benefit of the City Manager to get some direction.

Mayor Myers said he thought it could be done, but the Council would have to walk a very fine line, but he would defer to the City Manager on that.

City Manager Joyal said the bigger issue was about setting policy and goals for the upcoming year. He said his contract requires him to do this goals setting process, and suspects that it will continue in September. He told the Council to set those as goals and objectives, and it is up to him to assign them to the department heads. He said the Council wouldn't necessarily approve the department head goals per se, but give him direction.

Councilor Trefethen said when the Council sets the goals for itself; the Council can't do anything in reality. He said the Council relies on the City Manager and his staff to reach the goals. He said the Council thinks we have power that we don't have. He said it is part of that learning curve for new councilors that they have to go through. He said he felt some councilors are embellishing what this goal means. He said the goal was: Do you have department head goals? The answer was, yes, he does. That part was met 100%. The second part was to submit them with an annual budget, and he said to the best of his knowledge that did not happen. He said his score reflected that. He agreed with the Mayor that it would be much more useful to have the formalized department head goals when the Council gets the budget, so he could see what the City Manager was expecting his department heads to do, and determine if the Council is supporting that with appropriations. He said some of the comments lead him to believe that some of the Councilors believe there is a lot more going on with this goal than there is.

Councilor Callaghan said the goals could be to buy all new cars, let's have several company-paid Christmas parties, let's open up all the bars on the City's tab for a couple hours each month. He said the Council would have nothing to say about that and it is the Council's mission to make sure the City Manager gets the money to do that. He told Councilor Trefethen that was what he just said to him.

Councilor Trefethen said that is not what he just said. He used the Mayor's example; if one of the goals of the Finance Director is to choose and implement a new accounting software package, and the Council votes no to buy that software, how does that happen?

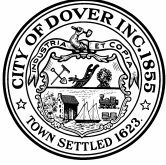
Councilor Callaghan asked if Councilor Trefethen cared what the financial software does.

Councilor Trefethen said he does, but that was a separate issue.

Councilor Callaghan said he disagreed. Councilor Callaghan said the department head goals need to be quality goals, they need to address the needs that the Council thinks need to be addressed and they have to be consistent with the Council's expectation of the City Manager.

Councilor Trefethen said when the Council meets in a few weeks to make up next year's goals for the City Manager he can state it that way, and that is what the Council will rate the City Manager on. He said to rate the City Manager on something that is not stated in the goal is – he said in a year and half from now you're setting goals that the next council will have to rate the City Manager on. He said that is just the way it works.

Mayor Myers said if Councilor Callaghan is dissatisfied with the way the City is going, then it becomes a problem between the Council and the City Manager. He said the Council certainly has opportunities to voice their concerns with the City Manager in a number of areas, and not just once a year. The Council ultimately certainly has opportunity for input, while not having specific authorization of department head goals.



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Councilor Scott said when goals are set for department managers it is sometimes difficult to put numbers in there. He used an example of a Public Works possible objective of lowering heating costs by 5%. He said he would like to see goals where department heads have to stretch. He said he would like to see some numbers in the goals. He said that was why he didn't give it a high grade. He said it wasn't just projects, but projects and how they use the City's money.

Mayor Myers also reminded Councilor Scott that specific concerns like that can be looked at at the next goal-setting workshop in late August, early September, for the City Manager. He said that was not part of the goal last time when the goals were set. He said a Councilor can bring that forward, and if it gets majority support from the Council it will become a goal for next time.

Mayor Myers went on to the next item: Establish quarterly public open forums with opportunities for public comments and questions, continue to hold topic specific forums as needed. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 5, 5, 8, 5, 4, 4, 6, and 6; averaging 5.38.

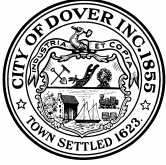
Councilor Scott said his evaluation was in the middle of those numbers. He said he had both a positive and a negative comment there. Positive: He said there was a very good meeting in Ward 3 attended by over 50 people regarding the Applevale Road/Hawthorn Road problem, and people were able to voice their problems and there was progress. Negative: He said in connection with the Henry Law Avenue project, there were several people on the bend there who complained that there was never any meeting to discuss widening the road. He said there should have been a meeting, because this is an important issue to people. He said when it looks like a neighborhood is going to be impacted, it is essential for the City Manager to hold a public forum to explain what he wants to do, and give people a chance to reply.

Councilor Cheney gave the City Manager a score that he met the requirements, because she felt the City Manager has been to most of the meetings she has ever attended. If he wasn't it was because he was at another meeting and can't be in two places at one time. He is always at these public forums and people can talk to him if they want to. She said they still needed the quarterly public question-and-answer forum. She feels that the City Manager is everywhere and feels confident that the City Manager has met her objectives there. She has never seen him not want to be at these meetings or among the public.

Mayor Myers went on to the next item: Complete Route 108 sidewalk improvement project. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 10, 6, 10, 6, 6, 5, 8, and 8; averaging 7.38.

Councilor Trefethen read the comment that said: "This project is not complete and may be as a result of poor planning, resource utilization, or prioritization of the City Manager." He said that wasn't true. He said this project has been delayed for two principle reasons. One has been the State, which we don't control. Second was the Ward 6 Councilor's repeated assurance that everyone up there wanted this done and done quickly, and there were several landowners that dragged their feet or refused to give easements to make this happen. He said that wasn't the City Manager's fault. He said the comment may have been made because they were unaware, and he said they are aware now.

Mayor Myers started with the third tier, first highest priority: Present, revise an abbreviated budget summary along with the budget, approximately 20 to 30 pages. Mayor Myers said in the order of Ward



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2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 9, 6, 6, 5, 5, 6, 10, and 5; averaging 6.50.

Councilor Trefethen said his interpretation of this goal was that the budget book was huge and complicated. He said what was needed was a summary that was short and concise with the important information, and he felt the intention was for it to be a separate publication.

Mayor Myers agreed with Councilor Trefethen.

Mayor Myers went on to the next item: Continue to work with the Willand Pond Ad-Hoc Committee, DES, Somersworth, Strafford Regional Planning, and others, to find and attain solutions to both short and long term issues of the high water table at Willand Pond. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 10, 4, 10, 6, 7, 8, 10, and 10; averaging 8.12.

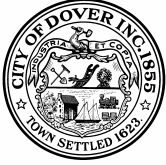
Councilor Trefethen said the one thing he has heard about the Willand Pond issue is, why can't they just dig a drainage ditch where the drainage used to be? He said there was nobody that would be more than happy to do it than himself, but unfortunately that is not the way things are done. He said that they need DES approval and other things that have to occur. He said he understood the frustration level, but it is evident from every report that they have received, including from the Willand Pond Ad-Hoc Committee, that the City is doing everything that it can to do this. He said we complicated the matter when this Council didn't want to appropriate any money to do it, because we wanted to point the finger over the City line. He said again that this is not the City Manager's fault, but the Council's. He said the Council compounded the problem, but he said the delay problem is really DES. He said DES was top dog and there was nothing the Council could do to change that.

Mayor Myers went on to the next item: Complete consolidation of City Clerk/Tax Collection functions, continue to work overall space needs for the remainder of City Hall and Police Department. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 9, 4, 7, 4, 4, 5, 10, and 7; averaging 6.25.

Mayor Myers mentioned one of the comments that the Council hasn't received any information on how much this is going to save the City, and tying in that this consolidation leads to a \$10 million capital project for the City Hall and the construction of a new police station. Again, he said there were 5 councilors out of the eight present who went through the variety of options that were made during the space needs presentation. He said those Councilors chose the minimalist choice, knowing the SAU was moving to the McConnell Center and freeing up space, knowing we wanted to make the first floor areas more customer service friendly and efficient for the public, and put less publicly used offices up on the second floor. He said everything that was laid out has been moved forward by the City Manager. He said the City has Karen Lavertu, who has the combined function of City Clerk and Tax Collector. He said there was an analysis given to the Council as to the savings for a 10-year period if the two offices are in the same physical space.

City Manager Joyal said it was just shy of \$1 million in savings, which includes the funding that was allocated to make the changes.

Mayor Myers said the focus of improving customer service has already been enhanced on a level of 10 with the offices still being separate, because the staff has been cross-trained. He said they have gone to more part-time personnel, which cuts down on benefits and retirement contributions. He said the Council needs to fund the office furniture, to make the office efficient and put the savings into place, along with giving better customer service at the same time. He said this is something that he blames



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the Council for not completing. He felt there was nothing that said the Council was doing a \$10 million renovation and building a police station, which is what Councilor Scott had in his comments. He said there is a reworked resolution that will be coming before the Council to go forward with the office furniture purchase. He said that it was not, as one comment suggested, that the City Manager was taking the opportunity with this objective to embellish the City Hall with thousands of dollars in furniture. He said it was to make the City more efficient and save \$1 million over ten years.

Councilor Scott asked for a copy of the report that showed the City would save \$1 million over 10 years. City Manager Joyal said he provided a copy to all of the Councilors at the last meeting which discussed the furniture, but he would get him another copy. He said it listed the weighed savings by consolidating the offices for cross-training and scheduling flexibility and the cost of the renovations and furnishing, with a net savings of \$990,000 over ten years.

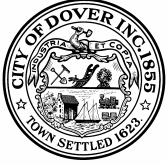
Councilor McCusker said he remembered the conversation regarding the furnishings. He said the combination of the City Clerk and Tax Collector's Office meant reconfiguring space. He said this was part of the plan. He said it wasn't consolidating the offices and by the way we need new furniture. He said he remembered so much discussion over furniture that the City Manager said he could hire a tax collector if the objective wasn't going to get completed. He referred to Councilor Callaghan's comments that said when the City Manager didn't get permission from the current Council to expend the funds for furnishing, he indicated that he would hire a tax collector, and that was a vindictive and subordinate act. He said he knew a lot of this is based on objectivity and perspective, but there was an hour and a half discussion on furnishings that night and he felt the City Manager was frustrated and asked the Council if they wanted to go backwards to the way things were. He said that was how he understood the situation, and felt to say that he was insubordinate and vindictive was out of line.

City Manager Joyal said he was frustrated, but his comment about hiring a tax collector was more towards the offices being separated and a lot of administrative activities, supervisory activities, internal control processes that are essentially in limbo right now. He said they're doing the best that they can, with Karen literally running between offices. He said there is a physical need to bring those offices and functions together in order for those procedures and controls to work the way they are supposed to. Councilor Weston said she wanted to clarify to Councilor McCusker that she did not vote against the consolidation. She said the debate was over giving the City Manager a blank check for the purchase of office furniture. She said the Council requested the City Manager to come back with a list and to put it out to bid.

Councilor DeDe said in a subsequent conversation with Dr. O'Connor, the methodology that was approached over at the SAU offices was that the staff basically set up the office and picked out the furniture. He said there are areas that subsequently, he has come to the conclusion that he would have been better off just spending the money to have a consultant design the offices. He felt that was what the Council should be instructing the City Manager to do. He said the characterization of the City Manager's comments as insubordinate is a stretch. He said someone has already alluded to the fact that you can't be in two places at the same time, but that is exactly what is being requested of Karen Lavertu at this point, because she has two separate areas to supervise. He said the Council has been dragging its feet on this, and the Council needs to help the City Manager get this done.

Councilor Cheney said she rated this 4, and she put her reason in a few other places in the evaluation. She said if the City is changing City Hall it should be more user friendly for the people who it belongs to.

Mayor Myers said he knows the furniture is not the whole issue, but he was disappointed when the Council didn't approve the furniture to make this consolidation work. He looked at what the JBC did, which has City Councilors on it, when they outfitted the offices at Woodman Park School. He said they



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went with local vendors and a State bid, and didn't go out to bid. He said the minutes also reflected the same trend for the SAU offices at the McConnell Center. He said he felt it should have been a very easy experience to piggyback on what the schools did, with the Councilors on the JBC.

Mayor Myers continued to the next item: Continue to expand City website offerings to also include a more friendly email for Councilors (Outlook). Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 5, 1, 10, 1, 1, 6, 10, and 7; averaging 5.12.

Councilor Callaghan referred to Mayor Myers comment that the City Manager implemented Microsoft Outlook. He said that is not what happened and referred the Mayor to his comment where the goal was to interface the email through Microsoft Outlook; it does not. The next one says it interfaces through Microsoft Exchange; which is a significantly inferior product and which is also substantially inferior to Microsoft Outlook Express. He said the goal says Outlook. He said he didn't know the Mayor's intent, but there are significant differences between the Outlooks.

Mayor Myers asked the City Manager what the City uses.

City Manager Joyal said Microsoft Outlook is the user interface, and Microsoft Exchange is the server application that runs behind the scenes. He said Microsoft Outlook works on personal computers and doesn't need a server. He said the City needs a server-based application, which is Microsoft Exchange, and Microsoft Outlook hooks into it, which provides a web access platform. He said Councilor Cheney was very critical of the web-mail application, because it was open ended and insecure. He said Councilor Turner was familiar with the functionality of Outlook with calendaring, contacts, tasks, and led to the City getting away from the prior application, which was web-mail.

Councilor Cheney said she liked web-mail, because it was UNIX-based. She said it was free, easy, flexible, and let her do whatever she wanted. She said she realized at the time that the Council thought an Outlook interface would have been easier.

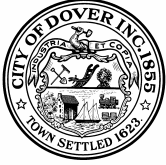
Councilor Trefethen thanked Councilor Cheney for her last comment, because that was exactly the point he wanted to make. He said the Council made the decision to change the email system. He said the City Manager didn't want to do it. Councilor Trefethen said he hated the new system and was perfectly happy with the old one. He said he gave the City Manager a 10, because he did what the Council asked him to do.

Councilor Scott spoke on the changes to the City website and all the complaints he has had about getting the agenda. He spoke on the IT budget and how it has doubled, and the website seems to get worse.

Mayor Myers said this was explained during the budget process. The Council talked about the franchise fee, the internet tax, hiring people to enhance the website, and adding cable access channels. He said this has been discussed, and he was surprised to see the same comments. He said that Councilor Scott wrote it like it has never been answered. He said the City Manager and Annie Dove, IT Director, answered this question. He said the Council has talked about the enhancements that are coming. The City has just started collecting the franchise fee.

Councilor DeDe said the Council asked for this change, and the City Manager arranged for this change, but three people said he didn't do anything and rated him below expectations. He said whether the Councilors like it or not, it is what they asked for. At least meets expectations is a 5 or 6, but a 1 is a fairy tale.

Councilor Callaghan said the Council didn't get what they asked for. The product the Council asked for was Outlook, and that isn't what the Council received. The other issue is how has the city website



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improved. He said the city website has a lot more information on it, but you have to be a genius to get through it.

Councilor Cheney said it was not totally the City Manager's fault; however, he is the one who has to meet expectations. She said there is an overzealous attempt to streamline everything, but the City needs to draw on the knowledge that we have.

Councilor McCusker asked the City Manager how many citizens call and speak to IT, his office, the Clerk's office, and complain about the user friendliness of the website.

City Manager Joyal said he can't say there is a lot. He does occasionally get emails about where to find information. He said they know that the volume of information that is available on the website is a problem, and he said it is difficult to figure out the best way to guide people. He said he wasn't hearing much except from councilors, who complained about changes to the agenda, which if anybody has looked recently, we have some additional changes.

Councilor McCusker asked if the City Manager considered the website to be a major issue for the IT staff day to day.

City Manager Joyal said he did consider it a major issue, because he is focusing on getting as much information to the public as possible. He said there is so much out there, and we're working on helping people find it. He said the website was developed 13 years ago by self-taught staff, and it wasn't until six months ago that the City hired a professional to update the website. He said it may not be the best right now, but he is proud of his staff with their accomplishments.

Mayor Myers continued to the final level of goals. The first is: Complete, update public, private wage and benefits analysis for Dover area labor force. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 10, 3, 10, 5, 4, 5, 8, and 7; averaging 6.50.

Councilor Scott said he had one constituent ask where he could view this survey on the website.

Councilor DeDe it was distributed to the Council.

Councilor Scott asked if it was on the website.

Councilor DeDe said yes, it was.

Councilor Scott asked where it was on the website.

City Manager Joyal said it was on the City Manager's Page. He said it was part of a comprehensive package of collective bargaining and comparative wage data.

City Manager Joyal asked Councilor Scott where he would like it posted.

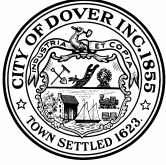
Mayor Myers said it was in the appropriate place.

Mayor Myers went on to the next item: Maintain accessibility to the public and visibility at public events in Dover. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 8, 7, 10, 9, 8, 9, 8, and 9; averaging 8.50.

Mayor Myers went on to the next item: Provide quarterly updates on Tolend Road Landfill, Turnkey Odor Issues and Dover Ice Arenas. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 8, 2, 10, 6, 6, 6, 10, and 9; averaging 7.13.

Councilor Scott asked how people find the Tolend Summary on the website.

City Manager Joyal said he believed there was a link for projects on the front page.



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City Clerk Lavertu said it was on the front page at the very bottom, where there is a link for Major Projects.

Councilor DeDe said it was also in the City Manager's Report every month.

City Manager Joyal said the website does have a Search field that works very well.

Councilor Callaghan said sometimes the Search doesn't work, but Google is great and it sometimes works on that and brings you to the Dover website.

Mayor Myers said he wanted to comment on the Arena and the Turnkey Odor Issue. He said the Council gets a monthly report on the Arena. He said a few people have commented on not hearing anything about the Turnkey Odor Issue, and he felt that was a good thing. He said the fact that the Council isn't getting complaints means the system is working.

Mayor Myers moved on to the final item: Establish a crosswalk plan to review appropriate numbers and locations, prioritize maintenance and painting twice a year. Mayor Myers said in the order of Ward 2 through Ward 6, Councilor-At-Large Weston, Councilor-At-Large McCusker, and Mayor Myers, the scores were: 10, 5, 8, 5, 5, 5, 10, and 7; averaging 6.88.

Mayor Myers said the Transportation Advisory Committee hasn't completed their part of it. He said the painting is completed twice a year. He said he was concerned when they ran out of paint in February – March. He said the City has to investigate why it didn't last longer.

Councilor Trefethen said he was on Indian Brook Drive and said the heat-applied plastic markings held up better than the painting the City did in the spring. He said Massachusetts uses the same method and they don't paint every year. He said he knew it was very expensive, but it can last more than two years. He said it was probably worth doing, and something the Council should look at.

Mayor Myers asked the Council if they had any further comments on the issues before going into general comments.

Councilor Callaghan said he would be willing to review the scores.

Councilor Cheney asked what the process would be to make any changes to the scoring.

Mayor Myers felt the changes should happen in a public forum, but it would be the will of the Council to dictate what happens next.

Councilor Scott said he found this to be a very useful experience. He said he has learned a lot. He said he found Councilor Trefethen's comments to be very good, and even some of Councilor DeDe's comments were useful. He said he would like the opportunity to revise and extend his comments based on what he heard, and get back to the Mayor in a few days. He said this was the most important job of the Council, and suspects the comments that the Council made were helpful to the City Manager. Councilor Callaghan said he wanted to see the minutes from the Executive Session before he amended his score.

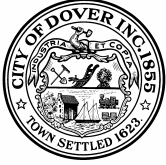
Mayor Myers said he wasn't comfortable with waiting a couple weeks to finalize this, but he doesn't speak for the Council.

Councilor Callaghan asked if the evaluation had to be approved in a Regular Session.

Mayor Myers said he didn't think so, because the evaluation was completed and numbers put in.

Councilor Callaghan asked for another workshop where they can revise their evaluation, and the City Manager has an opportunity to respond to the Council.

Councilor Cheney asked if they could submit changes to the Mayor and he could compile them for a vote or approval of the Council.



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Mayor Myers said in past years the evaluation was done in a non-public session at the request of the Council, as the City Manager agreed to do, because it is his prerogative to request this be done in public.

Councilor DeDe said this was a process that is governed by the Charter and State Law. Since the City Manager has opted to have this evaluation done in public, and anything that happens after this is non-public, therefore, he submitted to the Council that this is it.

Councilor Callaghan felt the City Manager should have time to respond.

Councilor Trefethen said that could happen, but it, the Council, was done tonight.

Mayor Myers said the City Manager gave a self-evaluation.

Councilor Callaghan said it was a report on his accomplishments.

City Manager Joyal said he appreciated the comments and he was willing to go through them with the Council.

Councilor Trefethen asked the Council what they should expect to do with these numbers. Perhaps there may be a change of heart on some points by some people, which can be addressed tonight.

Mayor Myers said it probably wouldn't change the score too much.

Councilor Trefethen asked if the comments were going to be made public.

Mayor Myers said it was a public meeting and it will be made public.

Councilor Trefethen referred the Council to page 17, and said the general comment concerned him greatly. He said the comment was: "He went as far as to try to prevent the City Council from attending the funeral of Councilor Keays." He said it was in relation to a 91.A comment.

Councilor Cheney said it was her comment.

Councilor Trefethen said he knew that, and that he was trying to be nice. He said he felt that was an absolutely false statement. He said his recollection of what occurred going up to Councilor Keays' funeral was this: There was a suggestion made by a Councilor that in respect to Councilor Keays that the Council should go to the wake together, and also to go together to the funeral as a body, as an official City Council act. He said the City Manager's response to that, in relation to the 91.A., was that it would have to be posted as a public meeting. He said that was his response, and not to prevent the Council from attending the funeral. He did arrange for the Council to have a pew in the church so the Council could sit together. He said he was trying to reconcile this statement with the reality, and it does not jive.

Councilor Cheney said she would reconsider the statement, but reading it she still knows a social gathering ----

Councilor Trefethen interrupted by saying a social gathering is not, but the wake was posted in the obituaries, and if the Council made plans to meet and go in together, then that is not a chance social gathering.

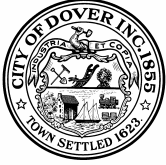
Councilor Weston asked Attorney Krans to clarify the law on this issue.

City Attorney Krans said the law does specifically say that chance social occasions are exempted. He said it really was a judgment call. He said people are going to have differing opinions on that and the City Manager had one.

City Manager Joyal said he had a suggestion. He said he was insulted by that statement. He said a lot of effort was made by himself, the staff, and Councilor Keays' family to make sure he received the proper acknowledgment for his service to the community.

Councilor Cheney said she was going to withdraw this statement from the review.

Mayor Myers said the City Manager could respond since the statement was out there publicly.



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City Manager Joyal said he did not in any way prevent the Council from attending Councilor Keays' funeral. He said if the Council reads the email again, which is on the website, he just suggested that some folks are sensitive to the details of 91.A. and the Council should be careful with that. He said he felt it better to be safe than sorry.

Councilor Cheney said she would withdraw the statement and had a comment to put in its place "it would probably be an asset and better working condition for both the City Manager and Council if he upgraded his knowledge of 91.A. and legal operations in which the Council is involved." She felt it was part of his responsibility to understand the law.

Councilor Weston said the Council is often accused of shooting from the hip, and felt it would be fairer to the City Manager to be able to clean up their statements and present a final draft. She wasn't sure on how to proceed.

Councilor Callaghan said he agreed with Councilor Cheney that the City Manager needed to clarify 91.A, because he felt the Council was handling it wrong.

Councilor DeDe said the City Manager had a good handle on 91.A. and could give any of the councilors a lesson. He said the City Manager would go to the City Attorney for any clarifications that he felt might be needed. He referred to Councilor Cheney's second paragraph: "I still see Mike being involved in the decision-making process to the extent where he vies for people to come out for his causes, or" and he said this was particularly heinous, "has the City Attorney write opinions to affect our considerations." He said that implies that the City Manager is forcing the City Attorney to write things that support things that he wants to happen. He said he was here to tell the Council that that is bull, and Councilor Cheney deserves censure for writing it down. "I feel he would do best to submit to the will of the Council and do the best job he can for the City of Dover, not just a few, but all citizens." He said that was again heinous. He said the City Manager works diligently on behalf of the entire City. He said maybe it wasn't good enough to please Councilor Cheney, but he would tell the Council that it is his experience, five years, that the City Manager works for the entire city and he works tirelessly at it. "Council continues to let the City Manager know what the citizen's want, and he should be able to deliver this, and should have some intuitive feelings as to what our general view is as a community after he has been our City Manager since 2005." He said the City Manager does understand what the citizens want. He also went on to say that some individual councilors think that they represent what all of the citizens want. He said the Council knew that wasn't true, not for anyone on the Council. He told Councilor Cheney that her general comments were worthy of censure.

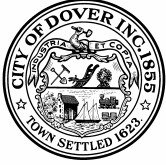
Councilor McCusker addressed the 91.A. comments. He said he would certainly want the warning rather than not know about it. He said he completely agreed with Councilor Weston, and that there needs to be some digestion of this information. He discussed the merits of having time to change scores and comments. He asked the Council for direction.

Mayor Myers said this was workshop material and these comments don't disappear. He said if it is the will of the Council to amend the evaluation they can, but the original documents for the workshop have to remain public.

Councilor DeDe call for a point of order. He said he felt this needed to be referred to the City Attorney. He said the City Manager asked that this be public and to let it go beyond the public's view is not complying with the Charter or the City Manager's rights.

Mayor Myers asked the City Attorney to give his legal opinion on the point of order. He asked if it needed to end here tonight, or if it can continue on.

City Attorney Krans said this was really a personnel matter between the Council and its one employee. He said evaluations usually happen in one event, but there are occasions where that doesn't occur.



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He said there had been some discussion that the Council hasn't heard from the employee, but he felt that the employee didn't have to respond. He didn't think he would find anywhere in the law that it had to be completed in one occasion.

Mayor Myers said if the Council wished to have something else go into the record to go along with these workshop materials, then they could discuss it during Council Matters of Interest. He asked the Council if they were agreeable to that.

Councilor Callaghan said the problem with that is that the Council is closing this workshop. He said he wanted to go back and reconsider his scoring, but he was not going to do it now. He said the Council is the employer and can decide that they are not done. He said they should be able to come back and complete his evaluation and not an amended one.

Mayor Myers said the documents for tonight's meeting don't go away.

Councilor Callaghan said he understood that.

Mayor Myers asked if the Council was agreeable to have it under Council Matters of Interest.

Councilor Callaghan said he would prefer a workshop session prior to the next regular meeting.

Councilor Weston asked if the Workshop could be extended to a date certain.

City Manager Joyal said the Council could do that.

Councilor Weston asked if what was submitted at that point would be the final evaluation.

City Clerk Lavertu said the present evaluation still has to go in, because there are minutes for this workshop.

Councilor Weston said she wanted to be fair to the City Manager.

City Manager Joyal said this doesn't have to be so difficult. The vote can be a resolution on the final evaluation.

Mayor Myers said he would not compile the numbers this time around.

Councilor Trefethen said the meeting should be recessed, and then the minutes will be for one meeting.

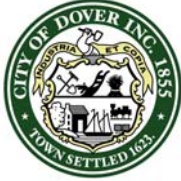
Mayor Myers said the City Clerk is Clerk of the Council, and asked the Council to send her their changes by 4:00 pm, Friday, August 8, 2008.

Councilor Callaghan asked if he could have the minutes for the Executive Session meetings.

City Manager Joyal said the councilors would have them in their mailboxes by 12:00 noontime, on August 7, 2008.

Councilor Callaghan made a motion to recess the Workshop until 6:30 pm, Wednesday, August 13, 2008, seconded by Councilor Weston.

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



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Robert Carrier was sworn in as Councilor by the City Clerk.

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Carrier led the Pledge of Allegiance.

3. ROLL CALL

Present: Mayor Myers, Councilors Callaghan, Carrier, Cheney, Dede, McCusker, Scott, Trefethen, Weston.

Also Present: City Manager Joyal, City Attorney Krans, and City Clerk Lavertu.
Councilor Weston filled in as Deputy Mayor.

A. SELECTION OF DEPUTY MAYOR

Mayor Myers said it was the Council's responsibility to elect a Deputy Mayor from among them. He went through the process, which involved opening up the floor to nominations and allowing those who are nominated for the position to accept or decline. Those who accept have the opportunity to speak to their qualifications or reasons why they would like to be the Deputy Mayor, and then the Council would vote. He said the Council has discussed the options for voting, and said there was a consensus to have a paper ballot. He said he needed a motion from the Council if that was the intent of the Council. He said other options for voting are by voice, roll call, and other archaic methods. He pointed out for the record that a paper secret ballot doesn't allow an opportunity for a motion afterwards to make it a unanimous vote. He opened up the floor for nominations for Deputy Mayor.

Councilor DeDe nominated Councilor Trefethen.

Mayor Myers asked Councilor Trefethen if he was interested.

Councilor Trefethen said yes.

Councilor Callaghan nominated Councilor Cheney.

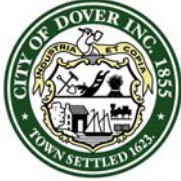
Mayor Myers asked Councilor Cheney if she was interested.

Councilor Cheney said yes.

Mayor Myers asked the Council if there were any other nominations. Seeing none, he closed the nominations. He allowed the two Councilors to speak in the order in which they were nominated.

Councilor Trefethen said he would bring to the position several years of experience on the City Council. He said his other experiences were being Chairman of the Zoning Board of Adjustment for several years, running meetings and being aware of protocol. He has chaired a few other committees along the way for the City Council. He said he felt he was qualified, would bring an impartial look at things, and would be a very strong proponent of letting people have their say.

Councilor Cheney said she would like very much to serve in the position as Deputy Mayor. She said she has over 16 years of interacting and conducting business with many different people and organizations, such as the American Cancer Society and Raytheon, with



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municipalities, such as Peterborough, Goffstown, the Manchester Chamber of Commerce, and many others. She said this demonstrated her capabilities regarding negotiating and working with others to achieve common goals. She said this would work well in helping set agenda items, and assisting in providing proper background materials, and also with interacting with the citizens of the City, as well as members of the Council. She said in the November, 2007 election the majority of the vote was a case for more conservative spending. She said she felt the citizens and the Council would be best served with someone with similar conservative views. She said it would be the diversity and balance that the Council needs. She said she believed she could bring a balanced viewpoint to those items under consideration and help foster public confidence in the Council.

Mayor Myers asked for a motion on the voting method.

Councilor DeDe moved for a paper ballot; seconded by Councilor Trefethen.

Vote: 4/5; Failed. Mayor Myers, Councilors Carrier, DeDe and Trefethen voted in favor.

Councilor Weston moved for a vote by show of hands; seconded by Councilor McCusker.

Vote: 9/0.

Mayor Myers asked for a vote for Councilor Trefethen.

Vote: 5. Mayor Myers, Councilors Carrier, DeDe, McCusker and Trefethen.

Mayor Myers asked for a vote for Councilor Cheney.

Vote: 4. Councilors Callaghan, Cheney, Scott and Weston.

Mayor Myers congratulated Councilor Trefethen for being elected Deputy Mayor by the Council.

Councilor Weston said that both Councilors were qualified. She said in the very beginning she was approached by Councilor Cheney and gave her word to support her, but she wanted to make a motion to show a unanimous vote for Councilor Trefethen to start this off as a unit, and to show Councilor Trefethen that the Council does have confidence in him; seconded by Councilor Cheney.

Mayor Myers asked for a vote to make this a unanimous vote.

Vote: 9/0.

Mayor Myers asked Deputy Mayor Trefethen to take his seat. He thanked Councilor Weston and asked her to take her council seat. He also said that the vacant chair of Deputy Mayor Trefethen could now be the new seat for Councilor Carrier.

4. PROCLAMATIONS – AWARDS

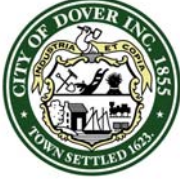
5. APPROVAL OF AGENDA

Councilor DeDe made a motion to approve the agenda as presented; seconded by Councilor Weston.

Vote: 9/0.

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.



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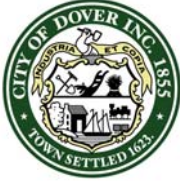
Raymond Bardwell, 199 Spur Road: He congratulated Deputy Mayor Trefethen. He wanted to give some accolades to the Dover Police Department for their handling of drugs and other devious items being dealt at the Spur Road parking lot. He spoke about his concern of people going into the crosswalks without first looking left or right, and felt it was inviting a problem. He spoke of the Dover website and the Economic Development Director position. He said he has been in business, and felt that a business who wanted to relocate would look at the city's website online. He felt some of the funds could be used to improve the website to show off Dover, and get far better exposure than paying an individual. He said the biggest thing wrong with his theory is that the City does need someone to be in contact with existing companies to retain them. He said they could go to the Planning Department, because that is what their function is, planning for the future of Dover.

Anastasia McManus, Central Towers: She said she didn't want to come to the Council, but was driven because of a very practical concern that has not been addressed. She said she has spoken with Councilor DeDe and Recreation Director Gary Bannon about the fact that her apartment overlooks Henry Law Park. She recommended to Mr. Joyal that he never issue a plan that does not include bathroom facilities. She said the Rotary has porta-potties in Henry Law Park for their programs, but they are kept locked up. She said something has to be done, because this is degrading for people in a park that the City is trying to promote. She said people are going behind trees and bushes to relieve themselves. She said this should be planned out before the next program in the Park. She said none of the playgrounds have bathroom facilities either.

Mayor Myers said the Council will follow up on this.

H. Jerry Lynch, 26B Lincoln Street: He agreed with Ms. McManus. He said he takes three kids to Henry Law Park and there isn't a place to go. He said there were porta-potties there, but the construction workers put locks on them. He said unless people are willing to pay \$7.00 to go into the Children's Museum, the kids are going to keep using the bushes. He also spoke about the trash bags and the Council's promise last year not to raise the price. He felt that the citizens were getting stiffed with the trash bags again.

Edward Bleiler, 28 Isaac Lucas Circle: He said ten weeks ago he asked the City Manager for the total costs for the Butterfield gym renovations. He said the City Manager should be forced to show the numbers this evening. He spoke of the Foster's editorial on the Children's Museum and the parking garage, and said he agreed that it was time to talk about parking. He said the City Manager should have realized that the Museum would cause a parking problem, but said it was the Museum's problem. He said the City gave them a \$6 million building and they should build their own garage. He said if it was a downtown merchant's problem, to have them build a garage. If it was Bob Foster's problem, then let him build the garage. He said not to force the taxpayers to pay for a garage for the merchants, the museum, or Bob Foster. He spoke on the Economic Development Agreement, and said again that it was not needed and the City should hand whatever real estate they want to develop to a private real estate company and save \$85,000. He referred to the Information Technology policy, and said when he emails his city councilor, he doesn't want his email going through City Hall. He said it was no one's business



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but between the councilor and himself, and was his right to privacy. He said the City was opening up itself to another civil rights lawsuit. He spoke on the dissolution of the Arena Fund into the General Fund, and said when the City has a losing enterprise; you either raise your prices or cut your expenses. He said if neither can be done, sell it, and it would raise some revenue for the taxpayers and put the building on the tax roll. He said putting the Arena Fund into the General Fund will do nothing but burden the taxpayers into the indefinite future. He said lastly, he would support naming the North End Fire Station the Liberty North End Fire Station only if Liberty Mutual paid for the building, but since they only gave the City unwanted land to save themselves taxes, he didn't understand why it should be named Liberty. He spoke of the cannon outside the City Hall and its need for restoration. He asked who owned the cannon, where did it come from, and why it wasn't taken care of. He said it was a relic of the past and should be preserved for the future. He passed around photographs of the cannon.

Jeffrey Brissette, 11 Fieldstone Drive: He said he was here to talk about a few things that are a concern to him. He referred to the Council's debate over the City Manager's evaluation, and said he would have loved to have piped in with his own evaluation. He said he wanted to talk about the gravel pit. The original contract was negotiated with Mr. Beecher, and he said Mr. Beecher didn't do very well for the City's interests. He got the City \$1.35 per yard. He said the seacoast area sand and gravel pits are a very rare and valuable commodity. He said the materials were worth a minimum of \$5 per yard wholesale. Severino Trucking put an estimate of \$1.3 million on the remaining materials when the contract was renegotiated. He said if the City took that \$1.3 million and extended it out at a minimum to \$5.00, that's \$6.5 million. He said if the Council looked at the amended contract that Mr. Joyal put together, and put out the 200,000 yards a year that Severino Trucking estimates that they will use, that brings the City estimated revenues of \$2,155,000, a third of what the City should be getting. He said the original contract was for extraction only, which means the dirt is dug out of the bank, put in a truck, and hauled away. Severino Trucking took it upon themselves at different times to haul ledge in, process the ledge, crush it, and mix it with sand. He said the City didn't get anything for that. He said he provided the City Attorney with many comparative analyses, pricing from local suppliers, suppliers within an hour to the City of Dover, so that he could present that to the City Manager, but the City Manager chose not to present it to the Council. He said the new amended contract gives Severino Trucking 45 days to process material, and asked the City Manager to tell the taxpayers of Dover what they get for the 45 days given to Severino Trucking so they can process materials. He said the citizens didn't get anything. He asked the City Manager if the citizens did receive something, to please explain it. He said advanced notice is supposed to be given to Dean Peschel for any materials that are being hauled into the pit. He said he would like to know if this was done, and when it was done. He said Paragraph 3 of the new contract talks about discounts on a volume basis that Severino Trucking should get on the price of payment. He asked how much more of a discount the City can give Severino Trucking; we're already giving the dirt away. He said the City Manager graciously negotiated for another \$.05 per year for the next ten years, \$10,000. He said he knew a lot about this business and questioned whose interest the City Manager was looking out for with Severino Trucking when he negotiated this contract, and said it wasn't the City of Dover's. He said he doesn't fault the contractor in this situation at all, and would shake Mr. Severino's hand for making a good deal, but he questions the City government's judgment. He said the City pays Severino Trucking



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\$5.50 per yard for our own materials to sand the roads, and that's supposed to be for loading and processing. He said the contract said that the City doesn't have to pay for loading, so he didn't understand why the City was paying for it. His last point that he felt should be important to the Council was that the EPA requires NOIs be filed on any project that is over an acre in size. He said he knows that no NOIs have been filed on the Long Hill Road project, or for Cape Ann, because anyone can check online to see if an NOI has been filed. He said the same thing was happening on Route 108, where the City of Dover and Gove Construction have not filed an NOI. He said it was a requirement by law, by the EPA, to file an NOI, and the City is not exempt from that.

Donald Medbery, 3 Covered Bridge Lane: He referred to Mr. Brissette's comments and said he has said the same thing several times to this Council about Severino Trucking. He referred to the Zoning Board Meeting of August 21, 2008. He said at the meeting there were a few gas stations signs brought up on two different resolutions, and they were voted down. He said he found it interesting that the Children's Museum, represented by Mr. Schulte, was prepared to sprinkle magic dust that makes people in the chamber fall over and give Schulte his way. He said Mr. Schulte realized he couldn't lift the heavy weight for a variance for a 69 square foot sign to be allowed, where a 16 square foot sign is what the law allows. He said Mr. Schulte marched in the chamber and felt he was getting his sign, but he said Mr. Schulte was not. The sign is 16 feet and that's what we're going to hold it to – hold the feet to the fire to. He said the Zoning Board pulled the resolution only to say that they would be returning in 30 days to try and get a sign. He said he was there the other day, and there were four signs on the museum. He said he wanted to know if the Planning Board passed those four signs, and he was going to find out by filing a 91-A. He said Mr. Schulte will use all of his lobbying power base, all his arm twisting, so that the Council will vote for the sign. He said the citizens were fed up with everything that is given to the City, especially the Children's Museum. He said he was for the Children's Museum, but the City could have had it for nothing because Portsmouth wanted it out of Portsmouth. He said the City made it look like some big deal. He spoke with people in Portsmouth, including the Mayor, and they were laughing at us. They were fed up with the Children's Museum's whining about this and that. He said he was already fed up with the Children's Museum, because they have parking spaces that the Council gave them that should not have come out of the Henry Law Trust. He said the Henry Law Trust was cast in bronze until the Council sprinkled magic dust on the trustee and overseer. He said the City needed to take a long hard look at parking places and parking garages. He said the City should use the grant for shuttle buses, get some land on the edge of the City for parking, bring those 80,000 people the Council thinks are coming to the City, bring them into the City, and then you just bring them back out. He said he also didn't see why the City should name the fire station after Liberty Mutual. He said the City has given them plenty already. He said it should be named after a famous person in the City. That's the way it was usually done. It certainly didn't belong on a fire station, as far as Liberty Mutual goes, from the little bit of money they gave the City, after all the tax breaks we gave them.

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

7. PUBLIC HEARINGS



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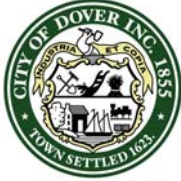
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- A. RESOLUTIONS – NONE**
- B. ORDINANCES – NONE**

8. CITY MANAGER'S REPORT

City Manager Joyal said he had a few items he wanted to bring to the Council's attention, and afterwards he had a representative from Comcast present, at the Council's request, to talk about the franchise renewal agreement that was in place, the issue of the franchise fee, and the build-out into the new residential areas. He referred to the Diesel Fuel Bid Resolution and said it would have to be substituted with the Resolution on the Councilors' desks. He also wanted to bring to the Council's attention the recognition that he was advised of last week, that for the past several consecutive years the City has been recognized for achievement in excellence in financial reporting by the Government Finance Officers Association, United States and Canada. He congratulated Dan Lynch, Finance Director, and his staff for once again qualifying for that recognition, a process that takes about six months of evaluation. He said they have continued to live up to the high standards that are set across the country. Dover is one of six or seven communities that have been recognized with this award, and Dover was one of the first communities in the State to have been recognized with this achievement. He addressed the few items that were brought up in Citizen's Forum. First, he talked about trying to educate the public about crosswalks and the pedestrian's responsibility for crossing them safely. He said the Council has been made aware, and it has been written in local news media that the Police Department has been engaged in several different campaigns to monitor crosswalks and traffic, looking at both vehicles that aren't paying attention to their responsibility to yield to pedestrians in crosswalks, and also to pedestrians that are not taking care before entering traffic. He said that the monitoring will continue periodically. He referred to Mrs. McManus' comments about the need for bathrooms at Henry Law Park. He said there wasn't a porta-pottie located in Henry Law Park, or in any other park around the City. He said they have had them in the past, and they were removed from the budget this past year. He said the Chamber of Commerce, in conjunction with the Cocheco Arts Festival, did rent and have some porta-potties made available in Henry Law Park, however they were only made available to the public during the concerts. He said the City will talk to the Chamber of Commerce next year about making sure that those facilities are left open to the public. He said in the meantime, since Councilor DeDe brought this to his attention that Mrs. McManus had these concerns, he has talked to the pool staff about making sure that the pool, when it is open, was making its facilities available to the public. He said they are looking at signage to indicate that there are public restrooms in the pool facility, and additionally the Children's Museum would allow folks to enter and use their facilities when they need to. He spoke to the gravel pit situation, and said there were a whole host of issues that he felt had been addressed, but he can certainly answer questions if there are any remaining. He referred to Mr. Bleiler's comments about the expenses associated with the Butterfield Gym. He asked the Council to recall that he did give that information last week after Mr. Bleiler left the meeting, and he had it available to repeat again. Since the beginning of August, the City had expended \$632,982. He said no additional payments have been processed. He said the City is currently holding a retainage from the contractor, about \$29,000, which has not been authorized to be released. He said the contractor has submitted a request for some additional payments, and the City was discussing those with the contractor, but didn't



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believe they were warranted at this point. He said he would answer questions, and then he would ask the representative from Comcast to speak.

Councilor Callaghan asked about the costs for the Butterfield Gym, and if it was just for the remodeling of the armory, or if it included the move of the gym over to the McConnell Center. City Manager Joyal said it was the cost of the foundation repair, shoring up the Butterfield Building.

Councilor Callaghan said he wasn't sure what Mr. Bleiler was asking for. If the City moved the Butterfield Gym and built it over there – it would seem that would be part of the costs as well. City Manager Joyal said he thought he knew what was being asked. If the Recreation Department had remained in the Butterfield Building, the City would more than likely have had to spend this money there anyway. He wanted to remind folks that the City looked at whether or not the City wanted to retain that building or tear it down and let the Children's Museum build something from scratch. He said it would have actually cost the City more money to tear the building down and provide the utilities and systems that would be needed, than to pay for the repair, and that's not even taking into effect the historical significance of the building.

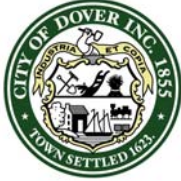
Councilor Cheney asked the City Manager to talk about the cannon, the NOIs required by the EPA, and also the signage exception that is going forward.

City Manager Joyal said the cannon was outside his office, and he didn't know its history. He said on one of the Dover Main Street clean up days they had some volunteers express some interest in restoring the cannon. He said those people have not resurfaced, and at this point there was nothing planned for restoring it. He asked for volunteers to contact his office if they are interested in restoring the cannon. He said regarding the NOIs, Mr. Brissette brought that to the attention of Mr. Steele and he is looking into that, and when more information is available he will let the Council know. He said it was the responsibility of the two vendors that contracted with the City for those projects to file the NOIs. If it wasn't done, they will follow up on it. He said the Children's Museum sign package that they would like to install at the Butterfield Building consists of two components. One is for signs at the entrance, and the other is a large sign they want to put on the side of a building on Washington Street, covering an air handling unit. He said they are asking the Zoning Board to grant them a variance for that, and that's within the purview of the Zoning Board to be able to do that.

Councilor Cheney said this would be setting precedent, if the Zoning Board allowed putting up barriers so a bigger sign can be put up.

City Manager Joyal introduced Brian Christensen, the City's government affairs representative from Comcast, who was very involved in renegotiating the cable franchise agreement with the City.

Mr. Christensen started with the build-out issue. He said they were currently in the process of getting all their approvals from the utilities for the build-out requirement at the Gulf Road area and Three Rivers Farm. We have one from one of the utilities, and are still waiting for approval from the second utility, and as soon as that is done we can start rolling out cable. At this point, he said, they were still on schedule. He said that the City Manager had said the problem was that the franchise fee that is being reflected on the subscriber's bill is slightly more than 3%. He said Comcast is living up to and honoring the terms and conditions of the franchise that was negotiated about nine months ago with the City. He said specifically what brings the franchise fee up above the 3% are the non-subscriber revenues, home shopping sales and ad sales. In 2001 the FCC affirmed a decision which allowed those non-subscriber revenues to be passed



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through to the subscribers. He had a copy of the FCC order that he would leave for review by the City Council or City Attorney.

Mayor Myers said there were questions about some of the channels that were recently removed from the standard package.

Mr. Christensen said in July a few channels migrated to the digital tier as part of a channel migration, and subsequently Comcast launched about nine high-definition channels with no additional programming costs associated with those channels. He said Comcast offered a free digital cable box for about a month, for any subscriber who wished to receive one, in order to receive some of those channels that had migrated.

Mayor Myers asked if the City had any control over the channel lineup and the setting of prices for the various packages.

Mr. Christensen said according to Federal law there are a few things outside the purview of the local franchising authority, which ultimately the City Council is, and those things are prices, programming, technology, internet and telephone.

Mr. Scott asked again about the franchise fee, and said his bill showed 3.3%, and he doesn't have any bells and whistles. He said the prior Council's approval was 2.75%, and he didn't understand how Comcast could charge that much more.

Mr. Christensen said he believed the franchise fee to be 3%.

Mr. Scott said if it was 3%, he still wanted an explanation for the .3%.

Mr. Christensen said the extra .3% is attributed to the non-subscriber revenue. He used the Home Shopping channels as an example. He said when somebody picks up the phone to order something there is revenue associated with that. He said it is in the definitions that any services derived from the cable system, for example if a person buys a shirt for \$10, that revenue gets attributed to the City of Dover, and Comcast collects 3% of that \$10 and pays it to the City. The way that is done is to apply that with the proportional fractional representation of the number of subscribers in Dover and add that to the 3%.

Councilor Scott asked if that meant a subscriber who never does any of that shopping still pays the additional amount on the franchise fee.

Mr. Christensen said yes, it does.

Councilor Scott asked about the channels that have been eliminated, the religious channel, and said these were people that are retired and are not computer literate, and they can't understand the response they get when they call.

Mr. Christensen said he felt the religious channel was actually a good news story. The channel being referred to is AWTN, and it went from a part-time analog channel to a full-time digital channel with four or five other religious programming channels. In addition, AWTN also has On Demand capabilities, which allows the ability to watch Sunday mass at any time.

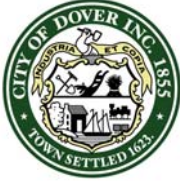
Councilor Scott said the citizens were under the impression what they were seeing at the time the contract was negotiated would not cause them to pay extra. He said he wasn't clear what has to be done, but they say it's going to cost them, and they think that is not fair.

Mr. Christensen said he alluded earlier that Comcast was offering a free digital box for a month so the subscriber could get that programming free for one year.

Councilor Scott said after that one year there would be an additional charge.

Mr. Christensen said he couldn't answer that affirmatively.

Councilor Scott asked for the telephone number to call to get whatever is available free of charge.



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Mr. Christensen said it was 1-800-COMCAST. He said he wasn't sure if the promotion was still going on, but it wouldn't hurt to call.

Councilor Scott asked him his number, in case they call and can't get through.

Mr. Christensen said his number was 224-0957, but that he was hardly ever there to answer.

Councilor Cheney just wanted to know when this free offer was made, if the service had already been changed.

Mr. Christensen said the free offer was in June. The channels were supposed to migrate on July 15th, but it was actually July 17th. He said customers received a direct mail piece from Comcast outlining it, or they could have called 1-800-COMCAST to get the free box.

Councilor Cheney said the users don't usually read these pieces.

Mr. Christensen said he understood that.

Councilor Cheney said she knows the people Councilor Scott was referring to and they couldn't leave their homes, and they watch the religious stations, and they're not just in his ward.

Mr. Christensen said he understood that. It wasn't just a problem in Dover, but was throughout Comcast New England.

Councilor Cheney said that maybe Comcast could offer these free digital boxes again. She said the consumer is seeing that FCC compliance starts sometime next year.

Mr. Christensen said that was a completely different subject, which he would be happy to talk about.

Councilor Cheney said the consumer didn't see the notification, whether or not they bothered – the time has passed. Then all of a sudden their TV is not working for the same price that they were paying for the past years. She said there were a lot of dissatisfied people in the City, and they count on Comcast to deliver a product they have come to trust. She felt that something else should be offered.

Councilor Callaghan said he had heard the same things from his constituents. He referred to Channel 40, when it went to digital, the message on the screen took them to a place that told them they had to pay money in order to get a box, and he hadn't heard anybody say there was a free opportunity to get a box. The perception of all that was that this wasn't supposed to take effect until February of 2009 and Comcast is taking a step forward and taking advantage of this conversion to convert early, so they can sell things earlier and make money.

Mr. Christensen said the reason for migrating channels was the demand for high definition programming. He said they are trying to balance the wants of the consumers and sometimes you couldn't please everybody.

Councilor Callaghan asked if there was a period of time where Comcast wasn't offering it for free when this change came out.

Mr. Christensen said no, the promotion started before the migration came out. He had a letter that was mailed in June, and the channels didn't move until July 17th. He said both Councilor Callaghan and Councilor Cheney asked about the FCC mandated broadcast digital transition, and that was confusing the issue. This was Comcast migrating channels to digital. The FCC is mandating that broadcasters transmit digital. He said it wasn't the same thing.

Mayor Myers asked if he could schedule him to come back after the election or first of the year.

Mr. Christensen said he would also mail some information to the Council, with sample constituent's letters, talking points, helpful phone numbers and websites.

Councilor Cheney asked what he could tell the Comcast customers now, when he just heard that the citizens saw they could call a number and pay for a box, because the perception is that



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Comcast did this to get this box in, when we all know that the box might be standardized next year.

Mr. Christensen said the world was definitely going digital.

Councilor Cheney said that's telling customers that they can expect to continually lose stations as Comcast does this conversion.

Mr. Christensen said he didn't believe that was the case. He said they make efforts to make the transition easier for the customer, as we just did with this free digital box offer.

Councilor Cheney asked if he could get the customers another digital box offer and maybe a letter sent to them.

Mr. Christensen said there are different promotions all the time. He didn't think that one was in place right now, but it was for 30 days. He said customers that were affected did receive a direct mailing and they received a bill notice as well.

Councilor Scott asked Comcast to help in this transition, because many people in Dover are dissatisfied. He asked if there is some other number they could call, because they tell him they're on the line 10, 15, 20 minutes.

Mr. Christensen said the number is 1-800-COMCAST, and they have a customer service office on 180 Greenleaf Ave., Portsmouth.

Councilor Scott asked if it could be boosted up a little bit so people aren't waiting.

Mr. Christensen said he didn't believe the lines are that long in Portsmouth, but he would check.

Councilor Scott said not to tell the customer to go online, because many of them don't know how to go online.

Mayor Myers said he had a request which he knew would have to be agreed upon by the Council and Comcast. He said he remembered talking about a 3% franchise fee, but he didn't recall hearing it was 3% plus. He thought the number the Cable Committee, and he was not going to speak for them, heard was 3%, but they probably knew it was 3% plus, and to be 3.3% is very disconcerting to people. His questions was, if the Council were to take the position that they wanted this number to be 3% period, would Comcast be agreeable to amending only that piece of the contract?

Mr. Christensen said yes, in the revenue definition there would be three or four words that would need to be struck.

Mayor Myers asked if it was that specific to that topic to make it 3% period.

Mr. Christensen said he didn't have a problem with it.

Mayor Myers said that was something the Council had to look at and discuss, and possibly bring forth a resolution.

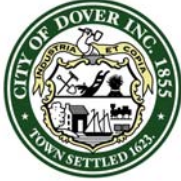
Deputy Mayor Trefethen moved to accept the City Manager's Report; seconded by Councilor McCusker.

Vote: 9/0.

9. MINUTES

A. MINUTES FROM – AUGUST 6, 2008

Councilor Cheney said on Page 9 of 17, third paragraph up, "feels the City Manager is everywhere", after the word "confident" the "in" should be "that", and after the words "City Manager" right before the period, "has met her objectives there."



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Mayor Myers repeated the full sentence: "She feels the City Manager is everywhere and feels confident that the City Manager has met her objectives there."

Councilor DeDe said on Page 7 of 17, first sentence in the fourth paragraph reads presently: "City Manager Joyal said Councilor Callaghan contacted him about the details of this." He said it should say "City Manager Joyal said Councilor Callaghan did not contact him about the details of this."

Councilor Callaghan said that was an incorrect statement, the City Manager had been in email contact with him, and it included communications with the City Attorney. He said what was written in the minutes is what he said and is accurate.

Councilor DeDe said he was questioning what the City Manager said. "City Manager Joyal said Councilor Callaghan did not contact him." The correction is for what the City Manager said.

Councilor DeDe made a motion to table the minutes to have the City Clerk go back and look at that one paragraph; seconded by Councilor Callaghan.

Vote: 9/0.

10. MAYOR'S REPORT

Mayor Myers said he sent out an email last week reminding the Council of a group photo on September 10, 2008 at 6:15. He also sent a "high importance" email regarding the September 3, 2008 Workshop next week. Part of the Workshop will be dealing with a Legislative Policy Setting meeting, which is coming up at the Local Government Center on September 12, 2008. He spoke about the Cochecho Arts Festival, where he was fortunate enough to take part in a park bench presentation for Pat Sorenson. He mentioned the function he went to for Welsh Floral Carpet, which employs about 30 people. They had an employee whose son was diagnosed with a serious disease and needed time off to take him for treatment in Boston. He said that this company went above and beyond by giving her the time off and letting her make it up when she could. The employees rallied around and the New Hampshire Lymphoma Society came and did a presentation to Welsh Floral Carpet in appreciation of their support for one of their employees.

Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Mayor DeDe.

Vote: 9/0.

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING – None

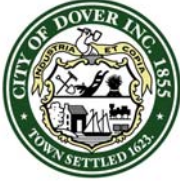
B. ORDINANCES IN THE 3RD READING – None

C. RESOLUTIONS

1. ECONOMIC DEVELOPMENT SERVICES AGREEMENT (TO BE REMOVED FROM TABLE AND AMENDED.)

Deputy Mayor Trefethen moved to removed from the table and amend; seconded by Councilor DeDe.

Vote: 9/0.



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Mayor Myers referred to the packet the Council received with strikethroughs and bold version language changes that had transpired since the workshop the Council had regarding Economic Development's function in the City, and the agreement to have DBIDA enter into the contract. The ideas from the workshop were worked into the new proposed agreement that was before the Council. He asked the Council for their comments, questions, or changes.

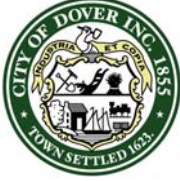
Councilor DeDe said one of the concerns he had heard was that there would be no supervision by the City Manager if this person was hired by DBIDA. It was the City Council that directed, by a unanimous vote of the last Council, to look into outsourcing the Economic Development Director position. In fact it was a part of the budget initiative in last year's budget, but because of several different circumstances it didn't come to fruition. He said it was really important that the public understood that this individual being hired by DBIDA is under the supervision of the City Manager in a less direct way. The City Manager does sit on the DBIDA Board, and taxpayer funds are being disseminated to DBIDA for the purpose of hiring someone in a unique position, and it's not a usual union employee position. He said this employee won't receive the usual benefits, but will negotiate their package in terms of fringe benefits. He said the full \$130,000 in the first full year is the entire amount of the budget, from secretarial, supplies, communications, and anything associated with that activity. He said he was confident that the City Manager, sitting on the DBIDA Board, will be paying close attention to what goes on. He said he hardly disagrees with the concept that this isn't the way to go for Dover.

Councilor Weston said she was impressed with the changes that had occurred with the document except Page 4 of 6, Paragraph 2, where it says: "DBIDA shall supervise the performance of the Economic Development Director..." Then you go to Page 6 of 6, it says: "Day-to-day supervision of the Economic Development Direct shall be conducted by DBIDA." She said with day-to-day supervision you have to be there, and DBIDA works once a month. She asked who this person was going to report to if they are sick and decides not to show up, and who is going to say he did show up or didn't show up. She said she could support every other aspect of the agreement, but she doesn't believe day-to-day supervision can be conducted by DBIDA. She said she believed this person should check in with the City Manager.

Councilor Cheney said she had asked at the August 16, 2008 Workshop for an opinion on the administrative services, the payroll services for this position, and if this checked out. Mayor Myers said they reviewed the documentation for the Dover Main Street Director through payroll, and checked it out.

Deputy Mayor Trefethen said there have been suggestions by people during Citizen's Forum and through email about how this position can be provided. He appreciated those suggestions, and he didn't believe the Council was excluding the use of those suggestions by adopting this agreement. He said the more important part of this position is retaining the City's current businesses, and assisting them to expand, find new space, and do whatever they have to do. He said it was for that reason that he would be voting in favor of this Resolution.

Councilor Callaghan said he had a few concerns with this Resolution, but it was greatly improved. His referred the Council to Page 4 of 6, where it says: "the Economic



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Development Director's attendance at local, regional and national business events." He said Councilor DeDe has answered that, that it comes out of the \$130,000.

Mayor Myers said that would be part of the Economic Development budget.

Councilor Callaghan referred to Page 6 of 6, Paragraph 11. He had a concern about the Council's ability to terminate this agreement. He said there wasn't a clause where the Council can say, we're not happy with how this is going. He made a motion to amend Paragraph 11 by adding the words, "and for immediate termination of this agreement by the City Council."

Mayor Myers asked him if he was making the motion right now.

Councilor Callaghan said he was just putting it out and will come back to it. He then referred to the middle of Paragraph 12: "...there is no direct responsibility of the Economic Development Director to the City Council." He said he had a concern about that. He understood the involvement of the City Manager, but he felt that this person should have some direct responsibility to the City Council, because the Council is authorizing the funding and has the responsibility to see that that money was spent wisely. He said he was uncomfortable with having no direct responsibility. He referred to Paragraph 13, and said he would like to add the words, "pending review by City Council." If for some reason this individual leaves, he felt the Council should assess what is happening with the situation. He made a motion to amend Paragraph 11 last sentence: "Failure of DBIDA to provide reports and other information as requested may form the basis for rejection of future funding requests or immediate termination of this agreement by City Council." He said he was saying it could happen now and not after the end of the contract. It could happen immediately. He said if the Council was completely unhappy he wanted it understood that the Council could terminate this agreement immediately. The motion to amend was seconded by Councilor Cheney.

Councilor Cheney said it was one of her concerns, Page 6 of 6, the DBIDA accountability, failure to report future funding is not specific about future funding requests. She said that would mean that they would still have the funding for the term of the contract. "...objection of future funding requests or immediate termination of this agreement." She said she agreed with the amendment.

Deputy Mayor Trefethen said he wondered if Councilor Callaghan would be acceptable to a friendly amendment by inserting: "by a 2/3 vote of the City Council." He said he felt if the Council gets to the point where they feel this isn't working it will be fairly obvious by a vast majority of the Council. On the other hand, he would like to put a safety valve in there.

Councilor Callaghan said that was acceptable.

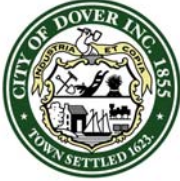
Mayor Myers said that was offered as a friendly amendment and seconded.

City Manager Joyal said the suggestion was to have a 2/3 vote by the Council to terminate the contract, and the Council may get into an issue with future Councils, changing the voting mix in this without putting it into an ordinance ----

Councilor DeDe said "terminate this agreement," not the contract.

City Manager Joyal said it was more to do with constraining or dictating to a future Council how they would vote on a particular issue.

Councilor DeDe said he understood that the vote on tonight was this agreement. If there was a contract and the Council decides with a 2/3 votes that the Council was not happy with this we would expect that the City would have to buy out the balance of that individual's



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contract, providing he had fulfilled the details of his agreement with DBIDA. One of the other things that surfaced was that this direction seems to be an attempt to give the City Council supervisory control over an individual. He said that doesn't fit with the Charter. Mayor Myers asked a question for clarification from Councilor Callaghan: as long as DBIDA provided the reports and any information that was requested, then the Council would never be able to have that clause trigger in, because reports were provided?

Councilor Callaghan said yes.

Mayor Myers said this was only if DBIDA failed to meet up to their end of the expectations as far as the reporting goes.

Councilor Callaghan said that was right.

Mayor Myers said if the Council wasn't happy, this trigger clause wouldn't kick in at that point.

Councilor Callaghan said he wasn't looking at the information in those reports, just that they weren't provided. He said the Council would probably have to address the issue of the Council being able to terminate this if the Council was not happy with the package.

Mayor Myers said the triggering clause right now would be if DBIDA was communicating or upholding their end of the agreement, and not if the Council didn't like the direction it was going.

City Manager Joyal said the 2/3 vote issue is not something that could be done on the fly.

City Attorney Krans said this was an agreement between the City Council and DBIDA. The City Council breaches the agreement by not coming up with the money. DBIDA breaches the contract by not performing what they are supposed to do. A substantial breach would be not to hire an Economic Development Director and expect to receive the money. Another one would be failure to give a report. He said the language that would seem to work to satisfy Councilor Callaghan is to say that this failure would be a substantial breach of the contract. He said that would give the Council the right on a majority vote to say the Council was not going to fund this anymore because they were in a substantial breach. He said the way to solve this was to identify that the failure of the performance in the last sentence of Paragraph 11 was a substantial breach of the contract. He said that would give the Council the power to withhold funding and shut down the contract, and some leverage to make sure DBIDA does what they are supposed to do.

Mayor Myers said this would give the person in this position some protection, because it was not just political winds changing, it's only if there was a substantial breach in the contract.

The Council could invoke that and then withhold the funding.

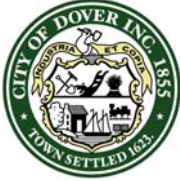
City Attorney Krans said the person who was hired as Economic Development Director was going to make sure that DBIDA performed Paragraph 11, because they will know that that was a cause for a substantial breach.

Mayor Myers asked if the trigger would only kick in if there was nonperformance on DBIDA's part.

City Attorney Krans said that was right.

Mayor Myers asked Councilor Callaghan if he was interested in substituting that language, instead of his original amendment.

Councilor Callaghan said he thought so. He had another piece to this that he wanted to address first. He said the Council didn't get an employee agreement, strategic plan, or the job description. He said any one of those things puts together what the City expects this



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person to do, and he would expect that if that person fails to meet the requirements of their job expectations, then DBIDA, or whoever the direct manager was, was going to do the steps to eliminate that person, and then the Council falls into the termination clause. He said the performance question was going to be put into the employee agreement, job expectations and strategic plan, and that those were the benchmarks for that person to stay employed. He agreed that no report would be a substantial breach of contract.

Mayor Myers said he agreed that the performance was between DBIDA and the employee, and the language in this contract was between DBIDA and the City Council.

Councilor Callaghan said to keep in mind that he was unhappy with no direct responsibility of the Economic Development Director with the City Council.

Mayor Myers said that was why he asked that the amendments be separated.

Councilor Callaghan said he wanted to make some connection there.

Mayor Myers said he understood that, but he was asking now about Paragraph 11, on whether he would consider withdrawing his amendment and starting with a fresh one with what the City Attorney proposed.

Councilor Callaghan withdrew his amendment, Councilor Cheney withdrew her second, and Deputy Mayor Trefethen withdrew his friendly amendment.

Mayor Myers asked the City Attorney to put forth suggested language for the amendment.

City Attorney Krans said the last sentence in Paragraph 11 could read; "Failure of DBIDA to provide reports and other information as requested is a substantial breach of this contract and may form the basis of rejection of future funding requests."

Councilor Callaghan asked how that said he could be immediately terminated.

City Attorney Krans said it implies that when one party substantially breaches their obligation, the other party is entitled to withhold payment.

Councilor Callaghan said he didn't remember seeing a breach of contract.

City Attorney Krans said it was one of the basic tenets of contract law.

Councilor Callaghan made a motion to amend to that language; seconded by Councilor DeDe.

Councilor Cheney said she just wanted to point out a typing mistake, where it says Paragraph 3, it should be Paragraph 4.

Mayor Myers said she was correct on that.

Councilor Callaghan said he had to withdraw his motion, because he would like it to read: "Failure of DBIDA to provide required reports shall be a substantial breach of this contract."

He said he wanted to withdraw the motion and make a new motion for that language;

Councilor DeDe withdrew his second for the previous motion.

Councilor Callaghan made a motion to replace the last sentence of Paragraph 11 with:

"Failure of DBIDA to provide required reports shall be a substantial breach of this contract."

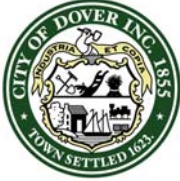
City Attorney Krans said he left out a few words. He suggested: "Failure of DBIDA to provide required reports and other information as requested shall be a substantial breach of this contract."

Mayor Myers asked Councilor Callaghan if he was making that his motion.

Councilor Callaghan said yes.

Councilor DeDe seconded the motion.

Vote: 9/0.



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Councilor Callaghan referred to Paragraph 12 where it said: "There is no direct responsibility of the Economic Development Director to the City Council." He asked for help in this, but he wanted to make a motion to amend for it to say: "There is an indirect responsibility of the Economic Development Director to the City Council."

Councilor Cheney seconded the motion.

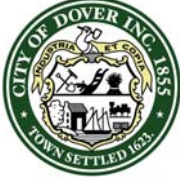
Councilor Callaghan said the Economic Development Director shouldn't be solely supervised by a volunteer group for the City. The Economic Development Director should take day-to-day assignments and reviews from DBIDA, but at some point they're going to have to answer to the master, and the master was the Council. He said it was important that the Council maintain that, if for some reason the Council is dissatisfied with the reports. He said the Council should have some line of authority so the Council can manage this employee if they deem it necessary.

Councilor DeDe said this is an overt attempt for the Council to apply supervision over an employee. He said every two years the Council could completely change, and DBIDA members have staggered terms. He said one of the real disadvantages of government in the entire State of New Hampshire is the possibility that every two years you could get a whole bunch of new people. He said realistically the Council should not be in a position of trying to supervise an employee. He said that wasn't the job of the Council. He said the Council's job is to look at the appropriateness of a decision. He felt there was probably unanimity at this Council as to the understanding that an Economic Development Director is something that every city really needs to have to compete.

Councilor Cheney said that she had seconded this motion and would like to speak to it. She said that she felt an indirect responsibility is correct. She said in the language: "...provide information and evidence of successful progress toward performance measures," from DBIDA, which is the entity that will be accountable to the Council directly, that in of itself makes it an indirect responsibility to the City Council. In the Strategic Plan it says in the introduction: "By State law, an assignment by the Dover City Council, DBIDA continues to fulfill its key role in guiding economic development efforts on behalf of the entire City of Dover community." She said it went on to say who was involved in economic development, key words: "local players in facilitating economic development include the leadership of the City Council, Dover Business and Industrial Development Authority, the Dover Planning Board, along with many other entities, including the Dover Chamber of Commerce, Dover Main Street, and Dover Housing Authority." She said the point was the Council's only employee was the City Manager. She said the Council appoints the members of DBIDA, and this Council will change and appoint different people. She said the language in the Resolution specifically indicates that the Council indirectly has an accountable person working through an entity.

Deputy Mayor Trefethen said he would not be supporting the amendment. He felt all of the oversight the Council needs is taken care of in Paragraph 11, which goes back to Paragraph 4 and indirectly to Paragraph 3. He felt the amendment puts the Council in a position that we have with no other employee, except the City Manager. He said the Council doesn't have direct responsibility for any other employee in the City, but this amendment makes an exception to that and he didn't believe the Council wanted to go there.

Mayor Myers said he appreciated the language in Paragraph 11. In Paragraph 12, he was not going to support the amendment where the Council takes on a relationship with an



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employee or responsibility for an employee directly or indirectly. He said he did agree with Councilor Weston's comments that there should be additional language there: "through the City Manager or his designee," because DBIDA is not here day-to-day if the Economic Development Director has a question or wants to follow up on a resource. He said the day-to-day supervision can still be conducted by DBIDA through the City Manager or his designee.

Councilor Callaghan said he would be happy to withdraw the amendment if the Council added the language that the Mayor just alluded to. He said he was after accountability, and he didn't think you could have accountability with DBIDA, since they don't have anything at risk. He withdrew his amendment; Councilor Cheney withdrew her second.

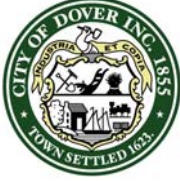
City Attorney Krans asked to provide his thoughts to what he drafted. The City owes an obligation to its employees to treat them fairly. He said the Council knows they have one employee, and the City Manager hires and supervises everybody else employed by the City. He said it was very important that the person hired as the Economic Development Director is not an employee of the City Council or the City of Dover, because that is how the City saves money. He said what determined who was an employee of the City or not was, who directly supervises that employee. To the extent that the Council substitutes the City Manager for DBIDA, or any language that implies that, the Council was laying open the opportunity for this person to say they were an employee of Dover and entitled to all the benefits. He said the agreement was structured so the supervising control was DBIDA, not the City of Dover. Councilor Weston said she could not support Paragraph 12 as written, because this person will come to work with no supervision. She said she wants them to report to somebody that is here all the time, and not a volunteer board that meets once a month. She said the Council was trying to give them \$340,000, and to have the ability to just do whatever this person wants she cannot support. She just wants this person to report to the City Manager if they don't show up for work, and the City Manager can report that. She asked how it could be worded without a problem with the merit plan.

City Attorney Krans suggested: "DBIDA supervises through the Chair or the Chair's designee."

Councilor Weston said that would still leave it too wide open, because they don't know who the Chair is or who the Chair's designee is. She said she still prefers "DBIDA through the City Manager."

Councilor Cheney said this was totally contrary to what the Council talked about during the workshops. The description says: "Works independently on day-to-day activities. He confers with DBIDA Board routinely on policy review questions. Job requirements: strong time management skills." She said we're supposed to be hiring someone of some caliber. She was not saying she was supporting this Resolution, but the Council was not keeping its eye on the direction it has been heading. She said she just wanted this person to come to the Council and talk to them about what was happening in Dover, but this was regressing now to who this person would report to. She said this new person has the DBIDA Board members to call. She said this person will have to be able to manage their work schedule. She said these are people that are goal driven.

Councilor Callaghan suggested that this individual be hired as a 1099, with a contractual employment agreement, thereby not required to receive any benefits from the City, and the individual could report directly to the City Manager and DBIDA. The only problem with that



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is the City has to allow that person to perform the same type of service somewhere else, and not be their sole and only employer.

Mayor Myers said he knew about 1099 employees, and that wasn't something he was comfortable with, because you give up too much control. Mayor Myers asked the City Attorney if there was some sort of language change that would address the concerns of Councilor Weston and himself.

City Attorney Krans said that Councilor Cheney and Deputy Mayor Trefethen hit it on the head when they mentioned Paragraphs 3, 4, and 11, providing comfort to the City Council. Mayor Myers spoke to a few points brought up at this meeting. He referred to Mr. Bleiler's comments during Citizen's Forum that the City should just put the land to a commercial real estate agent. He said that was being done at Enterprise Park with Grubb & Ellis, and they are marketing the City's vacant land. He said the Economic Development Agreement is much more than that. He said Mr. Bardwell brought up some great points. The total budget is for the function of Economic Development. He said the website will be upgraded more with some of the franchise monies that the Council talked about with the Comcast representative tonight.

Councilor Weston asked if Mr. Dargan, Chairman, Dover Business and Industrial Development Authority, could tell the Council how he plans to have the day-to-day oversight of the Economic Development Director.

Mr. Dargan said he expected the employee to be overseen by the City Manager. He said he didn't want to oversee somebody's day-to-day responsibilities. He said that it was his understanding that the City Manager would be involved in some way. He said he was in Portsmouth, Portland, and all over the place, and couldn't oversee the Economic Development Director on a day-to-day basis. He said the person needs to be here in City Hall, they need to be working with the other departments, they need to be fielding phone calls, and being out seeing people. He said that really has to be under the direction of somebody that was here on a full-time basis.

Mayor Myers asked the City Attorney if he was comfortable that this could be worked out in the agreement between the employee and DBIDA.

City Attorney Krans said yes. He said the relationship would be similar to the Council's relationship to its one employee.

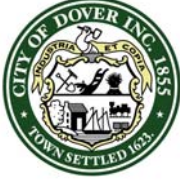
Councilor Weston said Mr. Dargan said he didn't want to supervise, and that his hope was the person would be supervised through the City Manager.

City Attorney Krans said we have a living example here of how a body supervises their one employee on a day-to-day basis, and the Council was going to recreate that with DBIDA with their employee.

Councilor Weston asked the City Attorney's opinion of who the Economic Development Director was going to report to and be supervised by on a day-to-day basis, especially after Mr. Dargan saying he couldn't do it.

City Attorney Krans asked who supervised the City Manager on a day-to-day basis. He said the answer to that is, the quality of the individual you hire doesn't really need day-to-day supervision.

Councilor DeDe said this person that DBIDA is going to hire is going to be a self-starter, or they're going to be a self-failure. He said he wasn't worried about the individual putting in the time, and that he was confident that DBIDA would select a person who understands that.



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He said when a job needs to be done and a dedicated individual is selected, don't worry about how much time they have and how many times we have somebody looking over their shoulder to provide supervision. The results will come as a result of dedication and professionalism.

Councilor Callaghan made a motion to amend the end of Paragraph 13, change the period to a comma and add the words: "pending review and approval from the City Council."

Councilor Cheney seconded the motion to amend.

Councilor Callaghan said if something has gone awry the City Council ought to look at this program and find out what may or may not have happened. If the reasons seem to not affect the overall outcome of the program, then they continue doing the work.

Councilor Scott said that was a good point. He said Paragraph 13 refers to the whole DBIDA program. He said they should have the ability to review the whole program if it doesn't provide what the Council expects it to.

Councilor McCusker said he thought that this was taken care of with the adjustments to Paragraphs 11. He said the Council is trying to pinpoint where it can get more control, but doesn't see any more control than not giving the money.

Deputy Mayor Trefethen asked Councilor Callaghan if this was a review of DBIDA or a review of the employee.

Councilor Callaghan said it was a review of the responsibility and performance of the entire Economic Development Program.

Deputy Mayor Trefethen said it was the performance of DBIDA, not the performance of an individual.

Councilor Callaghan said it could be. He gave an example: This person works for the City for 1½ years and they decide to quit. The Council should look back at that and ask why they quit and if the program should continue.

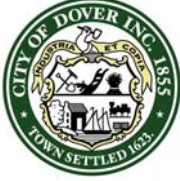
Councilor Cheney asked to offer a friendly amendment on Paragraph 13 to strike the word "initially" and just have it as, "if the Economic Development Director selected by DBIDA terminates ..." She said that would make this contract less time sensitive. She asked Councilor Callaghan for a second to her friendly amendment.

Councilor Callaghan said that he didn't mind.

Councilor Cheney said this paragraph bothered her too, with the words reasonable time frame, but was something she was willing to overlook. She said this document has come a long way, but she felt this contract states that the Council is going to get a written report in some format that the Council can approve. She said she felt the person or DBIDA has to come speak before the Council every month, so they can explain what they're doing. She said she felt this change was good and she would support it.

Mayor Myers said he felt that was the full intention and has been said all along. The difference is they are not reporting directly to the City Council and to the Council's direction, but just updates what they are doing. He said he would not support the wording change, because it puts the Council down the path that it has oversight.

Councilor McCusker said in the last sentence in Paragraph 4 it said: "that the City Council could amend the format of the report at any time to meet the information needs of the City Council." It doesn't say it has to be a written report; it could be a verbal report as often as the Council requests them. He said as far as information goes, Paragraph 4 certainly addresses that.



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Councilor Dede said he wouldn't support the amendment. He couldn't support having a debate every time, because it would restrict anything that was in the works.

Councilor Callaghan said the whole program hinges on this person. He said the Council is entering into an agreement with DBIDA for three years, but if this program comes to a temporary halt the Council should be able to reevaluate it at that point.

Councilor Carrier said he didn't understand why the Council wasn't giving the City Attorney our vote of confidence to do the proper verbiage in this whole contract to protect the City of Dover and hold this person accountable for what we're requesting of them.

Councilor Scott said this should go back to the City Attorney to be redrafted. He made a motion to table Resolution; seconded by Councilor Carrier.

Vote: 4/5; Failed. Councilors Callaghan, Carrier, Cheney and Scott voted in favor.

Mayor Myers said to the City Attorney that he had said some of these changes should not be in this agreement, but also said some of the changes could be worked into this agreement between DBIDA and the employee.

City Attorney Krans said that was correct.

Mayor Myers asked the City Attorney if there was anything he heard that would make him rethink some of the language, specifically in Paragraphs 12 and 13.

City Attorney Krans said he thought Councilor Cheney's suggestion of taking out the word "initially" was a good one.

Mayor Myers asked for a vote on the amendment to Paragraph 13, which consisted of two pieces. One, take out the word "initially", and two, to add "pending review and approval by the City Council," at the end.

Vote: 3/6; Failed. Councilors Callaghan, Cheney and Scott voted in favor.

Councilor Cheney made a motion to remove the word "initially," seconded by Councilor Weston.

Vote: 9/0.

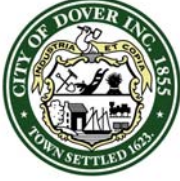
Councilor Callaghan said he was happy with the way the Council was going with this agreement, but was not happy that the Council doesn't have an employee agreement, strategic plan, or the job description all modified in front of the Council. He said he was ultimately not going to support the Resolution. He said the Council should look at the possibility of a 1099 employee, which would solve the question of whether or not he could report to the City Manager. He made a motion to table Resolution under those parameters; seconded by Councilor Scott.

Vote: 4/5; Failed. Councilors Callaghan, Cheney, Scott and Weston voted in favor.

Mayor Myers asked the City Manager if the Council passes this Resolution tonight, if DBIDA would be precluded from looking at a 1099 possibility.

City Manager Joyal said no.

Councilor Cheney asked Mr. Dargan for clarification on Page 5 of 6, "Performance Measures. DBIDA shall establish with the Economic Development Director written performance measures that are attainable and measureable to assist all parties in achieving a positive result regarding the economic development of the program. The written performance measures for DBIDA shall be presented to the City Council for information purposes within 90 days after the Economic Development Director starts working." She wanted to know why it was within 90 days that you will be conferring with this person; to see what they can do?



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Mr. Dargan said it would be a collaborative effort between a new hire and the Board trying to come up with some reasonable and attainable goals.

Councilor Cheney said she didn't see anything in the contract about coming to the Council.

Mr. Dargan said that was in Paragraph 4.

Councilor Weston said she believed Councilor DeDe took punching a time clock to the extreme. She said this person has to be accountable to somebody. She asked Mr. Dargan if he was willing to put in his employee agreement that this person would report to him more than once a month, because she didn't know any institution that gets a report from an employee once a month. She said she could feel comfortable supporting this Resolution if he would assure the Council that your oversight of this person occurs more often than once a month.

Mr. Dargan said he could assure the Council that it will occur more than once a month. It will occur whenever it is needed.

Councilor Cheney asked the City Attorney where it says the Council can amend the format at any time; does that include the frequency?

City Attorney Krans said it did to him.

Councilor Cheney made a motion to change Paragraph 4, after "DBIDA shall submit a written" she wanted to insert, ""and oral" report to the Dover City Council on a quarterly basis..." She said if you go down a few sentences, "The purpose of the..." you can strike the word "written," and change the word "report" to "reports." Councilor Callaghan seconded the motion.

Councilor Cheney said she felt the Council really had to have the written and oral report.

Councilor Callaghan asked to make a friendly amendment to have it say "a written report with presentation to the Council."

Councilor Cheney said she felt her wording covers that and did not accept the friendly amendment.

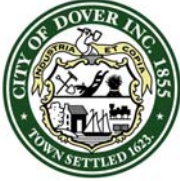
Councilor DeDe said if the person that is hired comes from far enough away, they probably wouldn't be intimidated by this, but if they have been reading the paper they know what this Council is like; they are not coming. He said the Council doesn't need somebody to come in here and give an oral report, subjecting them to the whims of nine people. He said it also smacks of direct supervision, which is not something that the Council is empowered to do. He said the report can be modified to ensure the Council gets a sense of what is going on. Councilor Cheney said that the Council couldn't forget that this is not a department head, a direct report of the City Manager. This was taxpayers' dollars that we're using and we don't express displeasure when people come to talk to us. She said the Council is just getting information. She disagreed that it would be unjust to hear from this individual.

Mayor Myers said this person can come here, and the right person will want to be out front. He said he didn't have a problem with supporting this amendment.

Vote: 8/1; Passed. Councilor DeDe was opposed.

Deputy Mayor Trefethen moved for its adoption as amended; seconded by Councilor DeDe.

Councilor Scott said he couldn't support this Resolution, and the Council was rushing too fast. He said he had two objections. One was economics, and the other was further movement away from representative government. He said Mr. Bleiler and Mr. Bardwell made some valid points in ways to do this at a much lower cost, and that was why he found it difficult to support this Resolution.



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Councilor Callaghan asked about the real estate being sold by a private company. Mayor Myers said it was Grubb & Ellis.

Councilor Callaghan asked where the money went when the real estate was sold. City Manager Joyal said the funds go into DBIDA to pay back the bond for the road that was reconstructed out there.

Councilor Callaghan asked if it couldn't go to fund the Economic Development Director. Mayor Myers said that was the agreement a few years back when the City needed to build a road in order to access parcels.

Councilor Callaghan said he was impressed with the changes to the Resolution, but he wasn't going to support it because it is missing a few components of the puzzle. He said one was, the Council hasn't figured out who this person is reporting to yet, and even from the Chairman of DBIDA we're hearing the conflict of who was going to be doing what.

Councilor Cheney made a motion to amend Paragraph 12, to reintroduce "indirect" responsibility.

Mayor Myers said that exact motion was made and it failed. The same amendment cannot be brought back.

Councilor Cheney made a motion to strike the whole Paragraph 12; seconded by Councilor Callaghan.

Councilor Cheney said that would remove the question of responsibility and the acknowledgement that they know where the funding is coming from.

Councilor Callaghan said he agreed that the Paragraph was a little redundant there, and Councilor McCusker was right when he originally asked for it to be struck.

Mayor Myers said he wouldn't support the amendment. He felt it clarified to all the parties involved, including the new employee, that DBIDA has the employee.

Vote: 4/5; Failed. Councilor Callaghan, Cheney, McCusker and Scott voted in favor.

Councilor Cheney said this Resolution has come a long way, but she felt there were just a few things that have to take place for her to fully support it.

Roll Call Vote: 5/4; Passed. Councilors Callaghan, Carrier, Cheney and Scott were opposed.

Deputy Mayor Trefethen made a motion to suspend the rules to continue the meeting until 11:00; seconded by Councilor DeDe.

Roll Call Vote: 7/2; Passed. Councilor Callaghan and Scott were opposed.

12. NEW BUSINESS

A. CONSENT CALENDAR

1. **RAFFLE – St. Charles Borromeo Church**
2. **TAG PERMIT – Back River Farm Festival**
3. **TAG PERMIT – Dover Little Green Football, Inc.**
4. **TAG PERMIT – Prime Time All-Stars**
5. **BLOCK PARTY – Dover Knights of Columbus**
6. **ROAD TOLL -- Dover Professional Firefighters Association & Muscular Dystrophy Assoc. of NH**
7. **RESOLUTION RE: DEPOSITORIES FOR CITY FUNDS FOR FISCAL YEARS 2009 and 2010**



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
 Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
 Meeting Date: **Wednesday, August 27, 2008**
 Meeting Time: **7:00pm**

SPONSORED BY MAYOR MYERS BY REQUEST

8. RESOLUTION RE: INCREASE IN PRICE FOR DOVER TRASH BAGS AND TAGS

SPONSORED BY COUNCILOR DEDE

9. RESOLUTION RE: POLICE CRUISER ACQUISITION STATE BID 79-08

SPONSORED BY MAYOR MYERS BY REQUEST

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 – Deputy Mayor D. Trefethen | 12. Recreation Advisory Board |
| 6. Cable Franchise Negotiations Committee | 13. Coast Bus |
| 7. School Board Liaison | |

Deputy Mayor Trefethen moved for their adoption; seconded by Councilor DeDe.
Mayor Myers asked the Council is they had anything they wished to be pulled for further discussion.

Councilor Scott asked for 12.A.8.

Mayor Myers asked 12.A.9.

Councilor McCusker asked for 12.A.2.

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

Roll Call Vote: 8/0. Councilor Cheney was absent from the room.

Deputy Mayor Trefethen moved for 12.A.2. adoption; seconded by Councilor McCusker.
Councilor McCusker said he had a discussion with the Police Chief prior to the meeting and said it was not necessary, because this was being done on private property. He made a motion to remove 12.A.2. from the City Council Agenda; seconded by Councilor Carrier.
Vote: 8/0. Councilor Cheney was absent from the room.

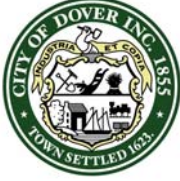
Councilor DeDe moved for 12.A.8. adoption; seconded by Councilor Scott.
Councilor DeDe made a motion to remove this from the Agenda to set a Public Hearing on September 10, 2008.

City Manager Joyal said it needed to be substituted as a whole with the Resolution on the Councilors' desks.

Councilor DeDe made a motion to substitute as a whole and refer to Public Hearing on September 10, 2008; seconded by Councilor McCusker.

Vote: 8/0. Councilor Cheney was absent from the room.

Deputy Mayor Trefethen moved for 12.A.9. adoption; seconded by Councilor DeDe.
Mayor Myers said he requested this one be pulled. He referred to the email sent by the City Manager to the Council regarding background information on this Resolution. He said the City received \$20,000 in salvage for the 2 two-year-old cruisers. He said the City bought two new Focus cars for \$23,000 and change. He said the City saved a whole lot from retrofitting cars



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, August 27, 2008**
Meeting Time: **7:00pm**

from cruisers into street cars. He said the net savings with fuel and maintenance costs are \$4,600.

Roll Call Vote: 9/0.

B. RESOLUTIONS

1. RESOLUTION RE: DIESEL FUEL B09004B RE-BID SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved to substitute as a whole and for its adoption; seconded by Councilor DeDe.

City Manager Joyal said the Council did vote to go with a fixed price at the last meeting, and when they followed up with the vendor the next morning they said they filled out the wrong form, mixed up diesel fuel with heating oil. Since they did inform the City within a reasonable period of time, the City would have a hard time holding them to the price. Therefore, their bid is invalid. He said they went back out to bid and they had two people submit a bid. He said they do not have the option of a fixed price. He said all they have is the option of going with the rack price plus. In this case it is \$.20 over the rack price.

Councilor Scott asked if that meant next month if the price goes down, the City would pay a lower rate plus \$.20.

City Manager Joyal said that was correct.

Councilor Scott asked about the \$78,000 shown on the appropriation.

City Manager Joyal said the City is running the risk to whatever the rate is, and based on the rate that the City knows today, maybe \$68,000, and we'll be lucky if we can keep it under \$68,000.

Deputy Mayor Trefethen asked for a roll call vote on the Resolution.

Roll Call Vote: 8/0. Mayor Myers was absent from the room.

2. RESOLUTION RE: MUNICIPAL INFORMATION TECHNOLOGY ACCEPTABLE USE POLICY SPONSORED BY MAYOR MYERS

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor DeDe.

Mayor Myers said he had no problem with this Resolution being tabled until September 10, 2008, due to the lateness of the hour and other Resolutions needed to be referred to Public Hearing.

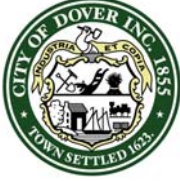
Councilor DeDe made a motion to table; seconded by Councilor Callaghan.

Vote: 8/1; Passed. Councilor Weston was opposed.

3. RESOLUTION RE: AMENDMENT TO COUNCIL RULES – RULE 10: FILING WITH CLERK SPONSORED BY COUNCILOR CHENEY

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

Councilor Cheney said she had some words to substitute.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, August 27, 2008**
Meeting Time: **7:00pm**

Mayor Myers asked that the Council answer the call of the role to waive this by unanimous consent.

Roll Call Vote: 9/0.

Councilor Cheney said on the Councilors' desks were some word changes. She referred to Rule 10. She made a motion just for Rule 10, because that's the only one we're looking at right now, that this was going to be the rule change. Councilor Dede seconded the motion to substitute that portion of the language in the Resolution. Mayor Myers asked for a vote on the substitution of the background information on Rule 10 of the Resolution.

Vote: 9/0.

Councilor Cheney said this Resolution defines when information is brought to the City Clerk by a Councilor, which doesn't change, by noon on Wednesday, before the week the Council will meet. The second paragraph, which she split off, changes slightly in that she added: "It shall be the duty of the City Clerk to have available for each Councilor" adding, "and the public by Friday at noon for each public meeting." She said she corrected that from reading Thursday. "A brief statement setting forth the number of full description title of all ordinances, resolutions, and documents, to come before the Council for consideration in the form of a City Council Agenda. She said she was doing some housekeeping on this.

Councilor Callaghan asked for a friendly amendment. He said he feels strongly about this subject, and would like to see this schedule bumped back a day, so that the deadlines are Tuesday and the Council can pick up the materials on Thursday. He said it would make a significant difference for him. Councilor Scott seconded the friendly amendment.

Deputy Mayor Trefethen said he liked the intention of the rule as proposed by Cheney. He said the Council's history shows that we are introducing Resolutions to the Council the night of the meeting on a fairly regular basis. He felt that moving the deadline even one more day earlier does not solve that problem. He preferred the Council went the other way, keep the Wednesday deadline and don't allow amendments to come in at the last minute, unless there is some type of emergency. Councilor Cheney said she would support moving everything back, but only because people go away on weekends and can't get here on Fridays, and if it were available on Thursday they could study it before the weekend. She said she would support this, but she agreed with Deputy Mayor Trefethen that it is very important that the City Clerk get this information by Tuesday. She said the Council or anybody cannot expect her to constantly be making copies, shuffling these things, and reprinting the whole agenda. She said the rules are here to help everybody do business effectively.

Councilor Scott said he supported it also. He said one of the flaws that he has seen working with this Council is that we get information at the last minute, and can't really understand the impact.

Councilor Carrier asked the City Clerk what the impact would be on her to get this ready in a timely fashion.

City Clerk Lavertu said she talked to the City Manager about it actually making it worse. The meeting deadline could be Tuesday and still giving supplies out on



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, August 27, 2008**
Meeting Time: **7:00pm**

Friday. She said she is finding the audio recordings, the downloading, having to change files, uploading to Docutron, and the time required by the new Ordinance are taking up more time in the City Clerk's office.

Mayor Myers said he had the same concern as Deputy Mayor Trefethen. He said he felt the Wednesday to Friday works fine. He said he was supportive of the original rule change, but not the changing it to Tuesday to Thursday, because he felt that would cause problems on the other end. He asked for a vote on the amendment to the rule change, and reminded the Council that rule changes required a 2/3 majority vote.

Vote: 3/6; Failed. Councilors, Callaghan, Cheney, and Scott voted in favor.

Councilor Callaghan asked the City Clerk, if the Council did switch to Tuesday, could the Council have the documents ready for Friday morning, but you could finish the package by the end of business on Thursday; would that be an advantage to you?

City Clerk Lavertu said if the Council wanted it done by end of day Thursday, she would get it done. She said we get it done Friday by noon.

Councilor Callaghan said by close of business Thursday wouldn't be too much to ask.

City Clerk Lavertu said we're just having trouble now with PDF files, putting things out on the web. It takes a long time to link them, the way they need to be bookmarked, and at the same time we're trying to load all the audio recordings that are a requirement. She said she's finding it is taking longer than it used to take to make copies and put them in mailboxes.

Councilor Callaghan said the answer to Tuesday to Thursday end of business ---- City Clerk Lavertu said we will do it if we're told to do it.

City Manager Joyal said whatever the Council wants will get done.

Deputy Mayor Trefethen made a motion to table; seconded by Councilor DeDe.

Vote: 6/3; Passed. Mayor Myers, Councilors Scott and Weston opposed.

4. RESOLUTION RE: AMENDMENT TO COUNCIL RULES – RULE 15 PROCEDURES AND FILING WITH THE COUNCIL SPONSORED BY COUNCILOR CHENEY

Councilor Cheney made a motion to amend with this language and refer to the next agenda on September 10, 2008; seconded by Councilor Weston.

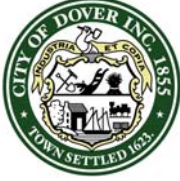
Vote: 9/0.

5. RESOLUTION RE: AMENDMENT TO COUNCIL RULES – RULE 15.2 COLLECTIVE BARGAINING AGREEMENTS SPONSORED BY COUNCILOR CHENEY

Councilor Cheney made a motion to amend with this language and refer to the next agenda on September 10, 2008; seconded by Deputy Mayor Trefethen.

Vote: 9/0

6. RESOLUTION RE: RELEASE OF AUGUST 15, 2008 CITY ATTORNEY OPINION



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, August 27, 2008**
Meeting Time: **7:00pm**

SPONSORED BY COUNCILOR SCOTT

Councilor Scott moved for its adoption; seconded by Councilor Callaghan. Councilor Scott said he felt the Council had the responsibility to let the constituents know what is going on. He spoke with the City Attorney and he agreed that he didn't see any reason why this should not be released to the public.

Mayor Myers asked the City Attorney is that was correct.

City Attorney Krans said that was accurate. He just wanted to add that he marks all opinions as confidential, but on some opinions he also puts on the bottom that he doesn't think the Council should be releasing it, and in this opinion he did not do that. He said when he puts that language he thinks it is very important not to release the opinion.

Roll Call Vote: 7/2; Passed. Councilors DeDe and McCusker were opposed.

7. RESOLUTION RE: FISCAL YEAR 2009 BUDGET – AMENDMENT #1 (TO BE REFERRED TO PUBLIC HEARING ON SEPTEMBER 10, 2008)

SPONSORED BY COUNCILOR MCCUSKER AND DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved to refer this Resolution to a Public Hearing on September 10, 2008; seconded by Councilor McCusker.

Vote: 9/0.

8. RESOLUTION RE: DISSOLUTION OF ARENA FUND INTO GENERAL FUND – FY09 BUDGET AMENDMENT #2 (TO BE REFERRED TO PUBLIC HEARING ON SEPTEMBER 10, 2008)

SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved to refer this Resolution to a Public Hearing on September 10, 2008; seconded by Councilor DeDe.

Vote: 9/0.

9. RESOLUTION RE: NAMING OF THE LIBERTY NORTH END FIRE STATION (TO BE REFERRED TO PUBLIC HEARING ON SEPTEMBER 10, 2008)

SPONSORED BY MAYOR MYERS BY REQUEST

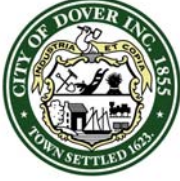
Deputy Mayor Trefethen moved to refer this Resolution to a Public Hearing on September 10, 2008; seconded by Councilor DeDe.

Vote: 9/0.

C. ORDINANCES IN 1ST READING – None

D. COUNCIL CORRESPONDENCE

Councilor Trefethen moved to place the Local Government Center letter on file; seconded by Councilor Cheney.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, August 27, 2008**
Meeting Time: **7:00pm**

Vote: 9/0.

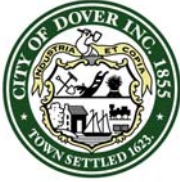
12. COUNCIL MATTERS OF INTEREST

Councilor Callaghan said he had received several calls regarding the Dover Trash Bags. He said people are concerned about the rate hikes. He asked for a history of rate hikes. He said he has also heard comments about the quality of the bags going down.

14. ADJOURN

Councilor McCusker made a motion to adjourn; seconded by Councilor Carrier.

Vote: 9/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Non-Public Meeting
Meeting Location: Office of the City Manager –
288 Central Avenue, Dover, NH
Meeting Date: Wednesday, September 3, 2008
Meeting Time: **6.00 PM**

Councilors Present: Mayor Myers, Deputy Mayor Trefethen and Councilors Carrier, DeDe, Scott, Cheney, Callaghan, McCusker and Weston

Councilors Absent: None

Others Attending: City Manager Mike Joyal

Meeting commenced at 6:00pm.

Motion to enter non-public session for purposes of discussing personnel compensation per RSA 91-A:3 II(a) made by DeDe, seconded by Deputy Mayor Trefethen. Roll call vote unanimous.

Discussion ensued relating to recently completed performance evaluation of the City Manager and an appropriate pay adjustment. Information presented concerning requirements of existing employment agreement, CPI-U and current wages paid for chief executives in comparable NH municipalities (see attached).

Motion to adjust City Manager base salary by 5% made by Deputy Mayor Trefethen, seconded by Councilor McCusker. Fails 4-5 with Mayor Myers and Councilors Callaghan, Cheney, Scott and Weston voting no.

Motion to recess until after workshop made by Deputy Mayor Trefethen, seconded by Cheney. Unanimous. Recessed at approximately 7pm to workshop meeting in Council Chambers.

Reconvened in City Manager's Office at approximately 10:00 pm following workshop meeting.

Motion to increase City Manager base salary by 3% and 457 compensation by additional 1% made by Councilor DeDe, seconded by Councilor Carrier. Passes 5-4 with Mayor Myers, Deputy Mayor Trefethen and Councilors Carrier, DeDe, and McCusker voting yes.

Discussion followed regarding formal adoption of the evaluation scoring grid and comments. Resolution to be placed on next regular Council meeting agenda. Consensus of Councilors was for Mayor to serve as spokesperson to inform media and public of evaluation results and pay adjustment.

Meeting adjourned at approximately 11:00 pm

CITY / TOWN MANAGER SALARY & BENEFITS SURVEY

As of July 1, 2008

| City/Town | Number Years as in Current City/Town | Current Salary | Car Allowance (annual \$) | 457/401 (percent of salary) | 457 / 401 Benefit (annual \$) | Sick and/or Personal Days (annual) | Earned Time/Vacation Days (annual) | Employee's Contrib to Health Ins. (percent) | Additional Benefits / Notes | Total Comp | Rank |
|---------------------------|--------------------------------------|----------------|---------------------------|---|-------------------------------|------------------------------------|------------------------------------|---|-----------------------------|---------------|------|
| Keene | 13.00 | \$ 121,050.00 | \$ 4,200.00 | Fixed | \$ 20,000.00 | 16 | 20 | 0.0% | LTD | \$ 145,250.00 | 1 |
| Portsmouth | 11+ | \$ 123,663.33 | \$ 5,100.00 | Fixed | \$ 8,500.00 | 0 | 30 | 19.0% | LTD | \$ 137,263.33 | 2 |
| Concord | 2.00 | \$ 126,875.00 | \$ 4,800.00 | Fixed | \$ 3,500.00 | 8 | 22 | 20.0% | Computer allowance \$50/mo. | \$ 135,175.00 | 3 |
| Londonderry | 3.50 | \$ 115,980.00 | \$ 6,900.00 | Fixed | \$ 12,155.00 | 12 | 20 | 15.0% | | \$ 135,035.00 | 4 |
| Derry | 1.50 | \$ 114,000.00 | \$ 3,000.00 | 11.0% | \$ 12,540.00 | N/A | 25 | 14.0% | STD, and LTD. | \$ 129,540.00 | 5 |
| Bedford | 1.50 | \$ 119,600.00 | \$ 3,000.00 | Fixed | \$ 3,500.00 | 12 | 20 | 10.0% | 13 wks STD, and 90 CCD LTD | \$ 126,100.00 | 6 |
| Rochester | 2.50 | \$ 119,940.00 | \$ 5,199.96 | No | \$ - | 20 | 20 | 20.0% | STD & LTD | \$ 125,139.96 | 7 |
| Merrimack | 1.67 | \$ 119,485.00 | \$ 4,200.00 | No | \$ - | 15 | 15 | 10.0% | | \$ 123,685.00 | 8 |
| Dover | 15.00 | \$ 110,370.00 | \$ 5,100.00 | 5.0% | \$ 5,518.50 | As Needed | 20 | 20.0% | LTD | \$ 120,988.50 | 9 |
| Somersworth | 3.00 | \$ 96,408.00 | Car Provided | 2.0% | \$ 1,928.16 | 0 | 20 | 0.0% | | \$ 98,336.16 | 10 |
| Median | 2.50 | \$119,542.50 | \$4,800.00 | 5.0% | \$4,509.25 | 12 | 20 | 14.5% | | \$ 127,820.00 | |
| Median (excl Somersworth) | 2.25 | \$119,600.00 | \$4,800.00 | 8.0% | \$5,518.50 | 12 | 20 | 15.0% | | \$ 129,540.00 | |
| | | | | Adjustment to achieve median | \$ 6,831.50 | or | | 5.6% | of total comp | | |
| | | | | Adjustment to achieve median (excl Somersworth) | \$ 8,551.50 | or | | 7.1% | of total comp | | |
| | | | | | | | | 6.2% | of base salary | | |
| | | | | | | | | 7.7% | of base salary | | |



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.1.

Ordinance Number:
Ordinance Title: **O – 2008.08.13 - 11**
Chapter: Chapter 166, Vehicles and Traffic

The City of Dover Ordains:

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 166 of the Revised Code of the City of Dover, 1983, entitled Vehicles and Traffic, by deleting language in its entirety in 166-53, Schedule F – Commercial Vehicle Travel Restricted and replacing with the language in the amendment below.

2. AMENDMENT

Chapter 166 entitled “Vehicles and Traffic” is hereby amended by replacing language in its entirety in Section 166-53, “Schedule F – Commercial Vehicle Travel Restricted”, as follows:

Section 1. General.

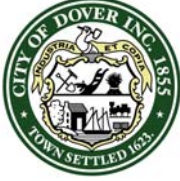
No vehicle with a gross vehicle weight rating of 26,000 pounds (26 K GVWR) or higher shall utilize any City Street (Class IV, Class V or Class VI) within the City limits for travel in or through the City, unless such roadway has been designated as a commercial vehicle route. However, said vehicles are permitted to travel on City Streets for the purpose of delivering or receiving goods and services to a specific destination. If travel along non-commercial vehicle routes is necessary for the above permissible purpose, then vehicles shall use the nearest intersection for entering and exiting restricted roadways.

Section 2. Designated commercial vehicle routes;

(a) All State numbered routes and non-numbered state-maintained roadways are designated commercial vehicle routes in the City of Dover. Vehicles with a gross vehicle weight rating of 26,000 pounds (26 K GVWR) or higher shall be permitted to utilize these designated commercial vehicle routes as a means of travel through the City of Dover.

(b) Commercial vehicle routes shall be designated by signage in accordance with the Manual on Uniform Traffic Control Devices, latest edition, applicable laws and safety policies.

(c) Revisions to the designated commercial vehicle routes shall be presented to the Transportation Advisory Commission by written petition. The Transportation Advisory Commission may require a traffic study and other supporting evidence to consider the petition. TAC shall provide a recommendation to the City Manager or his designee. The City Manager or designee shall post a list of designated commercial vehicle routes in the office of the City Clerk, the office of the Community Services Department and the Police Department.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.1.

Ordinance Number:
Ordinance Title: **O – 2008.08.13 - 11**
Chapter: Chapter 166, Vehicles and Traffic

Section 4. Exceptions.

This ordinance shall not apply to any police, fire, ambulance or other public safety vehicle; vehicles owned or operated by the City; or vehicles owned or operated by designated representatives or contractors of the City actively engaged in the repair, maintenance or construction of City streets, street improvements or utilities within the City's rights of way. Additionally, the ordinance shall not apply to any heating system delivery vehicle, school bus, or public transit bus.

Section 5. Enforcement.

This Ordinance shall be enforced by the Police Chief, his designees or other sworn law enforcement officer(s).

Section 6. Violations and penalties.

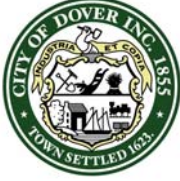
Violations of this ordinance shall be punishable by the imposition of a \$150.00 citation for the first offense. Repeat offenders may be punished by the imposition of citations up to \$250.00 for each offense.

Section 7. Repeal of Conflicting Ordinances.

All ordinances and appurtenant schedules of restricted streets and resolutions and parts thereof in conflict herewith are repealed.

3. Effective Date.

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



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.1.

Ordinance Number:
Ordinance Title: **O – 2008.08.13 - 11**
Chapter: Chapter 166, Vehicles and Traffic

RECOMMENDATION

The Transportation Advisory Commission and City Manager recommend that this Ordinance be adopted.

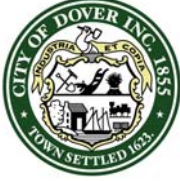
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Karen Weston

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#: 11.A.1.

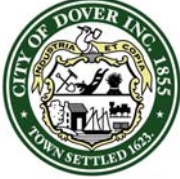
Ordinance Number:
Ordinance Title: **O – 2008.08.13 - 11**
Chapter: Chapter 166, Vehicles and Traffic

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 - ORDINANCE

Agenda Item#: 11.A.1.

Ordinance Number:
Ordinance Title: **O – 2008.08.13 - 11**
Chapter: Chapter 166, Vehicles and Traffic

ORDINANCE BACKGROUND MATERIAL:

This ordinance revision has been recommended by the Transportation Advisory Commission.

The City of Dover has determined that it is necessary to restrict heavy commercial vehicle traffic on certain roadways within the municipal boundaries of the City of Dover in order to protect the public safety and general well-being of its citizens and to preserve its local street and highway infrastructure. The City of Dover is constituted by a majority of residential zoning districts and streets, thereby creating roadways primarily used to connect those residential areas and for residential purposes. Additionally, those residential streets are also occupied by children at play and general pedestrian traffic. The City finds that these residential areas are not suited or safe for large and heavy commercial through-vehicular traffic. Furthermore, the City finds it an imminent danger to the children and citizens within these residential areas to have large and heavy commercial vehicles utilizing such streets as thoroughfares or cut through roadways especially when the origin and/or destination of the vehicle is not on said roadways or within the boundary of the City of Dover.

Many of the streets within the City are not constructed in width or otherwise to adequately and sufficiently withstand the weight of heavy commercial vehicles, and use by such vehicles has caused and will cause significant and premature damage to the integrity of the City's roadway system. It is thereby necessary to restrict the usage of the roadways to protect and preserve the integrity of the City's roadways.

The present roadway system within the City limits includes certain roadways, defined as Class II and III Highways, that are adequately constructed, intended and designed for large and heavy commercial vehicles and that provide for travel and connectivity in east/west and north/south directions so that such vehicles can and should utilize those roadways, pursuant to exceptions for City vehicles, school buses, public transit and fuel delivery vehicles, in lieu of the other City roadways for the protection and preservation of the public safety and general well being of our citizens.

Dover Code Chapter 166-53 provides a restriction on through commercial vehicle traffic on a number of City streets. It defines commercial vehicles as those over 26,000 pounds gross weight. City vehicles and those contracted by the City, fuel delivery vehicles and public transit vehicles, School buses and student transportation carriers are exempt. Commercial vehicles making a delivery or pickup on the street, or to a side street that cannot be accessed by any other means, are also exempt.

Many residents of the City have complained about the volume, size and speed of commercial traffic on these streets. The absence of sidewalks in some areas poses potential safety hazards where pedestrians and trucks are attempting to share the road. Some of the complaints also involve the additional structural burden placed on these local roadways by the heavy vehicles. Some complaints pertain to the need to maintain the residential nature of neighborhoods

A truck travel route through Dover, using some local roads, provides a shorter distance, fewer tolls and less chance of being subjected to weigh stations for a number of trucking companies with destinations from Maine to points west and south of the Spaulding Turnpike is currently being utilized. This ordinance change



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.1.

Ordinance Number:
Ordinance Title: **O – 2008.08.13 - 11**
Chapter: Chapter 166, Vehicles and Traffic

clarifies for trucking firms exactly which roadways are appropriate and legal for through truck trips in the City.

NH RSA 231:191 provides:

“The governing body of a municipality may establish maximum weight limits, seasonal or otherwise, which are more restrictive than the limits set forth in RSA 266:17-26, for any class IV, V, or VI highway or portion of such highway, when the highway agent determines that such highway requires postings to prevent unreasonable damage or extraordinary municipal expense. Such posting shall be in accordance with currently acceptable practices and technology.”



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.2.

Ordinance Number: **O - 2008.08.13 – 12**
Ordinance Title: Henry Law Avenue One Way
Chapter: 166-48: Schedule A

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 166 of the Revised Code of the City of Dover, 1983, entitled Vehicles and Traffic, by adding language to 166-48, Schedule A – One Way Roadways.

2. AMENDMENT

Chapter 166 entitled “Vehicles and Traffic” is hereby amended by adding language to Section 166-48, “Schedule A – One Way Roadways”, as follows:

a. THE FOLLOWING IS ADDED:

STREET:

HENRY LAW AVENUE

DIRECTION OF TRAVEL:

EASTERLY FROM THE INTERSECTION OF
WASHINGTON STREET TO THE INTERSECTION OF
GEORGE STREET

3. TAKES EFFECT

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

4. RECOMMENDATION

The City Manager recommends | does not recommend that this Ordinance be adopted.

AUTHORIZATION

Approved as to Funding: Daniel Lynch
Finance Director

Sponsored by: Councilor Karen Weston

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#: 11.A.2.

Ordinance Number: **O - 2008.08.13 - 12**
Ordinance Title: Henry Law Avenue One Way
Chapter: 166-48: Schedule A

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

| VOTING RECORD | | |
|-------------------------------------|------|-----|
| Date of Vote: | YEAH | NAY |
| Mayor Scott Myers | | |
| 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: | | |
| Ordinance does does not pass. | | |



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.2.

Ordinance Number: **O - 2008.08.13 – 12**
Ordinance Title: Henry Law Avenue One Way
Chapter: 166-48: Schedule A

ORDINANCE BACKGROUND MATERIAL:

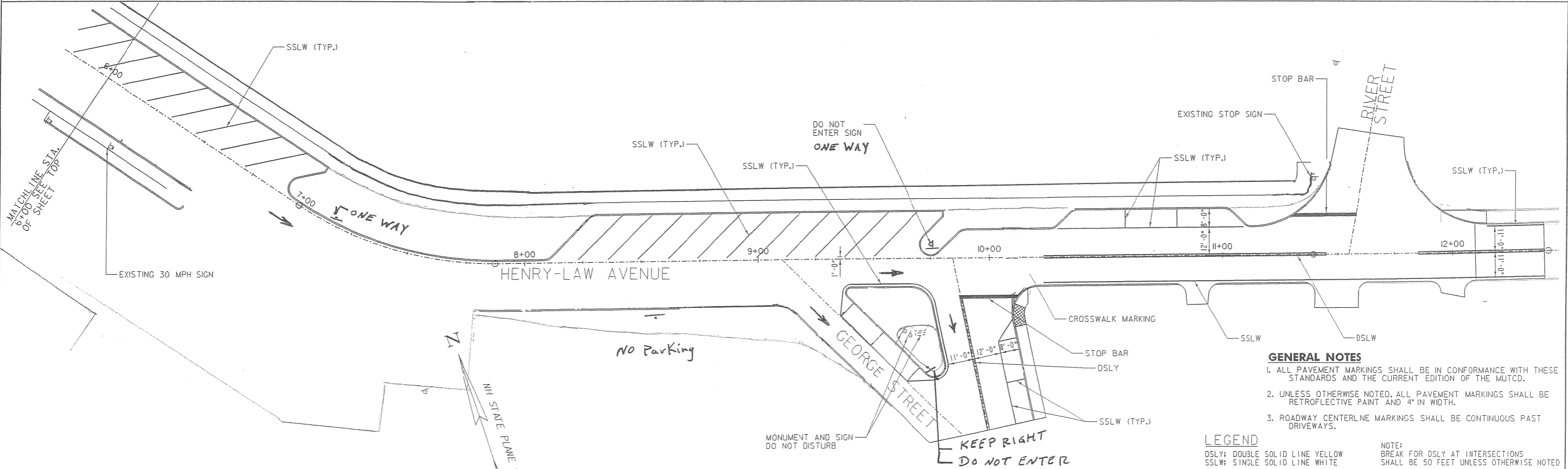
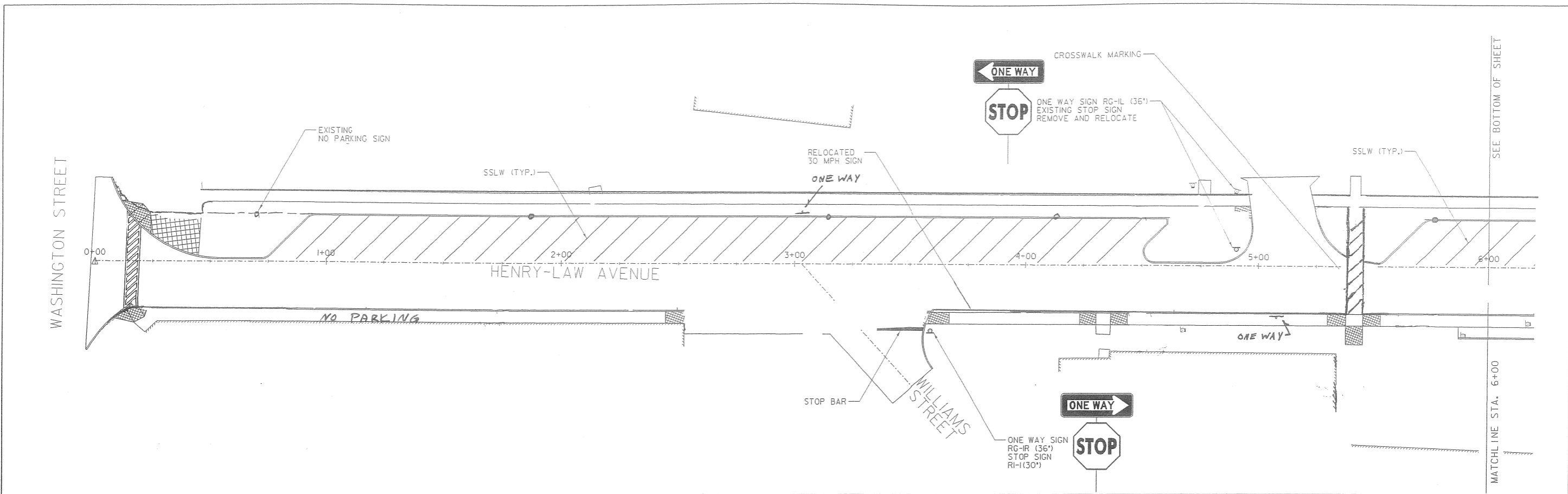
This ordinance revision has been recommended by the Transportation Advisory Commission.

City staff and the TAC hosted public information forums to explain the proposed changes and address concerns. These forums included residents of the Dover Housing Authority (Central Towers) and affected residents/businesses on a portion of Henry Law Avenue and of George, Hanson, and Sonnett Streets.

This proposal changes the travel flow on a segment of Henry Law Avenue alongside Henry Law Park. One way traffic would flow from Washington Street (lower square) to George Street (Riverbend Variety). Two-way traffic would be maintained beyond that point.

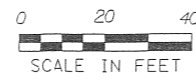
The Dover Master Plan Transportation Chapter recommends the change to one-way traffic because of several factors, including:

- 1) Eliminates conflicting traffic movements and one of the five approaches at a major signalized intersection (lower square at Central Avenue/Washington Street) which will extend the current level of efficiency into immediate future.
- 2) Allows for an immediate net increase of 16 parking spaces to serve the needs of users in the vicinity, including the recently opened Children's Museum, the Dover Housing Authority's Central Towers, and the Foster's building which is pending reuse.



- GENERAL NOTES**
1. ALL PAVEMENT MARKINGS SHALL BE IN CONFORMANCE WITH THESE STANDARDS AND THE CURRENT EDITION OF THE MUTCD.
 2. UNLESS OTHERWISE NOTED, ALL PAVEMENT MARKINGS SHALL BE RETROREFLECTIVE PAINT AND 4" IN WIDTH.
 3. ROADWAY CENTERLINE MARKINGS SHALL BE CONTINUOUS PAST DRIVEWAYS.

LEGEND
 DSLY: DOUBLE SOLID LINE YELLOW
 SSLW: SINGLE SOLID LINE WHITE
 NOTE: BREAK FOR DSLY AT INTERSECTIONS SHALL BE 50 FEET UNLESS OTHERWISE NOTED

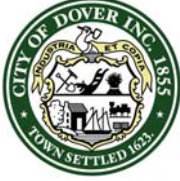


| NO. | DATE | REVISIONS | BY | CK'D |
|-----|------|-----------|----|------|
| | | | | |
| | | | | |
| | | | | |

DuBois & King inc.
 engineering planning management development

CITY OF DOVER,
 NEW HAMPSHIRE
 HENRY LAW AVENUE
 RECONSTRUCTION PROJECT
 PAVEMENT MARKINGS
 AND SIGNAGE

| | |
|-----------------|---------------------|
| DRAWN BY EBS | DATE DEC. 2007 |
| CHECKED BY | PROJ. NO. R17925 |
| PROJ. ENG. | DRAW. NO. |
| SHEET 7 OF 12 | |



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.C.1

Resolution Number: **R – 2008.08.13 - 131**
Resolution Re: Renaming of Longhill Road Extension to Sandy Lane

WHEREAS: The City of Dover is part of a statewide Enhanced 911 emergency reporting system; and

WHEREAS: The Transportation Advisory Commission has worked with residents to address street names with a potential to confuse 911 responders; and

WHEREAS: The Traffic Advisory Commission held a public hearing and informational meeting on September 17, 2007.

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

The name of Longhill Road Extension is changed to Sandy Lane. Property addresses shall be renamed as follows:

DELETE: Longhill Road Extension **RENAME TO:** Sandy Lane
RENUMBER:

- | | | | |
|----|-------------------------|---------|---------------|
| 7 | Longhill Road Extension | becomes | 7 Sandy Lane |
| 11 | Longhill Road Extension | becomes | 11 Sandy Lane |
| 21 | Longhill Road Extension | becomes | 21 Sandy Lane |
| 29 | Longhill Road Extension | becomes | 29 Sandy Lane |
| 33 | Longhill Road Extension | becomes | 22 Sandy Lane |
| 43 | Longhill Road Extension | becomes | 42 Sandy Lane |

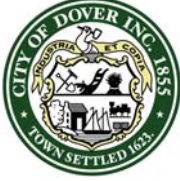
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Karen Weston

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#: 11.C.1

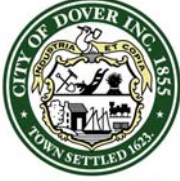
Resolution Number: **R – 2008.08.13 - 131**
Resolution Re: Renaming of Longhill Road Extension to Sandy Lane

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#: 11.C.1

Resolution Number: **R – 2008.08.13 - 131**
Resolution Re: Renaming of Longhill Road Extension to Sandy Lane

RESOLUTION BACKGROUND MATERIAL:

The Transportation Advisory Commission recommends the proposed street name changes.

The Transportation Advisory Commission, in response to E-911 mandates and public safety concerns, has identified a number of streets which have the potential for confusion in emergency response situations. The confusion may be due to other similar sounding street names or to the use of “extensions” on street names. This proposal seeks to reduce or eliminate the potential for delays in emergency response situations where life or property may be threatened.

A neighborhood meeting and public information session, for which notice was mailed to each of the affected property owners on Longhill Road Extension and Varney Road Extension, was held on September 17, 2007. Representatives of the US Postal Service, police and fire departments, and the Dover building official's office provided rationale for the changes and answered resident questions.

The proposed street name changes were selected by consensus of the affected residents of each street, or were proposed by City staff after consideration of existing street names.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.C.2.

Resolution Number: **R – 2008.08.13 - 132**
Resolution Re: Renaming of Varney Road Extension to Laura Lane

WHEREAS: The City of Dover is part of a statewide Enhanced 911 emergency reporting system; and

WHEREAS: The Transportation Advisory Commission has worked with residents to address street names with a potential to confuse 911 responders; and

WHEREAS: The Transportation Advisory Commission held a public hearing and informational meeting on September 17, 2007.

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

The name of Varney Road Extension is changed to Laura Lane. Property addresses are re-named as follows:

DELETE: Varney Road Extension **RENAME TO:** Laura Lane
RENUMBER:

| | | |
|--------------------------|---------|---------------|
| 3 Varney Road Extension | becomes | 3 Laura Lane |
| 12 Varney Road Extension | becomes | 12 Laura Lane |
| 17 Varney Road Extension | becomes | 17 Laura Lane |
| 18 Varney Road Extension | becomes | 18 Laura Lane |
| 24 Varney Road Extension | becomes | 24 Laura Lane |

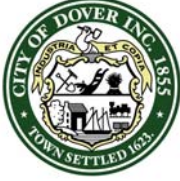
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Karen Weston

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#: 11.C.2.

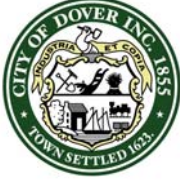
Resolution Number: **R – 2008.08.13 - 132**
Resolution Re: Renaming of Varney Road Extension to Laura Lane

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#: 11.C.2.

Resolution Number: **R – 2008.08.13 - 132**
Resolution Re: Renaming of Varney Road Extension to Laura Lane

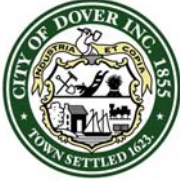
RESOLUTION BACKGROUND MATERIAL:

The Transportation Advisory Commission recommends the proposed street name changes.

The Transportation Advisory Commission, in response to E-911 mandates and public safety concerns, has identified a number of streets which have the potential for confusion in emergency response situations. The confusion may be due to other similar sounding street names. This proposal seeks to reduce or eliminate the potential for delays in emergency response situations where life or property may be threatened.

A neighborhood meeting and public information session, for which notice was mailed to each of the affected property owners on Longhill Road Extension and Varney Road Extension, was held on September 17, 2007. Representatives of the US Postal Service, police and fire departments, and the Dover building official's office provided rationale for the changes and answered resident questions.

The proposed street name changes were selected by consensus of the affected residents of each street, or were proposed by City staff after consideration of existing street names.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.C.3.

Resolution Number: **R – 2008.08.27 - 141**
Resolution Re: **FISCAL YEAR 2009 BUDGET – AMENDMENT #1**

WHEREAS: The Strafford County Delegation approved the 2008 County budget on March 15, 2008; and

WHEREAS: The City of Dover Council approved the Fiscal Year 2009 City Budget on June 4, 2008 based on approved County budget; and

WHEREAS: The Strafford County Delegation approved a reduction to the amount of the 2008 County budget on August 20, 2008; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The sum of \$64,949, representing the City of Dover’s portion of savings based on the revised 2008 budget of Strafford County, is hereby appropriated within the General Fund for the purpose of Capital Outlay - General Street & Sidewalk Improvements as follows:

| Account | Description | Budget | Amendment | Revised |
|----------------------------|---------------------------------|----------------|---------------|----------------|
| 1000-48000-4990-0000-00-80 | County Tax Apportionment | 6,837,272 | (64,949) | 6,772,323 |
| 1000-43121-4715-0000-00-30 | CS- Streets Capital Outlay | | | |
| | General Street & Sidewalk Imprv | 670,000 | 64,949 | 734,949 |
| | General Drainage Improvements | 150,000 | - | 150,000 |
| | | <u>820,000</u> | <u>64,949</u> | <u>884,949</u> |

Note: Per City Charter C6-6 this resolution requires a public hearing and a 2/3 favorable vote for passage. To be referred to Public Hearing on September 10, 2008.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Steven McCusker
Councilor at Large

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

Dean Trefethen
Councilor, Ward 4

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.C.3.

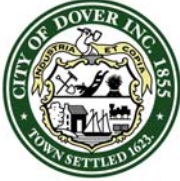
Resolution Number: **R – 2008.08.27 - 141**
Resolution Re: **FISCAL YEAR 2009 BUDGET – AMENDMENT #1**

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 Carrier, 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#: 11.C.3.

Resolution Number: **R – 2008.08.27 - 141**
Resolution Re: **FISCAL YEAR 2009 BUDGET –
AMENDMENT #1**

RESOLUTION BACKGROUND MATERIAL:

On March 15, 2008 the Strafford County Delegation approved the 2008 Strafford County Budget. The approved 2008 County budget resulted in an amount to be raised by taxes of \$26,420,570.

The City of Dover's portion of the County Tax is based on the city's equalized assessed property valuation as a percentage of the total equalized assessed property valuation of all the communities within Strafford County. The NH Department of Revenue Administration (NH DRA) determines the equalized assessed property valuations for each community in the State of NH and based on this information determines the proportional share of each community's county tax allocation.

Based on the most recent equalized assessed property valuation data available from NH DRA for TY 2006 (FY 2007) the City's proportional share of the County tax was 25.8786%. This percentage was utilized to determine the amount budgeted in the FY 2009 City budget for County Tax Apportionment of \$6,837,272 ($\$26,420,570 \times 25.8786\%$).

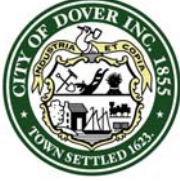
On June 4, 2008 the City Council approved the City of Dover's Fiscal Year 2009 budget. In the FY09 budget approved by the Council, budget function 48000-4990 County Tax Apportionment was budgeted at \$6,837,272.

In July 2008 Strafford County initiated discussions regarding the possibility of proposing a budget reduction. The Strafford County Delegation met on August 20, 2008 and approved a \$1,024,743 reduction to the County's 2008 budget. This \$1,024,743 reduction reduced the amount to be raised by taxes from \$26,420,570 to \$25,395,827.

NH DRA recently released County allocation data per TY 2007 (FY 2008) and the City of Dover's proportional share of the County tax is 26.6671%. The revised amount for the City's share of the County tax is \$6,772,323 ($\$25,395,827 \times 26.6671\%$). This represents a \$64,949 reduction in the County tax apportionment as reflected in the City's FY 2009 approved budget ($\$6,837,272 - \$6,772,323$).

In the FY 2009 budget approved by the City Council, budget function 43121-4715 Community Services Streets – Capital Outlay – General Street & Sidewalk Improvements is budgeted at \$670,000. In the 2009-2014 CIP approved by City Council, \$1,000,000 was planned to be budgeted in the General Fund for General Street & Sidewalk Improvements. The \$1,000,000 was reduced from planned levels to accommodate the expected County tax increase. There are still many more roads in the City of Dover that need immediate attention, the \$64,949 is funding that was originally intended for general street improvements and could still be used for this purpose. Paving costs have escalated significantly in recent months further limiting the amount of work to be completed in the absence of additional funds.

Re-allocating these funds from the County Tax line item to the General Street & Sidewalk Improvements line item does not affect the total budget amount previously approved by the City Council and does not violate the spending cap charter provisions.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.C.4.

Resolution Number: **R – 2008.08.27 - 142**
Resolution Re: **DISSOLUTION OF ARENA FUND INTO GENERAL FUND – FY09 BUDGET AMENDMENT #2**

WHEREAS: The City of Dover owns and operates the Dover Ice Arena to provide residents and non-residents of the City with recreational opportunities; and the operations of the Dover Ice Arena are accounted for through an enterprise fund known as the Arena Fund; and

WHEREAS: The Arena Fund revenues have come in-line with operating expenditures; and

WHEREAS: The Arena Fund has consistently relied upon an advance from the General Fund to address cash flow hardships; and the City wishes to take prudent action to address the fund deficit that exists in the Arena Fund and eliminate the cash advance that is currently a reserve of fund balance within the General Fund;

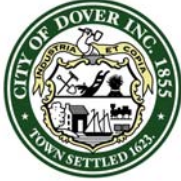
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The Arena Fund is hereby dissolved and absorbed into the City of Dover General Fund.

AND, FURTHER BE IT RESOLVED;

The budget amendment, to budget estimated revenues and expenditures for operations of the Arena for Fiscal Year 2009, is hereby appropriated within the General Fund as follows:

| Account | Description | Budget | Amendment | Revised |
|----------------------------|--|--------|------------------|------------------|
| 1000-45149-3410-0000-00-35 | Recreation - Arena Sales & Service Charges | - | 1,116,932 | 1,116,932 |
| 1000-45149-3412-0000-00-35 | Recreation - Arena Vending Machine Sales | - | 4,100 | 4,100 |
| 1000-45149-3413-0000-00-35 | Recreation - Arena Commissions | - | 5,050 | 5,050 |
| 1000-45149-3441-0000-00-35 | Recreation - Arena Pro Shop | - | 15,000 | 15,000 |
| 1000-45149-3442-0000-00-35 | Recreation - Arena Recreation Charge | - | 354,894 | 354,894 |
| 1000-45149-3444-0000-00-35 | Recreation - Arena Food Sales | - | 69,500 | 69,500 |
| 1000-45149-3445-0000-00-35 | Recreation - Arena Vending Sales | - | 23,433 | 23,433 |
| 1000-45149-3599-0000-00-35 | Recreation - Arena Misc. Revenue | - | 600 | 600 |
| 1000-45149-3631-0000-00-35 | Recreation - Arena Facilities Rental | - | 29,664 | 29,664 |
| | Total Revenue | - | 1,619,173 | 1,619,173 |



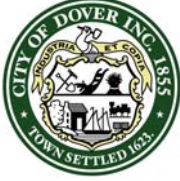
CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.C.4.

Resolution Number: **R – 2008.08.27 - 142**
 Resolution Re: **DISSOLUTION OF ARENA FUND INTO GENERAL FUND – FY09 BUDGET AMENDMENT #2**

| Account | Description | Budget | Amendment | Revised |
|-----------------------------|---|--------|------------------|------------------|
| 1000-45149-4110-0000-00-35 | Rec - Arena - Regular Salaried Employees | - | 102,611 | 102,611 |
| 1000-45149-4115-0000-00-35 | Rec - Arena-Regular Hourly Employees | - | 123,247 | 123,247 |
| 1000-45149-4120-0000-00-35 | Rec - Arena-Temporary Employees | - | 167,393 | 167,393 |
| 1000-45149-4130-0000-00-35 | Rec - Arena-Overtime Pay | - | 10,000 | 10,000 |
| 1000-45149-4170-0000-00-35 | Rec - Arena-Longevity Pay | - | 2,800 | 2,800 |
| 1000-45149-4211-0000-00-35 | Rec - Arena-Health Insurance | - | 79,753 | 79,753 |
| 1000-45149-4212-0000-00-35 | Rec - Arena-Dental Insurance | - | 3,246 | 3,246 |
| 1000-45149-4213-0000-00-35 | Rec - Arena-Life Insurance | - | 542 | 542 |
| 1000-45149-4220-0000-00-35 | Rec - Arena-FICA | - | 24,315 | 24,315 |
| 1000-45149-4225-0000-00-35 | Rec - Arena-Medicare | - | 5,687 | 5,687 |
| 1000-45149-4230-0000-00-35 | Rec - Arena-Retirement | - | 20,802 | 20,802 |
| 1000-45149-4240-0000-00-35 | Rec - Arena-Staff Development | - | 1,500 | 1,500 |
| 1000-45149-4250-0000-00-35 | Rec - Arena-Unemployment Benefits | - | 200 | 200 |
| 1000-45149-4260-0000-00-35 | Rec - Arena-Worker's Comp Insurance | - | 2,155 | 2,155 |
| 1000-45149-4295-0000-00-35 | Rec - Arena - Compensated Absences | - | 2,000 | 2,000 |
| 1000-45149-4335-0000-00-35 | Rec - Arena-Auditing Services | - | 717 | 717 |
| 1000-45149-4336-0000-00-35 | Rec - Arena - Medical Services | - | 2,180 | 2,180 |
| 1000-45149-4411-0000-00-35 | Rec - Arena-Water And Sewer Expense | - | 13,500 | 13,500 |
| 1000-45149-4422-0000-00-35 | Rec - Arena-Contract Snow Plowing | - | 1,000 | 1,000 |
| 1000-45149-4431-0000-00-35 | Rec - Arena-Maint Chrgs - Buildings | - | 41,000 | 41,000 |
| 1000-45149-4432-0000-00-35 | Rec - Arena - Maint Chrgs - Impr o/t Buildings | - | 6,500 | 6,500 |
| 1000-45149-4433-0000-00-35 | Rec - Arena-Maint Chrgs - Equipment | - | 6,000 | 6,000 |
| 1000-45149-4435-0000-00-35 | Rec - Arena-Maint Chrgs - Office Equip | - | 12,331 | 12,331 |
| 1000-45149-4443-0000-00-35 | Rec - Arena-Rental of Equipment | - | 2,663 | 2,663 |
| 1000-45149-4521-0000-00-35 | Rec - Arena-Property Insurance | - | 4,343 | 4,343 |
| 1000-45149-4522-0000-00-35 | Rec - Arena-Vehicle & Equip Insurance | - | 380 | 380 |
| 1000-45149-4524-0000-00-35 | Rec - Arena-Public Liab Insurance | - | 7,079 | 7,079 |
| 1000-45149-4531-0000-00-35 | Rec - Arena-Communications | - | 9,330 | 9,330 |
| 1000-45149-4534-0000-00-35 | Rec - Arena-Postage | - | 500 | 500 |
| 1000-45149-4540-0000-00-35 | Rec - Arena-Advertising | - | 2,500 | 2,500 |
| 1000-45149-4550-0000-00-35 | Rec - Printing & Binding | - | 2,500 | 2,500 |
| 1000-45149-4580-0000-00-35 | Rec - Arena-Travel Expense | - | 750 | 750 |
| 1000-45149-4611-0000-00-35 | Rec - Arena-Office Supplies | - | 2,000 | 2,000 |
| 1000-45149-4612-0000-00-35 | Rec - Arena-Operating Supplies | - | 10,500 | 10,500 |
| 1000-45149-4615-0000-00-35 | Rec - Arena-Clothing & Uniforms | - | 5,900 | 5,900 |
| 1000-45149-4621-0000-00-35 | Rec - Arena-Natural Gas | - | 198,000 | 198,000 |
| 1000-45149-4622-0000-00-35 | Rec - Arena-Electricity | - | 197,000 | 197,000 |
| 1000-45149-4626-0000-00-35 | Rec - Arena-Vehicle Fuels | - | 10,500 | 10,500 |
| 1000-45149-4635-0000-00-35 | Rec - Arena - Medicinal Supplies | - | 200 | 200 |
| 1000-45149-4640-0000-00-35 | Rec - Arena-Books & Publications | - | 150 | 150 |
| 1000-45149-4651-0000-00-35 | Rec - Arena-Maint Supplies - Buildings | - | 9,000 | 9,000 |
| 1000-45149-4652-0000-00-35 | Rec - Arena-Maint Supplies - Impr o/t Buildings | - | 2,500 | 2,500 |
| 1000-45149-4653-0000-00-35 | Rec - Arena-Maint Supplies - Equipment | - | 4,500 | 4,500 |
| 1000-45149-4654-0000-00-35 | Rec - Arena-Maint Supplies - Vehicles | - | 2,800 | 2,800 |
| 1000-45149-4661-0000-00-35 | Rec - Arena-Fleet Maintenance Charge | - | 8,700 | 8,700 |
| 1000-45149-4681-0000-00-35 | Rec - Arena-Minor Equipment & Tools | - | 1,500 | 1,500 |
| 1000-45149-4810-0000-00-35 | Rec - Arena-Membership Dues | - | 600 | 600 |
| 1000-45149-4820-0000-00-35 | Rec - Dept. Overhead Charges | - | 30,000 | 30,000 |
| 1000-45149-4840-0000-00-35 | Rec - Arena-Contingency | - | 43,802 | 43,802 |
| 1000-45149-4895-0000-00-35 | Rec - Arena-Cost of Sales | - | 1,500 | 1,500 |
| 1000-45149-4896-0000-00-35 | Rec - Arena - Cost of Sales - Food | - | 38,000 | 38,000 |
| 1000-45149-4897-0000-00-35 | Rec - Arena - Cost of Sales - Misc | - | 25,000 | 25,000 |
| 1000-45149-4920-0000-00-35 | Rec - Arena - Principal Payments | - | 238,490 | 238,490 |
| 1000-45149-4921-0000-00-35 | Rec - Arena-Interest - Bonds | - | 129,007 | 129,007 |
| Total Appropriations | | - | 1,619,173 | 1,619,173 |



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.C.4.

Resolution Number: **R – 2008.08.27 - 142**
Resolution Re: **DISSOLUTION OF ARENA FUND INTO GENERAL
FUND – FY09 BUDGET AMENDMENT #2**

NOTE: Per City Charter C6-6 this resolution requires a public hearing and a 2/3 favorable vote for passage. To be referred to Public Hearing on September 10, 2008.

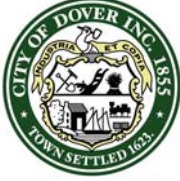
AUTHORIZATION

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.C.4.

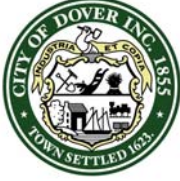
Resolution Number: **R – 2008.08.27 - 142**
Resolution Re: **DISSOLUTION OF ARENA FUND INTO GENERAL FUND – FY09 BUDGET AMENDMENT #2**

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 Carrier, 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#: 11.C.4.

Resolution Number: **R – 2008.08.27 - 142**
Resolution Re: **DISSOLUTION OF ARENA FUND INTO GENERAL FUND – FY09 BUDGET AMENDMENT #2**

RESOLUTION BACKGROUND MATERIAL:

The City of Dover owns and operates the Dover Ice Arena to provide recreational opportunities to residents and non-residents of the City. The Arena facility generates significant economic activity supporting local businesses and their employees.

The operations of the Dover Ice Arena are accounted for through an enterprise fund. Enterprise Funds generally follow private-sector standards of accounting and financial reporting.

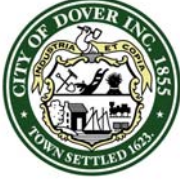
The Arena Fund has consistently relied upon an advance from the General Fund to address cash flow hardships. The City wishes to take prudent action to address the fund deficit that exists in the Arena Fund and eliminate the cash advance that is currently a reserve of fund balance within the General Fund. This change will allow the Arena's revenues and ongoing operating income to be absorbed directly into the General Fund eliminating the existing cash deficit and advance. Arena Fund revenues have come in-line with operating expenditures over the past year.

This action will address a blemish reflected in the City's financial statements by eliminating the Arena Fund deficit. This action has no direct impact on the City's General Fund since the advance to the Arena Fund is reported as a reserve against the fund balance of the General Fund.

The Arena Commission recommended taking this action.

The budget amendment is necessary to budget Arena operations within the General Fund and to properly budget funds for debt service principal payments related to the Arena. Enterprise Funds do not budget principal payments for debt service, although interest payments are a budgeted expense in an enterprise fund. An Enterprise Fund also budgets for depreciation expense, which is considered an operational cost. In the General Fund depreciation is not budgeted since expenditures are recorded when a liability is incurred and financial resources are utilized.

This action does not violate the spending cap charter provisions since the budget amendment does not require any increase in property tax levy.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.C.5.

Resolution Number: **R - 2008.08.27 - 143**
Resolution Re: Naming of the Liberty North End Fire Station

WHEREAS: The North End Fire Station advisory committee reached a consensus to recommend to the City Council the name of the new fire station as the “Liberty North End Fire Station”

WHEREAS: The new fire station is scheduled to open for operation on or about November 1, 2008

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The new fire station located on Sixth Street shall be named “Liberty North End Fire Station”

REQUIRES A PUBLIC HEARING PURSUANT TO DOVER ORDINANCE 79

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

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 Carrier, 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. | | |

Document Created by: Department
Document Posted on: September 5, 2008

2008[1].08.27_naming_the_north_end_fire_station
Page 1 of 3



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.C.5.

Resolution Number: **R - 2008.08.27 - 143**

Resolution Re: Naming of the Liberty North End Fire Station

* Deputy Mayor not elected at time of vote.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.C.5.

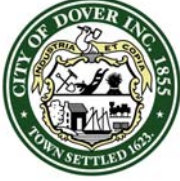
Resolution Number: **R - 2008.08.27 - 143**
Resolution Re: Naming of the Liberty North End Fire Station

RESOLUTION BACKGROUND MATERIAL:

The new fire station located on Sixth Street in the City of Dover is scheduled to open for operation on or about November 1, 2008.

Liberty Mutual Insurance Company donated the land on which the new fire station is located pursuant to an agreement entered into pursuant to Council approval in December 2005.

The North End Fire Station advisory committee recommends the name "Liberty North End Fire Station" and that the name be displayed with appropriate signage. Liberty Mutual also agrees with the selection of the name.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.C.6.

Resolution Number: **R - 2008.08.27 - 133**

Resolution Re: Increase in Price for Dover Trash Bags and Tags

WHEREAS: The Bag and Tag Program began in October 1991, and fees for purchasing City trash bags are charged to cover costs; and

WHEREAS: Now, due to the increased contractual cost to the City for Solid Waste/Recycling removal and disposal, the bag prices sold by the City of Dover, need to be increased from \$1.31 to \$1.41 for 15-gallon bags, from \$1.96 to \$2.11 for 30-gallon bags and from \$3.96 to \$4.96 for bulky item tags; and

WHEREAS: The Solid Waste Advisory Commission has recommended this increase at their meeting in July, 2008.

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

The City Council approves the recommendations of the Solid Waste Advisory Commission to set the sale prices for the City of Dover Trash Bags, sold by the City of Dover, at \$1.41 for 15-gallon bags and \$2.11 for 30-gallon bags, and \$4.96 for bulky item tags, with a suggested retail price of \$1.45, \$2.15 and \$5.00, respectively.

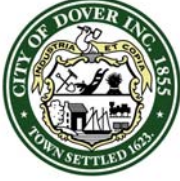
AUTHORIZATION

Approved as to Funding: Daniel R Lynch
Finance Director

Sponsored by: Doug DeDe
Councilor Ward 2

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#: 11.C.6.

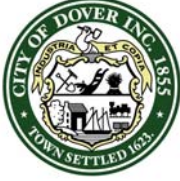
Resolution Number: **R - 2008.08.27 - 133**
Resolution Re: Increase in Price for Dover Trash Bags and Tags

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 Carrier, 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#: 11.C.6.

Resolution Number: **R - 2008.08.27 - 133**
Resolution Re: Increase in Price for Dover Trash Bags and Tags

RESOLUTION BACKGROUND MATERIAL:

The Bag and Tag Program began in October 1991, and fees for City trash bags charged to cover costs. Due to the increased cost to the City for Solid Waste/Recycling removal and disposal, the bag prices sold by the City of Dover, need to be increased:

from \$1.31 to \$1.41 for 15-gallon bags
from \$1.96 to \$2.11 for 30-gallon bags
from \$3.96 to \$4.96 for bulky item tags

with a suggested retail price of \$1.45, \$2.15 and \$5.00, respectively.

The Solid Waste Advisory Commission has recommended this increase at their meeting in July 2008.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2

Resolution Number: **R – 2008.08.27 - 136**
Resolution Re: **MUNICIPAL INFORMATION TECHNOLOGY
ACCEPTABLE USE POLICY**

WHEREAS: The City of Dover has an extensive municipal information technology system for use by city staff, elected officials and volunteers for the boards, commissions and committees of the City of Dover to perform functions required by their positions and functions performed on behalf of the citizens of Dover;

WHEREAS: The citizens of Dover expect and deserve the municipal information technology system will be used for acceptable uses to accomplish the business of the City of Dover and its citizens;

WHEREAS: The Acceptable Use Policy articulates the parameters of acceptable and prohibited uses.

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

The attached Acceptable Use Policy is adopted by the Dover City Council

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers

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 - 2008.08.27 - 136
Resolution Re: MUNICIPAL INFORMATION TECHNOLOGY
ACCEPTABLE USE POLICY

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 Carrier, 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 – 2008.08.27 - 136**
Resolution Re: **MUNICIPAL INFORMATION TECHNOLOGY
ACCEPTABLE USE POLICY**

RESOLUTION BACKGROUND MATERIAL:



City of Dover, New Hampshire **Acceptable Use of Municipal Information Technology Systems and Services**

The purpose of this document is to establish the acceptable use of Municipal Information Technology Systems and Services (hereinafter referred to as "MITSS") by Users and to acknowledge privacy, security and legal issues.

MITSS is defined as voice, data, video and other information technology systems and services provided and owned by the City of Dover including but not limited to Internet access, municipal network access, e-mail, telephone, voicemail, fax, imaging devices, cellular phones and two-way radios.

"Users" shall mean all municipal employees, members of all boards, commissions and committees, elected officials, vendors and other persons accessing MITSS. Employees and vendors are responsible for reviewing and following the City's Administrative Regulation 2-805 Use of Communication Systems.

Using MITSS:

Users shall only use MITSS for acceptable uses and to achieve the goals of MITSS.. Acceptable uses are uses relating to municipal business. The goals of MITSS are to provide effective means to communicate, to increase productivity, to perform research, to obtain information, and to assist Users in performing municipal function-related tasks. Only persons who have signed this document shall be permitted access to and use of MITSS.

Acceptable Uses

Examples of acceptable uses of MITSS include, but are not limited to:

- Communicating with colleagues, customers and citizens on municipal business matters, whether a one-to-one, committee, seminar or conference environment.
- Performance of municipal function-related tasks.
- Conducting research on the Internet to find and use online resources, problem-solve, stay current in one's municipal function.
- Accessing data (ex: State of New Hampshire applications) for which authorized access has been approved by both internal and external parties.

Prohibited Uses

Examples of prohibited uses of MITSS include, but are not limited to:

- Transmitting any information, message or material in violation of Federal, state, or local law.
- Accessing or distributing inappropriate, offensive or pornographic materials including jokes, slurs, etc. (Users who receive communications that may contain sexually, racially or ethnically inappropriate or offensive materials from other municipal Users should notify their immediate supervisor or the Human Resources Director if an employee or their staff liaison or City Manager if a non-employee. Users are prohibited from sending, forwarding or printing such communications, unless necessary to advise a supervisor, Human Resources Director, staff liaison or City Manager.)
- Storing in hard copy or electronic form any document, photo, video clip, audio file, executable file, etc., that may contain materials that would be considered sexually, racially or ethnically offensive. Storage of these types of materials for any reason other than official municipal business purposes is strictly prohibited.
- Intentional distribution of sensitive or confidential information to unauthorized persons.
- Distributing unauthorized broadcast messages or solicitations (SPAM).
- Using MITSS to accomplish personal business gain or to manage a business.
- Downloading, reproducing and/or distributing copyrighted materials not owned by the municipality, including software, photographs, music or any other media without appropriate authorization.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2

Resolution Number: **R – 2008.08.27 - 136**

Resolution Re: **MUNICIPAL INFORMATION TECHNOLOGY
ACCEPTABLE USE POLICY**

- Accessing or downloading any resource for which there is a fee without receiving the appropriate approval beforehand.
- Representing yourself as another User.
- Attempting to access any MITSS resource that a User is not authorized to access (hacking).
- Giving account information including username and password to anyone other than your department head, designated Information Technology administrators or the City Manager. (It is advised that you change your password immediately once maintenance or other tasks are complete.)
- Sending inappropriate communications from external accounts to any internal User account.
- Using MITSS for personal use during normal work hours except when such use is incidental to work related activities and infrequent.
- Transporting or copying municipal data on portable media or on a device not owned by the City of Dover unless expressly and properly authorized.

Software:

Most information located on the Internet is software subject to the provisions of the Federal Copyright Law. Creating illegal copies of software or distributing software to third parties is not permitted. Users are responsible for using software in accordance with applicable license agreements.

Privacy:

The computer hardware system, software, and e-mail system are owned by the City of Dover, and all messages or data composed, stored, sent, or received using MITSS are and remain the property of the City of Dover. Users should have *no expectation of privacy* in either sending or receiving communications and other information while using MITSS. All City of Dover data, including communications, may be accessed, viewed, and/or reproduced by designated information technology administrators while performing system maintenance, handling virus prevention, fulfilling content screening responsibilities or responding to legally required inquiries.

Electronic media, specifically the Internet and e-mail, are not a secure communication network. Personal or privileged information sent via these media could be read by individuals other than the desired recipients. E-mail messages transmitted via the Internet may be stored on non-municipal systems, and may be available for review and distribution even when the original message has been deleted from all municipal systems. User communications in the form of e-mail may be a governmental record subject to inspection and release under the New Hampshire Right to Know Law irrespective of the device or server used to send or receive the communication. Users agree to cooperate with all Right to Know requests. In the event the City receives a Right to Know request or other court discovery request, Users who forward or direct e-mail received on MITSS to non-city accounts, servers, devices or hardware agree to provide, at their expense, access (including but not limited to photocopying) to all e-mail relating to municipal business matters that is received, sent and/or stored by the non-city accounts, devices, hardware or servers. Users using electronic media have the responsibility to respect the privacy and rights of others, and should not intentionally seek information on, obtain copies of, or modify files, communications, passwords and other data that belong to other Users.

Monitoring:

The municipality monitors the use of MITSS including, but not limited to, telephone call patterns and overall network and e-mail usage. The municipality occasionally accesses or views individual files, messages or attachments to protect the municipality against inappropriate use and/or to prevent the distribution and spread of viruses inside and outside the municipality's systems. Your use of MITSS owned and operated by the City of Dover may be monitored and is subject to release without prior notification. The municipality reserves the right to disclose the contents of any communication sent or received by any User, and will do so when it has a legitimate business need. Legitimate business needs may include, but are not limited to, the following:

- Investigation of suspected misuse of MITSS.
- Police investigations.
- Investigation related to pending or anticipated litigation.
- System administration and maintenance.
- Compliance with applicable laws, ordinances or court orders.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2

Resolution Number: **R - 2008.08.27 - 136**
Resolution Re: **MUNICIPAL INFORMATION TECHNOLOGY
ACCEPTABLE USE POLICY**

USER ACKNOWLEDGEMENT

You have been designated an authorized User of the MITSS owned and operated by the City of Dover. As an authorized User, you acknowledge your use will be related to legitimate City business in accordance with the Acceptable Use requirements. You are aware that prohibited and unacceptable use of MITSS by employees may result in disciplinary action up to and including discharge from employment. Prohibited and unacceptable use by non-employees may result in loss of privileges to use MITSS and other remedies as provided for in the City Charter, City Code or state law. Users shall bear their own legal expenses in defending against an alleged violation or provision of this policy. Your signature below indicates you have read, understand and agree to all of the above statements.

Print Name: _____
Dept / Public Body /
Vendor Name: _____
Phone Number*: _____
Signature: _____
Date: _____

Dept Head / City Clerk
Print Name: _____
Dept Head / City Clerk
Signature: _____
Date: _____

*Is voicemail secure at this number so that we may leave your login credentials? Yes No

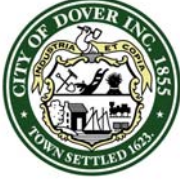
Routing Instructions:

Employees: Completed by User and submitted to supervisor. Reviewed by supervisor and forwarded to Department Head for signature. A copy is provided to User with original sent to the Office of Information Technology for account creation. Original is maintained with official personnel file.

City Council / Public Boards / Commissions: Completed by User and submitted to the City Clerk or Board / Commission chair respectively. A copy is provided to User with original sent to the City Clerk for signature and then to the Office of Information Technology for account creation. Original is maintained in the Personnel Office.

Vendors: Completed by User and submitted to municipal liaison. Reviewed by municipal liaison and forwarded to Department Head for signature. A copy is provided to User with original sent to Office of Information Technology for account creation. Original is maintained in the Personnel Office.

Filename: 2008.08.11_CityofDover.AcceptableUsePolicy.doc



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.C.8.

Resolution Number: **R – 2008.08.27 - 137**
Resolution Re: AMENDMENT TO COUNCIL RULES - RULE 10:
FILING WITH CLERK

WHEREAS: In January 2008 the Dover City Council adopted Council Rules for the conduct of business of the City Council; and

WHEREAS: The efficiency of the conduct of City Council business will be enhanced with an amendment to the Council rules.

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

The Rules of the Dover City Council 2008-2009 are amended pertaining to Rule 10 as contained in the Background of this Resolution.

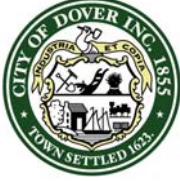
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Catherine Cheney

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#: 11.C.8.

Resolution Number: **R – 2008.08.27 - 137**
Resolution Re: AMENDMENT TO COUNCIL RULES - RULE 10:
FILING WITH 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 Robert Carrier, 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#: 11.C.8.

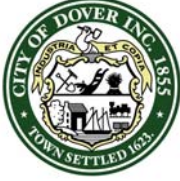
Resolution Number: **R – 2008.08.27 - 137**
Resolution Re: AMENDMENT TO COUNCIL RULES - RULE 10:
FILING WITH CLERK

RESOLUTION BACKGROUND MATERIAL:

10. FILING WITH THE CLERK

- A. Every ordinance, resolution, and document to come before the Council for consideration must be filed with the City Clerk, in compliance with guidelines established by the City Clerk and approved by the City Council, by noon on Wednesday before the week on which the Council meets.
- B. It shall be the duty of the City Clerk to have available for each Councilor and the public ~~on the next day (Thursday)~~ by noon on the Friday before each meeting a brief statement setting forth by number and full descriptive title, all ordinances, resolutions and documents to come before the Council for consideration in the form of an City Council Agenda.

1



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.C.9.

Resolution Number: **R – 2008.08.27 - 138**
Resolution Re: AMENDMENT TO COUNCIL RULES – RULE 15
PROCEDURES AND FILING WITH THE COUNCIL

WHEREAS: In January 2008 the Dover City Council adopted Council Rules for the conduct of business of the City Council; and

WHEREAS: The efficiency of the conduct of City Council business will be enhanced with an amendment to the Council rules.

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

The Rules of the Dover City Council 2008-2009 are amended pertaining to Rule 15-1.1 as contained in the Background of this Resolution.

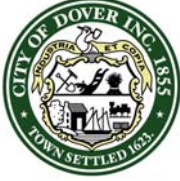
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Catherine Cheney

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#: 11.C.9.

Resolution Number: **R – 2008.08.27 - 138**
Resolution Re: AMENDMENT TO COUNCIL RULES – RULE 15
PROCEDURES AND FILING WITH THE COUNCIL

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 Carrier, 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#: 11.C.9.

Resolution Number: **R – 2008.08.27 - 138**
Resolution Re: AMENDMENT TO COUNCIL RULES – RULE 15
PROCEDURES AND FILING WITH THE COUNCIL

RESOLUTION BACKGROUND MATERIAL:

15. PROCEDURES AND FILING WITH THE COUNCIL

1.1 AVAILABILITY OF AGENDA AND WORKSHOP MATERIALS

- A. Purpose and Introduction – To establish time guidelines for distribution of materials to the Council to allow for review prior to consideration.
- B. If for any reason these parameters are not adhered to the Council may vote (simple majority present) for an extension for consideration of the item(s). Any materials, but particularly materials for subjects pertaining to significant projects and/or major financial commitments by the City, when not delivered by deadline, may be rescheduled for a subsequent workshop or meeting. The Council may not extend any dates where to do so would violate any local, state or federal deadline requirements.
- C. All supporting materials, handouts, resolutions for agenda items or workshop items should be placed in the City Councilors Mailbox in City Hall by noon on the Friday before the meeting.
- D. If the materials are not available by noon on the Friday before the meeting, the Councilors individually may opt to have the materials delivered to their homes.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.C.10.

Resolution Number: **R – 2008.08.27 - 139**
Resolution Re: AMENDMENT TO COUNCIL RULES – RULE 15.2
COLLECTIVE BARGAINING AGREEMENTS

WHEREAS: In January 2008 the Dover City Council adopted Council Rules for the conduct of business of the City Council; and

WHEREAS: The efficiency of the conduct of City Council business will be enhanced with an amendment to the Council rules.

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

The Rules of the Dover City Council 2008-2009 are amended pertaining to Rule 15.2 as contained in the Background of this Resolution.

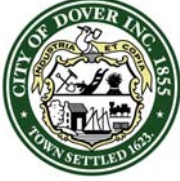
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Catherine Cheney

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#: 11.C.10.

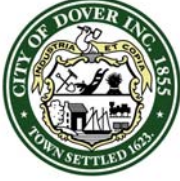
Resolution Number: **R – 2008.08.27 - 139**
Resolution Re: AMENDMENT TO COUNCIL RULES – RULE 15.2
COLLECTIVE BARGAINING AGREEMENTS

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 Carrier, 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

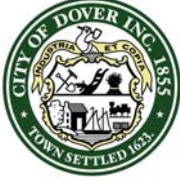
Agenda Item#: 11.C.10.

Resolution Number: **R – 2008.08.27 - 139**
Resolution Re: AMENDMENT TO COUNCIL RULES – RULE 15.2
COLLECTIVE BARGAINING AGREEMENTS

RESOLUTION BACKGROUND MATERIAL:

15.2 COLLECTIVE BARGAINING AGREEMENTS:

1. Purpose and Introduction – The purpose of this rule section is to establish time guidelines for distribution, review and discussion of the Tentative Agreement and to have periodic meetings for discussion regarding negotiations. This provides time for review of Tentative Agreements before scheduling a vote. All discussions, materials, information are confidential until the Council votes to approve the contract.
- B. Informing and Inclusion - The Council will meet periodically (every 2-3 months) during the negotiation process to discuss the status of the negotiations.
 1. Tentative Agreements will be delivered to the Council in Executive Session within 8 business days of ratification (acceptance) by Union Membership. This gives ample time for public notice of an Executive Session.
 2. The Tentative Agreement will be placed on the agenda for a subsequent Executive Session on the following week. The Tentative Agreement may be scheduled for a public vote for the following week.
 3. Using this schedule the maximum elapsed time should be:
Executive Session Meeting 1: Council receives Tentative Agreement
Executive Session Meeting 2: Council discusses Tentative Agreement
(1 week has passed)
Public Meeting 3: Council votes on Tentative Agreement
(2 weeks have passed)
 4. If any of the above dates fall on a holiday the meeting will be scheduled for the following week.
 5. Contracts approved by the School Board will be delivered to the Council within one business day and be scheduled for a vote after one week from delivery to the Council.
 6. Exceptions shall only be allowed to assure compliance with RSA 273-A.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.2.

Resolution Number: **R - 2008.09.10 - 144**
Resolution Re: Winter Road Salt for Dover Rochester and Somersworth
B09013

WHEREAS: Bid B09013 for highway winter road salts was solicited and received on August 21, 2008 at 2:00; and

WHEREAS: Price quotes were solicited for both rock salt for use in normal winter road treatment and for solar salt for use in the in-house, on-site manufacture of a liquid salt brine product for pre-snow / ice storm application to the road surface; and

WHEREAS: Low bid meeting specifications was submitted by Morton Salt of Chicago IL in the amount of \$63.07 per ton.

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

The Purchasing Agent is hereby authorized to issue a blanket Purchase Order to Morton Salt of Chicago IL as needed for rock salt and/or Solar Salt given the rate of \$63.07 per ton. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

| Account | Description | Appropriation | Balance |
|----------------------------|---------------------------------|---------------|--------------|
| 1000-43125-4612-0000-00-30 | Snow removal Operating supplies | \$106,440.00 | \$106,440.00 |

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.2.

Resolution Number: **R - 2008.09.10 - 144**
Resolution Re: Winter Road Salt for Dover Rochester and Somersworth B09013

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 Carrier, 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.2.

Resolution Number: **R - 2008.09.10 - 144**
Resolution Re: Winter Road Salt for Dover Rochester and Somersworth
B09013

RESOLUTION BACKGROUND MATERIAL:

Sealed Bid B09013 for highway winter road salt was solicited and received on August 21, 2008 at 2:00 with five qualified vendors submitting responses and two No Bids. In an effort to get better pricing, the city combined estimated amounts needed based on last years purchases from Dover, Rochester and Somersworth. Dover estimates to use 3000-3500 tons of Rock Salt and 300 tons of Solar Salt during the 2008-2009 winter season.

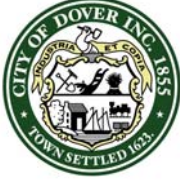
Low bid meeting specifications was submitted by Morton Salt for the Rock Salt of Chicago IL in the amount of \$63.07 per ton.

Award Information:

A Purchase Order will be issued to Morton Salt of Chicago IL for rock salt and/or Solar Salt in the amount of \$63.07 per ton.

Purchasing Information:

| | | | |
|------------------------------------|----------------|-------------------------------------|---------------------------------------|
| Type: | Purchase Order | Advertised: | Yes |
| Invitations Mailed: | 11 | Number of Responses: | 5 and 2 NB |
| Warranty: | | Terms: | Net 30, FOB Dover |
| Work Bonded: | No | Contract: | |
| Prices will hold for: | April 30, 2009 | Estimated Delivery: | As needed |
| Recommended Award to: | Morton Salt | Fund: | GF |
| Other Approvals Required: | No | References Checked: | Satisfactory |
| Previously Worked for City: | Yes | Reason for Council Approval: | Cost estimated at \$25,000 or greater |



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.2.

Resolution Number: **R - 2008.09.10 - 144**
Resolution Re: Winter Road Salt for Dover Rochester and Somersworth
B09013

Vendor List

Granite State Minerals
227 Market Street
Portsmouth, NH 03801

Cargill Salt Division, Inc.
24950 Country Club Blvd.
Suite 450
North Olmstead, OH 44070

International Salt Co. Betsy
655 Northern Blvd.
P. O. Box 540
Clarks Summit, PA 18411-0540

EDC Limited
3134 Post Road
Warwick, RI 02886

Eastern Minerals, Inc.
130 Plain Street
P. O. Box 269
Lowell, MA 01851

Cargill De Icing Technologies
Attn: Alison Marincek
24950 Country Club Blvd #450
North Olmsted, OH 44070

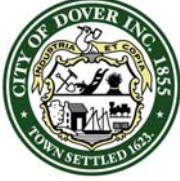
Attention: Bid Department
Evelyn Anderson
Morton Salt Division
123 N. Wacker Drive
Chicago, IL 60606-1743

American Rock Salt Co.
PO Box 190
Mt. Morris, NY 14510

Eastern Salt Co., Inc.
15 Tyngsboro Road
N. Chelmsford MA 01863

Eastern Salt Co. Inc.
15 Tyngsboro Road
North Chelmsford, MA 01863

Attention: Bid Department
American Rock Salt Co.
P. O. Box 190
Mt. Morris, NY 14510



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.2.

Resolution Number: **R - 2008.09.10 - 144**

Resolution Re: Winter Road Salt for Dover Rochester and Somersworth
B09013

#B09013 Bid Results

Highway Winter Road Salt

| <i>Vendor</i> | <i>Price per Ton Rock Salt</i> | <i>Price per Ton Solar Salt</i> | <i>Minimum Order</i> |
|--|---|---|--|
| Morton Salt 123 N. Wacker Drive Chicago, IL 60606-1743 | Dover \$63.07 Somersworth \$63.07 Rochester \$63.07 | Dover \$63.07 Somersworth \$63.07 Rochester \$63.07 | 20 Ton |
| International Salt Company 665 Northern Boulevard Clarks Summit, PA 18411 | Dover \$79.48 Somersworth \$79.48 Rochester \$79.48 | NB | 1 Truck Load (approx 30 tons) |
| Granite State Minerals 227 Market Street Portsmouth, NH 03801 | Dover \$72.09 Somersworth NB Rochester NB | NB | 1 Truck Load (approx 30 tons) |
| Eastern Salt Company, Inc. 15 Tyngsboro Road North Chelmsford, MA 01863 | Dover \$72.72 Somersworth \$72.72 Rochester \$72.72 | Dover \$72.72 Somersworth \$72.72 Rochester \$72.72 | 25 Tons |
| Eastern Minerals, Inc. 130 Plain Street Lowell, MA 01851 | Dover \$79.95 Somersworth \$79.95 Rochester \$79.95 | Dover \$79.95 Somersworth \$79.95 Rochester \$79.95 | 20-25 Tons |
| American Rock Salt Co., LLC P. O. Box 190 Mt. Morris, NY 14510 | NB | NB | |
| Cargill Deicing Technology 24950 Country Club Boulevard Suite 450 North Olmsted, OH 44070 | NB | NB | |



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.3.

Resolution Number: **R – 2008.09.10 - 145**
Resolution Re: Change order Indian Brook Dr B07041

WHEREAS: On April 11, 2007, SUR Construction was awarded the bid# B07041 by City Council resolution for the construction of the Indian Brook Drive, Members Way, Sixth Street, and Spaulding Turnpike Exit #9 Southbound ramp off site improvements; and

WHEREAS: The State of New Hampshire DOT and Liberty Mutual previously agreed to provide the funding source for the project in combination with the City of Dover such that NH DOT's contribution was fixed at \$400,000 and Liberty Mutual's and the City of Dover's contribution for remaining costs was set at 46% and 56% respectively; and

WHEREAS: Due to permitting delays and other circumstances allowing for contractual adjustments as described in the attached background documents, SUR is requesting a change order that will result in a completed cost for the overall project that will remain below the original budgeted amount;

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

The Purchasing Agent is hereby authorized to issue a Change Order to Purchase Order #30-244692 to SUR Construction of Rochester NH in the amount of \$149,374.08. This authorization shall be limited so as not to exceed available funding.

Financing

| Account | Description | Appropriation | Balance |
|----------------------------|--------------------------------|---------------|------------|
| 4007-43121-4751-3139-07-30 | Sixth St Indian Brook Roadways | 2,044,000.00 | 465,030.87 |

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

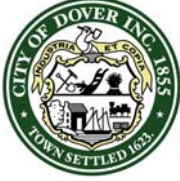
Approved as to Legal Form: Allan B. Krans, Sr.
City Attorney

Recorded by: Karen Lavertu
City Clerk

DOCUMENT HISTORY:

Document Created by: Purchasing
Document Posted on: September 5, 2008

Change order Indian Brook Dr
Page 1 of 3



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.3.

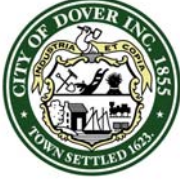
Resolution Number: **R – 2008.09.10 - 145**
Resolution Re: Change order Indian Brook Dr B07041

First Reading Date:
Approved Date:

Public Hearing Date:
Effective Date:

DOCUMENT ACTIONS:

| VOTING RECORD | | |
|-------------------------------------|------|-----|
| Date of Vote: | YEAH | NAY |
| Mayor Scott Myers | | |
| Deputy Mayor Dean Trefethen, Ward 4 | n/a | n/a |
| Councilor, Robert Carrier, Ward 1 | | |
| Councilor Douglas DeDe, Ward 2 | | |
| Councilor David Scott, Ward 3 | | |
| 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. | | |



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.3.

Resolution Number: **R – 2008.09.10 - 145**
Resolution Re: Change order Indian Brook Dr B07041

RESOLUTION BACKGROUND MATERIAL:

In April 2007, the bid for the construction of the Indian Brook Drive, Members Way, Sixth Street, and Spaulding Turnpike Exit #9 Southbound Ramp off site improvement was approved. Due to permit delays and allowed contractual adjustments, a change order is being requested in the amount of \$149,374.08. Please see attached back up documentation denoting additional cost items in the amount of \$171,835.87. There is an available amount of \$22,461.29 remaining in the contingency line for the original purchase order authorization. Therefore, change order being requested is \$149,374.08 (\$171,835.87 - \$22,461.29). With this change order authorization, the completed cost for the overall project will remain below the original budgeted amount.

Award Information:

A Change order will be issued to SUR Construction to authorize expenditures.

Purchasing Information:

| | | | |
|------------------------------------|------------------|-------------------------------------|--|
| Type: | Change Order | Advertised: | No |
| Invitations Mailed: | 0 | Number of Responses: | Na |
| Warranty: | Na | Terms: | Net 30, FOB Dover |
| Work Bonded: | No | Contract: | Yes |
| Prices will hold for: | Until Completion | Estimated Delivery: | As needed |
| Recommended Award to: | SUR Construction | Fund: | CIP |
| Other Approvals Required: | No | References Checked: | Satisfactory |
| Previously Worked for City: | Yes | Reason for Council Approval: | Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation |

S.U.R. Construction, Inc.

233 Chestnut Hill Road
PO Box 720

Rochester, NH 03866

Phone: 603-332-4554 Fax: 603-332-0351

Fax

TO: City Of Dover
ATTN: Dave White
DATE: 07/14/08 3:57 PM
FAX: 516-6463
PAGE: 1 of 8
FROM: Alan Crowell 817-8571 cell

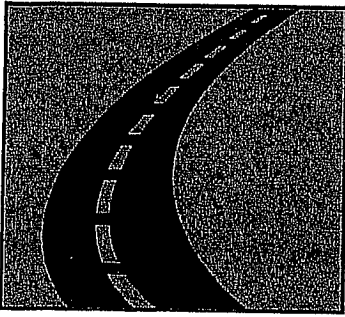
**SUBJECT: Indian Brook Drive
Dover, NH
June, 2008 Additional Compensation**

Dave,

Listed below please find the additional compensation for SUR Construction and Pike Industries for the Project Delay encountered in 2007. Also listed below please find the additional compensation required by NES Traffic Safety for design changes to the 2 overhead support signs supports.

Please call me with any questions. Thanks, Alan

| | |
|---|---------------------------|
| SUR Construction Inc. | \$ 142,175.25 |
| Pike Industries Inc. | \$ 20,635.62 |
| NES Traffic Safety | \$ <u>9,025.00</u> |
| Total June Additional Compensation | \$ 171,835.87 |



S·U·R
SITES • UTILITIES • ROADS

S.U.R. Construction, Inc.
233 Chestnut Hill Road
P.O. Box 720
Rochester, NH 03866-0720

ABC



SKILL RESPONSIBILITY INTEGRITY

June 2, 2008

Mr. Dave White
Asst. City Engineer
City of Dover, Engineering Dept.
Mast Road
Dover, NH 03820

Re: Indian Brook Drive: Project Delay Costs

Dear Dave:

At the city of Dover's request I am providing the following summary of the circumstances surrounding the delay on the above noted project as well as explanation of reimbursement options permitted pursuant to NHDOT Standard Specification 109.04. This information is not meant to supersede but to supplement that information previously provided in my letter dated March 3, 2008.

The project was bid in April 2007 and scheduled to begin immediately. The project schedule allowed only four months in which to complete the work. Substantial completion was to be accomplished by September 1, 2007 with liquidated damages of \$1,000.00 a day for Contractor caused delays. As was acknowledged at the pre-construction meeting for the project, S.U.R. had the man power and equipment dedicated to this project sufficient to obtain substantial completion by the September 1, 2007 deadline. Key to completing the project in such a short time frame was the ability to move the materials timely and efficiently. Some of the most time consuming items, drainage, excavation and embankment-in-place, involved significant work in the Exit 9 South Bound Ramp area. Pursuant to S.U.R.'s contract documents the necessary wetland permits were to have been obtained by others prior to the start of work. Without the permits being obtained in a timely fashion there would be no way for the project to be completed on time.

On May 1, 2007 you informed me that the wetland permits for the Exit 9 wetlands had not been obtained but that you expected they would be approved in a very short time. In the mean time you and Paul Vlasich directed me not to work in the area until the necessary permits were obtained. Foreseeing delay costs, on May 3, 2007 I notified the City of Dover that additional cost would be incurred as a result of the delay in obtaining the permits and that S.U.R. would be requesting reimbursement for same. It was decided that S.U.R. would work the remaining portions of the project as the permits would be forthcoming. From week to week the delay in obtaining the permits continued until a total of three months passed. Because the length of the delay was undeterminable at the time it occurred accurate cost estimates were not determinable at that time. Even after the permits were obtained accurate cost estimates

were not determinable given that it was unknown to what extent the project could be completed in 2007. The potential delay costs were largely dependant on what portion of the work was carried over into 2008.


In an effort to minimize the resulting delay costs, S.U.R. took several steps including but not limited to; re-handling excavated materials several times, remobilizing equipment and crews several times, and re-planning the construction sequence week to week. Despite these efforts S.U.R. experienced delay costs associated with but not limited to; remobilization, maintenance of traffic, increased fuel prices, project management, project layout, excavation, embankment and the installation of drainage items.

As this situation can best be described as delay caused by parties other than the contractor, the Standard Specification 104.04 directs contractors to apply Standard Specification 109.04 in computing the delay costs given that S.U. R. properly requested a pay adjustment, there was agreement that there had been an increase in the contract performance cost and time as a result of the suspension and the suspension was caused by conditions beyond the control of and not the fault of the contractor. Standard Specification 109.04 provides four methods of reimbursement depending on the circumstances; A. contract unit prices, B. agreed upon unit prices, C. agreed upon lump sum prices, and D. when directed by the City of Dover on a force account basis in the form of payment for labor, materials and equipment. Given the uncertainty of the time frame of the delay options B and C are impracticable. Option A is possible provided all delay costs can be attributable to an item and is reflected in the final pay quantity. Option D is possible except the City of Dover did not specifically direct the work under this option at the time affected work was ordered resumed. The matter is further complicated in that because the project was to be a one season four month project no fuel and asphalt adjustment items were included, therefore it is not possible to address the significant increase in fuel costs over the winter in any of the original items.

Given this S.U.R. has offered to accept reimbursement under option A by overrunning items 619.1 and 692 each by 0.75 units. This is computed based on a three month delay of a four month project as shown as follows:

A. Contract Unit Prices:


This represents the costs associated with the loss of, and the additional three months of work required past the September 1st 2007 deadline.

| | | | | | |
|---|------------------------|---------------|---------|----------------------------|---|
| Item # 619.1 | Maintenance of Traffic | \$ 112,341.00 | X 75% = | \$ 84,255.75 |  |
| Item \$ 692 | Mobilization | \$ 77,226.00 | X 75% = | <u>\$ 57,919.50</u> | |
| Total Additional Compensation – S.U.R. | | | | <u>\$142,175.25</u> | |

It is important to note that this does not include numerous other costs incurred by S.U.R. as a result of the delay as is evident from the computation under option D below. S.U.R. has made this generous offer based on its well known desire to maintain a good relationship with its home town and its desire to resolve this matter expeditiously and economically.

Although S.U.R. is willing to forgo even the fuel adjustment item it feels it is entitled to, its subcontractor, Pike Industries, has requested an asphalt adjustment in light of the significant price change since last fall. Such an adjustment is customary with projects spanning two construction seasons. A copy of their letter is enclosed. This additional cost was valued on May 30, 2008 and is summarized as follows:

Pike Fuel/Asphalt Adjustment

| | | |
|--|---------------------------|---|
| Fuel: Paving | \$ 9,057.30 |  |
| Fuel: Cold Planing | \$ 553.32 | |
| Liquid AC: Paving | \$11,025.00 | |
| Total Addition Compensation – Pike Industries | <u>\$20,635.62</u> | |

By way of example I have provided the following estimated delay costs applying option D with the exception that no fuel or asphalt adjustments are included as they would be appropriately handled as separate items.

D. Force Account Basis:

The costs associated with loss of production and additional mobilization of the labor and equipment associated with the "Delay Costs" as well as the additional Bond costs. These costs are calculated using the "Rental Rate Blue Book for Construction Equipment".

| | | |
|-----------------|------------------------------|-----------------------------|
| Forman | 720 Hours @ \$ 85.00 / Hour | \$ 61,200.00 |
| Laborer | 600 Hours @ \$ 43.00 / Hour | \$ 25,800.00 |
| Tri Axel | 400 Hours @ \$ 85.00 / Hour | \$ 34,000.00 |
| D-5 Dozer | 200 Hours @ \$ 135.00 / Hour | \$ 27,000.00 |
| D-7 Dozer | 110 Hours @ \$ 180.00 / Hour | \$ 19,800.00 |
| 938 Loader | 250 Hours @ \$ 125.00 / Hour | \$ 31,250.00 |
| 563 Vib. Roller | 105 Hours @ \$ 105.00 / Hour | \$ 11,025.00 |
| 143 Grader | 80 Hours @ \$ 180.00 / Hour | \$ 14,400.00 |
| 966 Loader | 270 Hours @ \$ 170.00 / Hour | \$ 45,900.00 |
| 320 Excavator | 260 Hours @ \$ 155.00 / Hour | \$ 40,300.00 |
| 330 Excavator | 90 Hours @ \$ 165.00 / Hour | \$ 14,850.00 |
| 345 Excavator | 16 Hours @ \$ 195.00 / Hour | \$ 3,120.00 |
| 303.5 Excavator | 25 Hours @ \$ 105.00 / Hour | \$ 2,625.00 |
| 318 Excavator | 20 Hours @ \$ 145.00 / Hour | \$ 2,900.00 |
| Layout Crew | 200 Hours @ \$ 135.00 / Hour | \$ 27,000.00 |
| Mob - SUR | 60 Hours @ \$ 95.00 / Hour | \$ 5,700.00 |
| Mob - AXL | 60 Hours @ \$ 120.00 / Hour | <u>\$ 7,200.00</u> |
| | Sub-Total: | \$ 374,070.00 |
| | Bond: | \$ 3,740.00 |
| | Total: | <u>\$ 377,810.00</u> |

I trust the above information is sufficient in assisting you in processing our request for pay adjustments as a result of the delay. If further information is required or if I can be of further assistance please don't hesitate to call.

Sincerely,



Alan B. Crowell
President & Treasurer

Cc: Attorney Bruce Marshall

Enc.



PIKE INDUSTRIES, INC.

650 Peeverly Hill Road • Portsmouth, New Hampshire 03801 • (603) 436-4432

AN EQUAL OPPORTUNITY EMPLOYER

ESTABLISHED 1872

30 May, 2008

Mr. Alan Crowell
SUR Construction Inc.
PO Box 720
Rochester, NH 03866-0720

Re: Indian Brook Drive

Dear Mr. Crowell:

Pike is requesting additional payment for the remaining work that was postponed through no fault of Pike or SUR. Although an escalation clause is not present in the contract, Pike feels justified and entitled to offset our increased cost by seeking additional compensation. We propose using *NHDOT's* customary methodology for calculating escalation according to the 110% rule used for both liquid AC and fuel under Item 1010.15.

When Pike contracted with SUR to provide paving materials and labor to the Indian Brook Drive job, the posted price for liquid asphalt cement was \$375/ton. The posted price for diesel fuel was \$2.34/gallon. The Indian Brook job's completion date was September 1, 2007. There are still approximately 2,100 tons of paving and 3,000 sy of cold planing to complete the job. We understand that this work is scheduled to be completed in June 2008 at a greater cost than anticipated when we contracted the work with the 9/1/2007 completion date. All indicators are that the cost of petroleum products will continue to rise throughout 2008.

In as much, Pike seeks additional payment for diesel when it rises above \$2.57/gallon (\$2.34 x 110%) and AC when it rises above \$412.50/ton (\$375 x 110%). Currently liquid AC is at \$500/ton and diesel fuel is at \$4.84/gallon. Pike would seek the following additional funds for our work yet to be completed.

Fuel:

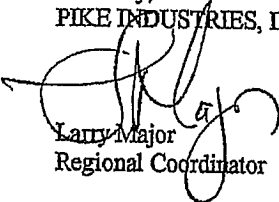
Paving $(\$4.84/\text{gal} - \$2.57/\text{gal}) \times 2,100 \text{ tons} \times 1.90 \text{ gal/ton} = \$9,057.30$
Cold Planing $(\$4.84/\text{gal} - \$2.57/\text{gal}) \times (13.00 \text{ gal}/\$1,000 \text{ [worth of cold planing]} \times \$18,750) = \$553.32$

Liquid AC:

Paving $(\$500/\text{ton} - \$412.50/\text{ton}) \times 6\% \text{ AC/ton} \times 2,100 \text{ tons} = \$11,025.00$

As always, we thank you for the opportunity to service your paving installation and materials needs. Please give me a call if you have any questions. Thanks Alan.

Sincerely,
PIKE INDUSTRIES, INC.


Larry Major
Regional Coordinator

Cc:

File

S.U.R. Construction, Inc.

233 Chestnut Hill Road

PO Box 720

Rochester, NH 03866

Phone: 603-332-4554 Fax: 603-332-0351

Fax

TO: City of Dover
ATTN: Dave White
DATE: 07/14/08 4:08 PM
FAX: 516-6463
PAGE: 1 of 2
FROM: Alan Crowell

**SUBJECT: Indian Brook Drive
Dover, NH
NES**

Dave,

Attached please find a letter from NES Traffic Safety date Dec. 21, 2007. Due to the mix up in the sign sizes the 2 overhead sign supports need to be redesigned resulting in increased costs. I have attached a copy of the original request for additional money from NES dated 6/22/07. VHB responded on 6/25/07 suggesting that they remove the engineering costs and added markup (I have seen the letter but can't find in at this time). NES called today and forwarded the request once again for additional compensation. I'm not positive but I believe that I sent this down to Paul in December 2007. Listed below please find the summary of these costs. I am requesting a Change Order for the additional costs.

Please call me with any questions.

Thanks, Alan

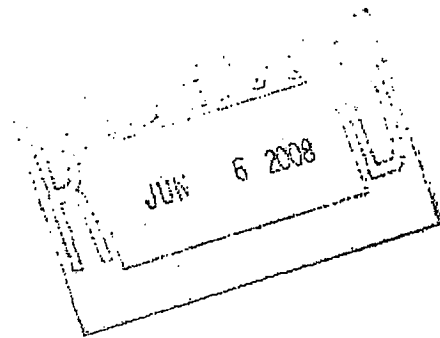
| | | |
|------------|-----------------|--------------------|
| NES | 12/21/07 | \$ 9,025.00 |
|------------|-----------------|--------------------|



RoadSafe Traffic Systems, Inc.
fka NES Traffic Safety, L.P.
55 Bodwell Street
P. O. Box 357
Avon, MA 02322
Tel 508-580-6700 Fax 508-580-5166

December 21, 2007

S.U.R. Construction, Inc.
Attn.: Alan Crowell
233 Chestnut Hill Rd.
P.O. Box 720
Rochester, NH 03866

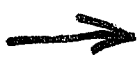


Attn: Alan Crowell

Re: Indian Brook Drive
Dover, NH

Dear Mr. Crowell

Upon review of VHB's letter of 6/25/07, we have taken another look at our request of 6/19/07 for additional monies to redesign overhead sign structures #615.10001 and #615.20001. We have removed all engineering costs and added mark-up, reducing the amount we are requesting to \$9025.00. This amount covers additional fabrication costs only and is supported by attached Brookfield Fabricating Corp. Quote #NH-10697.



Please forward our revised request to the proper agency for consideration. If you have any questions or need additional information, contact me at once.

Very truly yours,

Arthur Damaskos
Senior Engineer

Attachment



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4.

Resolution Number: **R – 2008.09.10 - 146**
Resolution Re: 2009-2010 LOCAL GOVERNMENT CENTER
LEGISLATIVE POLICY ADOPTION

- WHEREAS: Representatives of the New Hampshire Municipal Association have developed recommendations to set priorities for legislative advocacy in the coming year relating to municipal interests that may arise before the NH legislature and State agencies; and
- WHEREAS: The City of Dover is a member of the NH Local Government Center and the Dover City Council may therefore designate a delegate to the NH Municipal Association Legislative Policy Conference where legislative policies will be adopted; and
- WHEREAS: The Local Government Center via the NH Municipal Association monitors legislative bills of interest and provides legislative advocacy representing the collective interests of the 234 municipal communities and their residents.

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

The Dover City Council wishes to endorse the Local Government Center legislative policies with the exceptions of numbers 2 (Public Notice Requirements), 4 (Highway Fund), and 14 (Minimum Vote Required for Bond Issues) and authorizes the Mayor to vote accordingly during the NHMA Legislative Policy Conference.

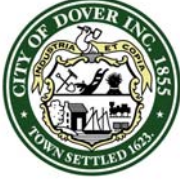
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers

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.4.

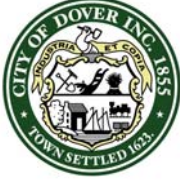
Resolution Number: **R – 2008.09.10 - 146**
Resolution Re: 2009-2010 LOCAL GOVERNMENT CENTER
LEGISLATIVE POLICY ADOPTION

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, Dean Trefethen, Ward 4 | | |
| Councilor Robert Carrier, Ward 1 | | |
| Councilor Douglas DeDe, Ward 2 | | |
| Councilor David Scott, Ward 3 | | |
| 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. | | |



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4.

Resolution Number: **R – 2008.09.10 - 146**
Resolution Re: 2009-2010 LOCAL GOVERNMENT CENTER
LEGISLATIVE POLICY ADOPTION

RESOLUTION BACKGROUND MATERIAL:

See attached NHMA Legislative Policy Proposals

General Government, Revenue & Intergovernmental Relations

Recommended Policy Proposals 2009-2010 Legislative Policy Process

RECOMMENDED ACTION POSITIONS

1. Municipal Participation in Retirement Issues.

To see if NHMA will **SUPPORT** continuing to work with legislators and the NHRS Board members about pending retirement fund deficiencies and offer ways to assure the long-term health and solvency of the New Hampshire Retirement System, including changes to the benefit structure and the governance structure of the system. (**Modified existing policy.**)

2. Public Notice Requirements.

To see if NHMA will **SUPPORT** legislation to amend all public notice requirements to allow electronic notification rather than only newspaper print for official public legal notification.

Municipal interest to be accomplished by proposal: Streamline and reduce costs of legal notification requirement in this electronic age.

Explanation: If a municipality has the ability to post notices electronically on either the WEB page and/or cable television access stations, it should be allowed in order to meet the public notice requirement. A municipality would then have the discretion to use any newspaper print notices it deems necessary, without being held to the deadline requirements of the local papers. **Submitted by Russell R. Marcoux, Town Manager, Bedford.**

RECOMMENDED POLICY POSITIONS

3. Right to Know Costs and Specificity Required.

To see if NHMA will **SUPPORT** amendments to RSA 91-A allowing municipalities to recover the actual costs of retrieving, reviewing and reproducing documents and clarifying the level of specificity required when requesting public records. (**Existing policy.**)

4. Highway Fund.

To see if NHMA will **SUPPORT** increasing the gas tax and other fees dedicated to the highway fund and, further, to see if NHMA will **continue to SUPPORT** working with the legislature and the Department of Transportation on alternative funding sources that will assure the maintenance of existing state and local transportation infrastructure and greater focus and financial support for public transportation, including rail and bus services.

Municipal interest to be accomplished by proposal: If municipalities are at the table when these issues are being discussed, there is greater likelihood that solutions to the transportation funding crisis and options to expand modes of public transportation will meet the needs of local government and its residents and businesses.

Explanation: The Municipal Advocacy Committee voted to adopt increasing the gas tax and other fees dedicated to the highway fund in January of 2007. Since that time, both state and federal highway funds have become more limited and the legislature has begun to discuss alternatives to the gas tax and the need to focus on modes of transportation other than personal automobiles. (Modified existing policy.)

RECOMMENDED STANDING POLICY POSITIONS

5. Charitable Definition and Mandated Property Tax Exemptions.

To see if NHMA will **SUPPORT** legislation redefining the term "charitable" in RSA 72:23-1, adopting a stricter review of property owned by religious, charitable and educational entities for compliance with the statutes, and creating a method of reimbursement to municipalities for state-owned property and **OPPOSE** legislation which requires the granting of additional local property tax exemptions, unless the state reimburses municipalities for the loss of revenue. (Modified existing policy.)

6. Municipal Use of Structures in the Right-of-Way.

To see if NHMA will **SUPPORT** legislation to authorize municipalities to utilize, for any municipal purpose, the space designated for municipal good upon all poles, conduit and other structures within their rights-of-way without paying unreasonable make-ready costs. This includes the right to use that space for data and voice transmission to, from, and by the municipal government, schools, library, and other governmental institutions. It also includes a requirement that the owners of utility poles and conduit do the necessary work for that space to be available. (Existing policy.)

7. Local Ordinances Governing Right-of-Way Use.

To see if NHMA will **SUPPORT** legislation authorizing municipalities to adopt local ordinances governing the use of public rights-of-way and establishing appropriate compensation for such uses. (Existing policy.)

8. Downshifting of State Costs.

To see if NHMA will **OPPOSE** legislation which will downshift state costs or state program responsibilities, either directly or indirectly, to municipalities and/or counties, resulting in increased municipal and/or county expenditures, whether in violation of Article 28-a or not, and **SUPPORT** adequate state funding of Medicaid costs. (Existing policy.)

9. Binding Arbitration.

To see if NHMA will **OPPOSE** mandatory binding arbitration as a mechanism to resolve impasses in municipal employee collective bargaining. **(Existing policy.)**

10. Telephone Company Property Tax Exemption.

To see if NHMA will **OPPOSE** the continuation of an exemption from the property tax for poles, wires, and conduits owned by telephone companies. **(Existing policy.)**

11. State Revenue Structure and State Education Funding.

To see if NHMA will **SUPPORT** the development of a detailed and specific definition of an adequate education in order to reach a stable and sufficient level of state funding for education.

To see if NHMA will **SUPPORT** asking the state to use the following principles when addressing the State's revenue structure in response to its responsibility to fund an adequate education:

- a) That revenues are sufficient to meet the state's responsibilities as defined by constitution, statute, and common law;
- b) That revenue sources are predictable, stable and sustainable and will grow with the long term needs and financial realities of the state;
- c) That changes to the revenue structure are least disruptive to the long-term economic health of the state;
- d) That the revenue structure is efficient in its administration;
- e) That changes in the revenue structure are fair to people with lower to moderate incomes.

To see if NHMA will **SUPPORT** legislation prohibiting retroactive changes to the distribution formula for adequate education grants after the notice of grant amounts has been given.

To see if NHMA will **OPPOSE** reductions in state revenue to political subdivisions, such as revenue sharing, meals and rooms tax distribution, highway block grants, water pollution moneys, adequate education grants, or catastrophic aid.

To see if NHMA will **OPPOSE** any failure by the State to fully fund school building aid. **(Existing policy.)**

12. Land Use Compliance by Government Entities.

To see if NHMA will **SUPPORT** legislation to strengthen RSA 674:54 to permit municipalities to require that development of property for governmental uses, excluding transportation and telecommunications facilities, be subject to local land use regulations. **(Existing policy.)**

13. Utility Appraisal Method.

To see if NHMA will **OPPOSE** mandating the use of the unit method of valuation in the appraisal of utility property, by either administrative or legislative action, and **SUPPORT** the right of municipalities to use any method of appraisal upheld by the courts. **(Existing policy.)**

14. Minimum Vote Required for Bond Issues.

To see if NHMA will **OPPOSE** legislation to increase the 60% bond vote requirement for official ballot communities. **(Modified existing policy.)**

15. Mandated Employee Benefits.

To see if NHMA will **OPPOSE** any proposals to mandate employee benefits, including any proposal to enhance retirement system benefits which may increase employer costs in future years for current or future employees. **(Existing policy.)**

16. Late Filing of Utility Change Report.

To see if NHMA will **SUPPORT** legislation to strengthen RSA 83-F:5, V by providing a penalty to those utilities that do not file by June 1 a list of the changes made to the utility property since April 1 of the preceding year. **(Existing policy.)**

17. Underground Utilities.

To see if NHMA will **SUPPORT** legislation authorizing municipalities to incur debt for the purpose of removing overhead utilities, and replacing them with underground utilities. **(Existing policy.)**

Municipal Administration and Finance Management

Recommended Policy Proposals 2009-2010 Legislative Policy Process

RECOMMENDED ACTION POSITIONS

1. Assessing Practices – Income and Expense Statements on Appeal.

To see if NHMA will **SUPPORT** legislation which prohibits the use of income and expense information by a taxpayer in any appeal of value if the taxpayer, after request by the municipality, has not submitted the requested information. **(Modified existing policy.)**

2. Extended Lease of Municipal Property.

To see if NHMA will **SUPPORT** legislation to amend RSA 41:11-a to allow the legislative body to authorize the governing body to lease municipal property for up to five years.

Municipal interest to be accomplished by proposal: Greater flexibility in leases of property if desired.

Explanation: The current 41:11-a only allows leases for up to 1 year. For towns to establish realistic revenue streams, longer term leases are needed. If towns have property to rent to revenue making entities a five year lease is a minimum requirement, the law should really be up to ten years. Towns have consistently worked around this with 1-year renewals, which is not a great practice. **Submitted by Russell Dean, Town Manager, Exeter.**

3. Bond Rescission Process.

To see if NHMA will **SUPPORT** legislation creating a statutory procedure to rescind the approval of a bond, which a) could be used not less than five years after passage of the bond which is subject to the rescission vote, and b) would require the same majority vote needed to adopt a bond in the municipality the time of the rescission vote, and **SUPPORT** legislation to provide statutory authority to limit the length of time the authority to bond once approved is valid. **(Modified existing policy.)**

RECOMMENDED POLICY POSITIONS

4. Electronic Payments.

To see if NHMA will **SUPPORT** legislation to clarify that municipalities may accept payments in electronic formats, including, but not limited to credit cards, debit cards, ACH transactions, and other electronic methods that may become customarily used in the future. The decision to accept different forms of electronic payments should be a local option authorized by the governing body.

Municipal interest to be accomplished by proposal: This change will allow municipalities the option to accept payments in the various electronic formats that are becoming more readily used and accepted, such as debit card and ACH transactions. This will improve the efficiency and accuracy of financial operations and will allow citizens the ability to transact municipal business in manners that now commonly occur in today's society.

Explanation: Currently RSA 80:52-c authorizes the acceptance of credit card payments upon approval of the legislative body (town meeting). The law is silent in terms of other forms of electronic payments such as debits cards (which did not exist when the credit card statute was enacted) and Automated Clearing House (ACH) transactions. Information presented at the NH Government Finance Officers annual conference indicates that electronic payments are now widely *expected* by customers, cost less to process than checks, result in less posting errors and are less susceptible to fraud. However, upon review of the legislative history of RSA 80:52-c and other statutes dealing with electronic payments, it is by no means clear whether forms of electronic payments, other than credit cards, are authorized by law.

The formats in which a particular municipality accepts payments for different fees, charges and/or taxes should be a matter of local option, approved by the governing body after consideration of the necessary resources and cost benefits to be realized. The statute should be broad enough to allow that the transaction of municipal business be conducted efficiently and accurately, and in the various manners that are most convenient for, and commonly expected by citizens. **Submitted by Janice O'Connell, Finance Director, Goffstown and Legislative Liaison for the Government Finance Officers.**

5. Tax Liening Mandatory.

To see if NHMA will SUPPORT legislation to change RSA 80:59 to read: "The real estate of every person or corporation shall be subject to the tax lien procedure by the collector, in case all taxes against the owner shall not be paid in full on or before December 1 next after its assessment, provided that the municipality has adopted the provisions of RSA 80:58-86 in accordance with RSA 80:87. A real estate tax lien imposed in accordance with the provisions of RSA 80:58-86 shall have priority over all other liens."

Municipal interest to be accomplished by proposal: Clarifies the law by changing the word may to shall which would require all municipalities to lien unpaid taxes instead of the ambiguous way it is now written.

Explanation: Recently a town came under scrutiny because under the direction of the board of selectmen, the tax collector did not lien property. They sited this RSA as the reason they chose not to lien. It was shown by their auditors that the town had lost thousands of dollars of revenue by not liening. Also because they had not liened they could not deed any property. In order to take a property by tax deed a municipality must follow all the statues regarding delinquency and lien notification and must record the lien with the registry of deeds. The Tax Collector's Association feels the laws need to be consistent and this change would accomplish that. **Submitted by Jill Hadaway, Town Clerk/Tax Collector, Bow.**

6. Welfare Lien Priority.

To see if NHMA will **SUPPORT** legislation giving welfare liens arising under RSA 165:28 priority over other liens.

Municipal interest to be accomplished by proposal: Enable municipalities to recover more of their welfare costs when the person receiving payment owns real property.

Explanation: Many towns are experiencing significantly increased welfare demands, especially for mortgage payments. When the property is sold or foreclosed, the town often is unable to recover anything because its lien is subordinate to previously filed liens. Giving priority to a welfare lien is appropriate when it is the town's welfare payments that have enabled the owner to continue living on the property. **Submitted by James Carrick, Chair, Board of Selectmen, Goshen.**

7. Terms of Appointed Officials.

To see if NHMA will **SUPPORT** legislation to clarify that appointed officials, including land use boards, continue in office beyond the expiration of the term until such time as a new (or renewed) appointment is made. **(Modified existing policy.)**

8. Supplemental Budget Hearings.

To see if NHMA will **SUPPORT** legislation to clarify that supplemental public hearings on the proposed municipal budget may be held later than 25 days before the town meeting, provided that at least one public hearing has been held, as required by RSA 32:5 "not later than 25 days before each annual or special meeting." **(Existing policy.)**

9. Special Meetings for Zoning Amendments.

To see if NHMA will **SUPPORT** an amendment to RSA 40:13, XVI to clarify that no deliberative session is needed to hold a special town meeting for the purpose of considering the adoption or amendment of a zoning ordinance. **(Existing policy.)**

10. Solid Waste Revolving Fund.

To see if NHMA will **SUPPORT** legislation to allow municipalities to establish, by vote of the legislative body, revolving funds for their solid waste programs, including solid waste collection, disposal, and the operation of any municipally operated transfer station, in addition to recycling.

Municipal interest to be accomplished: This would allow communities to establish a revolving fund for their solid waste programs by vote of the Town, and be more expansive than the current subsection (a).

Explanation: Most communities currently bring in some solid waste related revenue, however there is no dedicated fund under current state law for municipal waste programs. By adopting a fund like the one noted above, municipalities would be able to run their solid waste

programs like a business and have a more effective way to track revenues and expenses out of this separate fund. In addition, surpluses from some programs could be used to subsidize others within the same functional area. **Submitted by Russell Dean, Town Manager, Exeter.**

RECOMMENDED STANDING POLICY POSITIONS

11. Governing Body Recommendation For All Warrant Articles.

To see if NHMA will **SUPPORT** legislation to permit governing bodies to state their position on any warrant article where they are not currently required to state a position. (Existing policy.)

12. Supervisors of Checklist Sessions.

To see if NHMA will **SUPPORT** legislation to reduce to one the number of required sessions that the supervisors of the checklist must meet prior to town elections. (Existing policy.)

13. Tax Bill Information.

To see if NHMA will **SUPPORT** legislation to amend RSA 76:11-a to allow those municipalities which have adopted the deaf exemption to include the word "deaf" following the word "blind" in the information contained on tax bills. (Existing policy.)

14. Affordable Housing.

To see if NHMA will **SUPPORT** legislation relative to the development of affordable housing which:

- a) implements, but does not exceed, the requirements of the *Britton v. Chester, 134 NH 439 (1991)*, Supreme Court decision;
- b) creates incentives for the development of affordable housing, but does not divert state sources of municipal revenue for any state-wide affordable housing initiative;
- c) considers the financial impact on a community such as education costs and the costs of providing services;
- d) creates methods for ensuring that such housing remains affordable.

And further to see if NHMA will **OPPOSE** any legislation which would curtail municipal land use authority. (Existing policy.)

15. Appointment of Town Clerks and Town Clerk/Tax Collectors.

To see if NHMA will **SUPPORT** an amendment to RSA ch. 41 to give towns the option to authorize the governing body to appoint or elect town clerks and town clerk/tax collectors.

Municipal interest to be accomplished by proposal: With all the technicalities in the Towns Clerk's office, the incumbent person should be knowledgeable in this area, and possess the administrative skill to conduct the affairs of that office. This is not unlike any other

position in town or city government: the persons filling those positions should be amply qualified to administer their office.

Explanation: With all the nuances in the election laws, right to know laws, vital records and statistics, this position should be filled by a person who is qualified to hold the position, rather than popularly elected. This position has been help by NHMA and a Standing Policy Position of the Municipal Administration and Finance Management Committee for years. It has been opposed by the Clerk's Association for years for autonomy reasons, and for the reason that in smaller towns, the Town clerk is paid for by the issuance of permits. Not all communities are that size. It should enable a community to make its own decision on this position. In many communities, even if elected, they are part of their town's team, in others only when additional support is needed. The choice should be clear for each community. **Submitted by Russell R. Marcoux, Town Manager, Bedford and modified existing policy.**

16. Bond Ballot Voting.

To see if NHMA will SUPPORT legislation reducing the one-hour requirement that ballot boxes be open at town meeting for voting on certain bond issues.

Municipal interest to be accomplished by proposal: allowing small towns the ability to work more efficiently at town meeting and keep attendance from dwindling while people wait for results of a vote.

Explanation: In 2008, Bradford had two bond articles for a highway garage (on different sites) so they could not be voted on together. After debate and voting, we could not announce a result until after 9:30. We also had to pass over many other articles that related to capital reserve funds until we knew the results of the bond article. At 9:50 we knew the first bond article did not pass, so we opened the ballot box for the next bond article and could not close that box until 10:50...even though the 150 or so people left in the room voted in 5 minutes. We had to sit for 55 minutes and drag out business until we could open the box, count and announce the results. Perhaps a solution would be to be able to close the boxes with a 2/3 vote of those present. **Submitted by Jon Steiner, Moderator, Bradford.**

17. Municipal Recreation Programs.

To see if NHMA will SUPPORT the exemption from state child care licensing for municipal recreation department programs and also support the exemption from state camp licensing for municipal recreation department summer programs.

Municipal interest to be accomplished by proposal: The licensing regulations for day care from DHHS and DES for camps do not fit municipal recreation departments and programs. Either licensing would create financial hardship for recreation departments to meet stringent requirements and regulations that do not apply to municipal recreation programs and may result in the elimination of quality programs.

Explanation: After a Senate study committee in 1994 and legislation, the exemption from child care licensing for municipal recreation departments was reinstated under RSA 170-E:3. There was some confusion as to what constituted a recreation program. There was further

clarifying legislation passed in 2004, as well as a task force to define what a recreation program was for the other entities that were named in the exemption, i.e. Boys and Girls Clubs, etc. The task force reiterated that there need not be a definition of recreation for municipal recreation departments as their exemption was secure. However, since that time, several municipal recreation departments have been informed by DHHS that some of their programs must be licensed. In the meantime, some recreation directors were also informed that DES is looking to require licensing of summer recreation programs as camps. **Submitted by Donna Kuethe, Recreation Director, Moultonborough, on behalf of the NH Recreation and Park Association, and the Moultonborough Board of Selectmen.**

18. Housing and Conservation Planning Program.

To see if NHMA will **SUPPORT** continued funding for the New Hampshire Housing and Conservation Planning Program.

Municipal interest to be accomplished by proposal: The NHHCPP provides grant funds to municipalities to plan for housing and conservation in a unified manner. The funds may be used for data collection and mapping, visioning, master plan updates, and zoning and regulation updates.

Explanation: Funding was allocated to the NHHCPP for fiscal years 2008 and 2009 totaling \$200,000 for each year. Continuation of the program beyond FY 2009 will require an additional appropriation in the state budget. **Submitted by Clay Mitchell, Epping Town Planner and Legislative Liaison for the New Hampshire Planners Association.**

Planning and Environmental Quality

Recommended Policy Proposals 2009-2010 Legislative Policy Process

RECOMMENDED ACTION POSITIONS.

1. Use and Area Variances.

To see if NHMA will SUPPORT legislation to eliminate the distinction between use and area variances and to adopt the standard established in *Simplex Technologies v. Town of Newington* as the test for an “unnecessary hardship” in all cases.

Municipal interest to be accomplished by proposal: Simplify the planning process for municipal staff and zoning boards.

Explanation: The New Hampshire Supreme Court’s 2003 decision in *Boccia v. City of Portsmouth* established a distinction between “use” variances and “area” variances that has been difficult for zoning boards to administer. Legislation filed in 2007 would have created a single set of variance criteria based on the *Simplex* standard. This bill also incorporated the judicially created requirement that a variance shall not injure the rights of others. The proposal is to support similar legislation in the future. **Submitted by Clay Mitchell, Epping Town Planner and Legislative Liaison, New Hampshire Planners Association.**

2. Penalties for Land Use Violations.

To see if NHMA will SUPPORT legislation clarifying that each day that a violation of a land use ordinance, code, or regulation continues shall be deemed to constitute a separate offense.

Municipal interest to be accomplished by this proposal: Enable municipalities to prosecute all violations of land use laws in district court, rather than requiring them to go to superior court for longstanding violations.

Explanation: RSA 676:17, I, imposes a civil penalty of \$275 per day for the first offense, and \$500 per day for subsequent offenses, for each day that a violation of a land use law continues. Violations of municipal land use laws may be prosecuted in either district or superior court. Most municipalities choose to go to district court because the procedures are simpler and faster, and in most cases the court is located closer to the municipality. District courts, however, have jurisdiction only over those cases where the damages claimed do not exceed \$25,000.

Municipalities have interpreted RSA 676:17, I, to mean that each day a violation continues constitutes a separate offense. However, in *Town of Amherst v. Gilroy*, No. 2006-694 (N.H. May 20, 2008), the New Hampshire Supreme Court ruled that this is a

misinterpretation, and that a violation constitutes only a single offense, regardless of how long it continues. In that case, the defendant had continued to maintain a non-conforming shed on her property for 154 days after receiving notice of the violation. The district court awarded the town \$42,450 (\$275 x 154 days). The defendant claimed that this award exceeded the district court's jurisdiction. The town argued that it did not, because it was a series of 154 penalties in the amount of \$275 each, so that each penalty was well within the district court's jurisdiction. The Supreme Court agreed with the defendant and held that the district court had exceeded its jurisdiction. The court also stated that if the legislature intended for each day of a continuing violation to constitute a separate offense, it could amend the statute to say so. **Submitted by Jane Taylor, City Attorney, Claremont.**

3. Election or Appointment of ZBA Members.

To see if NHMA will SUPPORT legislation clarifying that a municipality's decision to change from an elected to an appointed zoning board of adjustment, or vice versa, can be accomplished by an ordinary warrant article at town meeting, rather than by amending the zoning ordinance.

Municipal interest to be accomplished by proposal: Clarify procedure and avoid disputes and possible litigation.

Explanation: RSA 673:2, IV, states, "Every zoning ordinance adopted by a local legislative body shall include provisions for the establishment of a zoning board of adjustment." Many zoning ordinances specify how ZBA members will be elected or appointed. Separately, RSA 673:3 states that ZBA members shall be either elected in the manner prescribed by RSA 669 or appointed in a manner prescribed by the local legislative body. The statute also allows the legislative body to rescind the decision to elect ZBA members and return to an appointed body. Where a zoning ordinance prescribes the method for electing or appointing ZBA members, it is unclear whether the method can be changed simply by a warrant article vote, or whether a zoning amendment adopted pursuant to RSA 675 is required. **Submitted by NHMA staff, based on inquiries from several local officials.**

RECOMMENDED POLICY POSITIONS.

4. Environmental Regulation and Preemption.

To see if NHMA will SUPPORT legislation that (a) recognizes municipal authority over land use and environmental matters, (b) limits state preemption of local environmental regulation to those matters on which there is a compelling public need for uniform state regulation or which municipalities do not have the expertise or resources to regulate, and (c) recognizes that even when local environmental regulation is preempted, compliance with other local laws, such as zoning and public health ordinances and regulations, is still required. (Modified existing policy.)

5. Exemption from Land Use Change Tax.

To see if NHMA will **SUPPORT** amending RSA ch. 79-A, Current Use Taxation, to clarify that no person or entity is exempt from the land use change tax, and to provide that when land ceases to qualify for current use taxation as a result of a sale of the land, the land use change tax will be assessed against the seller if the buyer is a government entity or other tax-exempt organization. (Modified existing policy.)

6. OBD Testing.

To see if NHMA will **SUPPORT** legislation to make permanent the exemption for municipal motor vehicle inspection stations regarding the leasing of a computer terminal and electronic submission of inspection data under RSA 266:1 (OBD II emissions testing).

Municipal interest to be accomplished by proposal: Municipalities would continue to be exempt from the State requirement to lease one or more computer terminals (at each location where inspections are performed) and use those terminals to perform automotive emissions testing, data collection, and transmittal of inspection data to the State via its contractor.

Explanation: Currently, municipalities are exempt from the State requirement through June, 2009. Absent that exemption, all municipalities who perform motor vehicle inspections in-house would be required to lease at least one computer terminal (per location) from the State's contractor. This would add great expense to these municipalities while producing negligible benefits. Most municipalities operate very good vehicle maintenance programs and would not allow a vehicle to be operated which was in non-compliance with laws, rules and regulations, including OBD II emissions regulations. Submitted by Robert R. LeBreux, Fleet Manager, Concord.

7. Impact Fees for State Highways.

To see if NHMA will **SUPPORT** legislation allowing municipalities to collect impact fees or exactions for improvements to state highways.

Municipal interest to be accomplished by proposal: This would allow a municipality to assess an impact fee when a development affects a state-maintained highway located in the municipality.

Explanation: RSA 674:21 allows the assessment of impact fees "for the construction or improvement of capital facilities *owned or operated by the municipality.*" Frequently, developments along a state highway eventually lead to a need to improve the highway, but such improvements may not be high on the state's list of highway projects. In such cases, the municipality may agree with the state to fund part or all of the improvements, but it has no way to recover the costs other than through property taxes, since the highway is not a municipal facility. Allowing municipalities to assess impact fees would enable them to recover the costs from those whose developments create the impacts. Submitted by Clay Mitchell, Epping Town Planner and Legislative Liaison, New Hampshire Planners Association.

8. Planning Board Appeals.

To see if NHMA will SUPPORT legislation that (a) protects parties from losing their appeal rights when they appeal a planning board decision to the superior court under RSA 677:15 or to the ZBA under RSA 676:5, III, and either body determines that the appeal should have gone to the other, and (b) allows all issues to be appealed to the superior court after the conclusion of any appeal to the ZBA. Any such legislation should preserve the existing 30-day appeal period under RSA 677:15.

Municipal interest to be accomplished by proposal: Grant the municipality and applicant additional time to resolve appeals prior to having to file in superior court, saving both parties the additional cost and time of filing with the court.

Explanation: Per RSA 677:15 an appeal of a planning board decision concerning a site plan or a subdivision is taken to superior court and can be filed by any persons aggrieved by the decision. However, under RSA 676:5, III, planning board decisions involving interpretation or application of the terms of the zoning ordinance must be appealed to the zoning board of adjustment. This can create a situation where the appellant is simultaneously appealing to the ZBA and the superior court. **Submitted by Clay Mitchell, Epping Town Planner and Legislative Liaison, New Hampshire Planners Association.**

RECOMMENDED STANDING POLICY POSITIONS.

9. Affordable Housing.

To see if NHMA will SUPPORT legislation relative to the development of affordable housing that implements, but does not exceed, the requirements of the New Hampshire Supreme Court's decision in *Britton v. Chester*, 134 N.H. 439 (1991). (Existing policy.)

10. Energy, Renewable Energy and Energy Conservation.

To see if NHMA will SUPPORT legislation encouraging state and federal programs that provide incentives and assistance to municipalities to adopt energy use and conservation techniques that will manage energy costs and environmental impacts, promote the reasonable use of renewable energy sources, and promote energy conservation.

Municipal interest to be accomplished by this proposal: In the face of rising energy costs and the increasing awareness of the environmental impacts of using fossil fuels for transportation, heat, and electricity, municipalities will likely want to take advantage of emerging renewable energy alternatives and energy conservation options.

Explanation: Statewide energy policies may affect not only municipalities' budgets but also their environmental health, and municipalities should have a voice in both through NHMA. In the near term there are likely to be programs encouraging municipalities to explore and implement energy conservation and local renewable energy use, particularly wood and wind. In addition, there will likely be discussion and legislation regarding the

siting of wood power plants, wind farms, and additional power transmission lines—all of which may have important impact on communities. Municipalities also have a stake in statewide energy policies such as the Regional Greenhouse Gas Initiative (RGGI) that is currently before the legislature. NHMA should represent the municipalities' interests in managing energy costs, reducing environmental impacts of energy uses, and maintaining local control. **Submitted by Jack Savage, Planning Board Member, Middleton.**

11. Open Space Retention/Sprawl Prevention/Housing and Conservation Planning.

To see if NHMA will SUPPORT legislation encouraging statewide programs that provide incentives and assistance to municipalities to adopt land use planning and regulatory techniques that will better prevent sprawl, retain existing tracts of open space, and preserve community character. This policy includes SUPPORT for continued funding for the Housing and Conservation Planning Program. (Modified existing policy.)

12. Sludge/Biosolids.

To see if NHMA will SUPPORT reliable enforcement of scientifically based health and environmental standards for the management of sludge, septage, and biosolids; will SUPPORT the funding of the New Hampshire Department of Environmental Services at a level allowing full and adequate development and enforcement of such scientifically based health and environmental standards; will SUPPORT an increase in the amount of state aid grants or other financial assistance for wastewater treatment plant upgrades to improve the quality of biosolids produced from Class B to Class A biosolids; will OPPOSE any state legislation that would curtail the ability of municipalities to dispose of municipally-generated biosolids through land spreading, when done in accord with such scientifically based health and environmental standards; and will OPPOSE any preemption of local authority to regulate in this field. (Existing policy.)

13. Current Use.

To see if NHMA will OPPOSE any legislative attempt to undermine the basic goals of the current use program and will OPPOSE any reduction in the 10-acre minimum size requirement for qualification for current use, beyond those exceptions now allowed by the rules of the Current Use Board. (Existing policy.)

14. Conservation Investment.

To see if NHMA will SUPPORT legislation to create permanent funding for the Land and Community Heritage Investment Program and will OPPOSE any subsequent diversion of such funds to other uses. (Modified existing policy.)

2009-2010 NHMA Legislative Policy Process

Legislative Principles

In addition to the established Legislative Policy positions adopted by the New Hampshire Municipal Association membership, the following principles should guide staff in setting priorities during any legislative biennium:

1. Consider unfunded mandate issues that violate Part 1, Article 28-a of the New Hampshire Constitution to be paramount. Identify them and oppose them.
2. Work to maintain existing revenue streams to municipalities, (i.e. revenue sharing, meals and rooms, highway, and other state aid). Be especially watchful of proposals to reduce local aid in order to meet other funding commitments.
3. Advocate to maintain existing local authority.
4. Support issues which provide greater authority to more effectively, efficiently and flexibly govern at the local level, including local option legislation. If the legislature is considering adopting a program that is particularly controversial at the local level, support a requirement that a local legislative body vote is necessary before full implementation of the measure.
5. Support bills proposed by individual municipal members, except when they conflict with these principles or other NHMA policies. Staff should prioritize time and resources when there are competing demands in order to focus on NHMA's broad agenda first.
6. Encourage exemptions from state taxes rather than local property taxes when legislative intent is to preserve statewide resources.
7. Advocate for municipal representation on all state boards, commissions, and study committees which affect municipal government and have non-legislative members.
8. Work cooperatively with other groups and associations to support efforts to improve the delivery of services at the local level.
9. Support municipal efforts toward effective regional cooperation and delivery of municipal services.
10. Support efforts to develop a statewide technology network that fosters increased communication and greater compatibility among levels of government and within and between agencies in all levels of government.

2009-2010 NHMA Legislative Policy Process Questions & Answers

1. **What is the purpose of establishing NHMA Legislative Policy?** The New Hampshire Municipal Association (NHMA) is the voice of New Hampshire's cities and towns before the state legislature and state agencies. Adoption of legislative policy allows your municipal voice to be heard through the actions of your organization – NHMA. By adopting legislative policy, local officials can tell elected representatives what they feel are the major concerns of cities and towns.

The NHMA Municipal Advocacy Committee (MAC) is the board which oversees NHMA's advocacy activities. Legislative policy positions direct MAC and NHMA staff in representing communities before the legislature and state agencies.

2. **How were the recommendations to the membership prepared?** The NHMA operating agreement establishes a 75-member Committee on Government Affairs (CGA), which includes the members of MAC. The role of CGA is to establish legislative policy recommendations for consideration by the full NHMA membership and to join with staff in the advocacy of that legislative policy before the House and Senate.

CGA divided into three policy subcommittees following the same categories which have been used in the past for legislative policy setting: Municipal Administration and Finance Management, Planning and Environmental Quality, and General Government, Revenue, and Intergovernmental Relations. These three policy committees considered issues and problems derived from their own experience as local officials, issues sent in by other members or brought to them by staff, past policy positions, and issues resulting from the most recent legislative session. Each committee held several meetings during the Spring of 2008 and developed policy recommendations to be voted on by member municipalities at the Legislative Policy Conference.

3. **Who votes on adoption, amendment, or rejection of these recommendations and when?** On Friday, September 12, 2008, at 9:00 a.m. the 2009-2010 NHMA Legislative Policy Conference will be held at the Local Government Center in Concord. *Each member municipality will be asked to appoint a Voting Delegate to cast its vote at this conference.* Each member municipality, regardless of size, has one (1) vote on all policy matters.

In the absence of any other designation by the Board of Selectmen, Aldermen, or Council, a Voting Delegate card will be issued at the door (in order of priority determined by NHMA Directory) to:

Mayor/Chair of Board of Selectmen/Council Chair

OR

Mayor Pro Tem/Vice or Assistant Mayor/Council Vice Chair

OR

Selectman/Alderman/Councilor

OR

City or Town Manager/Administrative Assistant

4. **Can a municipality propose any other policies at the conference?** Yes, a municipality wishing to propose an additional recommendation for NHMA legislative policy may submit a Floor

Proposals: *Floor Proposals must be approved by a majority vote of the governing body (Board of Selectmen, Aldermen, or Council) of the town or city submitting the proposal, and submitted in writing by August 6, 2008.* This allows time for proposals to be printed and mailed so that all municipalities will have an opportunity to review them before the policy conference. Floor proposals should be in the same format as committee recommendations and a floor proposal form may be found on the Local Government Center (LGC) web site at www.nhlgc.org. Please send to: NHMA Floor Proposals, Government Affairs Department, PO Box 617, Concord, NH 03302-0617, or fax to 224-5406, or e-mail to governmentaffairs@nhlgc.org.

5. **How does our Voting Delegate determine a position of these recommendations?** We urge each municipality's governing body to discuss the recommendations in advance of the Legislative Policy Conference and vote to take a position on each one, in order to give direction to the Voting Delegate. Otherwise, your Voting Delegate is free to cast your municipality's vote as he/she desires.
6. **How are the policy recommendations presented and voted on at the Legislative Policy Conference?** The Chair of the Legislative Policy Conference, MAC's President, introduces the entire set of recommendations of each policy committee, one committee at a time, as a slate. The co-chairs of each committee will be available to address questions. Any Voting Delegate may ask that a recommendation be set aside to be debated and voted on separately. The remaining recommendations are voted upon as a slate. When the slate from each policy committee has been voted, the Voting Delegates will then return to those items set aside for separate debate and vote. It is at this time that individual items can be killed, amended, passed over, laid on the table, etc. Votes are by a display of special Voting Delegate Cards and a division vote (actual count) is taken.
7. **Are policies adopted by a simple majority vote?** No. NHMA's by-laws require a 2/3 vote of all members present and voting for approval of any NHMA Legislative Policy.
8. **Why is the Legislative Policy Conference separate from the November annual meeting?** The Legislative Policy Conference must be held before the annual conference in order to meet the legislative deadlines for the filing of new bills. The staff needs time after adoption of policies to draft bills and secure sponsors.
9. **How will I know what policies are adopted if I don't go to the Legislative Policy Conference?** The final 2009-2010 NHMA Legislative Policy Positions will be printed as a supplement in the November issue of *Town & City* magazine. We will also post them on the LCG web site at www.nhlgc.org.
10. **What happens if an issue is before the legislature that is not covered by any of these policies?** The Municipal Advocacy Committee determines the position that the staff will advocate on issues not covered by specific NHMA Legislative Policy. MAC also endorses a set of 10 Legislative Principles, which augment the specific legislative policy positions by setting forth general principles which guide staff in their advocacy efforts.

New Hampshire Municipal Association
2009-2010 Legislative Policy Process

Floor Policy Proposal

Submitted by (name): Susan Desruisseaux

Date: July 22, 2008

City or Town: Goffstown

Title of Person Submitting Policy: Town Administrator

Floor Policy Proposal approved by vote of the governing body on (date) 7/21/08

To see if NHMA will SUPPORT:

Legislation to waive municipal recording fees for the establishment and release of Elderly Deferrals at the County Registry of Deeds.

Municipal interest to be accomplished by proposal:

Saves money for municipalities.

Explanation:

Law(s) regarding Tax Collector liens allows municipalities to recover recording fees from the property owner.

Law(s) regarding Welfare Liens waives all recording fees for those liens (RSA 165:28).

Law(s) regarding Elderly Deferrals does not allow the municipality to recover recording fees from property owner nor does it waive the recording fees for municipalities which are currently at \$17.00 for the first page plus an additional \$15.00 for each additional lien release. A one page release of ten years of liens costs the municipality \$152.00. Eligibility for elderly deferrals is based upon income and assets much like welfare assistance. Therefore, deferrals should be treated like welfare liens and the recording fees should be waived.

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Fax to 224-5406; mail to PO Box 617, Concord, NH 03302-0617; email to governmentaffairs@nhlgc.org. Must be received by August 6, 2008.

New Hampshire Municipal Association
2009-2010 Legislative Policy Process

Floor Policy Proposal

Submitted by James Trudell, Elaine Sherry, Stephen Moscicki

Date July 28, 2008

City or Town Lyman

Title of Person Submitting Policy Board of Selectmen

Floor Policy Proposal approved by vote of the governing body on July 28, 2008

To see if NHMA will SUPPORT an amendment to RSA 72:28, IV (a) to allow all veterans residing in the State of New Hampshire with an honorable discharge to qualify for the Standard and Optional Veterans' Tax Credit regardless of whether they served their country during the qualifying wars and armed conflicts currently listed or received the required medals.

Municipal interest to be accomplished by proposal:

Fairness and equality to all honorably discharged veterans. Recognition to all veterans for honorable service given to protect their country and its people no matter what the time frame of their service or the medals they received.

Explanation:

It became clear during the Town of Lyman's recent review of all veterans' tax credit applications that several residents, especially those who served in the Armed Forces during the July 1, 1958 – Dec 22, 1961 portion of the Vietnam Conflict and were prepared and on alert to go overseas but were not deployed, are not qualified to receive the \$300 credit because they did not receive the required medals. These veterans, along with others who served their country but not during a qualifying war or armed conflict, receive other "veterans' benefits", but are not granted the veterans' tax credit.

New Hampshire Municipal Association
2009-2010 Legislative Policy Process

Floor Policy Proposal

Submitted by (name): Date:
City or Town: Title of Person Submitting Policy:

Floor Policy Proposal approved by vote of the governing body on (date):
(Vote 5-0 in favor)

To see if NHMA will /OPPOSE:

A Constitutional Amendment (CACR) to amend Part II, Article 6-A to clarify the uses of funds in the Highway Trust Fund.

Municipal interest to be accomplished by proposal:

By limiting the diversion of Highway Funds we will have adequate money to repair and maintain roads and bridges.

Explanation:

Today more than 40% of funds in the Highway Trust Fund are used for purposes other than for the construction and repair of our roads and bridges. (See attached table of expenditures).

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation that describes the nature of the problem or concern from a municipal perspective and discusses the proposed action that is being advocated to address the problem. Fax to 603.224.5406; mail to NHMA, PO Box 617, Concord, NH 03302-0617; or e-mail to governmentaffairs@nhlgc.org. Forms must be received by August 6, 2008.

Table 1

The Diversion of State Highway Funds²

To maintain and build roads and bridges, the State of New Hampshire receives funds primarily through tolls on state roads and the gas tax. While a significant amount of money has been received over the past five years (2003–2007)—from a low of \$215,000,000 to a high of \$273,000,000—not all of this money stays in the Highway Fund for its intended purpose.

Transfers (or "diversions") of funds earmarked for the maintenance and construction of roads and bridges has been a common practice for many years. These diverted funds go to other agencies like Aid to Cities and Towns, Department of Safety, Health and Human Services, District and Municipal Courts and the Department of Justice.

In 2004, transfers to these agencies reduced the Highway Fund by 39 percent, and is expected to increase to 41 percent in 2008. In any given year, when these monies are diverted from their original intended purpose, fewer roads and bridges are repaired and constructed.

In 2006, Governor Lynch said that "state agencies must stop using highway funds like an ATM. We need to revisit which agencies receive highway funds, and for what purposes. We need to restore financial accountability and oversight of the highway fund."

The following chart shows how money has been "diverted" from the Highway Fund to other state agencies:

| CAFR | 2004 | 2005 | 2006 | UNAUDITED 2007 | BUDGET 2008 | BUDGET 2009 |
|--------------------------------------|-------------|-------------|-------------|-------------------|----------------|----------------|
| NET Highway Fund Appropriations | 218,344,000 | 214,987,000 | 228,442,000 | 268,399,000 | 268,987,000 | 278,105,000 |
| Transferred to Other Agencies | | | | | | |
| Department of Safety | 52,938,739 | 59,347,425 | 66,652,833 | 70,555,061 | 77,824,240 | 79,773,782 |
| Health & Human Services | 747,123 | 376,242 | 356,622 | 367,215 | 496,572 | 497,397 |
| District & Municipal Courts | 1,000,000 | 1,000,000 | 1,505,650 | 1,709,886 | 2,000,000 | 2,000,000 |
| Superior Court | 1,000,000 | 1,000,000 | | | | |
| Environmental Services | 57,912 | 94,878 | 40,000 | 41,805 | 35,000 | 36,000 |
| Highway Safety | 414,034 | 415,983 | 377,894 | 400,401 | 484,742 | 493,909 |
| Department of Justice | 911,465 | 849,397 | 923,045 | 986,426 | 1,038,433 | 1,053,413 |
| Tax & Land Appeals | 129,296 | 155,297 | 170,704 | 164,04 | 245,116 | 247,249 |
| Total Agency transfers | 57,198,569 | 63,239,222 | 70,026,748 | 74,224,838 | 82,124,103 | 84,101,750 |
| Block Grant Aid | 27,238,545 | 29,450,081 | 28,819,383 | 28,456,617 | 29,100,000 | 29,100,000 |
| NET Highway Fund Appropriations | 133,906,886 | 122,297,697 | 129,595,869 | 165,717,545 | 157,762,897 | 164,903,250 |
| Agency Transfer Statistics: | | | | | | |
| Transfers As % of Net Appropriations | 26% | 29% | 31% | 28% | 31% | 30% |
| Transfer \$ Increase Over Prior Year | 2,654,766 | 6,040,653 | 6,787,526 | 4,198,090 | 7,899,265 | 2,206,032 |
| Transfer % Increase Over Prior Year | 5% | 11% | 11% | 6% | 11% | 3% |
| Office of Information Technology | | | | | | |
| \$ Increase Over Prior Year | | | | 308,854 | 645,825 | 158,147 |
| % Increase Over Prior Year | | | | 8% | 16% | 3% |
| Turnpike Transfer to Safety | 3,927,547 | 4,066,964 | 4,510,403 | 5,215,681 | 7,324,716 | 7,487,233 |

Note: HB 25 Ch 228, 107, also provides \$59,895,260 in additional funding as follows:

Consolidated Federal Funds—State Match

Betterment

State Highway Construction Aid

Municipal Bridge Program

The above is NOT included in the operating Budget 2008 & 2009 above.

Biennium

27,695,260

15,000,000

3,600,000

13,600,000

² Introductory information from the A Safer Road to Tomorrow Coalition (www.saferoadsnh.com).

New Hampshire Municipal Association
2009-2010 Legislative Policy Process

Floor Policy Proposal

Submitted by (name): Date:
City or Town: Title of Person Submitting Policy:
Floor Policy Proposal approved by vote of the governing body on (date):
(Vote 5-0 in favor)

To see if NHMA will SUPPORT OPPOSE:

Legislation to amend RSA 318-B concerning the location and operation of Methadone Clinics in our Cities and Towns.

Municipal interest to be accomplished by proposal:

Current law is completely lacking a clear policy giving the municipal governing body (the selectmen) the final authority whether or not a methadone clinic may be located in their municipality.

Explanation:

See Attached.
1) SB445 (2000) the current law
2) Letter to Governor Lynch (5/29/08)

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation that describes the nature of the problem or concern from a municipal perspective and discusses the proposed action that is being advocated to address the problem. Fax to 603.224.5406; mail to NHMA, PO Box 617, Concord, NH 03302-0617; or e-mail to governmentaffairs@nhlgc.org. Forms must be received by August 6, 2008.



TOWN OF CONWAY

1634 EAST MAIN ST. • CTR. CONWAY, NEW HAMPSHIRE 03813

(603) 447-3811
FAX (603) 447-1348
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May 29, 2008

Governor John H. Lynch
State House
25 Capitol Street
Concord, NH 03301

Re: Methadone Clinics / Request to direct Commissioner of Health and Human Services not to accept any new applications for certification of methadone clinics in New Hampshire until an amendment to Chapter 318-B has been considered

Dear Governor Lynch:

Earlier this year, *Community Substance Abuse Centers*, a private for-profit company operating thirteen drug treatment centers in four New England states, decided to locate a methadone treatment clinic in the Town of Conway. This company, under the name *Merrimack River Medical Services*, operates three facilities in New Hampshire located in Somersworth, Newington, and Hudson.

As the Conway Selectmen are extremely concerned by this turn of events, we have made every effort to inform ourselves concerning the benefits and liabilities of locating such a facility in the Mount Washington Valley. According to the National Center for Health Statistics, nationwide methadone deaths have increased at a faster rate than any other drug related deaths from 786 deaths in 1999 to 4,462 in 2005. Maine tops the list for methadone overdose related deaths per capita and New Hampshire is tied for fourth. Furthermore, according to the U.S. Department of Justice (National Drug Intelligence Center Report of November, 2007), New Hampshire ranks fifth in the top ten states in the country for the highest percent increase in methadone deaths from 1999-2004.

Alarmed by these statistics and other information, the Selectmen have examined the laws and administrative rules of Vermont, Maine and New Hampshire. We have concluded the following: In 2000, New Hampshire passed SB 445-FB which became Chapter 318-B concerning methadone maintenance treatment. This legislation is very general, completely lacking provision for municipal approval regarding the location of methadone clinics or other specific policy directions. In addition, the Department of Health and Human Services was given complete authority through RSA 541-A (the Administrative Procedures Act) to include all such detail in Departmental Rules (HE-A 301-304). As the policy articulated in SB 445-FN (2000) was so vague, JLCAR (the Joint Legislative Committee on Administrative Rules) was powerless to limit the authority of the Department of Health and Human Services to include whatever the department and other interested parties saw fit. The appropriate checks and balances, as provided in the Administrative Procedure Act (RSA 541-A), are missing.

Chapter 318-B needs to be amended to include elements of local control including, but not limited to, approval by the municipal governing body as well as the health officer, the building inspector, the planning board, and the police department. In view of this serious discrepancy we, the undersigned, urge you to direct your Commissioner of Health and Human Services not to accept any new applications for certification of methadone clinics in New Hampshire until an amendment to Chapter 318-B has been considered.

For further reference concerning methadone clinics, we ask that you consult with former Vermont Governor Howard Dean at your earliest convenience.

Please note: Signatures and cc's omitted.

New Hampshire Municipal Association
2009-2010 Legislative Policy Process

Floor Policy Proposal

Submitted by (name): Date:

City or Town: Title of Person Submitting Policy:

Floor Policy Proposal approved by vote of the governing body on (date):

To see if NHMA will SUPPORT/OPPOSE:

Legislation to amend RSA 40:13, IX(b) to clarify the definition of the "Default budget" with language similar to that proposed in HB 479 (2007) [which would have provided a specific definition of "debt service," "employment contracts," "other obligations," and "one-time expenditures," which are terms appearing in the default budget statute, among other things. See <http://www.gencourt.state.nh.us/legislation/2007/HB0479.html>.]

Municipal interest to be accomplished by proposal:

With a clear definition, School Boards, Selectmen, and Municipal Budget Committees will clearly understand what can and cannot be included in the "Default Budget."

Explanation:

- See
- 1) RSA 40:13
 - 2) former Selectman Karen Umberger's testimony on HB479 (2007) (attached)
 - 3) HB479 (2007) [link above]

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation that describes the nature of the problem or concern from a municipal perspective and discusses the proposed action that is being advocated to address the problem. Fax to 603.224.5406; mail to NHMA, PO Box 617, Concord, NH 03302-0617; or e-mail to governmentaffairs@nhlgc.org. Forms must be received by August 6, 2008.

1157-1-11-11
Good morning, I am Karen Umberger and currently a Selectman in the Town of Conway and the Selectman's representative to the Budget Committee. The Selectmen at their last meeting unanimously voted to support HB 479 and the amendments submitted by Representative Carolyn Brown. A copy of the letter of support is part of the package that has been provided to you.

RSA 40:13, Use of Official Ballot in Roman Numeral IX (b) defines how the default budget should be set. It also provides for the governing body to set the default budget unless the legislative body has given that right to the Budget Committee. In our town, the Budget Committee has the authority in accordance with RSA 40:14 b, to set the default budget for the town, but not the school. The Budget Committee, as a whole, has not had a problem with how the town interprets the current language dealing with default budgets. However, some members of the Budget Committee do have problems with the School Board's interpretation of the default budget. I'm sure other official ballot towns may in fact have problems with how their governing bodies set their default budget. I also firmly believe HB 479 will assist in clearing up many of the current problems.

The proposed legislation provides a clearer delineation of what can and should go into the default budget. The current legislation is open to various interpretations by governing bodies and neither the Budget Committee nor the legislative body can review or change the default budget. I will not repeat what the current legislation states as it has previously been discussed. {Currently the legislation reads: Default budget as used in this subdivision means the amount of the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the operating budget. For the purpose of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body, unless the provisions of RSA 40:14-b are adopted, of the local political subdivision.}

The bill before you, HB 479, clearly describes what should be included in the default budget and closes most of the loopholes that currently exist. Representative Carolyn Brown inserted two amendments to this bill. The first one is a change to "Other obligations eliminating including fuel surcharge escalation clauses, fuel or electricity contracts, tuition contracts, or rental or service contracts. This section now reads: "Other obligations" means payment increases due to multi-year contracts approved by the voters by special warrant article in a previous year. The reason this is recommended for deletion is based on the following examples of what has been included in our School Board's default budget for the 2007-2008 default budget: Fuel Transportation, \$14,258 (no contract), Elementary School Reading Specialist, \$89,004 (new positions) Librarian \$47,667 (new position), \$647,376 for high school and middle school maintenance (additional positions and costs). I must be honest and let you know that we are opening a new high school in September, but the question still remains should these items be put into a default budget. It is my belief that they should not, no matter how loosely you interpret the current default budget definition. Our School Board also sites many budget increases as required because of the tuition contract. We have tuition contracts for grades K-12, as a receiving town, so they argue that budgeted increase for utilities, fuel oil, grounds maintenance, etc are covered by the tuition contract and therefore must be part of the default budget. I believe that unless you have a specific contract for a specified dollar amount required for the following year, it should not be part of the default budget.

The second amendment is to number 5 and it is eliminating the words explicitly mandated by statute. The new wording would be as follows: No new employees shall be added to the default budget unless approved by the voters by special warrant article. The reason for eliminating explicitly mandated by statute is our school board has indicated that the elementary school reading specialists included in the default budget are mandated by ED 306 which are the Minimum Standards for Public School Approval and therefore mandated by the state. I have read and reread ED 306 and no where can I come up with the mandatory requirement for all school districts to have elementary reading specialists assigned to each elementary school. {The NH Education web site says "An administrative "rule" is defined as a regulation or standard adopted by an agency to implement or make specific a law enforced or administered by the agency; or interpret a procedure or practice requirement binding on persons outside the agency. Rules shall be valid and binding on persons they affect, and shall have the force of law unless amended or revised. Rulemaking is therefore lawmaking, in areas which the legislature had decided are too specific or too detailed to be handled by legislation."} This change would clearly eliminate various interpretations by governing bodies of what is mandated by the state in laws and rules. If the state mandates a new position, it certainly would make sense to specify in the legislation or rules that a position is absolutely required.

I am very much in favor of HB 479 and I believe very strongly that it will go a long way to improving default budget calculations throughout the state as well as provide a choice for the voters. If the two amendments are added, the House Bill will provide additional clarification to default budget preparation.
Thank you for your time.

New Hampshire Municipal Association
2009-2010 Legislative Policy Process

Floor Policy Proposal

Submitted by (name):

Howard C Dickinson

Date:

7/28/08

City or Town:

CONWAY

Title of Person Submitting Policy:

Selectman

Floor Policy Proposal approved by vote of the governing body on (date):

7/22/08

(Vote 5-0 in favor)

To see if NHMA will **SUPPORT**/OPPOSE:

An amendment to RSA 485-C to give the municipal governing body the final approval authority on water withdrawals from aquifers for commercial bottling purposes.

Municipal interest to be accomplished by proposal:

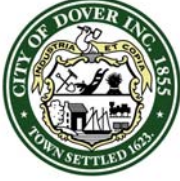
With such a law, municipalities will gain control over the quantity of water being withdrawn in their town from aquifers.

Explanation:

~~See Attached.~~

1) RSA 485-C:20

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation that describes the nature of the problem or concern from a municipal perspective and discusses the proposed action that is being advocated to address the problem. Fax to 603.224.5406; mail to NHMA, PO Box 617, Concord, NH 03302-0617; or e-mail to governmentaffairs@nhlgc.org. Forms must be received by August 6, 2008.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5.

Resolution Number: **R – 2008.09.10 - 147**
Resolution Re: 2008 CITY MANAGER EVALUATION

- WHEREAS: The City Manager is the City of Dover's Chief Executive Officer, and the sole employee of the Dover City Council; and
- WHEREAS: An annual examination of the City Manager's performance by the City Council was conducted; and
- WHEREAS: A scoring system and comment analysis was completed by the Dover City Council for the City Manager's Performance Evaluation

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

The attached scoring sheet and comments be adopted by the Council for the FY 2008 evaluation of Dover City Manager J. Michael Joyal, Jr..

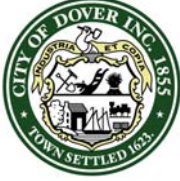
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers

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 – 2008.09.10 - 147**
Resolution Re: 2008 CITY MANAGER EVALUATION

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, Dean Trefethen, Ward 4 | | |
| Councilor Robert Carrier, Ward 1 | | |
| Councilor Douglas DeDe, Ward 2 | | |
| Councilor David Scott, Ward 3 | | |
| 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. | | |



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5.

Resolution Number: **R – 2008.09.10 - 147**
Resolution Re: 2008 CITY MANAGER EVALUATION

RESOLUTION BACKGROUND MATERIAL:

See Attached Documents

Scoring Grid

Councilor Comments

Highest Priority

Develop & update yearly Master Plan for road paving and sidewalk improvements (5 year plan). Include variables such as costs, funding, and tie-ins with additional work such as water, sewer, and drainage. Make this information easily accessible to the public.

The City Manager has now created a roads/sidewalk list that is in the order of planned repair, restoration or replacement priorities, however the actual 2009 projects can't yet be identified until Community Services doesn't yet know the inflation-adjusted costs that will be required due primarily to increased asphalt costs. **DeDe**

The City manager was asked for information for "variables such as costs" of the road work/sidewalk completed in this and the prior year so that we can know which street and sidewalks were improved by street section name, with square feet and or cubic feet of work performed and the costs. An updated response has not been forthcoming. This information is needed so that this councilor can inform his constituents of what they can expect. The city manager said some of this information is on line. I have been unable to locate it on the city website. It would be helpful if the City Manager could e mail the routing on the City Web Site where that information can be found. **Scott**

Document showing the scheduled streets to be repaved 2008-2010 needs to be updated because some streets were dropped in first year due to funding reduction. **Trefethen**

Ongoing. Facets of the objective have been completed. There still needs to work done in this area. Public Awareness is very low on how and why the roads are in the condition they are in. There are complaints as to the difficulty in navigating this information on the website, many people can't even find the information. It would be my recommendation that the City Manager refer to this inconvenience, study it, and bring it back to the Council for discussion.

Cheney

On the positive side:

- The master plan does include provisions for street improvements.
- There is information on the city web site that indicates the paving schedule for the next three years.
- The website shows the Pavement Condition Index (PCI) for all streets.
- This provides Councilors and the public with some idea of when streets are planned for paving.

On the negative side:

- There should be a cost reduction by better competitive bidding and the use of in house engineering staff for determining needs.
- The PCI rating is based on a one season site review of the streets.
- We have added costs to our program with the purchase of VUEworks but have not seen any projected savings to compensate for it.
- Sidewalk maintenance is not published.
- The published sidewalk winter plowing schedule is not adhered to, thereby upsetting residents and endangering pedestrians. **Callaghan**

A main ingredient missing here is that an updated list was requested upon manual viewing once the snow melted and have yet to receive the updated document. **Weston**

There have been ongoing efforts to create/update a Master Plan for street and sidewalk paving and improvements. A public workshop was held with an outside expert, validating the City's procedure and methodology. More attention needs to be paid on updating this list. It is understood that there are many variables that must be factored into these updates, including costs, available funding, unexpected emergencies and more. However, this continues to be one of the major issues raised by residents. **Myers**

Identify current outsourcing and potential future outsourcing opportunities. Recommend efficiencies/savings, as appropriate, for either expanding outsourcing or bringing some tasks back in-house.

The City Manager has outsourced the bulk of the janitorial work in the McConnell Center and sought to extend that however the provider the school dept used (Unico) quoted the job differently than they did for the school and it was not a good enough deal to switch off from our present provider. **DeDe**

The council should not provide a positive evaluation of the CM based on the various areas of cost savings he is **considering**. Rather the evaluation should be based on accomplishments. Identifying outsourcing of facility and grounds maintenance is one of the areas the council would expect the city manager to look into. We need a report from the City Manager as to what has been done. The report should include figures indicating the costs before and the costs after so the councilors can evaluate the results. The CEO of a \$30 million service company – the municipal corporation of Dover - should not be rated on whether he “routinely evaluates service delivery methods” but what he has accomplished in terms of tangible and measurable costs savings. I don't recall seeing any report indicating costs savings on this subject. That the City Manager has “arranged with a local sign Company to perform banner hanging services” is a very small part of the job of managing the city and should not be considered an accomplishment. Consideration of contracting for fleet Maintenance” is a valid area of cost study one would expect of the City manager. **Scott**

On-going effort, but overall so far so good. **Trefethen**

Facts figures and specifics must be given to demonstrate benefits of staying in house versus outsourcing for certain services. Where are the most efficient and cost effective ways of delivery? If working with other communities was pursued what was the result? If there is analysis going on where are the specific results? Details on cost savings, ease of implementation, prioritization of these projects and services need to be clearly presented.

Banner cost savings? - How much? It would be a benefit to all of us on the Council and the Citizens of the City if the City Manager could gather in house versus outsourcing information,

pros/cons, and savings and benefits to the City so that with this information could be evaluated for priorities. **Cheney**

On the positive side:

- The Council is informed when considerations have been made for outsourcing of services.

On the negative side:

- Detailed quantifiable comparison facts should be presented to Council so they can fully participate in outsourcing decisions.
- Current outsourced services should be evaluated in detail to determine if they have actually provided a savings to the City.
- Outsourcing can provide substantial savings, but it can also lead to laziness and wasteful spending; written policy should be in place for the process of investigating and utilizing outsourced services.
- We outsourced some snow plowing last winter and still spent a lot on City employees overtime for plowing. Instead we should have the vendor do the primary snow plowing and then we are the back up; a practice that may also save on maintenance and equipment costs.
- If we don't have the resources to remove snow from our sidewalks as committed to in the plowing schedule we need to review outsourcing that. An example is Miracle Mile where pedestrians are forced to walk the street and there are many near accidents by drivers who try avoiding the pedestrians. **Callaghan**

CM is constantly reviewing the outsourcing of labor with the hopes of saving the city money. I do wish that the CM would update the council with more specifics related to costs and savings more often when he has considered different avenues. Communication is very important here.

Weston

The City Manager has continued to explore cost savings across all areas of City operations. Some of the larger opportunities, such as contracted services, are reviewed and approved by the City Council. Others are implemented as a part of the day-to-day oversight of the City by the CM. We have seen improvement in the cooperative workings of the City and the School. This is attributable to both departments and is appreciated. As always, a constant review of all available options is vital and I believe that this is occurring, even though the Council is not made aware of every single attempt. **Myers**

Work with DBIDA to improve the opportunities to the City for economic development and business retention, and keep the Council updated with the role of the DBIDA Board.

The City Manager routinely attends the DBIDA meetings and has a close eye on the projects that are coming in, frequently acting as the 'point' person until such time as DBIDA is able to hire a professional to develop businesses as opposed to just facilitating those the make their wishes known. **DeDe**

The first step to determine economic opportunities is an inventory of availability of land, vacant retail, office and industrial space. There was a request to the city manager to provide this inventory. No report was submitted to the council, nor can be found on line. A second report was requested which referred to accomplishments of this DBIDA function in the prior 3 year period. Such a report should include the names of new businesses brought to Dover and the number of new employees hired. No such report was prepared by the City Manager and presented to the Council demonstrating the results of this activity. **Scott**

CM did everything that could have been done. Council in-action is the only delay. **Trefethen**

DBIDA has put a lot of effort into reaching out to the community and have compiled valuable information in their Strategic Plan. The City Manager has not kept the Council updated with the role of the DBIDA Board. This is an area where the Council should be hands on. The City Council should have a direct clear two-way communication with DBIDA routinely with reports on how DBIDA is helping in the City in Retention and Attraction. . **Cheney**

On the positive side:

- DBIDA has invested a lot of time in analyzing what it would take to increase their economic opportunities. Their efforts are to be complimented.

On the negative side:

- The change that is being presented is to spend more money by hiring an Economic Director; the City Manager should not be supporting this.
- DBIDA should restructure its processes to solicit and utilize more of the resources available. Partnership with the Chamber, Dover Main Street, Planning (who now has less responsibility as a result of personnel transfers), and Strafford County Regional Planning; the City Manager should be encouraging this.
- I am not aware of any Grant requests that have been written; the City Manager should be providing the resources to accommodate this.
- Hiring an Economic Director seems to be more whimsical, rather than based on specific quantified evidence and fact, and coupled with appropriate administrative documentation.
- The proposal to meet the goal lacks ingenuity; this is not the kind of thinking that represents good business practices. **Callaghan**

Would like very much to see a list of what businesses or light industry that has come to Dover these past few years because of DBIDA and what primary type of business's/light industry that Dover is reaching out to. **Weston**

The City Manager is very hands on in this area, even though his time is stretched thin due to other job requirements. It is time to move forward with a professional employee focused on Economic Development. The CM has coordinated with DBIDA to write an action plan, hold a

public forum, reach out to stakeholders and residents, garner support from the Greater Dover Chamber of Commerce and Dover Main Street and more. The Council now needs to act in order to see this goal fulfilled. **Myers**

Implement updated financial software and recommendations of both the CAFR and the most recent payroll audit to improve/correct noted issues.

The software issue was unfortunately stopped by members of the City Council who insisted in having a say in the software choice, though clearly this is not a Council responsibility and actually invades the province of the City Manager and Finance Director. **DeDe**

I am not aware what has been implemented. With the current software the CM should have been able to provide electronically financial information previously requested. In April 2008 the CM was asked to provide a listing of all cash disbursements paid through the accounts payable ledger for the periods FY 2006 and 2007 sorted in descending order by amount disbursed and by name of recipient. The report was provided for FY 2007 but not for FY 2006. There is no reason these reports could not be extracted from our current financial software. **Scott**

On-going effort. It needs to be finished in a timely manor. **Trefethen**

Ongoing. City Manager has begun the process of specifications and bidding through a committee. As part of the group to help in the selection process I have input suggestions that I think would be desired based on my experience implementing systems for other communities. One focus for the public specifically is that they have the ability to query the data to extract information they may need. **Cheney**

On the positive side:

- It is recognized that an update to the financial software is long overdue.
- A joint effort between the SAU and the City appears to be a good idea at this time.

On the negative side:

- Unfortunately there was very little information provided during the presentation of what functionalities the system will provide to Council Members, how the data can be exported, how specific queries can be made; this issue has not been addressed.
- Currently, the City Manager cannot export in excel format, or comma separated value, and all reports create such a burden to the City Staff that requests for those reports must be approved by the City Council; this issue has not been addressed.
- A report cannot be generated that lists all the vehicles and equipment owned by the city. We do not know what our new system can do to correct these issues; this issue has not been addressed.
- The current proposed software has locked in future costs that have not been tallied.
- The possibilities for alternative systems, comparing the functionalities, has not been provided.
- A lot of money has been spent and there have been no reports from the committee about the actual abilities of the product. **Callaghan**

Updated software is desperately needed. The new software should increase information as needed in a user friendly version and the financial department should be able to run more efficiently. When information is requested by the council that the new software should make these reports more readily available. **Weston**

This is in process. The CM has reached out to appropriate staff, SAU and even the City Council for input. This is about the daily operations of finance and accounting, not about what reports City Councilors will be able to generate. We should let the CM and his professional staff move forward and complete this needed upgrade. **Myers**

Provide budget per Council guidance. Such guidance to be given in Jan./Feb. time frame.

The City Manager produced a budget that met the conditions of the tax cap. While some Councilors felt that they would have wanted a budget that kept some more of the recreation activities intact, the City Manager acted responsibly in preserving the public safety issues although, because of the spending limitations it forced the recommendation of curtailment of several other programs in the City. **DeDe**

The City Manager did present the council with a budget that met the parameters of the spending cap. However his priorities do not reflect the priorities of residents in ward 3. He proposed reduced funding for programs important to Dover children (the teen center and the swimming programs), and small cuts in funding for the library – important to senior citizens. The taxpayers of Dover have every right to expect the person holding the seat of City Manager has the financial experience and background to be able to predict what the surplus or loss is likely to be by the third quarter of the year and in advance of any final audit. In the Council meeting in July the City Manager provided a preliminary unaudited financial report for the FY 2008 showing that city is expected to have revenues about \$1 million higher than budget and expenses for the FY 2008 year after encumbrances about \$800,000 less than budget. This indicates a surplus of \$1.8 million for the year. Knowing what happened in the prior fiscal year is an important component of preparing the budget for the next year. When clarification is requested verification of these numbers should be provided in a written report as opposed to verbally. The response that “these numbers have been already been explained verbally” is insufficient. A written report is needed. Consequently the guidance provided to the council was flawed. In the budget section on revenue the rents assigned at the McConnell center are unfair to the taxpayer. Third parties are being charged much lower rents than city departments such as the Police and Recreation. Also the rents charged to these two city departments are higher than market rents in Dover. It is contrary to generally accepted accounting principles to treat cost transfers between city departments as income to the city. No rent transfers should be charged to city departments so that the public can see what are the true costs of the McConnell center. **Scott**

The budget was prepared conforming to all Council directives and charter requirements.
Trefethen

In preparation of the budget by the City Manager I believe the Citizens of the City would benefit more if he would consider the programs of the youth of City in order to help them become better citizens. It would be more efficient to consider this before adding any services that have not been previously filled or funded. The Council's time would have been better spent on other facets of the budget. **Cheney**

On the positive side:

- The budget was provided at the scheduled time.
- Volumes of information was provided.

On the negative side:

- The proposed budget contained cuts that eliminated police department children's' programs for in school and after school hours.
 - The proposed budget eliminated the victims advocate program.
 - The proposed budget eliminated the police resource officer in the schools.
 - The proposed budget closed the outdoor pool to 5000 paying guests yet left the pool open and operating for private use, thus creating a loss of income to the taxpayers.
 - The proposed budget dissected the joint function of the Building Inspector and Code Administrator thus requiring applicants of building permits to seek approvals from separate individuals on subject matter that may overlap. This is a disservice to the community because it just creates more bureaucracy.
 - There were no "across the board" reductions, and no layoffs in other departments.
 - The budget and budget summary should be distributed in a excel or similar format to allow for search queries as desired by individual councilors. There are lots of paper and lots of data, but difficult to do any specific analysis which is not provided in the report.
 - The City Manager was not fiscally savvy enough to focus on many small sacrifices in lieu of entire line items.
 - The budget preparation showed little creativity and an inability to prioritize.
 - During the budget process the City Manager threatened to sue the City Council using the City Attorney as his attorney; this was insubordinate and not the actions of a professional City Manager.
- Callaghan**

When the CM made his recommendations to the Council, he cut total programs and positions to fall under the Spending Cap regulations. In some cases I do not believe these cuts were in the best interest of the city. During budget deliberations, the Council instructed the CM to find 22K from across the entire Budget. During our next meeting when it was time for approval of the minutes, the CM himself questioned the minutes and the directive that he believed was to find funding from within the Police Dept budget. He was corrected in that he was to find the 22K not from just the Police Dept. budget but from across the entire budget. The minutes were passed 8-0 as amended. The very next day the CM cut the entire 22K from the Police Dept. budget. This was done with complete disregard to the will of the Council. An e-mail of reconsideration was directed to the CM that which he has never responded to.

Weston

CM provided exactly what was asked for. If there are some who didn't like what was presented in the budget, then they should have worked to get a majority of the Council to provide different guidance ahead of time. CM did his job and the Council did our job. **Myers**

2nd Highest Priority

Start Henry Law Ave. reconstruction. Expedite resolution to property abutters so that this can occur in the spring. Update Council as needed as to any legal roadblocks that prevent this from occurring.

Henry Law construction started as soon as possible. There has been a problem with easements, and contract format, which has delayed construction beyond the control of the City Manager, however utility work has begun and a new contract format has been developed. The City Manager gets full credit. **DeDe**

This project covers both wards 2 and 3 and residents of ward 3 are watching this project closely because it could add additional traffic to their area, and turn Henry Law into a high speed highway, thereby destroying the village Atmosphere and making the road more dangerous for kids and pets. Also one of the concerns of residents is the status of some magnificent old trees on Henry Law that provide brilliant fall colors. The write up of the city manager states that the council was advised of the tree cutting. I don't believe the council was informed of which trees specifically would be cut to permit the widening of Henry Law Avenue. I have driven Henry Law in the past week and have seen no markings on any trees. The City Manager did advise on 8/6/08 that no more trees would be cut. Should that not be the case any trees that required to be removed should be marked clearly with paint well in advance of any cutting and the residents of Henry Law given an opportunity to object. This is their neighborhood and it does not belong to the city. A report on what easements have been obtained and the cost of those easements would be useful information for the council. I was unable to find the report on the web site. **Scott**

Done. **Trefethen**

This project is ongoing. Time and money may have been lost looking into eminent domain. Due to a prudent decision of the City Council that option failed. **Cheney**

On the positive side:

- This project has been started as the goal states.

On the negative side:

The City Manager should have been more proactive in releasing the background information about the City's efforts to take land by eminent domain. Not being open and all inclusive with information created a general distrust by residents about Dover City Government for misusing the powers of eminent domain and not meeting the time tested spirit and intent. **Callaghan**

This project is on going and is proceeding well. The only major problem was the recommendation of eminent domain of the Russo property that would have ended up in court. The council voted down this resolution. **Weston**

CM kept Council updated along the way on issues pertaining to Henry Law reconstruction, including Executive Sessions where Council provided direction regarding legal issues pertaining to private landowners. **Myers**

Establish formalized Department Head goals and present with annual budget submission.

Although the department heads have had goals established in the process of the development of the 2009 budget, these have not been something that was provided to the Council in a formal venue. **DeDe**

Setting specific project and numerical goals and objectives is what one would expect of the CEO of a \$30 million dollar service company. These goals should be specific and tied down with a numerical cost savings target for each department. The Council's evaluation of the performance of the CM in this area should be tied to numerical goals he is able to achieve with his department heads.. The council has not as yet been provided with numerical goals. **Scott**

While I understand the timetable the CM has established for this task, It would be better for me if it was available during the budget workshops and not after the budget is adopted. **Trefethen**

Done. **Cheney**

On the positive side:

- Completed.

On the negative side:

- There are no provisions for unanticipated priority events. Dealing with those events is of the utmost importance in measuring a leaders ability. **Callaghan**

The Department Head Goals document is extremely comprehensive. However, there are areas in which I feel it can be improved. Some of the specific goals are tied to funding needs which occur during budget deliberations and passage. To me, it would be helpful to have this document

when the budget is first presented in April. Specific funding decisions may be made at this time which will impact Department Head goals.

After passage of the budget, the CM could create a revised document, making specific changes only to those departments where funding or policy changes may have occurred. It would also be helpful to receive a follow-up document 10-12 months later that would outline the results of the goals that were set. **Myers**

Establish quarterly public open forums with opportunity for public comments & questions. Continue to hold topic specific forums as needed.

The City Manager has not established a quarterly forum for questions and answers as this evaluation goal states. That said, the City Manager has attended public interest forums concerning Willand Pond, the Waterfront, The Children's Museum, The Tax Cap informational meeting and others. I suspect that the impact of increased requests by some Councilors for information, even though much of that information was already published, has been a factor in the City Manager's failure to provide quarterly meetings. **DeDe**

This category has a positive and negative aspect. Positive - There was a meeting for ward 3 residents attended by over 50 people in the Applevale, Hawthorne road area for public input. This was positive. Negative - People living in ward 3 on Henry law road complained during the attempt of the city to take a portion of the farm of Mr. Rousseau that they were not informed of a public meeting to discuss this issue. Those living on this section of Henry Law road were vehement in their opposition to use eminent domain to take some of this land and did not see any need to straighten the road, which involved more expense and would turn this rather tranquil area of Dover to a higher speed road. **Scott**

I don't see evidence of true "quarterly public forums", but the CM and his staff have held a number of public forums on a variety of subjects, which have been very good. **Trefethen**

City Manager attends many public forums. We still need the quarterly public question and answer open forum. **Cheney**

- The City Manager is extremely visible at topic specific public forums.

On the negative side:

- To the best of my knowledge there has not been any quarterly public open forums held by the City Manager as required by the goal. **Callaghan**

The CM does hold topic specific forums as needed but has failed to have quarterly public open forums. **Weston**

The CM attends many, many forums and is available to answer questions. The key here is whether they are “open” forums or not. There is room for improvement here, but there are also many forums that are held arising from “new” issues. Examples of these over the past year or two include Willand Pond, North End Water, Henry Law, Tax Cap and more. **Myers**

Complete Route 108 Sidewalk Improvement Project

Completion of the Route 108 sidewalk project was added at the last minute in a vote to gain one councilor’s vote for establishment of any goals. This project has also had easement problems yet, the initial steps of upgrading the utilities is underway, as is the establishment of a traffic light just after Strafford Farms. **DeDe**

From what I can see it appears that this project is moving along according to plan. **Scott**

The CM and his staff did everything in their power to get this project started. All delays were attributable to either state permit delays or lack of cooperation from some abutters in granting easements. **Trefethen**

This project is ongoing. **Cheney**

On the positive side:

- The project is underway.

On the negative side:

- The project is not complete as required by the goal; this may be the result of poor planning, resource utilization, or prioritization by the City Manager.
- Members of the Willand Pond Committee have expressed concern over the increasing number of drains that will dumping into Willand Pond and need immediate education on the matter. **Callaghan**

Project is progressing but is not completed. The goal was to be completed by the end of summer. **Weston**

CM has coordinated everything possible on Dover’s end. Sometimes delays occur when dealing with State. **Myers**

3rd Highest Priority

Present revised and abbreviated budget summary, along with budget. (20-30 pages).

The City Manager did present a synopsis of the City Budget separate from the major budget book. **DeDe**

This has been done and appears to be satisfactory. **Scott**

The intention of this goal was for a publication of a 30-40 page budget document to supplement the traditional thick, detailed budget book, not to reduce sections of the detailed budget book. If the separate booklet could be available it might alleviate the concern that the budget book is too hard for the average citizen to understand. **Trefethen**

Done. **Cheney**

On the positive side:

- Prepared and distributed as required.

On the negative side:

- The budget and budget summary should be distributed in a excel or similar format to allow for search queries as desired by individual councilors. There are lots of paper and lots of data, but difficult to do any specific analysis which is not provided in the report. **Callaghan**

I understand what was created to meet this goal. I still feel that a stand-alone document, with basic, broad information pertaining mostly to the current budget, would provide most residents with what they need. The full budget document, with a wealth of detail, would remain available for those seeking it. **Myers**

Continue to work with the Willand Pond Ad Hoc Committee, DES, Somersworth, Strafford Regional Planning and others to find and attain solutions to both the short and long term issues of the high water table at Willand Pond.

The City Manager and the Planning staff with the CM's support have worked to get State involvement in the solution to the Willand Pond remediation project. Studies have been initiated. **DeDe**

This is a difficult and complicated project. There is no doubt the City Manager has spent time and is working on this problem. However until the situation has been resolved to the satisfaction of those in the neighborhood it is premature to provide a satisfactory evaluation for this project. The City Manager should not be evaluated on his efforts but on the results. **Scott**

The CM and his staff have done everything possible to work towards a solution on Willand Pond. The delays have been at the state level. **Trefethen**

This is ongoing and the Council has been active along with the Ad-Hoc Committee in this area. **Cheney**

- This project is making good progress due to the efforts of the Planning Director.
- There continues to be regular and special Willand Pond meeting which help keep concerned citizens informed.

On the negative side:

The project is behind the anticipated schedule as the affected residents understood it to be; this due to diligent work by those involved in the engineering process and of no fault of the city manager . **Callaghan**

We are seeing continuous progress. **Weston**

Strong involvement by CM and staff. Good coordination with public, committee, State, Somersworth, SRP and others. **Myers**

3c Reduce Fleet size and reduce energy use.

This item was not addressed in the report or attached to this evaluation.

There was no explanation of progress of what has been done in this accomplished.

The goal of reducing the vehicle fleet and reduce energy use is commendable.

It would be useful to have numerical targets. **Scott**

Complete consolidation of Clerk & Tax Collector functions. Continue to work overall space needs for remainder of City Hall & Police Department.

Complete the consolidation of the City Clerk's office with the Tax Collector's office. The City Manager has not had the complete cooperation of the City Council in bringing this about. The Offices need to be furnished with fixtures complementary to the modern office utilizing the cube and an appropriate amount of space due to the change from 1930's furniture (no computers existed then) to modern office layout. While there was budget money put in place to do some construction, the Snows of this past winter caused some budgeted projects to be put on hold to bring the City in at budget. There is now one person supervising both departments and this individual has successfully managed an entire new staff in the Clerk's office as well as key positions with new people due to retirements. **DeDe**

Apparently there are some savings from the consolidation. However looking at the budget book the savings are not obvious. From the budget book it appears that the cost of these two functions was \$406,600 last year and \$407,400 this year. There is concern of many people in ward 3 that long years of experience of Judy and Valerie has been lost in this consolidation without any apparent cost savings. Regarding the reference to a \$10 million capital project for City Hall and construction for a police station, such a project may be desirable but certainly is not essential and particularly not during this recessionary period. Our bonded debt is extremely high and is a large burden on the taxpayers. To increase Dover's bonded debt during this period would not be prudent. It would be wise if the council set a policy that no new bonding would be added above what debt is being retired. **Scott**

Physical offices need to be combined. There must be acknowledgement that the Council has not cooperated in this task. **Trefethen**

Ongoing. Space needs should include public access to bulletin boards and computer terminal(s) in hall for public access. **Cheney**

On the positive side:

- Combining of the duties appears to be handled diligently by the incumbent of that job.

On the negative side:

- The City Manger had taken the opportunity in this objective to embellish the City Hall with thousands of dollars worth of furniture.
- His response to talk at length about how new furniture was wanted to make up for the lack of space. It fails to indicate the fact the SAU has left the building and the inspection department is going to leave the building.
- The response provided in the Achievement report does not address exactly how the combined duties will not impact the services provided to the public.
- When the City Manager did not get permission from the current Council to expend the funds for furnishings, he indicated to the Council he would rehire the tax collector. This is a vindictive and insubordinate act. **Callaghan**

Have not seen any further evidence of progress. There was a resolution presented to the Council to order furniture for the Tax/Clerk office so that forward progress could continue but this resolution had to be revised months ago and have yet to see any other resolutions. **Weston**

Staff savings have been realized by combining the Clerk & Tax functions. Cross training of employees has occurred to provide improved service during peak times. A plan for the physical layout of City Hall to improve our customer service functions and provide additional space for certain departments had Council approval. The CM has done everything he can at this point.

City staff has stepped up to the plate. It is now time for the Council to provide the final funding approval for space consolidation and fit-out. **Myers**

Continue to expand City web-site offerings, to also include a more user-friendly e-mail for Councilors (Outlook).

Continue to expand the City Website and E-mail capability. The Website still needs a lot of work, but a new hire will hopefully solve some of the Website quirks. The City has moved to Outlook and the Email service is improved. **DeDe**

Not only constituents in ward 3 but throughout the city people are concerned that over the past year the City Website and City E mail have become less and not more user friendly. With this the case it is even more disturbing to see that the spending on the Information Technology department has increased from 212,000 in FY 2006 to \$548,000 for FY 2009. The doubling of costs over the past 3 years while combined with a **user unfriendly** web site reflects unsatisfactory management of this department. **Scott**

Dover has the most complete and up to date web site I have ever come across. The new email system for Councilors is easy to use and robust and the CM has responded to requests to enhance the system per individual Councilor's requests. **Trefethen**

The prior email system had more functionality was flexible, smaller, easier, faster and free. Many features were stripped in the new interface and it is more cumbersome to use. Full interface version is unavailable to anyone who does not utilize Internet Explorer as a web-browser.

Docutron, which is presently being implemented by the City Manager, is definitely not user-friendly, and this makes it difficult for the average person to understand. It is the average Citizen using this process that should be of the highest priority of city government. More up-front work should be done to continue to look into intuitive document management systems such as ones from Panasonic and other vendors.

Big test will come when the new financial software is implemented and the information that the publics' interface to the Cities' data provides in functionality and ease-of-use.

. **Cheney**

On the positive side:

- More information is available on the Website than ever before.

On the negative side:

- The email system was converted in January of 2008 and has proven to be less user friendly.
- The email system was converted in January of 2008 is devoid of many critical functionalities that were previously available with the system retired.
- The email system was converted in January of 2008 requires a full time internet connection.

- The email system was converted in January of 2008 requires the loading of undesirable software onto personal computers.
 - The goal was to interface the email with Microsoft Outlook®; it does not.
 - It interfaces through Microsoft Exchange® a significantly inferior product, one which is also substantially inferior to Microsoft Outlook Express®.
 - The current website consistently contains out of date information.
 - The current website consistently contains links that do not work.
 - The current website is difficult to navigate unless you obtain guidance from other experienced users.
- Callaghan**

The City web site has massive amounts of information. The only problem that it has is to be made more user friendly. **Weston**

CM implemented Microsoft Outlook for e-mail as requested by the Council, which is used as a platform by thousands and thousands of large corporations across the Country. Has much more functionality than previous system. Funding source from Comcast agreement has only been in place for a few months now when it was anticipated to begin last year. Improvements to make the web-site more user-friendly have begun. There is a tremendous amount of City information and financials available on the City web-site. **Myers**

4th Highest Priority

Complete/update a public/private wage & benefits analysis for Dover area labor force.

Complete a public private wage survey. The City Manager has provided a completed wage survey. **DeDe**

One constituent asked where he could review this wage survey. He said he had difficulty on the city web site opening the survey. I tried and I was unable to open it. This could be another problem of the **user unfriendly** website. If the public has difficulty downloading this wage survey study a evaluation of below expectations must be given until the public is able to review the data. **Scott**

Done. **Trefethen**

Done. **Cheney**

On the positive side:

- The Council was provided some comparisons of public and private wages.

On the negative side:

- The Council was not provided comparisons for all city employee positions to include the SAU.
Callaghan

Have researched the city web for this analysis and am unable to find any such related data.

Weston

Completed in a timely manner. **Myers**

Maintain accessibility to the public and visibility at public events in Dover.

Maintain Visibility at public events. The City Manager has done so. Recognizing that there are some events that take place outside of what would normally be considered ‘working hours’ and also being aware that the City Manager’s attention to ‘business’ is 24-7 (we frequently receive e-mails generated in the wee hours of weekends. **DeDe**

It is recognized that the city manager puts in long hours of work and does make himself available to the public. This is positive. **Scott**

The CM is available at a number of city meetings and events outside of the normal Council related meetings. He has been available to answer questions at these meetings and residents have noticed and appreciated his presence and knowledge. **Trefethen**

City Manager is accessible. **Cheney**

On the positive side:

- The City Manager is very visible at public events.
- The City Manager puts in an extraordinary amount of time being accessible.

On the negative side:

- The City Manager often provides extensive oration that does not adequately address the issue.
Callaghan

The CM is highly visible to the public. **Weston**

Continues to be strong. **Myers**

Provide quarterly updates on Tolend Road Landfill, Turnkey odor issues and Dover Ice Arenas.

Quarterly updates on Tolend Rd. The updates may not have been quarterly, however the information has been coming monthly in the City Manager's report and the Council has been kept up to date, which was the intent of this objective. **DeDe**

On all three of these issues there should be a summary report presented by the CM to the council with numbers. These should be easily accessible on the city website for any one who may have missed the information on TV 22. This problem is worsened by the **user unfriendly** web site. **Scott**

Done, continuously. **Trefethen**

Done. Will need more frequent updates on Tolend Landfill now that the Amended ROD has been accepted and is being implemented. **Cheney**

On the positive side:

The City Managers monthly report does include a Tolend Landfill.

On the negative side:

The monthly report is generated in a non-quantitative format and is devoid of statistical information.

Callaghan

Updates for the Tolend Road Landfill have been coming along but wish that they were more explicit and do not remember updates concerning the Turnkey odor issues. **Weston**

CM provides constant updates on Tolend Landfill and Ice Arena. Don't believe we have heard much on Turnkey odor issue lately because of improvements made in gas collection at the site, and therefore, far fewer complaints. The City Council learned of the enhanced gas collection system when touring Turnkey 2 years ago. **Myers**

Establish Crosswalk Plan to review appropriate numbers and locations and to prioritize maintenance/painting twice a year.

Establish a twice-yearly Crosswalk painting plan. In the 2008 budget that is exactly what the City Manager did. **DeDe**

This project appears to be on track. **Scott**

I await the results of the TAC effort. I think we need to re-evaluate either the vendor or the kind of paint we're using, or both. The results of the second painting in the fall were disappointing, and I'm not sure I can completely attribute that to the winter weather, as has been done.

Trefethen

Crosswalk/sidewalk/road programs will have to have all the visibility and information as previously mentioned under roads. Available on bulletin boards in City Hall. Public have to have access to all this information easily and repeatably. **Cheney**

On the positive side:

- The plan includes a procedure for addressing the issues of crosswalk identification and painting.

On the negative side:

- The achievement reports indicates the goal is incomplete.
- This may be the result of poor planning, resource utilization, or prioritization by the City Manager.

Callaghan

This is in the process. **Weston**

Not sure that we have addressed the crosswalk locations and their numbers yet. CM did propose and Council adopted funding for painting high priority crosswalks twice a year. So, in that sense, this part of the goal was completed. As a follow-up, I have concerns over how badly the paint faded/disappeared this winter. We need to review what was used for material, and how we can improve the performance since we are set to do it again. Crosswalk grant funding by Police Department and added enforcement were a plus. **Myers**

General Comments

City Manager evaluation August 2008

Other considerations:

I along with two other councilors voted against the criteria for evaluating a City manager last year. I voted against the elements defined because in my opinion these criteria are incomplete.

The City Manager should be evaluated on results and performance not on attitude and effort. There should be numerical targets established and there were none.

For next year I hope the council will vote for a resolution which will include measurable numerical targets for the City Manager against which his performance can be measured.

For example one performance target could be a 2% decrease in spending from each department manager while maintaining the quality of their service and functions. This happens all the time in the private sector with much higher cost reduction targets.

The following two areas are of concern and should be included in an evaluation of the performance of the City Manager.

1. Excessive cost of consultants in Dover

In many organization it is the CEO, the Finance Director and the Purchasing agent that do the bulk of the work of reviewing areas where spending can be contained and improvements in efficiency identified.

The extensive use of consultants indicates an organization or staffing weakness which should be addressed by the CEO.

2. The City Manager has not taken a sufficiently aggressive position towards Comcast.

In return for the 10 year contract there should have been protections for the Dover homeowner new charges to the majority of Dover homes forced to use only Comcast.

- The elimination of the religious channel, and channels 57 and 58 unless the resident spends more money reflects poor contract writing with Comcast and what happens when a supplier is given a 10 year monopoly.
These unilateral changes of cost and service that Dover allowed Comcast has caused an inconvenience and hardship for many senior Dover residents living on a limited income.
- There should be investigation of why Comcast is allowed to add a franchise fee of 3.3% to the bills of Dover residents over the past 6 months. The council approved a figure of 2.75%.
- It is my understanding that the city manager has not as yet requested an accounting from Comcast to determine and verify that Comcast is not withholding cash from Dover? **Scott**

Final Comments:

Mike's strong points are his knowledge of Dover, it's operations and his accessibility. Probably it would be an asset and a better working condition for both the City Manager and the Council if the City Manager would review 91-A and other local, state and federal legal operations with which we are involved. A misunderstanding between the City Manager and Council members in the recent use of 91-A created unrest among of members of the Council. Revisiting the rules of these documents would eliminate such misunderstandings.

Committee meetings that are conducted as early as 7:00 am seem to be an inconvenience for many of our citizens and prevent many of our average citizens from becoming involved in city government. I hope the City Manager encourages meetings to take place after working hours where possible to allow for more people to get involved.

The Council continues to let the City Manager know what the Citizens want and the City Manager must intuitively know and deliver these priorities. He has been our City Manager since 2005. Instruction and direction given year after year sometimes seems overlooked. I believe more consideration should be given to existing services especially youth activities, safety and transportation before any new services are added.

Dover's City Manager has the capability to do an extraordinary job. This review is not meant to demean or diminish the job the City Manager is doing. I feel if the City Manager improved in a few areas mentioned he would be producing a much better product and have a great public image to all the Citizens of the City. When new contracts are awarded in the City it should be a priority that Committee members are not considered in the bidding process as this appears to look like favoritism.

Cooperation between the City Manager and Council on the above issues would make the system run more effectively and create a positive direction for all involved, City Manager, Council and the Community.. **Cheney**

Supplemental Information

On the positive side:

The City Manager is definitely visible and available. He answers email any day and almost any time of the week. I have no clue how many hours a week he works, but I cannot say that there has ever been a time that I questioned his whereabouts.

On the negative side, the City Manager:

- Has been negligent to recognize the finding of the Berry Brook Environmental Survey and take appropriate corrective action to protect the environment; these action could be a legal liability to the City.
- Is resistive to any direct contact with the City attorney by a Councilor without his permission.

- Is resistive to any direct questions that may be asked by a Councilor towards any employee of the City.
- Fails to provide statistical data in a format that can be queried by Councilors.
- Has not created a boiler plate City contract that protects the City.
- Doesn't want to be held accountable for monitoring spending to meet any type of dollar cap for specific items/vendors.
- Failed to embrace the concerns of Ward 1 residents on Horne's Court and provide responses to complaints in a timely manor, and some, not at all.
- Consistently presents his Managers Report in a format that makes it difficult for others to reference.
- Has not followed through on promised commitments.
- Needs to be more brief, direct, and factual in answering inquiries with words.
- Needs to provide more detail when creating specifically requested reports.
- Should not be releasing spending or policy change information to the media or others until the Council has given its' approval.
- Has underestimated the cost of doing many projects by considerable amounts.
- Seems to make decisions or propose requests based on a whim and does not perform due diligence then create reports showing the evidence and facts that support his ideas.

Evaluation Process Inadequacies

Does not rate:

- Abilities to respond to unanticipated events
- Responsiveness to citizen concerns
- Integrity
- Honesty
- Management Strategy
- Mentoring abilities
- Leadership skills
- Prioritization skills
- City Manager expense report and leave usage
- Accuracy
- Overall Job Competency
- Relationship building skills
- Business Practice skills **Callaghan**

Regarding Mike Joyal, Dover City Manager,

In my short tenure as a City Councilor, I can comment that the overall success of this City and its departments is as a direct result of Mike's leadership. I have witnessed previous city managers, and I can tell you that none have provided the understanding of everyday operations the way Mike does. I can not think of a specific time where, when asked by another councilor or by the public, that he doesn't have an accurate and in depth answer for their question. He understands every aspect of every operation and prides himself with that knowledge.

Administratively, I can tell you that since before the election, whenever I have gone to him with questions and/or comments, he has been receptive and helpful. His presentations during our council orientation were extremely helpful, and he continues to assist when called upon. Overall I find him to be extremely well informed, patient, available, and responsive to a fault.

I have no specific comments on the tiered evaluation components. I have graded each as I see fit. **McCusker**

Mike Joyal is definitely an advocate for the city. He puts in long hours and is accessible most of the time. He is also a wealth of knowledge and experience. I have always felt welcomed into his office.

There have been times that I do not feel that the CM has been forthright. Examples are the true cost of the McConnell Center to the citizens of the city including but limited to FEMA and insurance monies; Cost of repairing the Butterfield Gym after the floods including but not limited to FEMA and insurance monies and explanations of the money that is/was in the Sand and Gravel Fund.

Another hope is for the CM to be more open in his comments and to inform the Council of happenings within the city before we read about it in the newspaper or on the radio. **Weston**

City Manager Evaluation

1-2-3-4= below expectations

5-6 = meets expectations

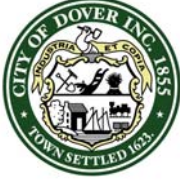
7-8 = often exceeds expectations

9- = exceeds expectations

10 = consistently exceeds expectations

| | Dates | Aug-08 | Aug-08 | Aug-08 | Aug-08 | Aug-08 | Aug-08 | Aug-08 | Aug-08 | Aug-08 | Total | weighted | adjusted |
|-----|---|--------|--------|--------|--------|--------|--------|---------|-----------|--------|---------|------------|----------|
| | | ward 1 | Ward 2 | Ward 3 | Ward 4 | Ward 5 | Ward 6 | AL-Wstn | AL McCskr | Mayor | Council | multiplier | weighted |
| | Highest Priority | | | | | | | | | | Average | factor | score |
| 1-a | Est/update road/sidwlc mstr plan annually | | 9 | 2 | 8 | 4 | 4 | 6 | 10 | 6 | 6.13 | 1.15 | 7.04 |
| 1-b | Identify current & future outsourcing opptys | | 9 | 3 | 9 | 3 | 4 | 7 | 10 | 7 | 6.50 | 1.15 | 7.48 |
| 1-c | Work with DBIDA to improve Econ opptys | | 9 | 1 | 10 | 2 | 1 | 5 | 8 | 8 | 5.5 | 1.15 | 6.33 |
| 1-d | Implement updated financial Software | | 8 | 2 | 6 | 4 | 2 | 6 | 10 | 7 | 5.63 | 1.15 | 6.47 |
| 1-e | Provide Budget per council guidance | | 10 | 2 | 10 | 3 | 1 | 4 | 10 | 10 | 6.25 | 1.15 | 7.19 |
| | Subtotal Scores: | 0.00 | 9.00 | 2.00 | 8.60 | 3.20 | 2.40 | 5.60 | 9.60 | 7.60 | 6.00 | X 1.15 | 6.90 |
| | Second Highest Priority | | | | | | | | | | | | |
| 2-a | Start Henry Law Construction as possible | | 10 | 3 | 10 | 4 | 6 | 6 | 9 | 8 | 7.00 | 1.1 | 7.70 |
| 2-b | Establish formalized Dept head goals | | 7 | 4 | 7 | 6 | 7 | 7 | 10 | 5 | 6.63 | 1.1 | 7.29 |
| 2-c | Establish quartrly public forums | | 5 | 5 | 8 | 5 | 4 | 4 | 6 | 6 | 5.38 | 1.1 | 5.91 |
| 2-d | Complete route 108 sidewalks project | | 10 | 6 | 10 | 6 | 6 | 5 | 8 | 8 | 7.38 | 1.1 | 8.11 |
| | Subtotal Scores: | 0.00 | 8.00 | 4.50 | 8.75 | 5.25 | 5.75 | 5.50 | 8.25 | 6.75 | 6.59 | X 1.1 | 7.25 |
| | Third Highest Priority | | | | | | | | | | | | |
| 3-a | Present 30 - 40 page budget summary w budgt | | 9 | 6 | 6 | 5 | 5 | 6 | 10 | 5 | 6.50 | 1.05 | 6.83 |
| 3-b | Continue to wrk to find Willand pond solution | | 10 | 4 | 10 | 6 | 7 | 8 | 10 | 10 | 8.125 | 1.05 | 8.53 |
| 3-c | Complete Consolidation of clerk/tx collctr | | 9 | 4 | 7 | 4 | 4 | 5 | 10 | 7 | 6.25 | 1.05 | 6.56 |
| 3-d | Continue to expand City Website & bettr email | | 5 | 1 | 10 | 2 | 1 | 6 | 10 | 7 | 5.25 | 1.05 | 5.5125 |
| | Subtotal Scores: | 0.00 | 8.25 | 3.75 | 8.25 | 4.25 | 4.25 | 6.25 | 10.00 | 7.25 | 6.53 | X 1.05 | 6.86 |
| | Lowest Priority | | | | | | | | | | | | |
| 4-a | Complete a public/private wage survey | | 10 | 3 | 10 | 5 | 4 | 5 | 8 | 7 | 6.50 | 1 | 6.50 |
| 4-b | Maintain visibility at public events | | 8 | 7 | 10 | 9 | 8 | 9 | 8 | 9 | 8.50 | 1 | 8.50 |
| 4-c | Provide quartly updates on Tolend Rd Ind fill | | 8 | 2 | 10 | 6 | 6 | 6 | 10 | 9 | 7.13 | 1 | 7.13 |
| 4-d | Establish Crosswalk plan & 2 x painting ea yr | | 10 | 5 | 8 | 5 | 5 | 5 | 10 | 7 | 6.88 | 1 | 6.88 |
| | Subtotal Scores: | 0.00 | 9.00 | 4.25 | 9.50 | 6.25 | 5.75 | 6.25 | 9.00 | 8.00 | 7.25 | X 1 | 7.25 |
| | | 0.00 | 8.56 | 3.59 | 8.76 | 4.69 | 4.49 | 5.88 | 9.21 | 7.39 | Total | Score: | 6.57 |
| | | 0.00 | | | | | | | | | | | |

Rated By: _____



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R – 2008.09.10 - 148**
Resolution Re: DUC MEMBERSHIP EXTENSION

WHEREAS: Art Hoffman is currently a member of the DUC with a term expiring on March 27, 2009; and

WHEREAS: Art Hoffman has been an active member of the DUC since May of 1997; and

WHEREAS: Art Hoffman will be moving out of Dover and is seeking to finish out the remainder of his appointment to the DUC; and

WHEREAS: The City Council has the authority to waive the residency requirements for appointments pursuant to Chapter 3-52 (D) of the Code of the City of Dover.

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

The City Council waive the residency requirement to allow Art Hoffman to finish the remainder of his appointment to the DUC. Art Hoffman's appointment shall expire on March 27, 2009.

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.6.

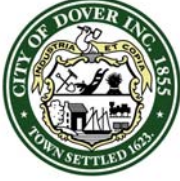
Resolution Number: **R – 2008.09.10 - 148**
Resolution Re: DUC MEMBERSHIP EXTENSION

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, Dean Trefethen, Ward 4 | | |
| Councilor Robert Carrier, Ward 1 | | |
| Councilor Douglas DeDe, Ward 2 | | |
| Councilor David Scott, Ward 3 | | |
| 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. | | |



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R – 2008.09.10 - 148**
Resolution Re: DUC MEMBERSHIP EXTENSION

RESOLUTION BACKGROUND MATERIAL:

The Dover Utilities Commission consists of seven (7) members and one (1) alternate pursuant to Dover Ordinance 3-63. Currently, the membership of the DUC is one (1) regular member and one (1) alternate member short.

Report from Doug DeDe, Ward 2

Cable Committee

At the September meeting the Cable committee voted unanimously to have me act as a coordinator for the basic work of preparing the 'studio's for occupancy. This will consist of laying out the work of the framing, the basic wiring, wallboard installation, including taping, mudding and painting of the basic rooms that will be used to house the studios. All work will be approved in normal channels with the normal roles played by the purchasing agent, City Manager and City Council, as will the normal role of building inspectors assuring the compliance with any plans and/or work with all City of Dover Codes, Fire and Building. The expectation is that my volunteer work will save the City a significant amount of money.

There was also significant discussion on the methodology alternatives available that will enable the City to take advantage of up to 40% State subsidy money available complete the construction of the studio complex.

Report to Council

McConnell Center Oversight Committee

The last meeting took place on 8/23/08.

Highlights:

The flooding situation in the Children's Day Care Center is being addressed by excavating along the wall that is the old Library Outcropped area and through the playground area. The Foundation Wall is being sealed, and an impermeable skin about three inches thick applied on top of the seal. In addition the clay has been removed and a 1 ½ stone has been filled into the trench to accommodate drainage into the ground. At this writing the work is almost complete and it is expected that this step will eliminate the problem

Nonetheless the McConnell Center Oversight committee has motioned to ask the city to include CIP \$ to address the St. Thomas Street drainage connection to Atkinson Street as well as the link to Washington Street. This will be communicated to the City Manager, and Doug Steele.

CAP is now finished with Construction and is moving into their new quarters. In addition Easter Seals is now working on completing the fit-out work for the additional area that they will occupy for Adult Day Care and a new lease will be worked up to reflect the additional space.