



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 24, 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 – NONE**
8. **CITY MANAGER'S REPORT**
9. **MINUTES**
 - A. **MINUTES FROM – September 10, 2008**
10. **MAYOR'S REPORT**
11. **UNFINISHED BUSINESS**
 - A. **ORDINANCES IN THE 3RD READING**
 1. **ORDINANCE: CHAPTER 166-53 SCHEDULE F VEHICLES AND TRAFFIC**
SPONSORED BY COUNCILOR WESTON
 - B. **RESOLUTIONS**
 1. **RESOLUTION RE: MUNICIPAL INFORMATION TECHNOLOGY ACCEPTABLE**
USE POLICY (TO BE REMOVED FROM TABLE)
SPONSORED BY MAYOR MYERS
12. **NEW BUSINESS**
 - A. **CONSENT CALENDAR**
 1. **PARADE – Coheco Valley Humane Society**
 2. **RAFFLE – Coheco Valley Humane Society**
 3. **RESOLUTION: AWARD OF BLANKET PURCHASE ORDER FOR AUTOMOTIVE**
PARTS AND SUPPLIES
SPONSORED BY MAYOR MYERS BY REQUEST



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- 4. RESOLUTION: AWARD OF BLANKET PURCHASE ORDER FOR TIRES AND MISCELLANEOUS RELATED SUPPLIES**
SPONSORED BY MAYOR MYERS BY REQUEST
- 5. RESOLUTION: PURCHASE OF EASEMENTS FOR B08109 DOVER COMMUNITY TRAIL**
SPONSORED BY MAYOR MYERS BY REQUEST
- 6. RESOLUTION: B08109 DOVER COMMUNITY TRAIL CONSTRUCTION**
SPONSORED BY MAYOR MYERS BY REQUEST
- 7. RESOLUTION: AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH COAST TO ESTABLISH FASTTRANS SERVICE**
SPONSORED BY MAYOR MYERS BY REQUEST
- 8. RESOLUTION: MERIT PLAN AMENDMENT PURSUANT TO CITY CHARTER C7-2**
SPONSORED BY MAYOR MYERS BY REQUEST
- 9. RESOLUTION: CHANGE ORDER DOWN TOWN FORM BASE CODE ACTION PLAN**
SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

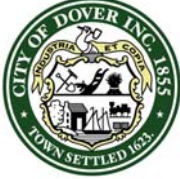
1. Appointments Committee – Mayor Myers
2. Arena Commission – Deputy Mayor Trefethen
3. Arts Commission – Councilor McCusker
4. McConnell Center Committee – Councilor DeDe
5. Planning Board – Deputy Mayor Trefethen
6. Cable Access Committee – Councilor DeDe
7. School Board Liaison – Councilor Callaghan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

B. RESOLUTIONS

- 1. RESOLUTION: AMENDMENT TO COUNCIL RULES – RULE 15 PROCEDURES AND FILING WITH THE COUNCIL**
SPONSORED BY COUNCILOR CHENEY

C. ORDINANCES IN 1ST READING

- 1. ORDINANCE: HENRY LAW AVENUE THREE HOUR PARKING (TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 8, 2008)**
SPONSORED BY KAREN WESTON



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- 2. ORDINANCE: CHAPTER 140, REFUSE – REPEAL
(TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 8, 2008)
SPONSORED BY MAYOR MYERS BY REQUEST**
- 3. ORDINANCE: CHAPTER 158, SUNDAY SPORTS – REPEAL
(TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 8, 2008)
SPONSORED BY MAYOR MYERS BY REQUEST**
- 4. ORDINANCE: CHAPTER 82, CURFEW – REPEAL
(TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 8, 2008)
SPONSORED BY MAYOR MYERS BY REQUEST**
- 5. ORDINANCE: CHAPTER 97, DUMPING, RUBBISH AND RECYCLING
COLLECTION
(TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 8, 2008)
SPONSORED BY COUNCILOR DEDE**

D. COUNCIL CORRESPONDENCE

- 1. ETHICS COMMISSION REPORT**

13. COUNCIL MATTERS OF INTEREST

14. ADJOURN

CITY MANAGER'S REPORT

September 24, 2008



Submitted by:

J. Michael Joyal, Jr.
City Manager

288 Central Avenue
Dover NH 03820
603.516.6023

GENERAL SUMMARY OF MATTERS OFFICE OF THE CITY ATTORNEY

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

SELECTED MATTERS FOR THE MONTH: August, 2008

- Assistance to the Police Department re: court proceedings; parking; ordinance revisions Chapter 166; vicious dog enforcement matter
- Assistance to the Planning Department re: roads, land use statutes; conservation easement
- Assistance to the City Council—resolutions; voting methods
- Superior Court hearing on the merits—Orchard St Properties LLC v. City of Dover (Planning Board)
- Superior Court decision—Hubbard v. City of Dover (ZBA)
- Assistance to the Ethics Commission and Planning Board (Executive session)
- Assistance to the Fire Department and Housing Standards Board
- Review of contracts and policies for various departments and City projects;
- Processing of four (4)RSA 91-A requests including the largest all-time request of over 5,000 pages of documents regarding the McConnell Center. (Other requests involved an insurance claim for a property on Baker Street, city attorney opinions released since 2005 and a DBIDA matter)
- Two (2) real estate closings
- Assistance to Community Services re: environmental matter; ordinance revisions
- Assistance to the School department re: personnel matter; leasing matter; contract review
- Review of FY '08 Operating Budget spending for specialized outside legal counsel of \$66,712.33. (Note: encumbrance for bond counsel and exclusion of capital fund environmental law expenditures of \$23,023.63).



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1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Dede led the Pledge of Allegiance.

3. ROLL CALL

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

Also Present: City Manager Joyal, City Attorney Krans, and City Clerk Lavertu.

4. PROCLAMATIONS – AWARDS

5. APPROVAL OF AGENDA

Councilor Cheney made a motion to move 11.C.8., 11.C.9., and 11.C.10. to after the Mayor's Report; seconded by Councilor Scott.

Vote: 5/4; Passed. Mayor Myers, Deputy Mayor Trefethen, Councilors DeDe and McCusker opposed. Deputy Mayor Trefethen moved to substitute 11.C.1. as a whole.

Vote: 9/0.

Mayor Myers moved to add the Appointments Committee Report.

Vote: 9/0.

Councilor Weston moved to proceed with the Public Hearing, 7.G. Ordinance: Chapter 166-53 Schedule F Vehicles and Traffic, but refer 11.A.1., on the same topic, to a third reading on September 24, 2008.

She said it would allow for a special stakeholders meeting on September 15, 2008 with the Transportation Advisory Commission.

Vote: 9/0.

Councilor DeDe moved to add the McConnell Center Oversight Committee Report and the Cable Access Committee Report.

Vote: 9/0.

Councilor Scott moved to refer 11.A.2. to a third reading on September 24, 2008.

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

Deputy Mayor Trefethen made a motion to accept the agenda with the approved changes; seconded by Councilor Cheney.

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.

Marilyn Follansbee, 25 Dover Point Road: She said it was good to see a full Council. She thanked everyone who went to vote in the State Primaries. She requested that more people offer to help out at the polls. She wanted to thank the department that put up the banister and fence along the walkway at Route 108, where it meets Central Avenue or Stark Avenue. She said when the Councilors ask the City Manager or the City Attorney a question, and they give an answer, that means they know the answer. She said she has seen enough meetings that if they say they don't know, they then say they will look it up. She said the Councilors argue with the City Manager and the City Attorney, and the night goes on and on. She said they are paid to know the answers to the questions, and not to spend hours arguing a



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point that you have been told is not legal, or it is State or County regulated, and the City cannot change it. She said it is their job to keep up on laws and regulations, and she felt they deserved to be given a little more trust. She said we are governed by laws, rules and regulations and shouldn't expect to get everything our own way. She told the Council not to belabor all the points, and they can get out by 10:30.

Harvey Turner, 4 Auburn Street: He wanted to say some good things. He has been seeing a lot of great things happening in Dover. He said the Jenny Thompson Pool was mobbed when he went past there a few weeks ago. He said that last winter when he went to the Ice Arena it was packed. He said he goes to the McConnell Center twice a month and said it was a wonderful building. He said he goes to the Library with his daughter and there is always a small crowd. He said downtown Dover looks great. He said there have been several arts shows, and the Apple Harvest Festival coming up on October 4, 2008. He said the Children's Museum is open and was really cool for kids and adults. He said he has noticed other cities working on their own tax caps and how it showed leadership by example. He said the sidewalks in the North End are nearing completion, and he has already seen a lot of people using them. He said he was proud to be a Dover resident. He said his daughter will be a kindergarten student next year, and he is very happy that it is Dover kindergarten.

Peter Allen, 43 Old Rochester Road: He spoke on the contract the Council voted for on July 9, 2008 for natural gas. He hopes the Council will look at changes in the future, because he felt there were many flaws in the way the City approached this contract. He went over the background of this issue. He said last year the City contracted with Metro Meter Energy (MSI) for a fixed price and a fixed amount of gas each month. If the City purchased more or used less, it was bought or sold on the open market. He said that was called a swing price. He said the bid last year was for a \$1.13 per therm +/- the swing price. He said this year, in an effort to save more money, because the contract last year saved the City about \$40,000 from when the City was buying it from Northern Utilities, the City, School, and Dover Housing Authority were combined and came up with about 919,000 therms the City would be purchasing. He said this was sent out to bid and the City only received one bid back, from the City's current provider. The Council decided not to go with the bid because of the swing price. The next time there were two bids, one from Metro Meter and the other one from Santa Buckley, which was recommended. He said it was a true fixed price regardless of how much gas was used, \$1.715 per therm. He said the other bid was \$.14 cheaper per therm or \$128,000 less, and he believed the Council chose not to go with that because of the swing price. He referred to last year's bid of \$1.13, and said at the end of the contract it came in at \$1.11. He felt the City has lost \$128,000, and maybe more. He said the Council should look at some changes. One; to go with a fixed price for a variable amount of gas, that company has to put in a huge buffer zone, especially with today's market. He said another option is to do shorter contracts. He said there was also NYMEX PLUS, which was a New York Merchants Exchange, and they set the price for natural gas, and the City does a fixed price with a spread on it. He said another option is to buy back out the City, the School, and the Dover Housing Authority, and let them have a contest to see who can do better. He said he knew the Dover Housing Authority paid the City for the bid, to help them out, believing that the combination of the three would give them the better price of \$1.71. He said Rochester Housing Authority is paying \$1.45, and they are not paying anybody a fee to get that. He also felt that having a set date of coming before the Council to approve it doesn't lend to the natural gas business. He said the biggest problem the Council had was that they weren't listening to the people giving advice. He said he has been buying gas for four years now with the same company the City received it from, and their advice to him was not to sign a long term contract right now. He said this company saved the City \$40,000 last year, and if the City listened to them now he felt the City could have saved \$600,000 this year. He said he was looking at a contract for January, February and March for \$1.11 per therm. The City is going to be paying \$1.71. He said he listened, and he didn't feel the City's purchasing department did.



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Jeffery Brissette, 11 Fieldstone Drive: He said he came to continue his discussion about the gravel pit. He said the gravel pit was the single largest revenue source the taxpayers had. He said using Severino Trucking's estimate of 200,000 cubic yards annually that they extract, that should be bringing the City \$1 million minimum at \$5.00 per cubic yard, versus the \$320,000 that the City receives according to the amended contract. He said he found it interesting that Doug Steele, Community Services Director, didn't know how many days were left of the 45 days in the contract, and Mr. Steele also told him that he didn't know the specifics of the contract. He said keeping track of the contract specifics should be important to the City Manager. He referred to Paragraph 3 of the amended contract; regarding additional contracts that the City Manager agreed to that Severino Trucking wanted in order to agree to the new contract. The contracts read: Severino Trucking agrees to pay to the City of Dover the sum of a \$1.60 per cubic yard starting January 1, 2008, with the following factors taken into consideration: a discount for the wholesale extraction of materials on a volume basis. He said he thought the City was already paying the wholesale volume price. He said they also were looking for a discount for the operation of the day-to-day activities of the pit, including operation cost, equipment, loading, and personnel costs. He spoke on the reclamation of the pit, and said there was no top soil left in the pit, and it was sold for their benefit. He asked if the City had a bond with the contractor to insure that the pit will be reclaimed when all the materials are gone. He said his other big concern is quantity verification with the gravel pit, which is currently done by field survey and truckloads. He just doesn't see how it is done accurately. He also spoke of the gravel pit next door, Dover Sand and Gravel, and the request for them to fill in the bottom of the pit floor, because they had dug too deep and the water table was exposed. He said they complied with the requirement, but there are filling it in with concrete. He said according to the EPA, concrete can be treated as common fill, as long as it is not contaminated, and he asked how the City knew it wasn't contaminated. He asked if there had been any testing. He passed pictures to the Council.

Edward Bleiler, 28 Isaac Lucas Circle: He said he was amazed that the City Manager was given a pay raise last week. He gave the Council his version of the City Manager's evaluation. He said the City Manager was not interested in the job, but just to be named the interim city manager, and incredibly he became the only candidate; cost: \$160,000 a year in salary and benefits. He ended the employment of a police lieutenant by giving him guaranteed health benefits for life, but this employee was not entitled to the benefits; cost: \$300,000. He said the City Manager quietly paid the lieutenant a severance, and when it was discovered, he claimed he did it with the City Council's knowledge, but when most of the Council couldn't remember, he admitted he didn't tell them until eight months after the payoff; cost: his credibility. He said as Human Resources Director and City Manager, he paid the health insurance for life for two ineligible widows of retired City employees, and did this for 10 years; cost: \$50,000, unknown, never disclosed. He said the City Manager negotiated and promoted a lease of the Butterfield Gym for \$1 per year for sixty years, but left the City responsible for damage repairs over those sixty years; cost: \$650,000 in the first year, with 59 years to go. He said it should be noted that the City Manager let the City Council read the lease for the Children's Museum for three hours before demanding a vote on a 60-year deal. He said the City Manager was in charge of an \$8 million project to improve the McConnell Center, but eliminated replacing the roof shingles as a cost saving measure; cost: maybe \$40,000. He said the City Manager has promoted spending \$4 million in dredging and waste containment at the waterfront as absolutely needed for development, but has ignored a public marina as part of the plan; cost: \$4 million federal, local and county funds. He said the City Manager has referred to citizens asking legitimate questions about city business as the underground, and has not identified who these people are; cost: a divided city. He said the City Manager held secret meetings for six months to discuss the reopening of the Tolend Landfill and entered into an exclusive contract with a waste company without public knowledge; cost: \$25,000 in legal fees and the loss of trust of the Tolend Road neighbors. He said the City was successfully sued because the City Manager ordered the unlawful removal of citizens from public boards, violating their civil rights; cost: \$64,500. He said the City Manager held and participated in



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secret meetings of the Waterfront Core Committee; cost: violated RSA 91.A and forfeited the trust of many Dover citizens. He asked how the City's new Councilor could vote for any pay raise for the City Manager without the information he just presented to the Council. He said he had hopes the new Councilor was his own man, and not one of the good ol' boys. He said we needed a Sarah Palin in Dover. He referred to the Butterfield Gym and said he felt he should have been more specific when he said costs. He meant the total cost of renovating the armory, including what the contractor is looking for, above what the City Manager has told the City; including the cost of renovating the McConnell Center to accommodate the gym relocation; the cost of moving the gym to the McConnell Center; the amount of lost revenue from taking rental space at the McConnell Center, rent being charged to the Recreation Department for the Butterfield Gym in the McConnell Center; loss of revenue that taxes would generate if the building was sold to the Children's Museum; and lastly the loss of funds that would have been paid to the City of Dover if the building was sold to the Children's Museum. He said the estimate is between \$4.5 million and \$8 million that the City lost. He also asked how the Council likes the Comcast contract that the City Manager negotiated. He said the City Manager is doing a wonderful job for Dover.

Michael Greenwood, 38 Maple Street: He said he was waiting to speak, but felt he had to speak now after hearing Mr. Bleiler's comments. He said the new City Councilor was his new City Councilor, and lives right down the street from him. He said to accuse the City Manager of these accusations -- these same three people -- he watches them speak meeting after meeting after meeting, and bring up the same things 50 times. He said the City Manager answers it, but they leave way before the City Manager gets to answer what they're asking for. He said he was sure the Council reads what the City Manager gives them. He said he has called the City Manager and he gives him the information. So he didn't know what everyone else was saying when they say the City Manager doesn't provide the information to them.

John Scruton, 99 Sixth Street: He spoke of a conversation he had with a friend on why he didn't come to Dover anymore, and his friend replied that there were too many traffic lights. He said there should be a sign as you enter Dover that says there are 134 mile of roads in Dover, they are well maintained, but they are New England roads, meaning they are narrow and crooked. The City keeps adding more and more lights, backing up traffic. He said the town of Seattle, Washington put in over 700 traffic circles and they are having great success with them. He said Keene, New Hampshire is having success with their traffic up there, and he doesn't know what their planning department is doing. He said the City is not looking out for the pedestrians, because there are a lot of areas that are nowhere near pedestrian safe. He said Washington Street, from Henry Law Avenue, on down to Central Avenue, need center islands so you only cross half the street, because it's impossible to cross the whole street. He referred to Councilor Keays' request for a traffic impact study in the Henry Law Avenue area, and an air quality check, and he never got it. He said air quality is becoming more and more important. He said he felt the City could do a lot better with getting ideas, because there is more out there than just traffic lights. He said they needed to respect neighborhoods, because people go into quiet neighborhoods to avoid traffic lights.

Peter Menounos, 720 Central Avenue: He said he lives at the intersection of Central Avenue and Brick Road. He said he has almost been hit several times walking his puppies up on the sidewalk. He said the speed limit was supposed to be 30 mph, and using his speed gun for measuring baseballs he said the cars are going a lot faster. He said when cars turn on to Brick Road or into his driveway, the cars go around them and up on the curbs. He said the City put in higher curbs, but the drivers still go up over the curb. He said the City did put up speed limit signs, but he felt the City needed to either monitor the speed or put a restricted speed sign up. He said he doesn't want to get killed when they come up over the sidewalk. He asked the Council to look into this problem.



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Harvey J. Lynch, 26B Lincoln Street: He said he was concerned about the Local Government Center, and asked how it helps Dover. He asked if the Local Government Center was a group of lobbyists that support Dover. He read a statement written by Adolf Hitler for his leaders into the record.

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

7. PUBLIC HEARINGS

A. RESOLUTION RE: RENAMING OF LONG HILL ROAD EXTENSION TO SANDY LANE SPONSORED BY COUNCILOR WESTON

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

B. RESOLUTION RE: RENAMING OF VARNEY ROAD EXTENSION TO LAURA LANE SPONSORED BY COUNCILOR WESTON

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

C. RESOLUTION RE: FISCAL YEAR 2009 BUDGET- AMENDMENT #1 SPONSORED BY COUNCILOR MCCUSKER AND COUNCILOR TREFETHEN

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

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

Edward Bleiler, 28 Isaac Lucas Circle: He said he felt the Council was not curing the problem of the Arena by moving it into the General Fund. He said there are only two cures for the Arena: raise prices so they're making a profit, or sell the arena to a private enterprise that will run it in a profitable fashion, which will bring tax revenue.

Ray Bardwell, 199 Spur Road: He referred the Council to his handout. He said there has been a lot of talk about the Children's Museum making Dover a destination City. He said the Arena is already a destination site. During the winter months 7,500 people a week are at the Arena. He spoke of the outdoor ice rinks that the City flooded for kids to skate, and how they were dependent on Mother Nature. He said the controlled indoor system they have now is wonderful. He said the mistake they made was to say the facility would generate enough profit to give \$15,000 back to the City. He asked if a human life was worth less than that. He said to keep the Arena, clear the mess up and move forward.

Jan Nedelka, 169 Dover Point Road, Member of Arena Commission: He said no matter where the money goes the goal of the Arena will still be to try to break even or make a profit. He said this year they were in the black. He said anybody who says the rates haven't been raised was a liar. The rates have been raised 10% a year. For a child playing Dover Youth Hockey it costs about \$1,700 a year. He referred the Council to the handout, Pending Master Plan for the Recreation Department, and said they did a survey, which showed the Ice Arena was the second most used facility in the City.



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Harvey J. Lynch, 26B Lincoln Street: He said he recalled a year that the Council wanted to take \$3 million off the books for the skating arena, and asked if this was another way to bury all the money that is being lost.

Jeffery Brissette, 11 Fieldstone Drive: He said all the surrounding communities that have ice arenas are profitable and felt someone should find out what those communities are doing that Dover is not.

Samuel Allen, Jr., 46 Watson Road: He said he was involved with the Arena Construction Project. He said the City and Council have been talking a lot about Economic Development in the City. He said the Arena brings 400,000 people to Dover each year. He said the businesses look for handouts from the City to save their businesses, make them more profitable, but those businesses don't support the Arena. They don't support it with advertising, specials, or anything else for the people coming to the City. He felt that the City needed to be more serious about the resources the City has. We need to protect them, we need to develop them, and we need to make sure that they are maximized. He said the amount of money spent on the Arena is money well spent, and it brings people to Dover during a time of year when they wouldn't normally come here. He said the Council needs to approve this, and it's been a long time overdue.

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

E. RESOLUTION RE: NAMING OF THE LIBERTY NORTH END FIRE STATION SPONSORED BY MAYOR MYERS BY REQUEST

Harvey Turner, 4 Auburn Street: He said the City of Dover now has three fire stations. He said they all knew Liberty Mutual gave the City the land for the new North End Fire Station, but how many knew that part of the contractual agreement would be to name it the Liberty North End Fire Station? He asked the four councilors that were on the council at the time if they read the addendum that named the fire station. He said he lives in Dover North End, not Liberty North End. He said he was on the North End Fire Station Committee, and was unable to attend the meeting where this was on the agenda. He suggested that they dedicate the large vehicle bays wing to Liberty Mutual, with a plaque set into the woodwork, rather than renaming the whole building. He was surprised that Liberty Mutual wanted to do this. He thought they wanted their contribution to be anonymous. He said Liberty Mutual is not a monstrous assimilating egotistical company. He asked if Liberty Mutual really wanted to rename this building after them, a building all Dover taxpayers are paying for. He said it should be Dover First, since that is the slogan of the City. He said this needs to be brought to Liberty Mutual to find out if this is in fact what they want, or some other acknowledgment. He asked for the Council to table this Resolution, or vote no, and asked City Manager Joyal and Fire Chief Plummer to come up with other ideas. He felt his suggestion of a wing was enough.

Marilyn Follansbee, 25 Dover Point Road: She said North End Fire Station is an adequate name. She thought Mr. Turner's suggestion of a plaque was a good idea. She thought that Liberty North End Fire Station was a little much.

Samuel Allen, Jr., 46 Watson Road, Chairman of North End Fire Station Committee: He said he felt like he was having an out-of-body experience, because Mr. Turner didn't know what he was talking about. He said this issue was brought to the Committee at the very first meeting when they were presented with the agreement that had been signed by the City of Dover with Liberty Mutual. He said they could certainly discuss whether or not the agreement should have given the naming



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rights of the station to Liberty Mutual, but at the same time the City entered into an agreement that was signed by the City and Liberty Mutual. He felt strongly that the agreement had to be honored, but with that said the naming of a City facility still is the sole responsibility of the City Council. He said the North End Fire Station Committee agreed that the agreement be honored, and deferred the matter to the Council. He said as a child he was taught to extend gratitude when you receive a gift, be respectful, and accept the gift in the spirit in which it was given. He wanted it on the record that Liberty Mutual has never asked for anything in return, has not forced the naming issue, and has remained low key yet responsive to every request that they have had from the Committee. He reviewed the project with the Council. He said Liberty Mutual provided a free 3-acre parcel of land providing the access and location the City desired for a fire station, valued at \$300,000-plus. He said without this gift it was doubtful the fire station project would have moved forward. He said they donated the initial site design, and they provided a consultant to help the City work through various DES issues. He said they granted a 30-foot wide easement, traversing 1,500 feet across Liberty land, to allow the City to connect to their private sewer line, thereby allowing for future expansion onto Glenwood Avenue. They also agreed to pay \$10,000 for the sign. He said not to forget that they are the largest employer in the area and have robust plans to continue their operations. He said Liberty North End Fire Station shows our patriotism, but also shows our thanks for the generous contribution. He asked the Council to consider this name.

Edward Bleiler, 28 Isaac Lucas Circle: He said if Liberty Mutual had given the City the fire station, he would agree to name it after them. He said he asked Fire Chief Plummer to go with him to see the President of Liberty Mutual and ask them to pay for the whole station. He said it would have been a drop in the bucket for them, and he felt they would have done it. He said the City gave away a beautiful piece of property on Indian Brook Drive to James Jalbert of C & J Trailways, another good ol' boy. He said that land was supposed to be the land for the new North End Fire Station. He said Liberty Mutual gave the City a piece of property that is not comparable to what the City gave away. The piece of property was originally a junkyard, and is on the list for polluted spots in Dover. He said it would have been better to keep the City's land, and allow the citizens of Dover to name it.

Jeffery Brissette, 11 Fieldstone Drive: He said he wanted to echo Harvey Turner's comments and everything he said. He said he could not see Liberty Mutual feeling slighted if the Council or a representative of the Council went to them and asked them what they wanted.

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

F. RESOLUTION RE: INCREASE IN PRICE FOR DOVER TRASH BAGS AND TAGS SPONSORED BY COUNCILOR DEDE

Peter Menounos, 720 Central Avenue: He said he was totally against this, and did not know why it was even proposed. He said he works for the Probate Court and works with people who are right on the line, paying for medicine, paying heating oil, and now we're going to nickel and dime them with trash bags, and he felt it was ridiculous. He said he listened to all the money that supposedly was spent between gravel, gas, and everything else, and he felt the trash bag issue ought to stand until next year, because these people are going to have to make choices. He said the people sitting at the table didn't have to make that choice, and he felt to nickel and dime these people on the edge is a bad thing to do at this time.

David Dinzeo, 24 Birch Drive, Chairman of the Solid Waste Advisory Commission: He said the Commission made the recommendation to increase the bag prices by \$.10 for the small bags and



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\$.15 for the large bags, and \$1.00 for the bulky item tags. He said the City is in the fourth year of a five year contract, and needs to maintain the fund balance. He said if they don't raise the prices the fund balance will be in the red by \$85,000. He said the City entered into this contract five years ago and had a little bit of a sticker shock. He said with fuel prices and diminishing landfill areas the City can expect some higher prices. He said they are trying to position the City for that as well. He said he would like to keep the fund balance at a level that helps with day-to-day operations and keeps them from drawing from the General Fund.

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

G. ORDINANCE: CHAPTER 166-53 SCHEDULE F VEHICLES AND TRAFFIC SPONSORED BY COUNCILOR WESTON

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

H. ORDINANCE: HENRY LAW AVENUE ONE WAY SPONSORED BY COUNCILOR WESTON

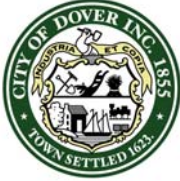
Mayor Myers, seeing no one wishing to speak, closed the Public Hearing.

8. CITY MANAGER'S REPORT

City Manager Joyal said he just wanted to bring up one item to the Council's attention. He referred to Councilor Callaghan's request on the status FY2008, June 30th, Expenditure and Revenues. He said the City is at a point now where we are reconciling numbers with the audit. He referred the Council to the 3-page document. The first page was basically an analysis of the change in the unreserved fund balance for the General Fund. He said the City is projecting that the balance in the General Fund will increase by just shy of \$500,000, which is a result of revenues exceeding estimates in the budgets by \$523,000. He said to subtract out \$163,000 of user fund balance, which leaves a net increase of \$360,000, caused by revenues. He referred to the expenditures, which were under budget by \$1.3 million and there are certain items that will carry forward into next year, that accounts for \$800,000. He said the net out from that, the changes in cash requirements, totals \$445,000. There was deferred revenue that gets recorded every year for property taxes that remain unpaid, and that is \$330,000. This brings the City from a starting balance of \$5 million to an ending balance for Fiscal Year 2008 of \$5.5 million. He said the numbers were unaudited, and he will have finalized numbers once the audit is complete. He said there were several comments made during Citizen's Forum that were not factual. He asked Mr. Brissette to give him his list of concerns about the gravel pit because he found them interesting and wanted to follow up on them. He also wanted Mr. Menounos to know he will have someone follow up on the traffic issue on Central Avenue.

Councilor Scott said in July the Council was given four pages, which was revenue of major funds as of June 30, 2008, and expenditures of major funds. He said he would like to see what was given to the auditors, so he could understand it better, because based on what the Council was given it looked like there was \$1 million of revenue higher than budget, and from these figures expenditures substantially less than budget. He asked for a written report on that.

City Manager Joyal told Councilor Scott that he had explained this to him at almost every meeting since the question first came up, and asked him to turn to Page 28 of the City Manager's Report. He said he didn't know how to make it any clearer. The information that was presented on that page excluded certain items, and it is noted in the heading. The General Fund excludes the expenditures for the County,



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School and the Debt Service component. He said the new numbers that have been provided to the Council include those.

Councilor Scott asked for an update on this, of what you gave the auditors.

City Manager Joyal said if there are any changes to that he will provide them to the Council. He said as soon as the final audit is completed there will be a presentation by the auditors.

Councilor Scott said he hoped the changes by the auditors would be minor. He wanted to see what was given to the auditors.

City Manager Joyal said he hoped the changes would be minor. He told Councilor Scott that what he was looking at was what the auditors received in the City's preliminary statements.

Councilor Cheney referred to Page 3 of 31, under Recreation, 19 scholarships were granted. She asked how much was left of the \$20,000 in that fund.

City Manager Joyal said he didn't have that number, but he would get it to her.

Deputy Mayor Trefethen moved to accept the City Manager's Report; seconded by Councilor DeDe.
Vote: 9/0.

9. MINUTES

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

Deputy Mayor Trefethen moved to remove from table the August 6, 2008 minutes; seconded by Councilor DeDe.

Mayor Myers said there was a change to a certain paragraph.

City Clerk Lavertu said it was changed to: "City Manager Joyal said Councilor Callaghan did not contact him..."

Mayor Myers asked for a vote on accepting the August 6, 2008 minutes.

Vote: 9/0.

Deputy Mayor Trefethen moved to accept the August 27, 2008 and September 3, 2008 minutes; seconded by Councilor McCusker.


Councilor Scott referred to the August 27, 2008 minutes, Page 4 of 28, Mr. Brissette's comments concerning the gravel pit. He said the minutes show \$1.3 million value remaining, and it's really only 1.3 million cubic yards remaining.

Deputy Mayor Trefethen made a motion to accept the minutes with the one change; seconded by Councilor DeDe.

Vote: 9/0.

10. MAYOR'S REPORT

He thanked the City Clerk and her staff for their work on the election. He reminded the Councilors that at the goal setting workshop, they were going to send him specific language to tie into certain goals. He said it's been a week and he hasn't heard from anyone. He spoke of the Parking Garage Committee meeting on September 4, and that there was going to be another one on September 11, 2008. He said the first public meeting didn't get a lot of posting time, and they're holding a second public meeting tomorrow, the Parking Garage Committee has asked that the Council extend their report time to October 15, 2008. He said Councilor Keays was the Council representative to the Recreation Advisory Board, and Councilor Carrier has indicated that he would enjoy serving on that committee. He said he attended several ribbon cuttings for the Dover Chamber of Commerce over the past couple of weeks. He said he attended the Tri-City Chamber Breakfast, with Dover, Rochester and Somersworth. He said this is National Assisted Living Week. He spent some time at the Wentworth Home and Langdon Place. He met with someone whose

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husband was the City Engineer, someone who actually filled an existing council term back in the 60's when someone was elected and had to relocate, and many of the people said they watch the Council meetings regularly on Channel 22.

Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Councilor DeDe.
Vote: 9/0.

11.C.8. RESOLUTION RE: AMENDMENT TO COUNCIL RULES - RULE 10: FILING WITH CLERK (TO BE REMOVED FROM TABLE)
SPONSORED BY COUNCILOR CHENEY

Councilor Cheney made a motion to be removed from the table and for its adoption; seconded by Councilor Weston.

Councilor Cheney said the new language was on the Councilors' desks, and is not the one in the Resolution. The only change to Rule 10 was a housekeeping change, "the City Clerk will have available to each Councilor by noon on Friday." She said this does take a 2/3 vote of the Council and she would appreciate the Council's support.

Mayor Myers said amendment changes have to be in writing, unless there is unanimous support to allow the amendment. He asked the Council for a vote to allow the amendment.

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

Mayor Myers said the Council is voting on Councilor Cheney's changes submitted in writing. It needs a 2/3 vote.

Roll Call Vote: 9/0.

11.C.9. RESOLUTION RE: AMENDMENT TO COUNCIL RULES - RULE 15: PROCEDURES AND FILING WITH THE COUNCIL (TO BE REMOVED FROM TABLE)
SPONSORED BY COUNCILOR CHENEY

Councilor Cheney made a motion to be removed from the table and for its adoption; seconded by Councilor Scott.

Councilor Cheney said this was brought to the Council in January, and she had worked with the City Attorney to get the language to a good point.

Councilor DeDe said this was actually unnecessary. He said the time guidelines were dealt with in the last motion.

Deputy Mayor Trefethen asked who would be delivering the materials to the Councilor's homes.

Councilor Cheney said she is not sure who would deliver them, but if they don't make the deadline the Councilors may individually opt to have the materials delivered. She said in January when the City Hall offices closed early and were closed on the following Monday, the Councilors didn't get the information, while other committees were having them delivered. She said a lot of this is available on the internet, so the Councilor might not opt to have the packet delivered to their home, but it was something that would be easier to do than not do, to make sure the Councilor has the materials.

Deputy Mayor Trefethen said he was concerned with two things. The first was the cost of having it delivered to the Councilors. His second issue was whether it was convenient to have it delivered at 2:30 in the afternoon on Friday, but if it's not available until 2:00 Saturday, then it is more than just the cost of the City employee, it's major inconvenience to the City employee. He said while it is true some boards have it delivered, most get it electronically, which the Council also does. He said he would not support this Resolution.



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Councilor Callaghan said he remembers only one time when the materials weren't ready when he came in to get them, and when he came back the City Hall was locked. He said he didn't think it was fair to make the Councilor come back.

Mayor Myers said he didn't think it needed to be a rule. He said the City Manager has said if any of the Councilors wanted to have their packets delivered them on an individual basis, to contact him and he will make arrangements. He said he would not support this Resolution.

Councilor McCusker said the Clerk could give it to Dispatch so the Councilors can still get them if they are coming in after hours. He said he wouldn't support this when there are so many other options that are available.

Councilor Weston asked the City Manager if he saw a problem with leaving the packets with Dispatch. City Manager Joyal said no, that would be fine.

Councilor Cheney asked for the materials for a Workshop the Friday before the meeting.

Councilor Dede asked to move the question; seconded by Councilor McCusker.

Vote: 9/0.

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

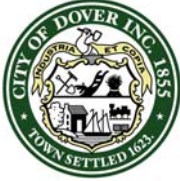
11.C.10. RESOLUTION RE: AMENDMENT TO COUNCIL RULES - RULE 15.2: COLLECTIVE BARGAINING AGREEMENTS (TO BE REMOVED FROM TABLE) SPONSORED BY COUNCILOR CHENEY

Councilor Cheney made a motion to be removed from the table and for its adoption; seconded by Councilor Weston.

Councilor Cheney read the Resolution into the record. She said it specifically addresses a few issues, but mainly the issue that the Council has an Executive Session, is given the Collective Bargaining Agreement, and then the Council recesses to Council Chambers to vote on that Collective Bargaining Agreement. She said this will address the timeliness – the bargaining units will know that the Council received these agreements, after they ratify them, within eight days, in Executive Session. Then there won't be a vote that night by the Council, which enables the Council to look over the contract.

Councilor DeDe said he would not support this. He said there is an intimation that is implicit in this proposed Resolution that the Council doesn't get sufficient information, or that it is too hard to understand and make a decision. He said there are other issues that are peripheral as well. The Charter very clearly appoints the City Manager as the negotiator to work with the unions. The City Council's power is to review the cost of a contract, not the details. He said for the Council to become involved in trying to influence specific characteristics of an agreement is against the Charter, and it could constitute cause for a lawsuit by the Public Employee Labor Relations Board. When the City Manager has reached an agreement with the union, or the union says they want the agreement presented to the Council, as shortly thereafter as possible the City Manager has brought it before the Council. He said the cost items are clearly illustrated in a graph form. The City Manager explains the nature of the costs for all three years. He said the Council is told that they don't have to vote on it that night, and the Council isn't rushed into anything. He said he values the City's employees greatly. He said when an agreement is reached he doesn't want to see any barriers put in place.

Mayor Myers said he had a few concerns with this Resolution. He is concerned that the Council has to have an Executive Session just to be handed the document. He said it was his understanding that the City Manager has 30 days from when he reaches a tentative agreement to present it to the Council, and then the Council has 30 days to act on it. He said further down it says that a contract approved by the School Board shall be delivered to the City Council within one business day. He said first, he was not sure the Council has the authority to direct the School Board to deliver the Council a contract within one business day. Second he said it said the Council will vote on it one week later, and there might not be a meeting scheduled. He said he would not vote on this Resolution the way it stands. He suggested coming back to



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put something as simple as “any tentative agreement presented on the City Council Agenda shall automatically be referred to a second reading.”

Deputy Mayor Trefethen said he supports the goals of this Rule change. He said the Council wants a chance to look at the contract and have time to digest it. He said the City Manager is aware of that and will probably do that. He said he had two problems with the wording of this Resolution. He said most of the rules here govern what the City Manager does, and they are supposed to be Council rules, not City Manager rules. The City Manager is very aware of the timetables that he needs to meet, and he has not missed one yet that he knows of, and he was sure that the City Manager will not miss one. He said the second thing, echoing what the Mayor said, dictates to the School Board what they are going to do. He didn't believe that the Council had any authority whatsoever to make a rule that tells the School Board how they are going to do their business.

Councilor Cheney made a motion to table the Resolution to clean up the language so that it will pass. She said it was very important. She said she knew the City Manager was doing a good job negotiating the contract, but the Council ultimately has to pass it.

Mayor Myers recommended that the change be killed, and submit a new specific language. Councilor Cheney said she would withdraw this change.

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING

1. ORDINANCE: CHAPTER 166-53 SCHEDULE F VEHICLES AND TRAFFIC SPONSORED BY COUNCILOR WESTON

Deputy Mayor Trefethen moved this to be referred to a Third Reading on September 24, 2008; seconded by Councilor Weston.

Councilor DeDe said he was fine that the stakeholders want to attend the Special Stakeholders meetings, but he wanted a letter sent to all the stakeholders, including the residents, along the roadways that are going to be impacted.

Councilor Weston said this meeting was posted. The residents can look at the Transportation Advisory Committee's agenda. She said the residents are aware that this is coming up. She said those same residents could have come tonight. She said they're having a meeting for the truckers because the City needs to notify them of the change. The residents are listening tonight, and they know we're going to have this next meeting, and she hoped that they would come.

Councilor DeDe said there wasn't one reference to a street name that was going to be affected in this Resolution.

City Manager Joyal said this will affect all of the City streets.

Mayor Myers asked Bruce Woodruff, City Planner, about notification.

Mr. Woodruff said the stakeholder meeting is meant for everyone. He said the public notice will be in Foster's Daily Democrat on September 11, 2008, notifying all residents of the City.

Councilor DeDe asked if there will be examples of the roads.

Mr. Woodruff said there would be a synopsis of what the Ordinance can do and what it is meant to do in the notice. He said this Ordinance will try to funnel all commercial vehicle traffic with a gross vehicle weight of 26,000 pounds or more onto State-numbered routes, State-maintained roads, or designated City streets where there is no other route for trucks to go. He said there will be no through trucking on local streets. He said that trucks that have a destination that is a local street, have to stay on the designated route until the last intersection to get to the destination.

Mayor Myers asked for a vote to refer this Ordinance to a Third Reading.

Vote: 9/0.

2. ORDINANCE: HENRY LAW AVENUE ONE WAY



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SPONSORED BY COUNCILOR WESTON

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

Councilor Weston said the City knows there is a traffic problem in the lower part of the City. She said the Transportation Advisory Committee (TAC) has tried and discussed on numerous occasions what could be done to improve traffic flow. She said Henry Law Avenue is under construction and people are traveling down Henry Law Avenue, up Williams Street, George Street, all the way out to Tennyson Avenue. She said what also works well with this is the City gains 16 parking spaces on the left hand side of Henry Law Avenue; there is a small drawing of this in the Agenda packet. She said she went down to the intersection of Henry Law Avenue and the lower part of Washington Street to observe the traffic, and said the situation right now is dangerous. She said if it does not work and causes more traffic problems, the Council always has the ability to change it back, but she felt the City needs to give this a chance.

Councilor DeDe said he spoke with a few people there and got their feedback on whether they thought this was going to be a problem. He said the biggest danger that exists at that intersection is pedestrians trying to cross the intersection in 15 seconds. He said changing the direction of Henry Law Avenue is going to make that a lot safer. He said as long as the City does a good job putting up signs and directing people to the Children's Museum and out, this is going to work. He felt it should have the Council's support.

Councilor Carrier said he has travelled that road many times over the years, and changing it to one way and gaining 16 parking spaces is definitely a great thing to have. He was concerned with people going down a side street; they go on to Central Avenue to go through town and there is a light there, and that area may back up with traffic there. He felt it was still a good thing. He said it will be safer for the people living in the elderly housing there. He said he would support making Henry Law Avenue one way.

Councilor Scott said it was worth a try, and does seem to solve some of the problems. He did have a few concerns. He said George Street is steep and he is concerned about the back up in the winter with snow on the roads. He was also concerned with impact on the people that live on Henry Law Avenue, both in Ward 2 and Ward 3, as well as Browning and Tennyson. They are going to see changes of traffic and they may not like that. He said to try it for three to six months and the Council can always change it if it doesn't work.

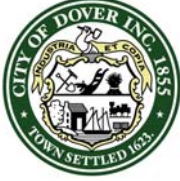
Mayor Myers said he would support this Ordinance.

Councilor Callaghan agreed that the intersection at Henry Law Avenue and Central Avenue was an awful place to pull out of, and he also agreed that the City had a need for parking. He said he couldn't see why the City can't fix the issue of pulling out on Washington Street with proper signalization. He said it was only five streets, and some metropolitan areas have many more roads. He was really concerned about the side streets being hills, and in the wintertime and snow, with people getting stuck and rolling back into each other. He felt that danger far outweighs what can be done with the intersection of Henry Law Avenue and Washington Street. He said he has always been in favor of the traffic going the other way. He said he wouldn't support this Ordinance.

Councilor Cheney said if this was going to be tried, it would be better tried later, perhaps after the bridge, when there is more of a loop. She said her initial reaction was not to support the Ordinance.

Councilor DeDe referred to the Councilors' comments about the timing of the lights. Councilor Carrier correctly pointed out that that can be a short light, and it will be very necessary for TAC to review the timing on the lights and the crossing pattern.

Deputy Mayor Trefethen said when looking at the traffic leaving the square and going away from downtown, he felt they consisted of two groups of people. The first, and predominant group, are



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people who live on the outer part of Henry Law Avenue, and they are using Henry Law Avenue to go from point A to point B. He said the second group of people are the people we're talking about, people we're concerned about, who are going to get stuck at the top of those hills in the middle of a snowstorm and they won't be able to budge. He said most of those people are there for one reason, to go to the Children's Museum. He said when there is a snow storm; people won't go to the Children's Museum. He said this Ordinance has his support.

Mayor Myers asked for a Roll Call Vote on the Ordinance.

Roll Call Vote: 6/3; Passed. Councilors Callaghan, Cheney and Scott were opposed.

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

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

Councilor Weston said the City is trying to become 911 compliant with their emergency reporting system. She said TAC met with the people on the road and they chose the name Sandy Lane. She said none of the house numbers will change.

Vote: 8/0; with Councilor DeDe out of the room.

2. RESOLUTION RE: RENAMING OF VARNEY ROAD EXTENSION TO LAURA LANE SPONSORED BY COUNCILOR WESTON

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

Councilor Weston said this was the same as 11.C.1. She said TAC met with the people on the road and they chose the name Laura Lane. She said none of the house numbers will change.

Vote: 9/0.

3. RESOLUTION RE: FISCAL YEAR 2009 BUDGET- AMENDMENT # 1 SPONSORED BY COUNCILOR MCCUSKER AND DEPUTY MAYOR TREFETHEN

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

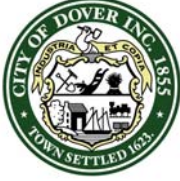
Deputy Mayor Trefethen spoke of the budget sessions and accommodating the increase of the County budget; the City Manager told the Council directly that one of the areas he reduced was road maintenance and general street and sidewalk improvements. He said the County has since revised their budget to a lower number, which means Dover pays them less money, which means the City has approximately \$64,000. He said this proposal moves the money from the County line item and moves it back to the general streets and sidewalk improvements where it originally came from.

Mayor Myers said as a reminder that this is not a budget override, but it still needs a 2/3 majority vote to pass.

Councilor Callaghan said the email indicated the amount of \$52,000, and the Resolution is for \$64,949, and he asked why the two numbers were different. He felt this required a workshop to sit down and hash out as a group, where we think the priorities are in spending this money.

Councilor Scott said he liked the idea about a workshop.

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



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4. RESOLUTION RE: DISSOLUTION OF ARENA FUND INTO GENERAL FUND FY09 BUDGET AMENDMENT SPONSORED BY COUNCILOR TREFETHEN

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

Deputy Mayor Trefethen referred to Mr. Bleiler's comment that the building should be sold. He said it can't be sold because it sits on the Guppy Park Trust Fund Land, and has conditions that it is going to be used as a park, public recreation and public purposes, and not for private enterprise. He said the Arena was sold to the City incorrectly. He said they were told we will build it, people will come, we will make money, and this won't cost the taxpayers any money. He said the Arena was very close now, due to the efforts of the staff at the Arena, and the diligence of the Arena Commission. He said some months it is a few dollars in the black, and some months it is a few dollars in the red. He said the Arena is the only department that is expected to pay its own way, but when it runs a deficit the money comes from the General Fund. He said this Resolution brings the operation of the Arena Fund under the heading of the General Fund. Councilor DeDe said he was part of the Arena Committee a few years ago. He was part of it when the City Manager put out bids to get somebody to come in and run the Arena. He said the City has great recreation assets and this needs to become a part of that.

Councilor Cheney said this Resolution doesn't have a lot to do with whether or not you support the Arena. She said this Resolution is about taking the debt the Arena owes the City and taking it off of their books. She said the reason she will be voting against this has nothing to do with the Arena, but has everything to do with the truth. She said the truth is Dover has one of the highest bond ratings that is possible from Standard & Poor, an A+ rating. She says when the auditors come and see this minor blemish on our books that has to be paid, that it doesn't make it perfect. Councilor Scott said the Arena was a wonderful asset for the City of Dover, it is a wonderful recreation source for children, and he supports the Arena and its activities. He also complimented the people working on it, because he sees their revenue stream has increased very nicely. He said this is an Enterprise Fund, and the concept is to cover the costs. He didn't think the idea of transferring the debt off of the Arena and on to the General Fund was anything more than shifting of cost. He said he would oppose this Resolution.

Councilor McCusker asked either the City Manager or Daniel Lynch, Finance Director, to explain the accounting ramification of this change.

City Manager Joyal said it would still be its own separate cost center in the General Fund. You still will be able to see the revenues for the Arena. You will still see the expenditures. He said the change that Councilor Cheney alluded to is that the \$2.3 million that the Arena owes the City will no longer be reflected in the General Fund. He said this was a policy decision for the Council to decide, if the City's book should show positive numbers. It is not monkey business, the revenues and expenditures for the Arena are still there, but just under the General Fund.

Councilor McCusker asked if the \$2.3 million is money the City owes itself.

City Manager Joyal said yes. He said it was cash owed by our right pocket to our left pocket.

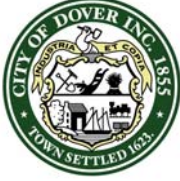
Councilor Callaghan said he wouldn't support this Resolution, because he felt it was similar to what he's heard said already. He felt the motivation to work hard will be diminished.

Councilor Cheney said she did not want this Council to set a precedent.

Councilor Carrier said he understands this Resolution to be an accounting procedure that is being recommended by auditors that have the knowledge to tell us how to do things. The \$2.3 million deficit will still be there. He didn't believe it would stop the motivation to make a profit. He said he was in favor of this Resolution.

Councilor McCusker made a motion to move the question; seconded by Councilor Carrier.

Vote: 3/6; Failed. Councilors Carrier, McCusker and Scott voted in favor.



CITY OF DOVER

CITY COUNCIL - MINUTES

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Councilor Weston asked the City Manager how many years it will be for the debt to be paid off. City Manager Joyal said a long time, 20, 30, 40, or 50 years.

Councilor Weston said she was going to vote for this. She felt the Arena employees were an aggressive group and will continue to work hard.

Mayor Myers asked where the City keeps the running tally, and how the Council will be getting regular updates on \$2.3 million.

City Manager Joyal said the monthly financial statements will show revenues versus expenditures.

Deputy Mayor Trefethen just wanted to say that the previous Council did feel the Arena was a good thing.

Mayor Myers said he wanted to correct a few statements that were made that aren't accurate. He said the City does have an A+ bond rating, but there are several steps up that are better than that. He said if this passes it does nothing to pay off the \$2.3 million, and it does nothing to all of a sudden create more capacity for the City to bond more. He said what this may do is clean up a blemish on the City's credit score, which may allow the City's credit rating to increase, which could lower the borrowing costs. He said it has his support.

Roll Call Vote: 6/3; Passed. Councilors Callaghan, Cheney, and Scott were opposed.

5. RESOLUTION RE: NAMING OF THE LIBERTY NORTH END FIRE STATION SPONSORED BY MAYOR MYERS BY REQUEST

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

Councilor DeDe referred to Sam Allen's comments, which gave a good synopsis of the history of the naming issue. He said he wasn't sure if the Council needs to approve this, because the previous Council signed the deal and it's done. He said Liberty Mutual is the City's largest taxpayer. They encourage their employees to spend time and money in Dover. He said the company contributes on a regular basis to events that are for the public good; such as, the Cochecho Arts Festival, Dover Main Street events, and many more. He referred to Mr. Bleiler's comments regarding the land sold to C & J Trailways, and said the City sold it for \$300,000. He said this was something the City should do.

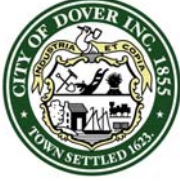
Councilor McCusker said he was embarrassed by the comments made during the Public Hearing, regarding Liberty Mutual's intent. He said it was the City, who didn't have land, who had been looking to put in a North End Fire Station. He said the Fire Chief was given direction to go to Liberty Mutual, by the Council, and ask for the land. He spoke of the many ways Liberty Mutual has given to the Dover Community, and wondered if anyone kept a tally sheet.

Deputy Mayor Trefethen moved to suspend the rules to extend the meeting; seconded by Councilor McCusker.

Roll Call Vote: 6/3; Passed. Councilors Callaghan, Cheney and Scott were opposed.

Councilor McCusker said when the City talked about the sign costing \$10,000, Liberty Mutual offered to pay for it. He said the phone is going to be answered Dover Fire and Rescue. He said he would support this Resolution.

Councilor Carrier said he supported the Resolution. He said Councilor McCusker couldn't have said it better. He said being on the Recreation Advisory Board, he saw behind the scenes how much Liberty Mutual did. He said they just donated \$1,000 for Buddy Ball Baseball without blinking an eye. He said this is just a small token of appreciation. He felt it would be an honor to name it the Liberty North End Fire Station.



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Councilor Weston said she waited until the end because she wanted to hear everyone's comment. She referred to her sitting on the North End Fire Station Committee, and the debate over the name has developed not because of Liberty Mutual and what they have done for the City, but over the procedure, of how the naming was done. She said this Resolution had her complete support.

Mayor Myers said he was Mayor in 2004 when Liberty Mutual came to the City and talked about expanding. He said he knew about the process at the time, and was a little embarrassed about the debate over the name. He said the contract should be honored.

Councilor Weston spoke of the tie-in to the Liberty Mutual sewer system. She said they also tied in Glenwood Avenue, so that eventually those houses will connect to a sewer system instead of having septic systems. She said Liberty Mutual has gone above and beyond what any business or any person had to do.

Councilor Callaghan said he has learned a lot tonight. He said they had a lot of people contact him about this. He thought the idea of a plaque was a good idea. He said the City has a contract and we should honor it. He said the City should go to Liberty Mutual and see if they would accept a plaque.

Councilor Callaghan made a motion to table the Resolution to allow time to go to Liberty Mutual; seconded by Councilor Scott.

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

Councilor Cheney said the only request she wanted to make was to add Dover to the name, Dover Liberty North End Fire Station. She said she would be supporting this Resolution and she appreciated all the work that has been done by the Committee.

Councilor DeDe made a motion to move the question; seconded by Councilor McCusker.

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

Councilor Weston said the initial name was going to be Liberty Station. She had requested the City Manager and Fire Chief Plummer to go to Liberty Mutual to see if they would agree to Liberty North End Fire Station. She said she would hate to have somebody go back again to Liberty Mutual to see if they will change again. She said she felt it really needs to be called Liberty North End Fire Station.

Councilor Scott said his problem with this Resolution is that it is setting a precedent. He felt buildings should be named in honor of people. He said he didn't think the corporation would be resentful if the City said they wanted to reserve the name for an individual.

Councilor McCusker said this decision is to honor an agreement. He said the Council would be setting a precedent that they aren't good for their word if the City doesn't honor this contract.

Mayor Myers said he knew it then, the Council knew it then, Liberty knew it then, the Department Heads knew it then. He was 100% clear. He would love the Council to do this by a unanimous vote.

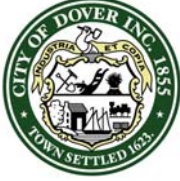
Roll Call Vote: 9/0.

6. RESOLUTION RE: INCREASE IN PRICE FOR DOVER TRASH BAGS AND TAGS SPONSORED BY COUNCILOR DEDE

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

Councilor DeDe said he is a member of the Solid Waste Advisory Committee (SWAC) and he had two people waiting to speak to the Council. He asked Michael Moore, Solid Waste Coordinator, and Dave Densmore to address the Council.

Mr. Moore went over the proposed increases for the bags. The 15-gallon bags would be increased from \$1.35 to \$1.45; 30-gallon bags would be increased from \$2.00 to \$2.15; and the



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bulky waste tags would be increased from \$4.00 to \$5.00. He went through the reasons for the increases. He said they have been keeping track of the fund balance, and if the prices didn't increase there would be an \$85,000 deficit at the end of the current contract in 2010. He said the last increase was in 2006 and they made an agreement to hold those prices for two years, which they have done. He was hoping to hold off one more year, but with the economy the way it is, it just isn't possible. He said Daniel Lynch, Finance Director, went over his figures and is in agreement with the numbers and the proposal for the bag price increases.

Councilor Scott asked what the cost to the City was for the 30-gallon bag.

Mr. Moore said the cost was \$.17 for the 30-gallon bag, and \$.11 for the 15-gallon bag. The stores get \$.04 per bag.

Councilor Scott said he didn't understand the 8% increase, and it seemed like another tax.

Councilor DeDe asked Mr. Moore what it cost to drop off the trash at the center.

Mr. Moore said \$86 a ton.

Councilor DeDe said that was what the bags paid for. He said the bag and tag pricing pays for the Solid Waste Disposal Programs.

Councilor Scott said the City pays \$1.4 million for picking up the garbage. He asked if this wasn't another source of revenue.

Councilor DeDe said the \$1.4 million was for picking up the garbage, and the bag prices were for getting rid of it.

Mr. Moore said the trash bag program is designed to pay for the collection and disposal of the trash. He said the Solid Waste Program is an Enterprise Fund, and is totally self-supported.

City Manager Joyal explained that disposal of trash is only going to go up, because there are fewer and fewer places to bring the trash in New Hampshire. He said the business is becoming less competitive. He said the City needed to create a cushion for future price increases. He said at the end of the year, what the City wants to do, which is a Council policy, is we want to maintain a minimum 5% fund balance in the Solid Waste Fund. The SWAC would like it to be a 10% fund balance. He said they are seeing what will happen in the future, and recognize that the City needs to build up those reserves today.

Councilor Weston asked if the Recycling Center is looking for more ways to recycle for revenue, versus the price of bags going up.

Mr. Moore said the price of bags and the Recycling Center are two different budgets. The Recycling Center comes out of the General Fund. The Solid Waste Budget is strictly the bag and tag program.

City Manager Joyal said the program is set up to create an incentive to recycle.

Councilor Weston asked if the City pays for Pinard to pick up the recycling.

City Manager Joyal said yes.

Councilor Weston asked if the citizens could bring it to the center.

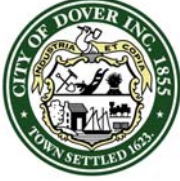
Mr. Moore said the City has to make it easy for the citizens, and that is why Dover's recycling rate is so high.

Councilor Trefethen said when they were talking about the Arena Enterprise Fund, it was said by one Councilor that they should raise rates, and now the same Councilor is not saying that on this Enterprise Fund. He said the Council really doesn't have a choice with this Resolution.

Councilor Callaghan said at first he thought the raise was extensive, but after looking at this it is probably a reasonable rate increase. He has heard a concern about the quality of the bags. The bags break, and they have to replace it, so it is costing them two bags to put the trash out. He said the vendor needs to know the City has a problem with the quality of the bags.

Mayor Myers said that will be another Resolution when the City needs to buy bags.

Mr. Moore said last year the City sold 550,000 bags, and he has received 20-30 complaints. He said residents need to contact him if it is a bigger problem.



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Roll Call Vote: 9/0.

7. RESOLUTION RE: MUNICIPAL INFORMATION TECHNOLOGY ACCEPTABLE USE POLICY (TO BE REMOVED FROM TABLE)
SPONSORED BY MAYOR MYERS

Deputy Mayor Trefethen made a motion to remove from the table and moved for its adoption; seconded by Councilor DeDe.

Councilor Dede made a motion to put it back on the table, because of time; seconded by Deputy Mayor Trefethen.

Vote: 8/1; Passed. Mayor Myers was opposed.

8. RESOLUTION RE: AMENDMENT TO COUNCIL RULES-RULE 10: FILING WITH CLERK (TO BE REMOVED FROM TABLE)
SPONSORED BY COUNCILOR CHENEY

Moved up on Agenda to after Mayor's Report

9. RESOLUTION RE: AMENDMENT TO COUNCIL RULES-RULE 15: PROCEDURES AND FILING WITH THE COUNCIL (TO BE REMOVED FROM TABLE)
SPONSORED BY COUNCILOR CHENEY

Moved on Agenda to follow 11.C.8.

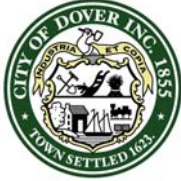
10. RESOLUTION RE: AMENDMENT TO COUNCIL RULES-RULE 15.2: COLLECTIVE BARGAINING AGREEMENTS (TO BE REMOVED FROM TABLE)
SPONSORED BY COUNCILOR CHENEY

Moved on Agenda to follow 11.C.9.

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



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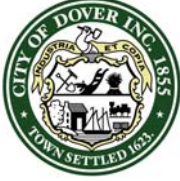
COMMITTEE REPORTS

- | | |
|--|---------------------------------------|
| 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 |

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor DeDe.
 Mayor Myers asked the Council if they had any items they would like pulled for further discussion.
 Councilor Scott asked to pull 12.A.4.
 Councilor Callaghan asked to pull 12.A.3. and 12.A.6.
 Deputy Mayor Trefethen asked to pull 12.A.5.
 Mayor Myers pulled the Appointments Committee Report.
 Mayor Myers asked for a Roll Call Vote on the remaining items of the Consent Calendar.
 Roll Call Vote: 9/0.

12.A.3. RESOLUTION RE: CHANGE ORDER INDIAN BROOK DR B07041
 SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Callaghan.
 Councilor Callaghan said he had a few questions on this. He said he looked at the total amount of money that is being asked for. He said \$142,000 from SUR, and he sees the adjusted amount is \$139,374. He said he was confused when he compared Section A and Section D, because Section A talks about item 692. Mobilization Costs, \$77,226, with a discount coming up as \$57,919. He said it appears Section D is what they could charge the City if they charged on an hourly rate, and Section A is saying what they are going to charge. He said there was no line item description on the breakdown of what is being charged in Section A. He spoke on Section D and what they could charge the City, 5,700 for SUR and 7,200 for AXL, for a total of 12,900. Compared with the line item on 682, \$57,919, that is a huge difference. He also had a question on the fuel adjustment request by Pike Industries, looking for fuel paving and liquid asphalt price adjustments, which is included in the SUR. He asked if there was a provision in the contract that allowed for fuel adjustment. He questioned the wetlands issues and asked if the project was shut down completely. He said it was unclear to him what happened.
 Councilor Callaghan asked if there was a provision in the contract for fuel adjustment, and an adjustment for paving that Pike Industries is passing on to SUR.
 City Manager Joyal said there are references to various standards, which are address in the letter from SUR, that are allowable for calculating adjustments to the contract.
 Councilor Callaghan asked why there was a difference between Section A and Section D.
 City Manager Joyal said they calculated four different methodologies to show what they felt was owed. He said essentially they were trying to show they were willing to compromise, but they felt that they were owed money because there were circumstances beyond their control.
 Councilor Callaghan asked why Section D was significantly less than Section A. He said he needs line item breakdowns to define drastic differences. He also asked to see the breakdown of labor. He asked how the delay impacted this work.
 City Manager Joyal said there were permits needs which took time. He said there was duplication of work, because SUR had to adjust their schedule. He said to Councilor Callaghan that he was looking for an incredible amount of details, but that was why the City hired professionals to oversee these projects. He said this was a reasonable compensation for the additional time that they had to invest in this project.



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Councilor DeDe made a motion to move the question; seconded by Councilor McCusker.
Vote 7/2; Passed. Councilors Callaghan and Scott opposed.
Mayor Myers asked for a Roll Call Vote on the Resolution.
Roll Call Vote: 7/2; Passed. Councilor Callaghan and Scott opposed.

12.A.4. RESOLUTION RE: SUPPORT OF LGC POLICY PROPOSALS SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor McCusker.
Councilor Scott said he didn't believe the Council should get involved in the State legislature.
Councilor DeDe made a motion to move the question; seconded by Councilor McCusker.
Vote: 4/5; Failed. Deputy Mayor Trefethen, Councilors Carrier, DeDe and McCusker voted in favor.
Councilor DeDe said the Council spent an entire workshop on this issue and doesn't understand why the Council is not ready to move on this.
Councilor Callaghan said his problem was that he didn't feel the City should form an alliance with LGC.
Vote: 7/2; Passed. Councilors Callaghan and Scott opposed.

12.A.5. RESOLUTION RE: COUNCIL ADOPTION OF CITY MANAGER EVALUATION SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Scott.
Vote: 9/0.

12.A.6. RESOLUTION RE: DUC MEMBERSHIP EXTENSION SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Callaghan.
Councilor Callaghan said he had a problem with retaining a board member who is no longer a resident of Dover.
Councilor Cheney doesn't want to set a precedent. She would not support this Resolution.
Mayor Myers said he echoed the comments.
Vote: 0/9.

Appointments Committee Report

Mayor Myers said the Appointments Committee met earlier this evening and conducted interviews. He wanted to put forward the appointments for the Council's final approval. Appointment to the Cable Access Committee: Aviva Grasso. Appointments to the Energy Advisory Committee: Andrew Most, Dona Layton, Elizabeth Goldman, and Eric Steltzer. Appointment to the Recreation Advisory Board: Jerry Newcomb. Appointment to the Planning Board: Kirt Schuman.
Deputy Mayor Trefethen moved for its adoption; seconded by Councilor DeDe.
Vote: 9/0.

B. RESOLUTIONS -- NONE

C. ORDINANCES IN 1ST READING - NONE

D. COUNCIL CORRESPONDENCE



CITY OF DOVER

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13. COUNCIL MATTERS OF INTEREST

Councilor Weston spoke on the voting hours for the November 4, 2008 General Election. She has received a number of inquiries about changing the voting hours at the polls. She said the workers were very angry that they were never consulted about extending the hours.

City Manager Joyal said there was consultation with the Ward Moderators.

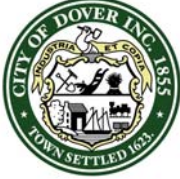
Councilor Callaghan asked if there was a way to provide a bonus for the poll workers on Presidential Election days.

Councilor DeDe said he was Ward 5 Moderator for several years, and at 8:00 in the morning on Presidential Election Day there was a line outside that was incredibly long. He said to hire extra people. He said he would support a different pay rate for Presidential Elections. He said the customers are the voters and that is who the Council is here to serve.

City Manager Joyal wanted to make a correction. He said Councilor Callaghan had asked if there was a fuel adjustment charge, and he didn't believe there was.

14. ADJOURN

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



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:

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.

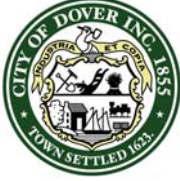
No vehicle with a gross vehicle weight rating of 26,000 pounds (26 K GVWR) or higher shall utilize any City Street (Class IV, Class V or Class VI) within the City limits for travel in or through the City, unless such roadway has been designated as a commercial vehicle route. However, said vehicles are 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.

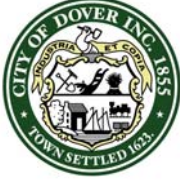
AUTHORIZATION

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.”

166-53. SCHEDULE F: Commercial Vehicle Travel Restricted.

[Amended 05-15-91 by Ord. No. 18-91, Amended 01-29-97 by Ord. No. 01-97; Amended 11-11-98 by Ord. No. 17-98; amended 02-19-03 by Ord. No. 03-2003]

In accordance with the provisions of **166-5C**, the following streets shall be restricted to pleasure vehicles and commercial vehicles making a delivery or pickup. Through commercial vehicle traffic shall be prohibited. "Commercial vehicles" shall be defined as those over 26,000 pounds gross weight unless otherwise noted to a particular classification on a particular street. School Buses and buses authorized to carry school students are exempt.

<u>STREET</u>	<u>LOCATION</u>
Arch Street	From the intersection with Silver Street to the intersection with Washington Street
Atkinston Street [Added 12-16-92 by Ord. No. 31-92]	From the intersection with Washington Street southerly to the intersection with Silver Street
Back River Road	From its intersection with Durham Road (Route 108) southerly to its intersection with Piscataqua Road
Belknap Street [Added 12-16-92 by Ord. No. 31-92]	From the intersection with Washington Street southerly to the intersection with Silver Street
Bellamy Road	From the intersection of the Durham Road (Route 108) to the Knox Marsh Road
Birchwood Place [Added 06/30/99 by Ord. No. 06-99]	From the intersection with Central Avenue south to the beginning of Shamrock Lane
Columbus Avenue [Added 01-29-97 by Ord. No. 01-97]	From Tolend Road to Littleworth Road (restriction limited to United States Federal Highway Administration (FHWA) Classifications 8 through 13)
Cushing Street [Added 12-16-92 by Ord. No. 31-92]	From the intersection with Washington Street southerly to the intersection with Silver Street
Fourth Street	From the intersection of Fourth Street and Washington Streets easterly to the intersection of Fourth and Grove Streets
Glen Hill Road [Added 01-29-97 by Ord. No. 01-97]	From Tolend Road to the Rochester Town Line

<u>STREET</u>	<u>LOCATION</u>
George Street [Added 10/20/93 by Ord. No. 27-93]	From the intersection with Henry Law Avenue westerly to the intersection with Central Avenue
Green Street	From the intersection of Chestnut Street to the intersection of Washington Street
Lexington Street	From the intersection of Silver Street northerly to the intersection with Washington Street
Mast Road [Added 01/17/2007 by Ord. No. 16-2006]	From the intersection of Durham Road to the Intersection of Back River Road
Old Rochester Road	From its intersection with Long Hill Road southerly to its intersection with Indian Brook Drive
Piscataqua Road	From its intersection with Back River Road southerly to its intersection with the Madbury-Dover boundary line
Renaud Avenue [Added 06/30/99 by Ord. No. 06-99]	From the intersection with Stark Avenue west to the intersection with Keating Avenue
Spring Street [Added 06/30/99 by Ord. No. 06-99]	From the intersection with Central Avenue west to the intersection with Locust Street
Summer Street	From the intersection with Central Avenue west to the intersection with Locust Street
Trakey Street [Added 06/30/99 by Ord. No. 06-99]	From the intersection with Central Avenue west to the intersection with Locust Street
Washington Street	Washington Street from the intersection of Arch and Washington Streets northerly to the intersection of Tolend Road and Washington Streets
Watson Road [Added 01-29-97 by Ord. No. 01-97]	In its entirety (restriction limited to United States Federal Highway Administration (FHWA) Classifications 8 through 13)
Whittier Street [Added 01-29-97 by Ord. No. 01-97]	From Sixth Street to the intersection of Washington Street and Tolend Road (restriction limited to United States Federal Highway Administration (FHWA) Classifications 8 through 13)
Willand Avenue [Added 11-11-98 by Ord. No. 17-98]	From the intersection with New Rochester Road to the intersection of Old Rochester Road.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.1

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#: 11.B.1

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#: *11.B.1.*

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#: *ii.B.i*

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#: 1, B, 1

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



RECEIVED
DOVER CITY CLERK
DOVER, NH

2008 AUG 22 P 12:28

APPLICATION CITY OF DOVER, NEW HAMPSHIRE

RAFFLE*.....TAG*.....PARADE**...~~X~~... BLOCK PARTY**..... ROAD TOLL***.....

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

Organization Name: Cocheco Valley Humane Society

Federal Tax ID number for Organization: 22-2561784

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

Contact Person: Laura Clark Day Time Telephone: 603-749-5322 X113

Address: 262 County Farm Rd. Dover Email Address: lclark@tlc.net

Purpose of Permit: dog walk / parade

Date of Event: 9/28/08 Specific Time: 1:00 pm

Location of Event: Henry Law Park (see attached parade route)

(Raffle Permit only)

Prize (s) To Be Awarded: _____

Amount of Donation: _____ Date of Drawing: _____ Specific Time: _____

Place of Drawing: _____

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

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

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

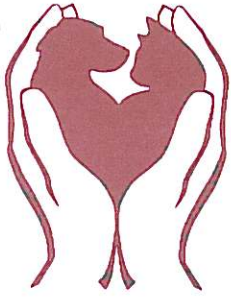
I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.
I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of RSA 287-A, RSA 31:91 and/or RSA 286 and I agree to abide by same.

Signature: [Signature] Date: 8/17/08

Licensing Board approval [Signature] Date: 9/4/08

Revised 03/17/08

OK w/ [Signature]

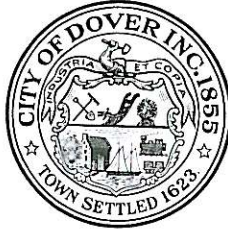


Cocheco Valley
Humane Society

Pet-a-Palooza Parade Route
Sunday, September 28, 2008
1:00 pm

- Start at Henry Law Park, follow walkway to River Street.
- Turn left on River Street to footbridge.
- Cross footbridge and follow to Washington Street – staying on sidewalk.
- Turn left on Washington Street to Henry Law Avenue.
- Turn left on Henry Law Avenue and continue into park.

Parade will be led by Dover Mounted Police.



RECEIVED
DOVER CITY CLERK
DOVER, NH

2008 AUG 22 P 12:28

APPLICATION CITY OF DOVER, NEW HAMPSHIRE

RAFFLE* X TAG* PARADE** BLOCK PARTY** ROAD TOLL***

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

Organization Name: Cocneco Valley Humane Society
Federal Tax ID number for Organization: 22-2561784
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political
Contact Person: Laura Clark Day Time Telephone: 603-749-5322 x113
Address: 262 County Farm Rd., Dover Email Address: lclark@tlc.net
Purpose of Permit: raffle
Date of Event: 9/28/08 Specific Time: 3 pm
Location of Event: Henry Law Park

(Raffle Permit only)
Prize (s) To Be Awarded: Invisible Fence kit
Amount of Donation: 100 value Date of Drawing: 9/28/08 Specific Time: 3 pm
\$1.00 tickets
Place of Drawing: Henry Law Park

*** NOTICE TO RAFFLE AND TAG PERMIT APPLICANTS:** Please be advised the City will verify that your organization is in compliance with the regulations of N.H. Charitable Trusts Unit of the Attorney General's Office prior to the acceptance of your application. The police department may contact you to obtain additional information. Please provide a way for us to contact you during the day so the request can expedited. Information on these requirements may be found at http://doj.nh.gov/publications/charitable_forms.html.
**** NOTE:** ALL REQUESTS FOR PARADE PERMITS AND BLOCK PARTIES MUST HAVE PARADE ROUTE APPROVED BY THE POLICE DEPT. BEFORE GOING ON THE COUNCIL AGENDA

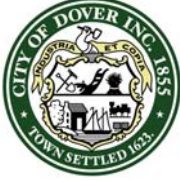
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I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.
I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of RSA 287-A, RSA 31:91 and/or RSA 286 and I agree to abide by same.

Signature: [Signature] Date: 8/18/08

Licensing Board approval [Signature] Date: 9/4/08
Revised 03/17/08

OK
[Signature]



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.3.

Resolution Number: **R - 2008.09.24 - 149**
Resolution Re: Award of Blanket Purchase Order for Automotive Parts and Supplies

WHEREAS: There are several State of New Hampshire contract pricing schedules available for municipal use with various vendors that represent different automotive supplies. Robbins Automotive of Dover, NH is such a vendor with whom the City does a significant amount of business and the annual expenditure may exceed the \$25,000 threshold amount that requires City Council approval.

WHEREAS: Robbins Auto Parts Inc offers a discount off “jobber” pricing in the amount of 20% with a prompt pay discount of 2%. The City had been very pleased with the availability and quality of parts, the service and the pricing structure offered by Robbins Auto Parts, Inc.; and

WHEREAS: Robbins Auto Parts, Inc. has offered to extend their current discounted pricing schedule for another one (1) year period of time through September 30, 2009 and it seems to be financially prudent for the City to take advantage of this offer.

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

Per Dover Purchasing Regulations 3-36B; The purchasing agent may, with approval by City Manager waive bidding procedure when purchasing through State of NH or at State bid prices but not superseding 3-39, Council approval of over \$25,000.

The Purchasing Agent is hereby authorized to issue a Blanket Purchase Order to Robbins Auto Parts, Inc. of Dover, NH for Miscellaneous Automotive Parts and Supplies at a discounted rate of 20% and 2% for prompt pay. This authorization shall be limited so as not to exceed available funding

Financing

Account	Description	Appropriation	Balance
Listed in Background	Auto Parts/supplies		

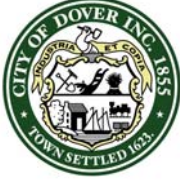
AUTHORIZATION

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.3.

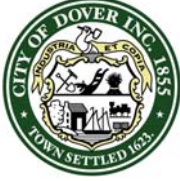
Resolution Number: **R - 2008.09.24 - 149**
Resolution Re: Award of Blanket Purchase Order for Automotive Parts and Supplies

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		
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

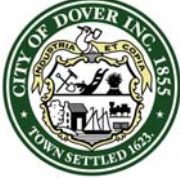
Agenda Item#: 12.A.3.

Resolution Number: **R - 2008.09.24 - 149**
Resolution Re: Award of Blanket Purchase Order for Automotive Parts and Supplies

RESOLUTION BACKGROUND MATERIAL:

There are several State of New Hampshire contract pricing schedules available for municipal use with various vendors that represent different automotive supplies. Robbins Automotive of Dover, NH is such a vendor with the State of NH and with whom the City does a significant amount of business. Total for FY08 was \$67,212.00. The annual expenditure exceeds the \$25,000 threshold amount that requires City Council approval. Robbins Auto Parts Inc offers a discount off "jobber" pricing in the amount of 20% with a prompt pay discount of 2% to the city. The City had been very pleased with the availability and quality of parts, the service and the pricing structure offered by Robbins Auto Parts, Inc and wishes to continue with their current discounted pricing schedule for another one (1) year period of time through September 30, 2009.

Accounts charged last year	appropriation	Bal as of 9/11/08
1000-41951-4626-0000-00-30	8,000.00	6,139.00
1000-41951-4654-0000-00-30	1,500.00	1,040.00
1000-42220-4433-0000-00-22	13,825.00	11,496.00
1000-42220-4434-0000-00-22	45,050.00	33,436.00
1000-42220-4615-0000-00-22	29,980.00	22,521.00
1000-42220-4654-0000-00-22	2,000.00	2,000.00
1000-42220-4681-0000-00-22	21,350.00	18,556.00
1000-42280-4651-0000-00-22	10,300.00	8,674.00
1000-43121-4652-0000-00-30	60,000.00	47,555.00
1000-43180-4653-0000-00-30	1,200.00	581.00
1000-43180-4681-0000-00-30	6,300.00	6,200.00
1000-45124-4653-0000-00-35	3,000.00	2,369.00
3381-41941-4651-0000-00-35	10,820.00	9,314.00
5300-43320-4433-0000-00-30	42,890.00	24,935.00
5300-43320-4612-0000-00-30	61,200.00	39,184.00
5320-43250-4612-0000-00-30	40,000.00	27,561.00
5320-43250-4652-0000-00-30	20,000.00	12,360.00
5320-43250-4653-0000-00-30	25,000.00	21,807.00
5320-43250-4654-0000-00-30	17,800.00	15,346.00
5320-43256-4652-0000-00-30	149,867.00	93,163.00
5320-43256-4654-0000-00-30	4,000.00	3,920.00
5500-45149-4653-0000-00-35	4,500.00	2,775.00
5500-45149-4654-0000-00-35	2,800.00	1,909.00
6310-49200-4681-0000-00-55	4,500.00	4,500.00
6310-49200-4895-0000-00-55	161,184.00	126,906.00
totals	747,066.00	544,247.00



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.3.

Resolution Number: **R - 2008.09.24 - 149**
Resolution Re: Award of Blanket Purchase Order for Automotive Parts and Supplies

Bid Information:

The State of New Hampshire solicits bids from qualified vendors for different types of vehicle parts and accessories to be acquired on an “as needed” basis and any municipality can “piggy back” on those same contracts with special contract pricing once a vendor or vendors is / are identified.

Award Information:

A purchase order will be issued to authorize this expenditure.

Purchasing Information:

Type:	Purchase Order	Advertised:	No
Invitations Mailed:	NA	Number of Responses:	NA
Warranty:	Per Manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes/state 855073
Prices will hold for:	September 30, 2009	Estimated Delivery:	As needed
Recommended Award to:	Robbins Auto Parts Inc	Fund:	Various
Other Approvals Required:	State NH	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.4.

Resolution Number: **R - 2008.09.24 - 150**
Resolution Re: Award of Blanket Purchase Order for Tires and Miscellaneous Related Supplies

WHEREAS: The City of Dover has a fleet of approximately 150 vehicles, to include cars, trucks and certain mobile equipment which are maintained by the Fleet Maintenance Division of the Community Services Department; and

WHEREAS: Tires and related accessories replacement for the various vehicles is an on-going process, as needed and required depending upon specific vehicle usage and the total annual tire and accessories replacement acquisition costs will vary depending upon circumstances; and

WHEREAS: There are several State of New Hampshire contract pricing schedules available for municipal use with various vendors that represent different manufacturers and types of tires and related accessories, Contract #216083 with varying discounts from the Manufacturers Government Sales/Price List; and

WHEREAS: Sullivan Tire Company of Dover, NH is such a vendor with the State NH and with whom the City does a significant amount of business. The annual expenditure may exceed the \$25,000 threshold amount that requires City Council approval.

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

Per Dover Purchasing Regulations 3-36B; The purchasing agent may, with approval by City Manager waive bidding procedure when purchasing through State of NH or at State bid prices but not superseding 3-39, Council approval of over \$25,000.

The Purchasing Agent is hereby authorized to issue a Blanket Purchase Order to Sullivan Tire Company, Dover, NH for Tires and Miscellaneous Automotive Tires and related supplies as needed. This authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance as of 9/12/08
6310-49200-4895-0000-00-55	Internal Cost of sales	161,184.70	126,906.72
1000-42220-4434-0000-00-22	F&R Suppression vehicles	45,050.00	33,436.23
2290-42230-4681-2231-08-22	Emergency Management SR	19,100.00	8,951.54

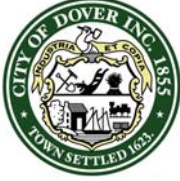
AUTHORIZATION

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.4.

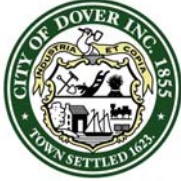
Resolution Number: **R - 2008.09.24 - 150**
Resolution Re: Award of Blanket Purchase Order for Tires and Miscellaneous Related Supplies

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		
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.4.

Resolution Number: **R - 2008.09.24 - 150**
Resolution Re: Award of Blanket Purchase Order for Tires and Miscellaneous Related Supplies

RESOLUTION BACKGROUND MATERIAL:

The City of Dover has a fleet of approximately 150 vehicles, to include cars, trucks and certain mobile equipment which are maintained by the Fleet Maintenance Division of the Community Services Department. Tires and related accessories replacement for the various vehicles is an on-going process, as needed and required depending upon specific vehicle usage and the total annual tire and accessories replacement acquisition costs will vary depending upon circumstances. There are several State of New Hampshire contract pricing schedules available for municipal use with various vendors that represent different manufacturers and types of tires and related accessories. Sullivan Tire Company of Dover, NH is such a vendor with the State NH and with whom the City does a significant amount of business. Total for FY2008 was \$28,276.00. The annual expenditures may exceed the \$25,000 threshold amount that requires City Council approval.

Bid Information:

The State of New Hampshire solicits bids from qualified vendors for different types of vehicle tires / accessories to be acquired on an “as needed” basis and any municipality can “piggy back” on those same contracts with special contract pricing once a vendor or vendors is / are identified.

Award Information:

A purchase order will be issued to authorize this expenditure.

Purchasing Information:

Type:	Purchase Order	Advertised:	NO
Invitations Mailed:	NA	Number of Responses:	NA
Warranty:	Per Manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes/state 216083
Prices will hold for:	September 30, 2009	Estimated Delivery:	As needed
Recommended Award to:	Sullivan Tire	Fund:	Various
Other Approvals Required:	State NH	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.5

Resolution Number: **R - 2008.09.24 - 151**

Resolution Re: Purchase of Easements for B08109 Dover Community Trail

WHEREAS: Subject to approval of the Dover City Council, the City of Dover and the property owners listed in the background have signed purchase and sales agreements and memorandum of understanding for the purchase of permanent and temporary easements. These easements are required in order to proceed with construction of the Dover Community Trail; and

WHEREAS: The total purchase price for said list of properties is \$22,500.00

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

The Purchasing Agent is hereby authorized to issue a Purchase Orders to parties listed on the Permanent and Temporary Easement sheets attached in the amount totaling \$22,500.00 and charge to the following account. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
4007-43122-4715-3370-07-18	TIP Multi Use trail	\$821,180.00	\$38,980.00

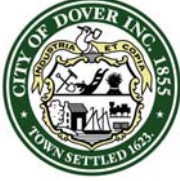
AUTHORIZATION

Approved as to Funding: Daniel R Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5

Resolution Number: **R - 2008.09.24 - 151**

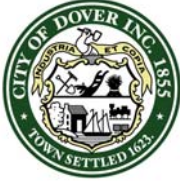
Resolution Re: Purchase of Easements for B08109 Dover Community Trail

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 - 2008.09.24 - 151**

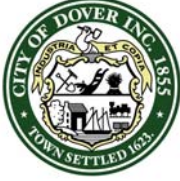
Resolution Re: Purchase of Easements for B08109 Dover Community Trail

RESOLUTION BACKGROUND MATERIAL:

The Community Trail Project is a Transportation Improvement Program project that has long been in the Capital Improvements Program under the TIP section. The proposed project involves the construction of a new bicycle and pedestrian trail (urban multi-use) through the City of Dover using the former Guilford Industries Newington Branch rail corridor right-of-way. The section of trail included in this study begins at the Transportation Center on Chestnut Street, crosses the Coheco River on an abandoned truss bridge leading to Washington Street; the trail continues south along the former rail corridor to and beyond Silver Street, with the section beyond Silver to Fisher Street having previously been purchased by the City, needing volunteer work to make the trail more passable. Where the rail line used to pass beneath Silver Street, the former bridge deck has been removed and the crossing filled with earth; an underpass structure will be used to allow unimpeded travel of both maintenance vehicles and trail users. The total length of trail studied is approximately 6100 ft from the Transportation Center to Central Avenue, however this phase is approximately 2300 ft in length..

More than six months of effort by the City of Dover Community Trail Design Group, which was formed in late June 2005 to address the concerns of Dover residents, and in particular, abutting property owners, to the redevelopment of the former railroad corridor as a multi-use community trail resulted in a Spring 2006 report recommending everything from design specifications to how the trail should be operated by the City. The Trail Design Group met fourteen times between July 18, 2005 and January 17, 2006 with the average attendance at these meetings being 14 members. Several Design Group members attended most, if not all, of the scheduled meetings. Some participants provided input on only those issues important to them, such as protecting their privacy, while others have dedicated their time to each meeting to ensure that the trail was designed in a balanced, well-considered manner.

Their report represented a great effort and time commitment by many members of the community, but more importantly presented the consensus of the Community Trail Design Group regarding plans for the construction, maintenance, and operation of the trail. The Community Trail Design Group believed that the design outlined in their report, developed with the assistance of Bruce Woodruff of the Dover Planning Department and CLD Consulting Engineers represents the preferred alternative for the trail system. Project advertising was programmed for March 2006 with construction scheduled for the summer of 2006. It is foreseen that advertising will be delayed until September 2006 (contingent upon Federal approval of the project) and that construction will begin in early 2007. This timeline will allow for completion of the contract plans, along with the wetland permitting and environmental documentation.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5

Resolution Number: **R - 2008.09.24 - 151**

Resolution Re: Purchase of Easements for B08109 Dover Community Trial

The Dover City Council has previously approved a total cash amount of more than \$200,000 to be put towards the local share of the project costs. Additionally, in October 2005 the Council approved the release of \$185,000 from the City Conservation Fund to be expended by the Conservation Commission to purchase the parcel of land between Silver and Fisher Streets. The State of NH-Department of Transportation and the Federal Highways Administration has approved the City's award of bid and their 80 % share of the project construction and easement costs. The City's 20% share comes out of the Transportation Reserve, which is funded entirely with the monies from vehicle registration fees and not from tax dollar funded general funds.

Award Information:

A purchase order will be issued to authorize this expenditure to property owners for permanent and temporary easements.

Purchasing Information:

Type:	Purchase orders	Advertised:	na
Invitations Mailed:	Na	Number of Responses:	na
Warranty:	Na	Terms:	Net 30, FOB Dover
Work Bonded:	NA	Contract:	Yes
Prices will hold for:		Estimated Delivery:	
Recommended Award to:		Fund:	TIP
Other Approvals Required:		References Checked:	
Previously Worked for City:		Reason for Council Approval:	Cost estimated at \$25,000 or greater

TRAIL EASEMENT

THIS TRAIL EASEMENT is made and entered into this _____ day of _____, 2008 by and between _____ (hereinafter referred to as "Grantor"), and The City of Dover, a municipal corporation of the State of New Hampshire (hereinafter referred to as "Grantee"). Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and their respective heirs, legal representatives, successors and assigns. Grantor is used for singular or plural, as the context requires.

WITNESSETH:

Grantor, for and in consideration of XXXXX DOLLARS (\$XX,XXX.00) and other valuable consideration paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, hereby conveys, grants, bargains and sells unto the Grantee, a perpetual, non-exclusive easement for the purpose of construction and maintenance of a public pedestrian and bicycling trail upon and across the following described lands located in Dover, New Hampshire, to wit:

See attached Exhibit "A" which is incorporated herein by reference.
Subject to easements, restrictions, and reservations of record.

The trail shall be constructed and maintained in conformance with generally accepted design standards, and may include paved and unpaved trail surfaces, at-grade shoulders, vegetative buffers (with irrigation), fences, and such improvements as necessary or as shown on Exhibit "A" to comply with all lawful requirements and agreements, including the Americans with Disabilities Act. Grantor hereby declares and covenants that the general public shall have and be allowed regular access to the Trail Easement Area, for the purpose of walking, jogging, running, bicycling and like activities, but specifically excluding all motorized vehicles except as authorized by Grantee for maintenance, management, police and emergency purposes.

The City of Dover agrees to hold _____, its successors and assigns, harmless pursuant to New Hampshire RSA 508:14(I).

Grantee shall have the right to regulate public access to, and activities within, the Trail Easement Area, and shall further have the right to require Grantor to keep the Trail Easement Area free from obstructions which prevent reasonable public access to and along the Trail Easement Area, including but not limited to structures, fences and fallen trees.

The easement granted herein shall constitute an easement running with the land in perpetuity and shall burden the lands described above.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed the date and year first above written.

Signed, sealed and delivered
in our presence as witnesses:

Grantor(s)

(1) _____
Signature
Printed/Typed Name: _____

Signature
Printed/Typed Name: _____

(2) _____
Signature
Printed/Typed Name: _____

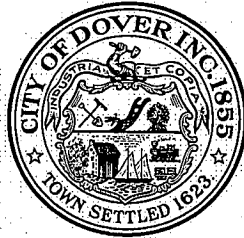
Signature
Printed/Typed Name: _____

**STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD**

The foregoing Easement was acknowledged before me, the undersigned authority, on this _____ day of _____, 2008, by _____ who () are personally known to me or () produced _____ as identification.

Notary Public/State of NH
Name: _____
My Commission expires:

Christopher G. Parker, AICP
Director
c.parker@ci.dover.nh.us



288 Central Avenue
Dover, New Hampshire 03820-4169

(603) 516-6008
Fax: (603) 516-6097
www.ci.dover.nh.us

City of Dover, New Hampshire
Department of Planning & Community Development

Dover Community (Newington Branch Railroad) Multi-Use Trail Project (Dover
13482)

AGREEMENT FOR ENTRY AND CONSTRUCTION

THIS INDENTURE, entered into this day between **KAB Realty Management, LLC**, a New Hampshire limited liability company, with an address of 686 Central Avenue, Dover, NH 03820 and the **City of Dover**, a Municipal Corporation, whose address is 288 Central Avenue, Dover, New Hampshire, 03820.

WITNESSETH: THAT for consideration paid, the receipt of which is hereby acknowledged, does hereby release to the City of Dover and its authorized contractors the right to enter the property at 12 Folsom Street for the purpose of access to areas of the project not easily accessible in any other way; to use an area designated on the attached plan as a construction lay-down area and access way to the project area for the Dover Community (Newington Branch Railroad) Multi-Use Trail Project (Dover 13482). Said property is also known as Map 10, Lot 89 on the City of Dover Tax Maps.

The temporary construction easement area shall be affected for the period of project construction not to exceed 180 days from construction start, or 60 days from project completion, whichever comes first, at which time this agreement becomes null and void. The property owner will have unencumbered use of the access way portion of the temporary easement area at all other times.

The project contractor shall exercise extreme care and caution when operating vehicles across the access way and parking area, and shall at all times ensure unrestricted access is provided to said access drive, parking area and buildings. Any damage to the property, caused by the contractor, shall be repaired at the project contractor's expense no later than 60 days from project completion or such time as the temporary easement is no longer required, whichever comes first.

It shall be a condition of this agreement that the owner will, upon transfer of title, inform any new owner of this property of the conditions agreed hereto.

AND IT IS FURTHER AGREED

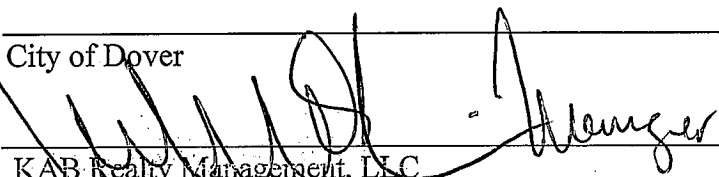
That the City of Dover or its authorized contractor shall overlay the entire paved parking area and access drive from Folsom Street on Tax Map 10, Lot 89 with an asphalt mix to City specifications to a depth of 1 inch no later than 60 days from project completion or such time as the temporary easement is no longer required, whichever comes first.

That the project contractor shall return the temporary easement areas (lay-down and access) that lie outside of the permanent trail easement, recorded in the Strafford County Registry of Deeds as Book 3169, Page 0869, to its original condition no later than 60 days from project completion or such time as the temporary easement is no longer required, whichever comes first.

No additional instrument shall be required in connection herewith, nor shall any additional consideration be required.

EXECUTED this 20th day of June, 2008,

BY: _____
City of Dover

BY:  _____
KAB Realty Management, LLC
William T. Goldstein, Manager

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

THIS AGREEMENT made this day of October 2007 between the GRANTORS, Pamela Green and Ian Harper of Dover, County of Strafford, State of New Hampshire, and the GRANTEE, the City of Dover, a municipal corporation, County of Strafford, State of New Hampshire.

WITNESSETH: That the GRANTORS agree to grant, and the GRANTEE agrees to accept a **TEMPORARY CONSTRUCTION EASEMENT** on a portion of certain real estate located in Dover, New Hampshire, being the land known as Tax Map 10, Lot 63, 8 & 10 Fern Court, and described in an Existing Conditions and Trail Easement Plan over properties off Washington Street & Folsom Street, dated April 19, 2007, and revised on May 10, 2007 and attached to this Agreement. Said temporary construction easement area is 267 square feet or 0.01 acre.

The SELLING PRICE IS: Five Hundred Dollars (\$500.00).

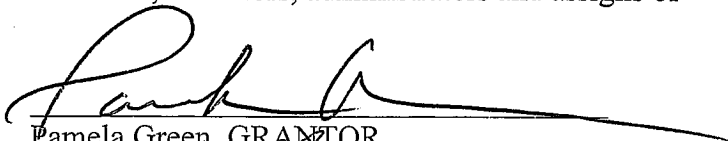
INSTRUMENT: The **Temporary Construction Easement** shall be conveyed by a Temporary Easement instrument that allows temporary construction activities during the Community Trail Construction Project, while certifying that parking and access shall remain the same and available during construction. Additionally, the premises shall be returned to their present or agreed upon improved state with regard to landscaping and drainage unless other improvement provisions in the Recreational Trail Easement apply. The easement shall be in force for the duration of construction in the 267 square foot area or a maximum of 180 days from February 2008 or construction start, at such time it will become null and void.

RECORDING: Recording in City Clerk's Office and payment as soon as reasonably possible after City Council, Federal Highway Administration and State of NH approval.

REALTOR: The parties agree that no real estate agent brought about this sale and no commission is owing.

This agreement shall be binding upon the heirs, executors, administrators and assigns of both parties.

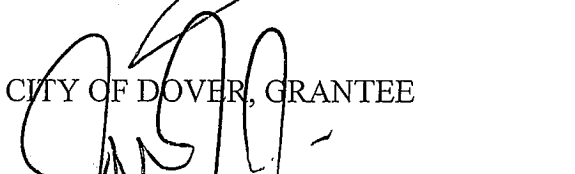
Oct 20, 2007
Date


Pamela Green, GRANTOR


Ian Harper, GRANTOR


CITY OF DOVER, GRANTEE

10/20/07
Date

By: 
Michael Joyal, Duly Authorized
City Manager

PURCHASE AND SALES AGREEMENT

THIS AGREEMENT made this ^{6th} day of ^{July 07} June 2007 between the SELLER, Timothy Stifler of 1500A Lafayette RD #258, Portsmouth, NH 03801, County of Rockingham, State of New Hampshire, and the BUYER, the City of Dover, a municipal corporation, County of Strafford, State of New Hampshire.

WITNESSETH: That the SELLER agrees to sell and convey and the BUYER agrees to buy a **TEMPORARY CONSTRUCTION EASEMENT** on a portion of certain real estate located in Dover, New Hampshire, being the land known as Tax Map 10, Lot 64, 9 Fern Court, and described in an Existing Conditions and Trail Easement Plan over properties off Washington Street & Folsom Street, dated April 19, 2007, and revised on May 10, 2007 and attached to this Agreement. Said temporary construction easement area is 2,301 square feet or 0.053 acre.

The SELLING PRICE IS: One thousand Dollars (\$1,000.00).

INSTRUMENT: The **Temporary Construction Easement** shall be conveyed by an Easement instrument that allows temporary construction activities while certifying that parking and access shall remain the same and available during construction. Additionally, the premises shall be returned to their present state with regard to landscaping and drainage with the exception that Provisions for implementing all improvements to the property as part of the prosecution of the Community Trail Project shall be as shown on a plan dated May 2007, entitled Parking Plan Washington-Folsom, Dwg. 9, marked Exhibit A and attached to this Agreement.

. The easement shall be in force for the duration of construction in the 2,301 square foot area or a maximum of 180 days from September 2007 or construction start, at such time it will become null and void.


RECORDING: Recording in City Clerk's Office and payment as soon as reasonably possible after City Council, Federal Highway Administration and State of NH approval.

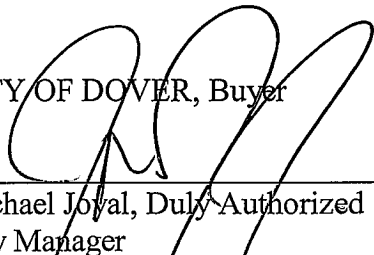
REALTOR: The parties agree that no real estate agent brought about this sale and no commission is owing.

This agreement shall be binding upon the heirs, executors, administrators and assigns of both parties.

July 6, 2007
Date

7/20/07
Date


Timothy Stifler, Seller

By: 
CITY OF DOVER, Buyer
Michael Joyal, Duly Authorized
City Manager

PURCHASE AND SALES AGREEMENT

THIS AGREEMENT made this ^{6th} day of ~~June~~ ^{July 2007} 2007 between the GRANTOR, Timothy Stifler of 1500A Lafayette RD #258, Portsmouth, NH 03801, County of Rockingham, State of New Hampshire, and the GRANTEE, the City of Dover, a municipal corporation, County of Strafford, State of New Hampshire.

WITNESSETH: That the GRANTOR agrees to sell and convey and the GRANTEE agrees to buy a recreational trail easement on a portion of certain real estate located in Dover, New Hampshire, being the land known as Tax Map 10, Lot 64, 9 Fern Court, and described in an Existing Conditions and Trail Easement Plan over properties off Washington Street & Folsom Street, dated April 19, 2007, and revised on May 10, 2007 and attached to this Agreement. Said easement area is 4,204 square feet or 0.10 acre.

The SELLING PRICE IS: Ten thousand Dollars (\$10,000.00).

DEED: The Recreational Trail Easement shall be conveyed by a Trail Easement Deed containing certain provisions for construction, maintenance and use by pedestrians, bicyclists and City safety and emergency personnel of the trail, and shall contain provisions for improvements to parking, striping, landscaping, fencing, and drainage both in and outside of the trail easement area. Said Easement shall not abrogate the continuing rights of the owners of use, access and parking so long as said uses allow passage of trail users. Provisions for implementing all improvements to the property as part of the prosecution of the Community Trail Project shall be as shown on a plan dated May 2007, entitled Parking Plan Washington-Folsom, Dwg. 9, marked Exhibit A and attached to this Agreement.

TRANSFER OF TITLE: Transfer and payment as soon as reasonably possible after City Council, Federal Highway Administration and State of NH approval.

REALTOR: The parties agree that no real estate agent brought about this sale and no commission is owing.

TITLE: If GRANTEE desires an examination of title, it shall pay the cost thereof. If upon examination of title it is found that the title is not marketable, this Agreement may be rescinded at the option of the GRANTEE

TAXES, special assessments, rents, water and sewage bills shall prorated as of date of transfer of title.

OTHER CONTINGENCIES: GRANTEE has the right of access to the property for surveys and site assessments, during the terms of this agreement.

This agreement shall be binding upon the heirs, executors, administrators and assigns of both parties.

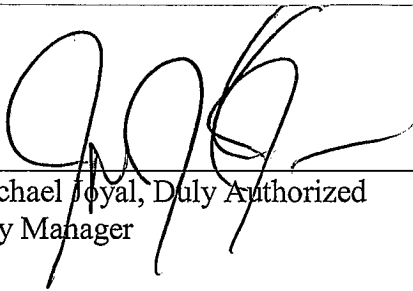
July 6, 2007
Date



Timothy Stifler, GRANTOR

CITY OF DOVER, GRANTEE

7/20/07
Date

By: 
Michael Joyal, Duly Authorized
City Manager

PURCHASE AND SALES AGREEMENT

THIS AGREEMENT made this day of September 2007 between the GRANTORS, Pamela Green and Ian Harper of Dover, State of New Hampshire, and the GRANTEE, the City of Dover, a municipal corporation, County of Strafford, State of New Hampshire.

WITNESSETH: That the GRANTORS agrees to sell and convey and the GRANTEE agrees to buy a recreational trail easement on a portion of certain real estate located in Dover, New Hampshire, being the land known as Tax Map 10, Lot 63, 8/10 Fern Court, and described in an Existing Conditions and Trail Easement Plan over properties off Washington Street & Folsom Street, dated April 19, 2007, and revised on May 10, 2007 and attached to this Agreement. Said easement area is 3,911 square feet or 0.09 acre.

The SELLING PRICE IS: Ten thousand Dollars (\$10,000.00).

DEED: The Recreational Trail Easement shall be conveyed by a Trail Easement Deed containing certain provisions for construction, maintenance and use by pedestrians, bicyclists and City safety and emergency personnel of the trail, and shall contain provisions for improvements to parking, striping, landscaping, fencing, and drainage both in and outside of the trail easement area as shown on Easement Exhibit A, attached. Said Easement shall not abrogate the continuing rights of the owners of use, access and parking so long as said uses allow passage of trail users.

TRANSFER OF TITLE: Transfer and payment as soon as reasonably possible after City Council, Federal Highway Administration and State of NH approval.

REALTOR: The parties agree that no real estate agent brought about this sale and no commission is owing.

TITLE: If GRANTEE desires an examination of title, it shall pay the cost thereof. If upon examination of title it is found that the title is not marketable, this Agreement may be rescinded at the option of the GRANTEE

TAXES, special assessments, rents, water and sewage bills shall prorated as of date of transfer of title.

OTHER CONTINGENCIES: GRANTEE has the right of access to the property for surveys and site assessments, during the terms of this agreement.

This agreement shall be binding upon the heirs, executors, administrators and assigns of both parties.

Sept 17, 2007
Date

[Signature]
Pamela Green, GRANTOR

[Signature]
Ian Harper, GRANTOR

[Signature]
CITY OF DOVER, GRANTEE
By: [Signature]
Michael Joyal, Duly Authorized
City Manager

9/26/07
Date

PURCHASE AND SALES AGREEMENT

THIS AGREEMENT made this day of October 2008 between the GRANTORS, Adam Dean of Dover, County of Strafford, State of New Hampshire, B.J. McNeal Dover, of Dover, County of Strafford, State of New Hampshire, and Paul Shirilla of 920 Franklin Terrace, Minneapolis, MN., and the GRANTEE, the City of Dover, a municipal corporation, County of Strafford, State of New Hampshire.

WITNESSETH: That the GRANTORS agree to grant and the GRANTEE agrees to receive a recreational trail easement on a portion of certain real estate located in Dover, New Hampshire, being an Easement for Parking on land known as Tax Map 10, Lot 64, 9 Fern Court, and described in an Existing Conditions and Trail Easement Plan over properties off Washington Street & Folsom Street, dated April 19, 2007, and revised on May 10, 2007 and attached to this Agreement. Said easement is contained wholly in the recreational trail area of 3,911 square feet or 0.09 acre being conveyed by the owner of said land and is also shown on a Condominium Site Plan, 19-21 Folsom Street Condominium, 19 & 21 Folsom Street, Dover NH prepared for the Brikadia Group, LLC by Cuoco & Cormier Engineering Associates, Inc., dated October 15, 2003, SCRD Plan 72-82..

The CONSIDERATION IS: One thousand Dollars (\$1,000.00).

DEED: The Recreational Trail Easement shall be conveyed by a Trail Easement Deed containing certain provisions for construction, maintenance and use by pedestrians, bicyclists and City safety and emergency personnel of the trail, and shall contain provisions for improvements to parking, striping, landscaping, fencing, and drainage both in and outside of the trail easement area.

TRANSFER OF TITLE: Transfer and payment as soon as reasonably possible after City Council, Federal Highway Administration and State of NH approval.

REALTOR: The parties agree that a licensed real estate agent was involved in the transaction, but did not bring about this sale and no commission is owing.

TITLE: If GRANTEE desires an examination of title, it shall pay the cost thereof. If upon examination of title it is found that the title is not marketable, this Agreement may be rescinded at the option of the GRANTEE

OTHER CONTINGENCIES: GRANTEE has the right of access to the property for surveys and site assessments, during the terms of this agreement.

This agreement shall be binding upon the heirs, executors, administrators and assigns of both parties.

Date

Adam Dean, GRANTOR
B.J. McNeal, GRANTOR
Paul Shirilla, GRANTOR

CITY OF DOVER, GRANTEE

Date

By:

Michael Joyal, Duly Authorized
City Manager

TITLE XX

TRANSPORTATION

CHAPTER 231-A

MUNICIPAL TRAILS

Section 231-A:8

231-A:8 Liability Limited. –

I. All trails established under this chapter shall be deemed to constitute land open without charge for recreational or outdoor educational purposes pursuant to RSA 212:34 and RSA 508:14, I, and the liability of owners, lessees or occupants of land affected by a trail, and of the municipality establishing the trail, shall be limited as set forth in those statutes.

II. The liability of any person performing volunteer management or maintenance activities for or upon any trail established under this chapter, with the prior written approval of the body or organization with supervision over trail management pursuant to RSA 231-A:7, shall be limited as set forth in RSA 508:17, and such management shall not be deemed "care of the organization's premises" under RSA 508:17, IV.

Source. 1993, 60:2, eff. Jan. 1, 1994.

TITLE XVIII FISH AND GAME

CHAPTER 212 PROPAGATION OF FISH AND GAME

Liability of Landowners

Section 212:34

212:34 Duty of Care. –

I. An owner, lessee or occupant of premises owes no duty of care to keep such premises safe for entry or use by others for hunting, fishing, trapping, camping, horseback riding, water sports, winter sports or OHRVs as defined in RSA 215-A, hiking, sightseeing, or removal of fuelwood, or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purposes, except as provided in paragraph III hereof.

II. An owner, lessee or occupant of premises who gives permission to another to hunt, fish, trap, camp, ride horseback, hike, use OHRVs as defined in RSA 215-A, sightsee upon, or remove fuelwood from, such premises, or use said premises for water sports, or winter sports does not thereby:

(a) Extend any assurance that the premises are safe for such purpose, or

(b) Constitute the person to whom permission has been granted the legal status of an invitee to whom a duty of care is owed, or

(c) Assume responsibility for or incur liability for an injury to person or property caused by any act of such person to whom permission has been granted except as provided in paragraph III hereof.

III. This section does not limit the liability which otherwise exists:

(a) For willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or

(b) For injury suffered in any case where permission to hunt, fish, trap, camp, ride horseback, hike, use for water sports, winter sports or use of OHRVs as defined in RSA 215-A, sightsee, or remove fuelwood was granted for a consideration other than the consideration, if any, paid to said landowner by the state; or

(c) The injury caused by acts of persons to whom permission to hunt, fish, trap, camp, ride horseback, hike, use for water sports, winter sports or use of OHRVs as defined in RSA 215-A, sightsee, or remove fuelwood was granted, to third persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

Source. 1961, 201:1. 1969, 77:1-3. 1973, 560:4. 1977, 208:1. 1981, 146:5, VI, eff. Jan. 1, 1982; 538:7, 13, eff. June 30, 1981. 2003, 29:1, eff. May 2, 2003.

TITLE LII ACTIONS, PROCESS, AND SERVICE OF PROCESS

CHAPTER 508 LIMITATION OF ACTIONS

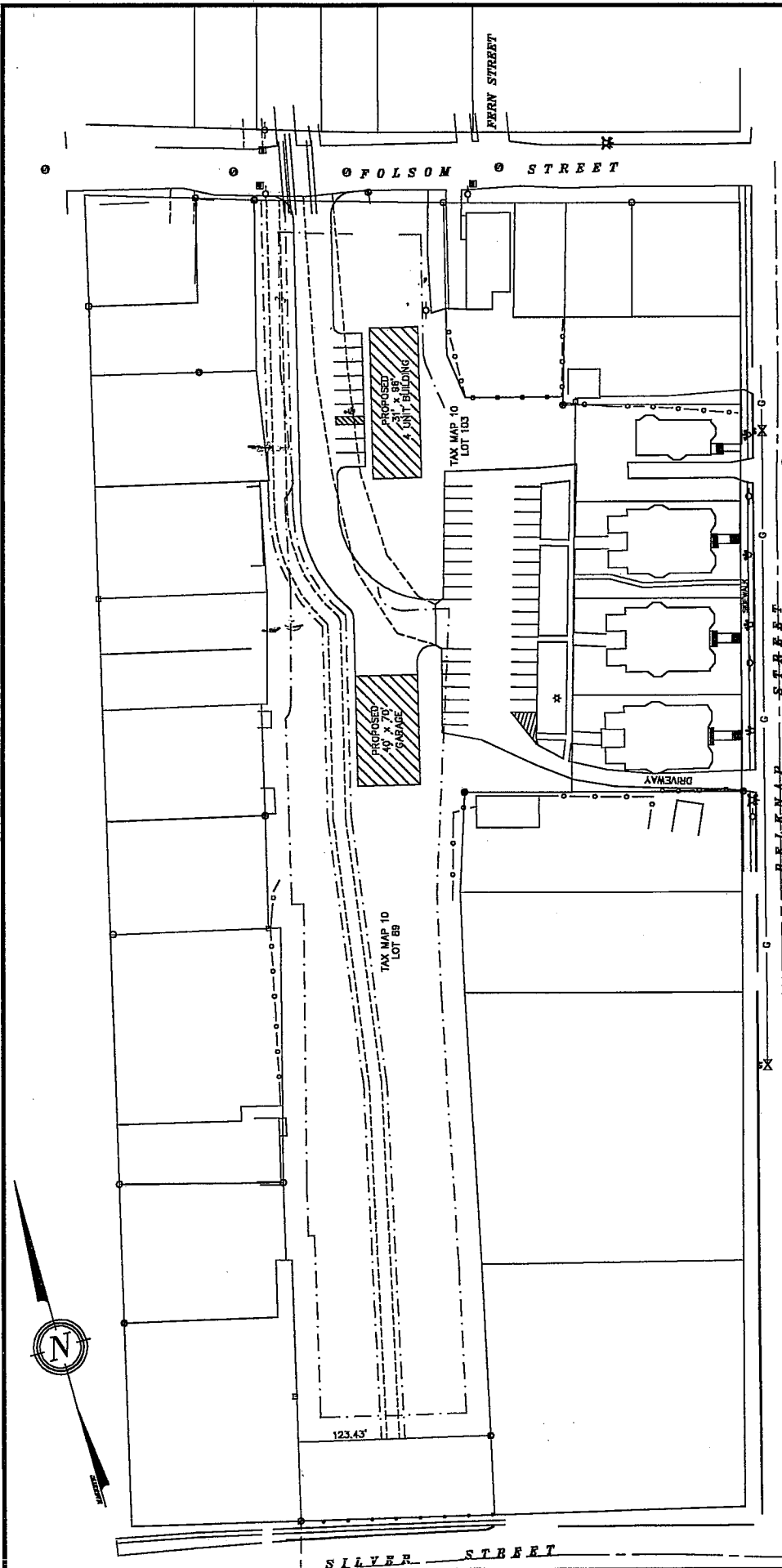
Section 508:14

508:14 Landowner Liability Limited. –

I. An owner, occupant, or lessee of land, including the state or any political subdivision, who without charge permits any person to use land for recreational purposes or as a spectator of recreational activity, shall not be liable for personal injury or property damage in the absence of intentionally caused injury or damage.

II. An owner of land who permits another person to gather the produce of the land under pick-your-own or cut-your-own arrangements, provided said person is not an employee of the landowner and notwithstanding that the person picking or cutting the produce may make remuneration for the produce to the landowner, shall not be liable for personal injury or property damage to any person in the absence of willful, wanton, or reckless conduct by such owner.

Source. 1975, 231:1. 1979, 439:1. 1981, 293:2. 1985, 193:2, eff. July 30, 1985.



REVISION	DATE

- LEGEND :
- IRON PIPE (FND)
 - IRON BOUND (FND)
 - FRAME STEEL STAKE (FND)
 - STONE BOUND STAKE (FND)
 - UTILITY POLE
 - WATER SHUTOFF
 - FIRE HYDRANT
 - CATCH BASIN
 - SENSER MANHOLE
 - TELEPHONE MANHOLE
 - CHAIN LINK SERVICE

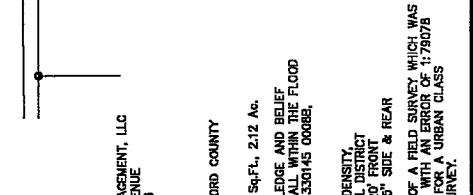
NOTES :

- 1.) OWNER : K&B REALTY MANAGEMENT, LLC
688 CENTRAL AVENUE
DOVER, NH 03820
- 2.) TAX MAP 10, LOT 89
TAX MAP 10, LOT 103
- 3.) DEED REFERENCES : STAFFORD COUNTY
BOOK 2243, PAGE 412
- 4.) TOTAL LOT AREA : 92,248 Sq.Ft., 2.12 Ac.
- 5.) TO THE BEST OF MY KNOWLEDGE AND BELIEF
THERE IS NO FLOOD ZONE OR FLOOD HAZARD WITHIN THE FLOOD
ZONING DISTRICT ON MAP 5301745 DOBBER,
DATED APRIL 15, 1980.
- 6.) ZONING : RM-10, MEDIUM-DENSITY,
MULTIFAMILY DISTRICT
BUILDING SETBACKS - 20' FRONT
15' SIDE & REAR

REFERENCE :

- 1. OF A TRACT OF LAND IN DOVER, N.H. OWNED BY
L. CUSHING ESQ.
CITY DAME
AUG. 1899
- 2. POCKET 10, FOLDER 2, PLAN 37
- 3. OF PLAN ENTITLED "PROPERTY OF JEREMIAH SMITH
N.H. SURVEYED SEPTEMBER 1880 BY S.S. JENKINS C.E."
BOOK 313, PAGE 502
- 4. IN DOVER, N.H., BOSTON AND MAINE RAILROAD TO
DOVER, N.H.,
AUGUST 1933
- 5. POCKET 6, FOLDER 2, PLAN 18
- 6. DEEDS, DOVER N.H., TRACED FROM BARRIE, PLAN PORTLAND DIV.,
DATED JULY 1942 FOR JOHN R. MATHEW
MARCH 1948
- 7. POCKET 3, FOLDER 1, PLAN 20
- 8. IN DOVER, NEW HAMPSHIRE, ROBERT W. MESSERVE et al, TRUSTEES
OF THE BOSTON & MAINE CORPORATION TO
FRANK A. KENNETH M. O'NEIL
JUNE 1977
PLAN 17-147
- 9. LINE ADJUSTMENT FOR CHARLES P. KAGELERY AND THE CITY OF
DOVER, N.H.,
JULY 13, 1982
PLAN 41-22

THIS PLAN IS THE RESULT OF A FIELD SURVEY WHICH WAS
COMPLETED NOV. 21, 2000 WITH AN ERROR OF 1:79078
USING THE REQUIREMENTS FOR A URBAN CLASS
ALTA/ACSM LAND TITLE SURVEY.



123.43'

TAX MAP 10 LOT 89

PROPOSED 40' X 70' GARAGE

PROPOSED 231' X 88' 4 UNIT BUILDING

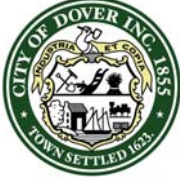
TAX MAP 10 LOT 103

DRIVEWAY

SILVER STREET

FOLSOM STREET

PERRY STREET



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6

Resolution Number: **R – 2008.09.24 – 152**
Resolution Re: **B08109 Dover Community Trail Construction**

WHEREAS: Requests for sealed Bid B08109 were issued and received for the construction of the Dover Community Trail Newington Branch RR # 13482 on July 24, 2008 @ 2:00PM; and

WHEREAS: The low bid response deemed most advantageous to the city was submitted by FL Merrill Construction in the base amount of \$780,000.00 and an alternate #2 for \$2,200.00 for a total amount of \$782,200.00. The Federal highway administration has approved 80% funding and the remaining 20% will be transportation improvement monies.

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

The Purchasing Agent is hereby authorized to issue a purchase order to FL Merrill Construction, Inc of Pembroke NH given the bid amount of \$782,200.00 and corresponding rates provided July 24, 2008. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
4007-43122-4715-3370-07-18	Multi Use Trail	821,180.00	821,180.00

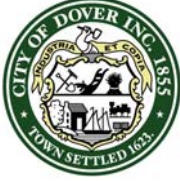
AUTHORIZATION

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.6

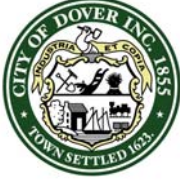
Resolution Number: **R – 2008.09.24 – 152**
Resolution Re: **B08109 Dover Community Trail Construction**

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 – 2008.09.24 – 152**

Resolution Re: **B08109 Dover Community Trail Construction**

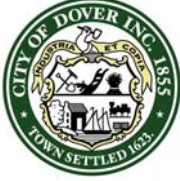
RESOLUTION BACKGROUND MATERIAL:

The Community Trail Project is a Transportation Improvement Program project that has long been in the Capital Improvements Program under the TIP section. The proposed project involves the construction of a new bicycle and pedestrian trail (urban multi-use) through the City of Dover using the former Guilford Industries Newington Branch rail corridor right-of-way. The section of trail included in this study begins at the Transportation Center on Chestnut Street, crosses the Coheco River on an abandoned truss bridge leading to Washington Street; the trail continues south along the former rail corridor to and beyond Silver Street, with the section beyond Silver to Fisher Street having previously been purchased by the City, needing volunteer work to make the trail more passable. Where the rail line used to pass beneath Silver Street, the former bridge deck has been removed and the crossing filled with earth; an underpass structure will be used to allow unimpeded travel of both maintenance vehicles and trail users. The total length of trail studied is approximately 6100 ft from the Transportation Center to Central Avenue, however this phase is approximately 2300 ft in length.

More than six months of effort by the City of Dover Community Trail Design Group, which was formed in late June 2005 to address the concerns of Dover residents, and in particular, abutting property owners, to the redevelopment of the former railroad corridor as a multi-use community trail resulted in a Spring 2006 report recommending everything from design specifications to how the trail should be operated by the City. The Trail Design Group met fourteen times between July 18, 2005 and January 17, 2006 with the average attendance at these meetings being 14 members. Several Design Group members attended most, if not all, of the scheduled meetings. Some participants provided input on only those issues important to them, such as protecting their privacy, while others have dedicated their time to each meeting to ensure that the trail was designed in a balanced, well-considered manner.

Their report represented a great effort and time commitment by many members of the community, but more importantly presented the consensus of the Community Trail Design Group regarding plans for the construction, maintenance, and operation of the trail. The Community Trail Design Group believed that the design outlined in their report, developed with the assistance of Bruce Woodruff of the Dover Planning Department and CLD Consulting Engineers represents the preferred alternative for the trail system. Project advertising was programmed for March 2006 with construction scheduled for the summer of 2006. It is foreseen that advertising will be delayed until September 2006 (contingent upon Federal approval of the project) and that construction will begin in early 2007. This timeline will allow for completion of the contract plans, along with the wetland permitting and environmental documentation.

The Dover City Council has previously approved a total cash amount of more than \$200,000 to be put towards the local share of the project costs. Additionally, in October 2005 the Council



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6

Resolution Number: **R – 2008.09.24 – 152**

Resolution Re: **B08109 Dover Community Trail Construction**

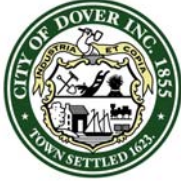
approved the release of \$185,000 from the City Conservation Fund to be expended by the Conservation Commission to purchase the parcel of land between Silver and Fisher Streets. The State of NH-Department of Transportation and the Federal Highways Administration have approved the City’s award of bid and their 80 % share of the project construction and easement costs. The City’s 20% share comes out of the Transportation Reserve, which is funded entirely with the monies from vehicle registration fees and not from tax dollar funded general funds.

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	33	Number of Responses:	3 and 1 NB
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	Yes	Contract:	Yes, State NH
Prices will hold for:	Until Completion	Estimated Delivery:	As needed
Recommended Award to:	FL Merrill Construction	Fund:	TIP
Other Approvals Required:	Yes State NH	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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6

Resolution Number: **R – 2008.09.24 – 152**

Resolution Re: **B08109 Dover Community Trail Construction**

Vendor Solicitation List:

American Construction Inc
PO Box 370
Marlboro NH 03455

American Excavating corp
PO Box 1220
Derry NH 03038

Audley, R.S., Inc
609 TR 3A
Bow, NH 03304

Andrews Construction Co
PO box 720
Campton NH 03223

BUR Construction
131 Broad St
Claremont NH 03743

Beck & Bellucci, Inc
10 Salisbury Road
PO Box 429
Franklin, NH 03235-0429

Busby Construction
9 Pond Ln
Atkinson NH 03811

AR Couture Construction
1803 Riverside Dr
Berlin NH 03570

Cairns, George R & Son, Inc
8 Ledge Road
Windham, NH 03087

Coleman, Alvin J & Son, Inc
9 NH Rte 13
Conway, NH 03818-9505

Evroks Corp.
31 Bay Road
PO Box 669
Winnisquam, NH 03289

Cianbro Corporation
One Hunnewell Square
PO Box 1000
Pittsfield, ME 04967

Gove Construction Services Co
Inc
170 West Road
PO Box 6606
Portsmouth, NH 03802-6606

Hanson Construction LTD,
Michael
1252 County Road
New London, NH 03257

Merrill, FL Construction
619 Sand Road
Pembroke NH 03275

Morrill Construction Co
190 Horse Meadow
PO Box 400
No. Haverhill, NH 03774

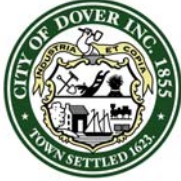
North East Earth Mechanics Inc.
159Barnstead Road
Pittsfield, NH 03263

S & R Construction Enterprises
185 South Main Street
PO Box 509
Newton, NH 03858-0509

MIG Corp
Ste 200 One Acton Pl
Acton MA 01720

N. Pandelena Construction Co
6 Starwood Drive
Hampstead NH 03811

Park Construction Corp
138 NH Rte 119 East
PO Box 600
Fitzwilliam, NH 03447



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6

Resolution Number: **R – 2008.09.24 – 152**

Resolution Re: **B08109 Dover Community Trail Construction**

Penta Corporation
1253 Whittier Highway
PO Box 390
Moultonboro, NH 03254

Pike Industries, Inc
3 Eastgate Park Road
Belmont NH 03220

Piper RM Inc
141 Smith Bridge road
PO Box 490
Plymouth, NH 03264-0490

Piscopo, James S. G.C. Inc
Rte 3
PO Box 130
Winnisquam, NH 03289

SUR Construction, Inc
233 Chestnut Hill road
PO Box 720
Rochester, NH 03866-0720

Swett, E. D. Inc
8 Industrial Park Drive
Concord, NH 03301-8512

Reed and Reed Inc
PO Box 370
Woolwich ME 04579

CMP Construction
PO box B
Freeport ME 04032

Whitcomb, Frank W.
Construction Corp
PO Box 1000
Walpole, NH 03608

Bell and Flynn Inc.
69 Bunker Hill Ave.
Stratham, NH 03885

John H. Lyman & Sons
310 Hoyt Road
Gilford NH 03246-6925

T Buck Construction Inc.
249 Merrow Road
Auburn, ME 04210



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6

Resolution Number: **R – 2008.09.24 – 152**
 Resolution Re: **B08109 Dover Community Trail Construction**

Results B08109

		North East Earth Mechanics	Gove Construction Service *	FL Merrill Construction	DBU Const
ALL 1	B08109 Allowance	5,000.00	5,000.00	5,000.00	No Bid
Seg 1	Cochecho River Bridge and Approaches including trail to train station	550,000.00	555,427.00	373,000.00	
Seg 2	Washington to Folsom St	30,000.00	37,682.00	42,000.00	
Seg 3	Silver St Underpass	370,000.00	329,193.00	360,000.00	
	Lump Sum Base bid including Allowance	\$955,000.00	\$927,302.00	\$780,000.00	
LS Base Total	Alternate One Lump Sum Bid	30,000.00	75,463.00	72,000.00	
Alt 1	Alternate Two Lump Sum Bid	4,000.00	4,253.00	2,200.00	
Alt 2	Grand Total	\$989,000.00	\$1,007,018.00	\$854,200.00	
Total with Alts					

*Gove Construction bid states: no specific info regarding composition, qty or weight of existing rail ties was provided

They have included salvage and reuse at Silver St Underpass (Seg 3). Included disposal of 60 tone or rail ties at Turnkey Landfill as "Special Waste" Waste Management charges \$95 per ton. This cost is included in seg #1. No other special waste or any hazardous waste is included in this bid.

Alt 2: Bidder agrees to install qty two - four (4) inch conduits for future power and communications adjacent to the Silver St underpass for the entire length of the underpass and extending ten feet beyond each end of the culvert.



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



September 16, 2008

GEORGE N. CAMPBELL, JR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

Bruce Woodruff
City Planner
City of Dover
288 Central Ave.
Dover, NH 03820

RE: DOVER, #13482
NH 108 Bike Path along Rail Line to
Bellamy Park
STP-TE-X-5125(023)
BID APPROVAL

Dear Mr. Woodruff:

We have received the bid tabulation for the above noted project and approve the City of Dover to enter into an agreement with FL Merrill Construction, Inc. based on their low bid of \$782,200. Please note that Doug Potter, Compliance Review Officer from NHDOT will be contacting you to provide information on labor compliance requirements. Mr. Potter can be reached at 271-7424.

I would appreciate you keeping me updated with the timeline the City plans to proceed with for the implementation of this project. Please let me know if you need assistance. I would be happy to help.

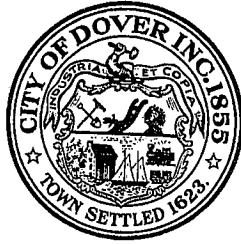
Sincerely,

Thomas Jameson, P.E.
Project Manager
Bureau of Planning and Community Assistance
Telephone: (603) 271-3462

cc: J. Fryer, CLD Engineers, Inc
D. Potter
D. Chandler

r:\municipalities\dover\13482\letters\bidapproval09162008.doc

Christopher G. Parker, AICP
Director
c.parker@ci.dover.nh.us



288 Central Avenue
Dover, New Hampshire 03820-4169

(603) 516-6008
Fax: (603) 516-6097
www.ci.dover.nh.us

City of Dover, New Hampshire
Department of Planning & Community Development

August 6, 2008

Nancy Mayville, P.E.
Bureau of Planning and Community Assistance
NH Department of Transportation
P.O. Box 483
7 Hazen Drive
Concord, NH 03302-0483

Re:Dover 13482/STP-TE-X-5125(023)
Community Trail/Newington Branch RR

Dear Nancy:

The City is requesting approval to award the contract for the subject project to FL Merrill Construction, Inc. of Pembroke, NH in the amount of \$782,200. The City received bids for the subject project on July 25, 2008. The bids have been reviewed and evaluated by the City's consultant, CLD Consulting Engineers, Inc. and their bid evaluation and recommendation has been included here.

As you know, the City has worked diligently with our consultant and the NHDOT to streamline the project from the initial 1.5-mile trail limits to the limits shown in the contract (core components). The project that we are proposing for construction at this time is the bare minimum of scope needed to be accomplished at this time in order to create a viable project. Elimination of segments at this point to get under the currently approved program budget will jeopardize easement agreements, and will not accomplish the goals of the project to provide a central pedestrian/bicycle route to reduce local vehicle trips and provide a safe route to the Dover Transportation Center.

The City is requesting approval of an increase in funding for the project from the current programmed amount of \$920,000 to \$998,975, which represents an 8.58% increase in overall project costs. The recommended cost allocation for the project funds includes:

Engineering	\$106,800
City staff costs*	\$36,475
Right-of-Way	\$25,000
Construction	\$782,200
<u>Construction Engineering</u>	<u>\$48,500</u>
Total	\$998,975

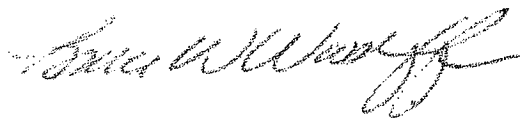
* Already reimbursed in total

Ms. Nancy Mayville
Dover Community Trail
August 6, 2008
Page - 2

It should be noted that the City will forgo future reimbursement of staff time and that the City staff total above has been capped at said amount that has already been reimbursed to the City. Also, please note that portions of the Right-of-Way for the project have been purchased through other City programs (Open Lands and Recreation funding) and have not been billed to the project. The City has invested a significant amount of time, energy and funds into the project and we respectfully request approval for this increase in order to implement the project. The City's share of this funding has been allocated within our Transportation Improvements Program portion of the City's Capital Improvement Program over the last eight years.

We appreciate your attention to this matter at your earliest convenience. The City would like to get the Contractor underway as soon as possible. Please contact me at 603-516-6009 or b.woodruff@ci.dover.nh.us if you have any questions or need additional information.

Very truly yours,



Bruce W. Woodruff, City Planner

Enclosures

cc: Robert Ricard, P.E., CLD
Christopher Parker, Planning Director



August 6, 2008

Mr. Bruce Woodruff, City Planner
 City of Dover
 288 Central Avenue
 Dover, NH 03820

Re: City of Dover 13482/STP-TE-X-5125(023)
 Community Trail - Evaluation of Bids
 CLD Reference No. 02-0298

Dear Bruce:

On July 25, 2008 the following bids were opened by the City for construction of the above-referenced project:

City Project: 08109	Bids opened: July 25, 2008	Northeast Earth Mechanics	Gove Construction Services *	FL Merrill Construction
ALL 1	Allowance (Landscaping)	\$5,000.00	\$5,000.00	\$5,000.00
Seg 1	Cochecho River Bridge and Approaches (including trail to train station)	\$550,000.00	\$555,427.00	\$373,000.00
Seg 2	Washington to Folsom St	\$30,000.00	\$37,682.00	\$42,000.00
Seg 3	Silver St Underpass	\$370,000.00	\$329,193.00	\$360,000.00
<i>LS Base Total</i>	<i>LS Base bid including Allowance</i>	<i>\$955,000.00</i>	<i>\$927,302.00</i>	<i>\$780,000.00</i>
Alt 1	Alternate One Lump Sum Bid (Bridge to Washington St)	\$30,000.00	\$75,463.00	\$72,000.00
Alt 2	Alternate Two Lump Sum Bid (Conduits at Underpass)	\$4,000.00	\$4,253.00	\$2,200.00
<i>LS Total w/ Alts</i>	<i>Grand Total</i>	<i>\$989,000.00</i>	<i>\$1,007,018.00</i>	<i>\$854,200.00</i>

*Gove's bid contained limitations on amount of railroad ties and hazardous waste disposal.

All of the bids received (is not for a) are greater than the engineer's estimate of \$730,000.

Gove evaluated the bids and found the following:

• The bid amount for the bridge and approaches was \$555,427.00, which is \$5,427.00 more than the estimate of \$550,000.00.

• The bid amount for the Washington to Folsom St was \$37,682.00, which is \$7,682.00 more than the estimate of \$30,000.00.

• A bid amount of \$4,253.00, which is \$253.00 more than the estimate of \$4,000.00.

TOTAL PROJECT ESTIMATE

15-Sep-08

Dover 13482
STP-TE-X-5125(023)
Community Trail/Newington Branch RR
CLD Reference No. 02-0298

Design Engineering	\$106,800	already paid out of acct
City Staff Costs*	\$36,475	already paid out of acct
ROW**	\$25,000	need separate req.
Construction	\$782,200	need separate req.
Construction Eng**	\$48,500	already paid \$24,500 out of acct.
	\$998,975	
	\$690,000	original budget
	\$920,000	programmed amount 2008

*City staff costs include costs during design for environmental coordination and documentation, permitting, project management and easement coordination/negotiation. Amounts shown are an estimate (currently awaiting totals from City).

**ROW costs include costs for certain parcel easements and purchases. Other parts of the property required for the project were acquired through other City funding sources.

**Construction Engineering costs include \$18,500 for CLD construction administration and \$30,000 for CLD construction observation, both part of the approved construction engineering contract.

City's Total appropriation

Federal funding	\$800,000	80% Federal funding
City funding	\$200,000	20% City match
Total Funding	\$1,000,000	

Dover Community Trail Project

NHDOT Project #: Dover 13482

Summary of Investments in Project To Date: March 20, 2006

Right of Way:

- Coheco River Bridge to Washington Street
- Washington Street to Folsom Street
- Folsom Street to Silver Street
- Silver Street to Fisher Street
- Fisher Street to Central Ave

Local Investment:

\$25,000
Under Negotiation (\$25,000?)
\$1.00 Plus Development Agreement
\$185,000 Plus Transaction Costs
Under Negotiation

Parking & Access Agreement

- McIntosh College - Rutland Street Parking Donated
- Sawtelle Company - Transportation Center Parking Donated

Engineering, Design, and Community Support

- Dover Community Trail Design Committee Over 400 Hours Effort
- CLD Engineers \$106,500 (20% Paid by Dover)
- Dover Planning Department Staff
- Strafford Regional Planning Commission Staff
- Craig Della Penta, Rails to Trails
- Jon Batson, Local Landscaping Contractor
- Dover Conservation Commission and Open Lands Committee

Dover Municipal Funds Invested To Date: > \$240,000
Estimated Volunteer & Staff Effort Invested To Date: > 800 Hours

DOVER COMMUNITY TRAIL PROJECT

Planning Transportation, Recreation, and Natural Resource Protection Enhancements for Dover's Future

Fall 2005

Since the mid-1990's, the City of Dover has been actively planning and acquiring right-of-ways for a Community Trail Project. The Dover Master Plan recommends a community trail to provide both recreation and alternative transportation opportunities for Dover's citizens.

The trail will follow a former railroad bed through much of the City and will provide public access to protected greenways along the Cochecho and Bellamy Rivers (see over).

The in-town section of the trail will provide a pedestrian and bicycle friendly connection between downtown, (with a trailhead at the City's Transportation Center) the Dover Middle and High School campuses and Bellamy Park.

Rural extensions of the trail will provide opportunities for bicycling, hiking, bird watching, and fishing where the trail follows the Cochecho and Bellamy Rivers. A portion of the trail will parallel Sixth Street providing an alternative transportation linkage to Liberty Mutual, Measured Progress and other employment centers in the Enterprise Park area.

Community Input

The first portion of the trail to be constructed will connect the Dover Transportation Center (train station) to Route 108 near the intersection with the Spaulding Turnpike. The trail will follow the bed of the former Newington Branch railway between and parallel to Locust and Rutland Streets.

Because this portion of the trail will be close to neighborhoods on Belknap, Fisher, Cushing and Folsom Streets, the City has organized a citizen's advisory group to provide input on the design and use of the trail to lessen its impact on abutters. For information of the *Community Trail Design Committee* call the Dover Planning office: 516-6008

Funding for the Trail Project

A federal Transportation Enhancements grant was applied for in 1999 under the auspices of the City Transportation Improvement Program (TIP). The project was approved for 80% federal funding in 2000, and a municipal agreement was signed on June 21, 2000 to manage, design and construct the first portion of the trail between the Transportation Center and Route 108. Local match funding has been appropriated out of the TIP portion of the City's Capital Improvements Program. The local match funding for the trail is from the City's TIP revenue fund, based on fees collected from motor vehicle registrations, **not from tax dollars**. An additional source of money for land and right-of-way acquisition is the *Conservation Fund*. Money in this fund comes from change of use penalties assessed to developers when they take undeveloped land out of the Current Use program.

Natural Resource Protection

Protecting natural habitat or greenways along the Cochecho and Bellamy Rivers has been a Dover Master Plan goal since the 1970's. With the establishment of a *Conservation Fund* in 1999, the City of Dover provided a source of money to actively protect, either through purchase of land or development rights (through the use of conservation easements), land with significant natural resource value.

The Dover Conservation Commission and Open Lands Committees have focused their land protection efforts along the Bellamy and Cochecho Rivers. The Community Trail will provide public access to these greenways. Portions of the greenway and the associated trail system, between Fourth Street and Watson Road have been either acquired by land purchase, negotiated with landowners, or are in the process of being formalized.

The *Cochecho River Conservation Area*, located along the northern side of the river between Whittier Street and Beckwith Park (off Hillside Drive), was recently purchased by the City with assistance from the New Hampshire Land and Community Heritage Investment Program. This area is now open to the public. For information about Dover's land protection efforts, contact the Open Lands Committee, through the City Planning Department: 516-6008 or e-mail openlands@ci.dover.nh.us.

Dover Community Trail

Planned Alignment
Fall 2005

Measured Progress

Liberty Mutual

Sixth Street

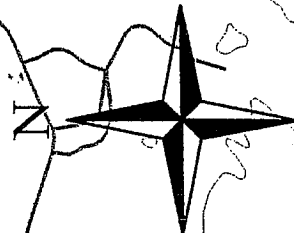
Coopers River

Spaulding Turnpike

Bellamy Park

Dover High School/Middle School

Jenny Run

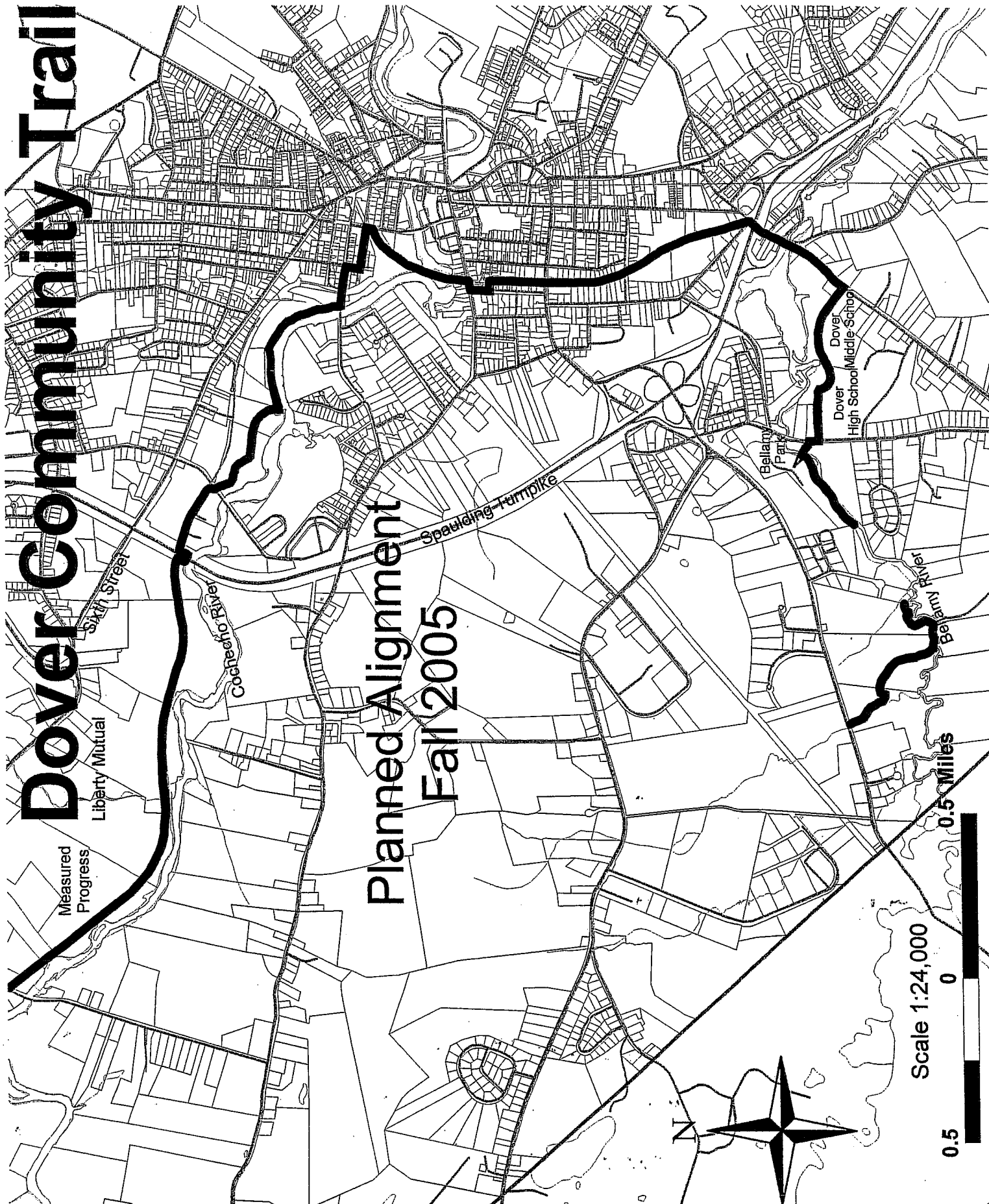


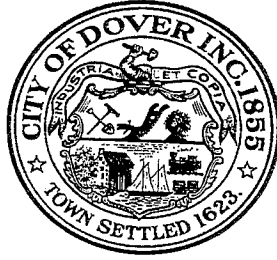
Scale 1:24,000

0.5 Miles

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City of Dover, New Hampshire
Community Trail Design Group
c/o Department of Planning and Development
288 Central Avenue
Dover, NH 03820

January 17, 2006

To: Interested Parties
From: Dover Community Trail Design Group

The attached report "Dover community Trail Engineering Report" by CLD Engineers, Inc., dated December 2005, represents the culmination of more than six months of effort by the City of Dover Community Trail Design Group. This group was formed in late June 2005 to address the concerns of Dover residents, and in particular abutters, about the redevelopment of a former railroad transportation corridor to a multi-use community trail. The Trail Design Group met fourteen times between July 18, 2005 and January 17, 2006. Average attendance at these meetings was 14 members consisting of concerned citizens and abutters, city employees, representatives of the design engineers and volunteer specialists such as a landscape design professional. Most Working Group members attended all of the scheduled meetings to ensure the trail is designed in a balanced, well-considered manner. Other participants provided input on only those issues important to them, such as protecting their privacy.

This report represents at least 400 person-hours of effort, but more importantly presents the consensus of the Community Trail Design Group regarding plans for the construction, maintenance, and operation of the trail. The Community Trail Design Group believes that the design outlined in the attached report, developed with the assistance of Bruce Woodruff of the Dover Planning Department and CLD Engineers, Inc. represents the preferred alternative for the trail system. We recognize that some individuals may not be pleased with certain design elements, but decisions were made by the design group's consensus. There are also some recommendations that may be unpopular with Dover residents who did not participate in the design process, but the decisions were made after intense discussion and deliberation with review of all proposed alternatives.

Background

The redevelopment of the railroad corridor was initiated in 1998 when the City of Dover applied for a Congestion Mitigation Air Quality Federal Highway Administration grant, authorized by City Council as part of the Transportation Improvement Program and included in the City Transportation Chapter of the Master Plan. City Councils have authorized funding through the TIP portion of the Capital Improvements Program for several years. The Council

also authorized the City Manager to enter into an agreement with the state to municipally manage the project and to be reimbursed 80% of the project costs.

In April 2005, the City initiated engineering studies in the project area. This activity alerted abutters to the project, many of whom were not aware of the City's long-term plans for the Community Trail project. In the spring of 2005, abutters to the project area attended the second May Planning Board meeting to express their displeasure regarding the city's plans for redevelopment of the transportation corridor. On July 18th the City Planning Department held a Public Information meeting to present the concept to the public and ask for input from abutters and interested citizens in order to design the trail in a context-sensitive manner.

The Community Trail Design Group was formed following the July 18th meeting to address the residents and abutters concerns and to help guide the design of the trail in a context sensitive and cost-effective manner.

The decisions made by the Community Trail Design Group are described in the attached synopsis.

Community Trail Design Group Members

NAME	ADDRESS	E-MAIL ADDRESS
Joseph & Theresia Knizewski	38 rutland St.	jektmk@comcast.net
Gary Bannon		G.bannon@ci.dover.nh.us
Marcia Colbath	114 Garrison Rd.	mjcolbath@comcast.net
Glenn Grasso	1 Pebble Hill Dr.	glenngrasso@hotmail.com
Donald Andolina	59 Littleworth Rd.	dandolina@comcast.net
Rick & Mary Hebbard	Spruce Lane	
Kirt Schuman	30 Cushing St.	Kirt@photosmith.imaging.com
Lindsay Humphreys	97 Belknap St.	lhumphreys@appleseeds.com
Graham Hamblett	97 Belknap St.	Graham@flaghill.com
Jason Lucey/Katy Cox	101 Belknap St.	Jason.Lucey@comcast.net Katy.cox@comcast.net
Mandy Chalou		machalou@comcast.net
Mary Parker		mparker@comcast.net
Aviva Meyer	1 Pebble Hill Dr.	avivameyer@animail.net
Britt Ulinski Schuman	30 Cushing St.	Britt_ulinski@hotmail.com
Leon Chapman	Belknap St.	heist@ttlc.e8T
Tom Fargo		tomfargo@ttlc.net
Jon Batson		Jontree13@aol.com

Cooperating Partners

Person-Agency or Company	Contribution
Bruce Woodruff, City of Dover Planning Dept.	Chair of community Trail Design Group
JoAnn Fryer, CLD Engineers	Technical Support
Rob Richard, CLD engineers	Technical Support
Heather Okolo, CLD Engineers	Technical Support
Tim Roache, Strafford Regional Planning Commission	Transportation Policy, Public Education
Craig Della Penna, Rails to Trails	Transportation Policy, Public Education
Chad Kageleiry, Kane company	Access Agreement, Trail
Sawtelle Company	Access Agreement, Parking
McIntosh College	Access Agreement, Parking
Dover Conservation Commission & Open Lands Comm.	Funds for land purchase

TRAIL DESIGN GROUP DECISIONS

GENERAL

- Signs - no motor vehicles with the exception of wheelchairs, hours of operation, surveillance monitoring, directional signs, disallowed activities
- Route markers along path
- Open access (no gates, bollards, etc.)
- Benches with trash receptacles
 - Train station
 - Cocheco River Bridge
 - Silver Street stairs
 - McIntosh College trailhead (no trash receptacles)
 - Central Ave bus stop
- Appropriate Manual on Uniform Traffic Control Devices street signage at crossings

TRAIN STATION TO WASHINGTON STREET

- Trailhead at train station - relocate dumpsters, clean up garbage, signage, benches
- 12-ft width
- 2-ft gravel shoulders
- Paved
- Lighted (alternate sides of path)
- Low wood railings
- Landscaping to break up long stretches of railing (desirable if funds available)
- Plowing recommended
- Bridge - wood deck laid across (not along) bridge (non-slip surface?), mill motif aluminum rails, lighted, overlook with benches
- Clearing - clear train station side and add plantings/landscaping, maintain overhead canopy on Washington St side
- "No Fishing" signs on bridge

- Bridge accent lighting – no, only if budget allows it
- Hours of operation from train station to Washington Street while train and bus run.

WASHINGTON STREET TO FOLSOM STREET

- Current outreach effort to neighborhood and to three property owners to see if agreement can be reached
- If there's no agreement, upgrade sidewalk, signage, striping
- Sidewalk
 - 8-ft width
 - North side of Washington St, crosswalk to East side of Cushing St, down Folsom St
- same hours of operation on sidewalk as regular sidewalks, however if agreement is reached, then would be dawn to dusk hours

FOLSOM STREET TO SILVER STREET

- 10-ft width
- 2-ft gravel shoulders
- Paved
- Unlighted
- Located within easement; easement location should be established with survey
- Dawn to dusk hours of operation

SILVER STREET UNDERPASS

- Underpass structure – lighted
- Stone headwalls and wingwalls
- Stair access from Silver St – lighted; NE corner, timber railing
- Bench at stairs with trash receptacle
- Grade slope to expose remaining abutment blocks as practical

SILVER STREET TO FISHER STREET

- 10-ft width
- 2-ft gravel shoulders
- Paved
- Unlighted
- Dawn to dusk hours of operation
- Maintain historic rail structures
- Minimal clearing - only along path and any overhanging trees that may fall
- Plantings
 - 121 Belknap - Chapman
 - 105 Belknap - Dido
 - 103 Belknap - McWilliams
 - 101 Belknap - Cox/Lucey
 - 99 Belknap - Parker
- Fences (located on abutter's property)
 - 101 Belknap - Cox/Lucey
 - 99 Belknap - Parker
 - 97 Belknap - Humphreys
 - 95 Belknap - Joy

FISHER STREET TO CENTRAL AVE

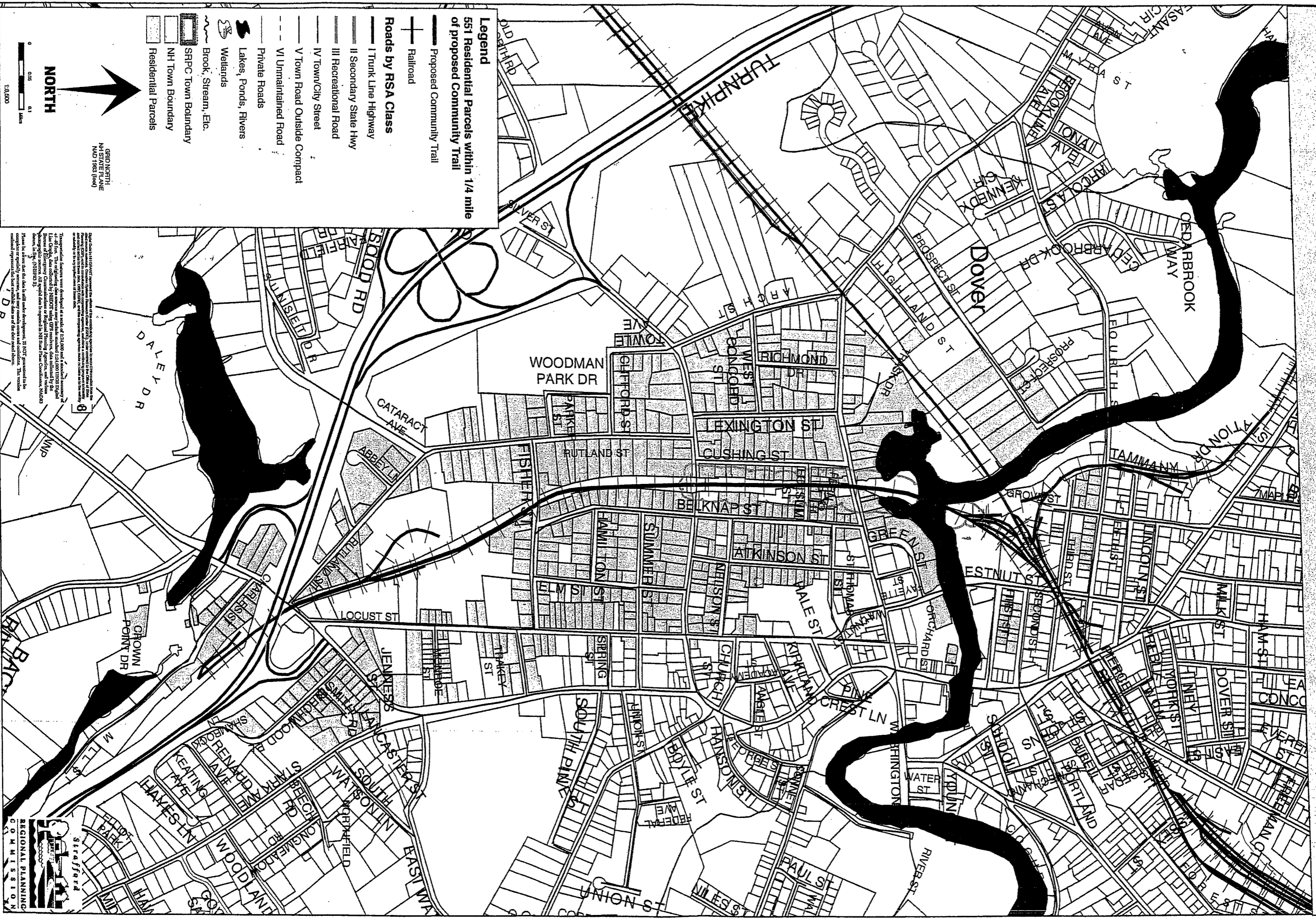
- 10 ft. width
- 2 ft. gravel shoulders
- paved
- Railings - along path with steep side slopes and wetland areas behind Moore building; similar to Henry Law Ave Park (mill motif aluminum picket, black). If budget doesn't permit, then wood rails
- Crosswalk at Central Ave

- Central Ave trailhead - courtyard type, stamped asphalt, bench, provision for bus stop shelter, path signage, storyboard, City to coordinate with COAST to obtain/install shelter
- McIntosh College - 4-way intersection; possible trash receptacle if MC to maintain, informal granite block for sitting, non-ADA path to College parking lot constructed as part of the project; future path to Locust St built later
- Dawn to dusk hours of operation
- Landscaping to break up long stretches of railing (desirable if funds available)
- Lighting at trail intersection near McIntosh College only, otherwise unlighted
- Clearing to open trail intersection near McIntosh College
- Maintain/use historic rail structures

Miscellaneous/Outstanding

- Park with bench and stairs down from Railroad Bridge. This was a recommendation for future work outside this project.
- Washington St to Folsom St Agreement? Held meeting on Monday, December 19th at 6pm. Notice letters sent. Three abutters/owners attended. They will bring outreach ideas back to neighborhood group. Staff waiting for response to see if group interested in refining ideas.
- No special privacy treatments for Fisher to Central (including Rutland) abutters due to vegetative growth and distance from proposed trail and grade difference
- Fence style for abutter properties on Belknap St will be in the Engineering Report and/or final design
- Plantings in front of abutter's fences on Belknap St? (Specific species and locations addressed in engineering report or final design)
- Construction methods will be mandated to use context sensitive equipment and processes, and will be called out in final design specifications.

Dover Community Trail Project



Legend
 551 Residential Parcels within 1/4 mile
 of Proposed Community Trail

- Proposed Community Trail
- Railroad
- Roads by RSA Class
 - I Trunk Line Highway
 - II Secondary State Hwy
 - III Recreational Road
 - IV Town/City Street
 - V Town Road Outside Compact
 - VI Unmaintained Road
- Private Roads
- Lakes, Ponds, Rivers
- Wetlands
- Brook, Stream, Etc.
- SRPC Town Boundary
- NH Town Boundary
- Residential Parcels

0 0.05 0.1 Miles
 NORTH
 GRID NORTH
 NH STATE PLANE
 NAD 1983 (feet)
 19,600

8

This map was prepared as a result of a study of the Dover area by the Regional Planning Commission, Inc., in cooperation with the Dover Planning Board, the Dover City Council, and the Dover Chamber of Commerce. The map is intended to provide a general overview of the Dover area and is not intended to be used for any specific purpose. The map is based on the most current available data and is subject to change without notice. The map is not a guarantee of accuracy and is not intended to be used for any specific purpose. The map is based on the most current available data and is subject to change without notice. The map is not a guarantee of accuracy and is not intended to be used for any specific purpose.





CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R – 2008.09.24 - 153**
Resolution Re: AUTHORIZING THE CITY MANAGER TO
EXECUTE A MEMORANDUM OF
UNDERSTANDING WITH COAST TO ESTABLISH
FastTrans SERVICE

WHEREAS: The City of Dover and COAST propose to establish a public transportation service called FastTrans for the citizens of Dover and the general public

WHEREAS: Grant funds have been obtained to support the FastTrans service

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

The City Manager is authorized to execute the attached Memorandum of Understanding with COAST to establish the FastTrans service.

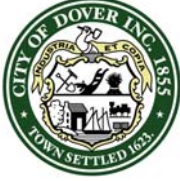
AUTHORIZATION

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.7.

Resolution Number: **R – 2008.09.24 - 153**
 Resolution Re: AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH COAST TO ESTABLISH FastTrans SERVICE

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

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Resolution Re: AUTHORIZING THE CITY MANAGER TO
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RESOLUTION BACKGROUND MATERIAL:

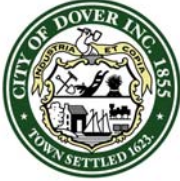
The City of Dover has been awarded a CMAQ grant to fund the start-up of a new transit service. The City and the regional bus operator, COAST, collaborated to complete the *Downtown Dover Transit Study* early in 2005. This study examined the options for creating a new internal circulator transit system within Dover which would take traffic pressure off of downtown as it continues to be revitalized. From the options studied, the City of Dover selected a type of transit service known as a “checkpoint, flexible route” system. This type of transit system would have small buses that operate through loosely defined corridors which have set end points. Buses would travel back and forth between these end points on a set schedule. The pathway between these points would be created by customer demand so that the route of each trip would likely be different from other trips.

This concept plan was presented to the Dover City Council in a working session with staff from the City, COAST, and the regional planning agency in May, 2005. The City Council liked the concept in principal, and directed that a more detailed plan for a “checkpoint” transit system be developed for Council review. The Council was given an update and recap on the status of the project in September 2006. They reaffirmed their consensus that work must continue and that potential partners in the service be found.

In the interim, other transit issues have arisen that the Dover Transit Plan must address. The Wentworth-Douglass Hospital has revealed major expansion plans which will impact traffic congestion on Central Avenue. The City of Dover is requiring the hospital to develop a transit element to address the congestion concerns of the community. Additionally, a movement is underway throughout New Hampshire to develop coordination efforts in the delivery of human services transportation. Locally, COAST and the Strafford Network of social service agencies have taken the initiative to plan a transportation brokerage system which is intended to utilize various existing transportation providers in a more efficient and effective way. A new Park 'n Ride with attendant bus terminal has been constructed and is now open at Exit 9 off the Spaulding Turnpike on Indian Brook Road, both Measured Progress and Liberty Mutual have expanded. The Hospital will be filling the Exit 9 Office Complex with medical office personnel. The Children's Museum of New Hampshire has opened very successfully in downtown Dover.

All these factors and issues are interrelated to Dover's plans to initiate a local transit circulator system within the City. A transit element to relieve congestion around the Museum and Henry Law Park complex is being designed as an integrated part of Dover's overall community transit project. And a new transit operation within Dover should be capable of playing a role in a broader, coordinated transportation brokerage in the County. Transit shuttles to the Mills could also play a role in the overall program. Much work needs to be done to avoid inefficient duplications of service. This Dover centric service is that first step.

The Memorandum of Agreement between the City and COAST is the first step in implementing the new Dover FasTrans service. The next step is to set out a work scope to respond to the City Council's wish to see a more detailed flex route, checkpoint transit plan. This will be complete by next month. It also has the objective of developing a transit element to address traffic impacts of expanding the Wentworth-Douglass Hospital, and further, to address the City Council's expressed desire to see the Dover Transit System be coordinated with other transit shuttles operated in the community or potential users of the system. This



CITY OF DOVER

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latter objective coincides nicely with current efforts by the Strafford Network and COAST to initiate a transportation brokerage system for Strafford County.

Term of the Agreement

The Term of the Memorandum of Agreement is largely defined by the USDOT Congestion Mitigation Air Quality (CMAQ) program through which federal grant funds are being received. From project initiation there is a three (3) year window in which federal project funds are eligible to be spent.

The period may be shorter depending on the continued availability of federal funds. This is potentially the case as the amount of CMAQ funds awarded was lower than requested. The Term of Agreement, as spelled out in the MOA, is dependant on the availability of federal CMAQ funds to support the ongoing operation of the transit service (i.e., when the CMAQ funds are expended the project will either end or be continued under a separate Agreement with new terms). Currently, the City has already programmed CIP funds from the Transportation Reserve for this purpose post-CMAQ grant period, and an analysis of fund balance has been accomplished by the Finance Director through the 2013 timeframe. The analysis shows that the reserve remains in the black.

Early Termination

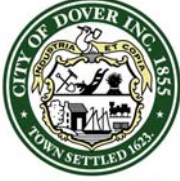
The City's exposure to additional costs, should an early termination of the Agreement occur, is limited to the reimbursement of services rendered until and including the effective date of termination.

Should the use of the Grant Vehicles and/or grant-funded equipment be discontinued because the transit service has been reduced or eliminated, the City's exposure is extremely limited. While it is true the exposure to the City of prematurely removing vehicles and/or equipment from transit service/use is equal to the federal share of the undepreciated value of the Grant Vehicles and/or grant-funded equipment, the likelihood of this occurring is remote, and for a number of reasons:

1. COAST would continue to use these vehicles and/or equipment for transit purposes in the region, thereby eliminating any need to reimburse the federal government for their portion of the undepreciated value.
2. The vehicles to be procured will have a federally defined life of four (4) years or 100,000 miles. These vehicles will likely be fully depreciated within two to two and a half years.
3. Any equipment to be procured will have a similarly short federally defined life.

Cost of the Agreement

The cost of the Agreement to the City of Dover will be 20% of the net project operating costs and 20% of the total capital costs. Based on currently available federal funds for the project, the City's exposure is limited to \$130,000, if City funds are limited to 20% of the costs as described above. The City has previously programmed funds from the Transportation Reserve in excess of \$200,000.



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In light of the desire to generate additional federal support of the project, the City’s exposure may increase as additional federal funds are awarded. The City’s overall commitment would remain 20% of the net project operating costs and 20% of the total capital costs should the request for additional federal funds be successful.

MEMORANDUM OF AGREEMENT

Between

THE CITY OF DOVER

and the

THE COOPERATIVE ALLIANCE FOR SEACOAST TRANSPORTATION

*Subject: Congestion Mitigation and Air Quality Improvement Program
 Dover FastTrans Project*

Agreement made this _____ day of _____, 2008, between the City of Dover (hereinafter referred to as “Dover”), and the Cooperative Alliance for Seacoast Transportation (hereinafter referred to as “COAST”), which establishes COAST as the recipient of Federal funds to implement a transit service in the City of Dover and outlines roles and responsibilities of each party in implementing the project. This project is titled Dover Downtown Transit Loop 13509, Federal Project No. CM-X-5125(022).

WHEREAS, Dover submitted a successful Congestion Mitigation and Air Quality program proposal to provide the funding to purchase equipment and operate a new bus service in the City of Dover. Said proposal was memorialized in an agreement between the City of Dover and the New Hampshire Department of Transportation executed on February 1, 2002 and approved by the Governor and Executive Council on June 21, 2000.



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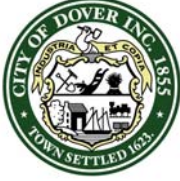
WHEREAS, COAST is the Federal Transit Administration (hereinafter referred to as “FTA”) grant recipient for the Seacoast Region of New Hampshire, which includes the area of this project

WHEREAS, Dover has agreed upon a general scope for the project which will best serve the transit needs of the community and air quality of the region, and contribute to congestion reduction, and the overall success of the project.

WHEREAS, Dover will contribute 20% of the total project cost and will endeavor to continue to provide all necessary operating subsidies after the grant expires, subject to the availability and continued appropriation of Federal, State and local funding resources, coupled with service success based upon mutually agreed upon measurable metric goals and milestones.

NOW THEREFORE, the Parties agree as follows:

1. COAST will submit a grant application for the project to the FTA and will comply with all FTA grant requirements. The project funds will be budgeted according to the Project Budget, agreed upon by COAST and Dover. All grant vehicles and operating funds will be used exclusively for this project and in accordance with the Project Budget unless otherwise duly authorized by Dover and COAST.
2. Following the execution of this Agreement and grant approval by the FTA, COAST will provide Dover with quarterly progress reports on the project, such reports to include 1) a description of project activities, 2) measurable metric data, including transit ridership, and 3) financial reports clearly identifying expenditures and all sources of funds for project activity. On request and when feasible, COAST will provide Dover with copies of all documents provided to and received from FTA.
3. COAST, as the grant recipient, will be responsible for the implementation of the project, in accordance with all Federal guidelines, State regulations, and the provisions of this Agreement, including a scope of services, which has been agreed upon by the parties. COAST will obtain written approval from Dover before making changes to the scope of services. Should there be a conflict between Federal guidelines, State regulations, and/or the provisions of this Agreement, Federal guidelines will prevail.
4. COAST will be responsible for procuring fully accessible all-weather transit vehicles (the “Grant Vehicles”) using specifications provided by Dover. The procurement will conform to FTA procurement regulations. Legal title to the Grant Vehicles shall be held by COAST. The grant vehicles and grant-funded equipment shall not be sold or transferred to another use during the life of the project or the life of the vehicles, whichever is shorter.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R – 2008.09.24 - 153**
Resolution Re: AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH COAST TO ESTABLISH FastTrans SERVICE

5. Should the use of the Grant Vehicles and/or grant-funded equipment be discontinued because the transit service has been reduced or eliminated, Dover will be responsible for the Federal share of the undepreciated value of the Grant Vehicles and grant-funded equipment. The sum of said un-depreciated value may be reduced through the prior approved sale of said vehicles and equipment. Notwithstanding the three-year term of this contract, this paragraph shall remain in effect throughout the useable life of the Grant Vehicles and/or grant-funded equipment, as defined by the FTA.
6. COAST will be responsible for all aspects of transit operations, including, but not limited to, maintaining and repairing the Grant Vehicles and providing qualified drivers and support staff as are appropriate and necessary. COAST will ensure compliance with all applicable FTA and State regulations.
7. Dover will be responsible for providing 20% of the net project operating costs and 20% of the total capital costs through monthly reimbursements to COAST through the term of the CMAQ funded period of operation.
8. If COAST fails to meet the above requirements Dover may assume the responsibilities of administering the FTA grant related to this project. In that event, COAST agrees to assign the title to all grant vehicles and grant-funded equipment purchased through the grant to Dover following approval by the FTA.
9. The term of this Agreement shall be for the period for which there are Federal CMAQ grant funds available for the project. Said agreement may be carried forward with amendments subsequent to the grant period by a written document executed by the City and COAST, as authorized by the City Council and COAST Board of Directors.
10. Insurance Requirements

Each party, at its sole cost and expense, shall maintain, during the Term of this Agreement, commercial general liability insurance with combined single limit coverage of \$1,000,000 per occurrence and \$2,000,000 aggregate, with a certificate of insurance to be furnished to other party upon request. Such insurance, as described above, shall insure, on an occurrence basis arising out of or in connection with this Agreement. Each party shall be named as an additional insured on the other party's such insurance policy. Additionally, each party, at its sole cost and expense, shall maintain directors and officers, errors and omissions coverage.

11. Indemnity



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R – 2008.09.24 - 153**
Resolution Re: AUTHORIZING THE CITY MANAGER TO
EXECUTE A MEMORANDUM OF
UNDERSTANDING WITH COAST TO ESTABLISH
FastTrans SERVICE

Each party shall indemnify the other against and hold the other harmless from any and all costs (including reasonable attorneys' fees) and claims of liability or loss, injury, claim or damages which arise out of the indemnifying party's respective obligations under this Agreement. This indemnity does not apply to and shall not be available for any claims arising from the gross negligence or intentional misconduct of the indemnified party or any employee, agent, representative or affiliate of the indemnified party. The duties described in this Section 11 shall survive the termination of this Agreement.

12. Termination of Agreement

Either COAST or Dover may, by 90 day written notice, terminate this Agreement when it is in their respective interests to do so. If this Agreement is terminated, Dover shall be liable for payment under the payment provisions of this Agreement for services rendered until and including the effective date of termination.

13. Binding Effect and Assignment

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective representatives, successors, and assigns. Neither party hereto shall assign, sublet or otherwise transfer this Agreement, in whole or in part, without the prior written consent of the other party.

14. Severability

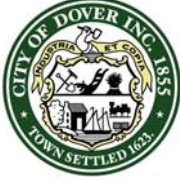
Each provision of this Agreement shall be considered separable and if for any reason a provision which is not essential to the effectuation of the basic purposes of the Agreement is determined to be invalid or contrary to any existing or future law, such validity shall not impair the operation of or effect of those provisions of this Agreement that are valid.

15. Relationship of the Parties

Nothing in this Agreement is intended or shall be construed to create or establish any agency, partnership, or joint venture relationship between the Parties. The Parties expressly disclaim such relationship, and agree that they are acting solely as independent contractors hereunder.

16. Compliance with Laws.

The parties hereto shall comply with all Federal, State and local laws, rules, regulations and orders applicable to the work provided pursuant to this Agreement, such provisions being



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R – 2008.09.24 - 153**
 Resolution Re: **AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH COAST TO ESTABLISH FastTrans SERVICE**

incorporated herein by reference, and shall be responsible for obtaining all necessary licenses, permits, and approvals required for the performance of such work.

17. Notices

All notices must be in writing and are effective when deposited in the U.S. mail, certified and postage prepaid, or when sent via overnight delivery, to the address set forth above, or as otherwise provided by law.

18. Prior Agreements; Amendments.

This Agreement sets forth the entire agreement between the parties with respect to the subject matter contained herein and supersedes all prior agreements, negotiations, and discussions concerning any matter contained herein. The parties agree to cooperate and take such action as is necessary to update and amend this Agreement as needed to address the issues outlined herein.

19. This Agreement may only be amended by a written document signed by Dover and COAST, as authorized by the City Council and COAST Board of Directors.

20. The laws of the State of New Hampshire shall govern this Agreement.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their officers or representatives.

 J. Michael Joyal
 Dover City Manager

 Rad Nichols
 Executive Director, COAST

Date

Date



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



CAROL A. MURRAY, P.E.
COMMISSIONER

GILBERT S. ROGERS, P.E.
ASSISTANT COMMISSIONER

April 2, 2003

Steve Wells, Executive Director
COAST
42 Sumner Drive
Dover, NH 03820

Re: Authorization of CMAQ Projects

Dear Steve,

The Department of Transportation has been notified that funds for the following CMAQ projects have been transferred to FTA and are available to be drawn down. Both projects are included in the STIP for the federal fiscal year 2003.

Dover transit loop, State # 13509 (\$500,000 total)
COAST marketing, State # 13859, (\$225,000 total)

Please contact me with any questions.

Sincerely,

Christopher Morgan
Administrator

cc: Peter Butler, FTA Region 1
Mike Pillsbury
Bruce Woodruff, city of Dover

File: CMAQ Project file(s)

WITNESSETH that,

WHEREAS, the DEPARTMENT, and the CITY have determined that a project for the development of a downtown transit loop within the City (00-05CM) is an eligible project for funding under the Congestion Mitigation and Air Quality Improvement Program created by the Intermodal Surface Transportation Efficiency Act of 1991, (ISTEA); and

WHEREAS, the CITY desires to act as sponsor of said project; and

WHEREAS, the DEPARTMENT has established Congestion Mitigation and Air Quality Improvement Project 13509 for the aforesaid project in the amount of five hundred thousand dollars (\$500,000.00) with eighty percent (80%) of that cost coming from Federal Highway funds, such amount being four hundred thousand dollars (\$400,000.00) and remaining twenty percent (20%) of that cost coming from the CITY, such amount being one hundred thousand dollars (\$100,000.00); and

WHEREAS, the DEPARTMENT desires to cooperate with the CITY in accomplishing the project.

NOW, THEREFORE, in consideration of the above premises and in further consideration of the Agreements herein set forth by and between the parties hereto, it is mutually agreed as follows:

I. DUTIES AND RESPONSIBILITIES OF CITY:

- A. The CITY shall manage the design, environmental study, right of way acquisition and construction of the project. This management is described in the current version of the DEPARTMENT's guidelines titled "New Hampshire Department of Transportation Process for Municipally Managed TE and CMAQ Projects" and, by reference, is hereby made a part of this agreement.
- B. The CITY shall provide or cause to provide for the future maintenance of the project as it was originally constructed once the work under this AGREEMENT is completed. Should operational adjustments be necessary, the CITY agrees that no changes will be made without prior approval of the State and Federal Highway Administration. Should the facilities constructed under this agreement be used or converted to a purpose not specified in the project description without approval of the State, or should the property be disposed of by the CITY without approval of the State, or if there is a default of any nature to this Agreement, the CITY shall be required to reimburse the Federal Highway Trust Fund for all such funds expended under this project.
- C. The CITY agrees to maintain financial records pertinent to the development and construction of the project for up to three years beyond the completion of the construction, and to make the records available to the State and Federal Highway Administration upon request.
- D. The CITY shall comply with all Federal and State laws and rules, regulations, and policies as applicable under the Federal Aid Highway Program for Federal Aid Construction Contracts.

of suits arising from (or which may be claimed to arise from) any act or omission of the CITY or its subcontractors in the performance of this agreement. Notwithstanding the foregoing, nothing herein contained, shall be deemed to constitute a waiver of the sovereign immunity of the STATE or the DEPARTMENT, which immunity is hereby reserved. This covenant shall survive the termination of this agreement.

G. Non-Discrimination:

1. No person, on the grounds of race, religion, color, sex, national origin or disability shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the use of said project.
2. That CITY shall not practice discrimination against the public in accommodations operated within the area of use.
3. The CITY shall implement and operate the project in compliance with all other requirements pursuant to Code of Federal Regulations (CFR), Title 49, Part 21-Nondiscrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said regulation may be amended.

II DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT:

- A. The DEPARTMENT shall review the project's engineering plans, environmental documents and contract documents applicable to the Federal Highway and State requirements for a federally-funded project and submit appropriate documentation to FHWA to complete the NEPA process and receive Federal design approval.
- B. The DEPARTMENT shall, after receipt and approval of properly documented invoices, pay to the CITY eighty percent (80%) of the total costs after the invoices have been certified by the CITY as properly representing the work that has been done and paid for by the project sponsor.
- C. The DEPARTMENT shall obtain authorization of the project from the Federal Highway Administration.

III. IT IS FURTHER UNDERSTOOD AND AGREED BETWEEN THE DEPARTMENT AND THE CITY:

- A. That the CITY will not enter into any Agreement with an engineering and/or environmental consultant for which costs the CITY intends to be reimbursed, until such time that it receives written notice from the DEPARTMENT that the project has been authorized by the Federal Highway Administration.
- B. That the CITY will not enter into any agreement with a construction contractor until such time that it receives written notice from the DEPARTMENT that the project has been authorized by the Federal Highway Administration.

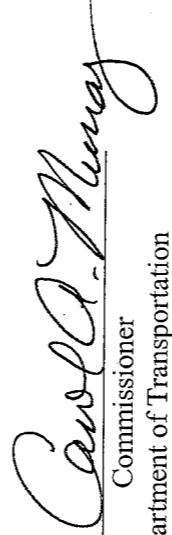
C. That neither the DEPARTMENT, nor the Federal Highway Administration will be responsible for any expenses or costs incurred by the CITY under this Agreement prior to the date of DEPARTMENT'S written Notice To Proceed.

D. That the maximum amount of funds available for this project for reimbursement under this Agreement from DEPARTMENT shall be five hundred thousand dollars (\$500,000.00) with eighty percent (80%) of that cost coming from Federal Highway funds, such amount being four hundred thousand dollars (\$400,000.00) and remaining twenty percent (20%) of that cost coming from the CITY, such amount being one hundred thousand dollars (\$100,000.00). As the scope of the project is finalized or should the bids for the project exceed the amount budgeted, the DEPARTMENT agrees to review project costs for consideration of additional funding. Neither the DEPARTMENT, nor the Federal Highway Administration will be responsible for any expenses or costs incurred by the CITY under this Agreement in excess of the above amounts unless additional funding is expressly authorized by the DEPARTMENT prior to the work being performed.

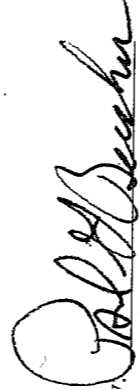
E. That the CITY may invoice the DEPARTMENT for incurred costs on a monthly basis and the DEPARTMENT will process these invoices for payment in an expeditious manner.

F. That the CITY agrees to commence the project within nine (9) months after the date of the Notice to Proceed and complete the project within two (2) years after the date of the Notice to Proceed. An extension will be granted should the CITY need to request additional funding through the Congestion Mitigation and Air Quality Improvement Advisory Committee. Failure to meet either deadline without good cause may cancel the DEPARTMENT'S participation in this project, at the discretion of the DEPARTMENT. Any remaining funds will be forfeited. The CITY is responsible for informing DEPARTMENT if any condition arises which may result in either deadline being unattainable.

**NEW HAMPSHIRE DEPARTMENT OF
TRANSPORTATION**

By: 
Commissioner
Department of Transportation

CITY OF DOVER

By: 
City Manager
City of Dover

Date: June 21, 2000
Authorized to enter into Agreement
as approved by Governor and Council

COMMISSIONERS
GEORGE MAGLARAS, *Chairman*
PAUL J. DUMONT, *Vice Chairman*
RONALD R. CHAGNON, *Clerk*

TREASURER
PAMELA J. ARNOLD

COUNTY ADMINISTRATOR
RAYMOND F. BOWER

**STRAFFORD COUNTY
COMMISSIONERS**

WILLIAM A. GRIMES
Justice & Administration Building
P.O. Box 799
Dover, New Hampshire 03821-0799
Telephone: (603) 742-1458
Fax: (603) 743-4407



January 15, 2008

Bruce Woodruff, City Planner
Dover Planning Department
Dover City Hall
288 Central Avenue
Dover, New Hampshire 03820-4169
Fax: 516-6007

Re: Letter of Commitment: Strafford County Transportation Route

Dear Mr. Woodruff:

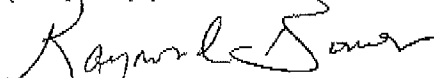
On behalf of the Strafford County Commissioners, this letter is to serve as a commitment from Strafford County to go forward with formulating a transportation plan to bring a new bus route to County Farm Road.

We would request that a meeting with the potential stakeholders along this new route take place at 5:00 p.m. on January 29, 2008 at the Strafford County Complex.

The Strafford County Commissioners will commit to contribute \$3,000-\$4,000 towards the implementation plan for this new route.

If you have any questions, you can contact me at 742-1348.

Very truly yours,


Raymond Bower
County Administrator

13509



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

Commissioner's Office
Tel: (603) 271-3734

LEON S. KENISON
COMMISSIONER

May 31, 2000

Bruce Woodruff
City Planner
City of Dover Planning Department
288 Central Avenue
Dover NH 03820

Re: Congestion Mitigation & Air Quality (CMAQ) Application No: 00-05CM

Dear Mr. Woodruff:

The New Hampshire Department of Transportation (NHDOT) is pleased to inform you that based on recommendations submitted by the Congestion Mitigation & Air Quality (CMAQ) Advisory Committee and the Commissioner of the New Hampshire Department of Transportation, the Governor's Advisory Commission on Intermodal Transportation has approved your application for the use of CMAQ Funds. Your application for:

Downtown Transit Loop providing high frequency circulation through and around city core to compliment COAST and Wildcat Transit and park'n rides connecting housing, employment, retail, service and medical centers.

will be included in the Ten-Year Transportation Improvement Program. This project is programmed for Fiscal Year 2004.

The total cost of the project is \$500,000.00 and the applicant is responsible for a matching amount of \$100,000.00.

The NHDOT is encouraging the Municipal Management of projects, to facilitate localized decision making and to better meet the desired schedule of the project. You have indicated on the application, that Coast would be the operator. I have attached a TE/CMAQ manual, which includes information about Municipal Management of projects.

You will be contacted relative to project scope and the necessary financial arrangements before any work is initiated. Should you have any questions, please contact Victoria Chase, Bureau of Municipal Highways at 271-2107.

Sincerely,

Robert W. Greer, PE
Director of Project Development

cc: Cynthia Copeland, Strafford Regional Planning Commission
Victoria Chase, NHDOT
Ram Maddali, NHDOT



Steven J. Stancel
Planning Director

288 Central Avenue
Dover, NH 03820

City of Dover, New Hampshire

Department of Planning & Community Development

May 8, 2006

Mr. Jim Moore, Director Project Development
New Hampshire Department of Transportation
1 Hazen Drive
Concord, NH 03302-0483

RE: Downtown Dover Transit Service
Congestion Mitigation Air Quality (CMAQ) Project No. 13509

Dear Mr. Moore:

The City of Dover, in partnership with COAST has completed the planning process for the above-referenced project and is preparing for implementation. The project did not evolve into a fixed route as originally budgeted. Instead, the project partners have chosen a more flexible service based on Dover's physical layout in order to maximize ridership opportunities. We are writing to request a modification of the originally approved CMAQ budget.

The original 1997 proposal, which called for a fixed route service in Downtown Dover, did not meet our goals of mitigating traffic congestion in Downtown Dover, providing good access to downtown from Dover's outlying neighborhoods and providing good internal circulation within the downtown core. Our planning led us to the development of an innovative hybrid checkpoint transit service.

The project partners believe that full CMAQ funding is critical to the long-term viability of the Downtown Dover Service. The projected cost in our 1997 submittal was \$500,000 with \$400,000 in approved CMAQ funding. The total projected cost to operate the checkpoint service for three years is \$1,293,000. Therefore, the project partners are requesting CMAQ assistance in the amount of \$1,034,400. It should be noted that an interim request for approximately \$900,000 total was submitted two years ago to Kit Morgan and Mike Pillsbury during our initial study findings phase. We were informed at that time that the request was within the realm of possibility, but that we should refine the dollar figure and then formally submit our fully developed funding request.

We are requesting three-years of CMAQ funding based on our service needs. Project information provided to the City Council is attached for your review. As you will see

from the attachments, the City is providing the local match for this project from our Transportation Reserve Trust Fund. The Transportation Reserve is our source to match CMAQ and post-CMAQ FTA 5307 funds.

We would appreciate your timely review of our request. Please contact me at 516-6009 if you have any questions or require additional information. If necessary, we stand ready to meet with you at your convenience to discuss the project in more detail. Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bruce Woodruff".

Bruce Woodruff, City Planner
City of Dover

Cc: Kit Morgan, Administrator
Bureau of Rails and Transit
NHDOT

Ram Maddali, Program Manager
Congestion-Mitigation/Air Quality Program
NHDOT



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12A.8.

Resolution Number: **R – 2008.09.24 - 154**

Resolution Re: Merit Plan Amendment Pursuant to City Charter C7-2

WHEREAS: The City Charter requires that the City Manager submit any amendments to the Merit Plan to the Council as an item on a regular Council meeting agenda; and,

WHEREAS: The Council shall within sixty days after having received the amendments take action to approve or disapprove them at a regular Council meeting; and,

WHEREAS: The Merit Plan includes, as attachments, the Classification and Pay Plans which establish the grade level and set the minimum and maximum rates of pay for each class of position in the City's Administrative Service.

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

The City Council accepts the attached Merit Plan amendments specific to the Classification and Pay Plans as submitted by the City Manager.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12A.8.

Resolution Number: **R – 2008.09.24 - 154**

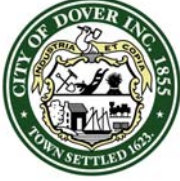
Resolution Re: Merit Plan Amendment Pursuant to City Charter C7-2

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, 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#: 12A.8.

Resolution Number: **R – 2008.09.24 - 154**

Resolution Re: Merit Plan Amendment Pursuant to City Charter C7-2

RESOLUTION BACKGROUND MATERIAL:

The Merit Plan includes, as attachments, the Classification and Pay Plans which establish grade levels and minimum and maximum rates of base pay for each class of position in the City's Administrative Service. The City Manager wishes to add three positions to the classification plan resulting from organizational changes that have been approved as part of the budget process. The three positions are: Fire/Life Safety Inspector, Fire/Health Inspector, and City Clerk/Tax Collector. Other positions the City Manager wishes to add include the position of Arena Program & Marketing Supervisor. This position is the result of an organizational change within the Recreation Department, which combines the positions of Recreation Program Supervisor and Arena Sales & Marketing Manager. The two positions became vacant and the Director of Recreation determined it was an opportune time to review these positions, resulting in the recommendation to combine them. The City Manager wishes to add the positions of Deputy Community Services Director and Teen Center Counselor. The addition of a Teen Center Counselor is a function that has been utilized within the City, but has been classified as Victim/Witness Advocate. Additional changes include upgrading the classification grade for the Building Official from a Grade 27 to a Grade 28. Organizational changes within Fire and Inspection Services has required this position to be delegated additional enforcement and supervisory responsibilities. Lastly, the City Manager wishes to change the titles of Human Service Counselor I, II, and III to Human Service Technician I, II, and III respectively. These positions do not offer counseling as part of their responsibilities, but rather serve more as an intake / processing technician for human service requests.

The Pay Plan attached to the Merit Plan document has **no** COLA increase over the FY2008 salary schedule. The only change on this document is to identify it as the FY2009 Pay Plan rather than the FY2008 Pay Plan.

The changes, summarized above, were endorsed, by unanimous vote, by the Personnel Advisory Board at a meeting held on September 15, 2008 at 5:30 PM in the Council Chambers Conference Room.

FY 2008 2009 Dover Classification Plan

Dover Classification Plan	Pay Plan Grade	Union
ACCOUNT CLERK I	11	DMEA
ACCOUNT CLERK II	13	DMEA
ACCOUNTANT I	18	DMEA
ACCOUNTANT II	28	DMEA
ADMINISTRATIVE ASSISTANT	19	non-union
ADMINISTRATIVE CLERK/CEMETERY COORDINATOR	15	DMEA
ANIMAL CONTROL OFFICER	10	DPA
AQUATIC FACILITY MANAGER	22	DPEA
ARENA FACILITY MANAGER	23	DPEA
ARENA PROGRAM & MARKETING SUPERVISOR	21	DPEA
ARENA SALES & MARKETING MANAGER	17	non-union
ASSISTANT CITY CLERK	13	DMEA
ASSISTANT CITY ENGINEER	24	DPEA
ASSISTANT CITY MANAGER	34	non-union
ASSISTANT LIBRARY DIRECTOR	26	DMEA
ASSISTANT TAX ASSESSOR	23	DMEA
BOOKKEEPER	14	DMEA
BUILDING OFFICIAL	27 28	DMEA
CDBG PROGRAM COORDINATOR	27	DMEA
CITY ATTORNEY	33	non-union
CITY CLERK	26	non-union
CITY CLERK/TAX COLLECTOR	26	non-union
CITY ENGINEER	29	DPEA
CLERK TYPIST I	9	DMEA
CLERK TYPIST II	11	DMEA
CONSTRUCTION MANAGER	26	non-union
CROSSING GUARD	8	non-union
CUSTODIAN	9	DMEA
DEPUTY CITY CLERK	15	DMEA
DEPUTY COMMUNITY SERVICES DIRECTOR	30	non-union
DEPUTY TAX COLLECTOR	15	DMEA
DIRECTOR OF BUSINESS ASSISTANCE	23	non-union
DIRECTOR OF COMMUNITY SERVICES	33	non-union
DIRECTOR OF FINANCE	32	non-union
DIRECTOR OF HUMAN RESOURCES	29	non-union
DIRECTOR OF HUMAN SERVICES	26	non-union
DIRECTOR OF INFORMATION TECHNOLOGY	33	non-union
DIRECTOR OF MAIN STREET PROGRAM	23	non-union
DIRECTOR OF PLANNING & CDBG	31	non-union
DIRECTOR OF PUBLIC LIBRARY	29	non-union
DIRECTOR OF RECREATION	26	non-union
ELECTRICAL INSPECTOR	22	DMEA
ENGINEERING TECHNICIAN	20	DPEA
ENVIRONMENTAL PROJECTS MANAGER	27	DPEA
EXECUTIVE SECRETARY	18	non-union
FACILITIES, GROUNDS & CEMETERY SUPERVISOR	23	DPEA
FIRE & RESCUE CHIEF	33	non-union
FIRE ASSISTANT CHIEF	29	DPFOA
FIRE CAPTAIN	25	DPFOA
FIRE DEPUTY CHIEF	27	DPFOA
FIRE LIEUTENANT	23	DPFOA
FIRE/LIFE SAFETY INSPECTOR	22	DMEA
FIRE/HEALTH INSPECTOR	22	DMEA
FIRE MECHANIC	11	non-union
FIREFIGHTER ON CALL	17	non-union
FIREFIGHTER/EMT	17	IAFF
FIREFIGHTER/EMT-I	18	IAFF
FIREFIGHTER/PARAMEDIC	20	IAFF
FLEET SUPERVISOR	25	DPEA
GROUNDSKEEPER I	14	AFSCME
GROUNDSKEEPER II	16	AFSCME
HEAVY EQUIPMENT MECHANIC I	15	AFSCME
HEAVY EQUIPMENT MECHANIC II	16	AFSCME
HEAVY EQUIPMENT OPERATOR I	16	AFSCME
HEAVY EQUIPMENT OPERATOR II	17	AFSCME
HUMAN SERVICE COUNSELOR TECHNICIAN I	18	DMEA
HUMAN SERVICE COUNSELOR TECHNICIAN II	19	DMEA
HUMAN SERVICE COUNSELOR TECHNICIAN III	20	DMEA
INFORMATION TECHNOLOGY ADMINISTRATOR	22	non-union
INVENTORY COORDINATOR	17	AFSCME
LABORER I	12	AFSCME

FY 2008 2009 Dover Classification Plan

Dover Classification Plan	Pay Plan Grade	Union
LABORER II	13	AFSCME
LIBRARIAN ASSISTANT I	11	DMEA
LIBRARIAN ASSISTANT II	13	DMEA
LIBRARIAN I	17	DMEA
LIBRARIAN II	22	DMEA
LIBRARY PAGE	7	DMEA
MAINTENANCE MECHANIC I	14	AFSCME
MAINTENANCE MECHANIC II	15	AFSCME
MAINTENANCE MECHANIC III	22	AFSCME
MAINTENANCE SPECIALIST I	15	AFSCME
MAINTENANCE SPECIALIST II	18	AFSCME
MAINTENANCE SPECIALIST III	22	AFSCME
MANAGEMENT ANALYST	17	non-union
OFFICE MANAGER	15	DMEA
PARKING CONTROL OFFICER	10	DPA
PAYROLL & BENEFITS ADMINISTRATOR	15	DMEA
PERSONNEL ASSISTANT	15	DPAAIL
PLANNER	27	DMEA
PLANT & PUMP STATION SUPERVISOR	23	DPEA
PLUMBING/HEALTH INSPECTOR	22	DMEA
POLICE CAPTAIN	30	DPAAIL
POLICE CHIEF	33	non-union
POLICE COMMUNICATIONS SUPERVISOR	21	DPAAIL
POLICE DISPATCHER	17	DPA
POLICE LIEUTENANT	27	DPAAIL
POLICE OFFICER I	21	DPA
POLICE OFFICER II (Advanced Career Track)	22	DPA
POLICE PREVENTION COORDINATOR	22	non-union
POLICE PREVENTION PROGRAMMER	16	non-union
POLICE PROSECUTOR	27	DPAAIL
POLICE RECORDS SUPERVISOR	21	DPAAIL
POLICE SERGEANT	24	DPAAIL
POLICE VICTIM/WITNESS ADVOCATE	20	non-union
PUBLIC WORKS SUPERVISOR	23	DPEA
PUMP STATION OPERATOR I	16	AFSCME
PUMP STATION OPERATOR II	18	AFSCME
PUMP STATION OPERATOR III	22	DPEA
PURCHASING AGENT	26	DMEA
RECREATION PROGRAM ASSOCIATE I	2	non-union
RECREATION PROGRAM ASSOCIATE II	3	non-union
RECREATION PROGRAM ASSOCIATE III	4	non-union
RECREATION PROGRAM SPECIALIST I	5	non-union
RECREATION PROGRAM SPECIALIST II	7	non-union
RECREATION PROGRAM SPECIALIST III	9	non-union
RECREATION PROGRAM SPECIALIST IV	15	non-union
RECREATION PROGRAM SUPERVISOR	17	DPEA
SEASONAL MAINTENANCE WORKER I	3	non-union
SEASONAL MAINTENANCE WORKER II	5	non-union
SEASONAL MAINTENANCE WORKER III	7	non-union
SECRETARY I	13	DMEA
SECRETARY II	14	DMEA
SOLID WASTE ASSISTANT	18	AFSCME
SOLID WASTE COORDINATOR	23	DPEA
SUPERINTENDENT OF FACILITIES, GROUNDS & CEMETERY	28	DPEA
SUPERINTENDENT OF PUBLIC WORKS & UTILITIES	29	DPEA
TAX ASSESSING DATA TECHNICIAN	15	DMEA
TAX COLLECTOR	26	DMEA
TEEN CENTER COUNSELOR	22	non-union
TELEVISION BROADCAST OPERATOR	15	non-union
TRUCK DRIVER	14	AFSCME
UTILITIES SYSTEM SUPERVISOR	26	DPEA
WORKING FOREMAN	22	DPEA
WWTP CHIEF OPERATOR	23	DPEA
WWTP LAB TECHNICIAN	17	DPEA
WWTP LAB/INDUSTRIAL PRETREATMENT COORDINATOR	22	DPEA
WWTP OPERATOR I	18	AFSCME
WWTP OPERATOR II	22	AFSCME
WWTP SUPERVISOR	26	DPEA

2008 FY2009 Pay Plan - TABLE A

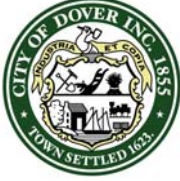
(Employees Hired On or Before 12/31/05)

Grade/Step	Hourly Step Rates											
	1	2	3	4	5	6	7	8	9	10	11	12
1	7.42	7.76	8.10	8.47	8.85	9.25	9.67	10.10	10.20	10.30	10.40	10.51
2	7.79	8.14	8.51	8.89	9.30	9.70	10.15	10.61	10.71	10.82	10.93	11.04
3	8.18	8.55	8.93	9.34	9.75	10.20	10.66	11.14	11.25	11.36	11.48	11.59
4	8.59	8.98	9.39	9.81	10.25	10.71	11.19	11.68	11.80	11.92	12.04	12.16
5	9.02	9.42	9.86	10.29	10.76	11.24	11.75	12.27	12.39	12.52	12.64	12.77
6	9.48	9.89	10.34	10.81	11.29	11.80	12.33	12.89	13.02	13.15	13.28	13.42
7	9.94	10.39	10.86	11.34	11.86	12.40	12.96	13.53	13.66	13.80	13.94	14.08
8	10.44	10.91	11.41	11.91	12.45	13.01	13.60	14.21	14.35	14.50	14.64	14.79
9	10.96	11.46	11.98	12.51	13.07	13.67	14.28	14.92	15.07	15.22	15.38	15.53
10	11.51	12.03	12.57	13.13	13.73	14.34	14.99	15.66	15.82	15.98	16.13	16.30
11	12.09	12.64	13.20	13.79	14.42	15.06	15.74	16.45	16.61	16.78	16.95	17.12
12	12.69	13.26	13.86	14.48	15.14	15.81	16.52	17.27	17.45	17.62	17.80	17.97
13	13.32	13.92	14.56	15.20	15.89	16.61	17.35	18.14	18.32	18.50	18.69	18.87
14	14.00	14.62	15.28	15.97	16.69	17.44	18.23	19.04	19.23	19.42	19.62	19.81
15	14.70	15.36	16.04	16.77	17.51	18.31	19.13	19.99	20.19	20.39	20.60	20.80
16	15.43	16.12	16.84	17.60	18.39	19.23	20.09	20.99	21.20	21.42	21.63	21.85
17	16.19	16.93	17.69	18.48	19.32	20.18	21.10	22.05	22.27	22.49	22.72	22.94
18	17.01	17.77	18.57	19.41	20.28	21.20	22.15	23.14	23.37	23.61	23.84	24.08
19	17.86	18.66	19.50	20.39	21.30	22.25	23.26	24.30	24.54	24.79	25.03	25.28
20	18.75	19.60	20.47	21.40	22.37	23.37	24.42	25.52	25.77	26.03	26.29	26.55
21	19.69	20.58	21.50	22.47	23.48	24.54	25.64	26.80	27.07	27.34	27.61	27.89
22	20.68	21.60	22.57	23.59	24.65	25.76	26.93	28.13	28.41	28.70	28.99	29.28
23	21.71	22.68	23.70	24.77	25.88	27.05	28.27	29.54	29.84	30.14	30.44	30.74
24	22.80	23.81	24.89	26.01	27.18	28.40	29.68	31.02	31.33	31.64	31.96	32.28
25	23.93	25.01	26.14	27.31	28.54	29.82	31.17	32.57	32.89	33.22	33.55	33.89
26	25.12	26.27	27.45	28.68	29.96	31.32	32.72	34.19	34.53	34.88	35.23	35.58
27	26.38	27.57	28.82	30.11	31.46	32.88	34.36	35.91	36.26	36.63	36.99	37.36
28	27.70	28.95	30.25	31.61	33.04	34.52	36.08	37.70	38.07	38.45	38.84	39.23
29	29.09	30.39	31.77	33.20	34.69	36.25	37.89	39.59	39.98	40.38	40.79	41.20
30	30.55	31.92	33.35	34.85	36.43	38.07	39.78	41.57	41.99	42.41	42.83	43.26
31	32.07	33.52	35.02	36.60	38.25	39.97	41.77	43.65	44.08	44.52	44.97	45.42
32	33.68	35.19	36.78	38.43	40.16	41.97	43.86	45.83	46.29	46.75	47.22	47.69
33	35.36	36.95	38.62	40.35	42.17	44.07	46.05	48.12	48.60	49.09	49.58	50.08
34	37.13	38.80	40.55	42.37	44.28	46.27	48.35	50.53	51.03	51.54	52.06	52.58
35	38.99	40.74	42.57	44.49	46.49	48.58	50.77	53.05	53.58	54.12	54.66	55.21
36	40.93	42.78	44.70	46.71	48.82	51.01	53.31	55.71	56.26	56.83	57.39	57.97
37	42.98	44.92	46.94	49.05	51.26	53.56	55.97	58.49	59.08	59.67	60.26	60.87
38	45.13	47.16	49.28	51.50	53.82	56.24	58.77	61.42	62.03	62.65	63.28	63.91
39	47.39	49.52	51.75	54.08	56.51	59.05	61.71	64.49	65.13	65.78	66.44	67.11
40	49.76	52.00	54.34	56.78	59.34	62.01	64.80	67.71	68.39	69.07	69.76	70.46

2008 FY2009 Pay Plan - TABLE B

(Employees Hired After 12/31/05)

Grade/Step	Hourly Step Rates											
	1	2	3	4	5	6	7	8	9	10	11	12
1	7.42	7.62	7.83	8.04	8.48	8.71	8.95	9.19	9.44	9.96	10.23	10.51
2	7.79	8.00	8.22	8.44	8.90	9.15	9.40	9.65	9.91	10.46	10.74	11.04
3	8.18	8.40	8.63	8.86	9.35	9.61	9.87	10.14	10.41	10.99	11.28	11.59
4	8.59	8.82	9.06	9.30	9.82	10.08	10.36	10.64	10.92	11.53	11.84	12.16
5	9.02	9.26	9.51	9.77	10.31	10.59	10.87	11.17	11.47	12.10	12.43	12.77
6	9.48	9.73	10.00	10.27	10.83	11.12	11.43	11.73	12.05	12.72	13.06	13.42
7	9.94	10.21	10.49	10.77	11.37	11.67	11.99	12.31	12.65	13.34	13.70	14.08
8	10.44	10.72	11.01	11.31	11.94	12.26	12.59	12.94	13.29	14.02	14.40	14.79
9	10.96	11.26	11.56	11.88	12.53	12.87	13.22	13.58	13.95	14.72	15.12	15.53
10	11.51	11.82	12.14	12.47	13.15	13.51	13.88	14.25	14.64	15.45	15.86	16.30
11	12.09	12.42	12.76	13.10	13.82	14.19	14.58	14.97	15.38	16.22	16.66	17.12
12	12.69	13.03	13.39	13.75	14.51	14.90	15.31	15.72	16.15	17.04	17.50	17.97
13	13.32	13.69	14.06	14.44	15.23	15.65	16.07	16.51	16.96	17.89	18.37	18.87
14	14.00	14.38	14.76	15.16	16.00	16.43	16.88	17.33	17.80	18.78	19.29	19.81
15	14.70	15.09	15.50	15.92	16.80	17.25	17.72	18.20	18.69	19.72	20.25	20.80
16	15.43	15.85	16.28	16.72	17.64	18.12	18.61	19.11	19.63	20.71	21.27	21.85
17	16.19	16.63	17.09	17.55	18.52	19.02	19.54	20.07	20.61	21.75	22.34	22.94
18	17.01	17.47	17.94	18.43	19.44	19.97	20.51	21.06	21.64	22.82	23.44	24.08
19	17.86	18.34	18.84	19.35	20.41	20.97	21.53	22.12	22.72	23.96	24.61	25.28
20	18.75	19.26	19.78	20.31	21.43	22.01	22.61	23.22	23.86	25.17	25.85	26.55
21	19.69	20.22	20.77	21.33	22.51	23.12	23.75	24.39	25.05	26.43	27.15	27.89
22	20.68	21.24	21.81	22.40	23.63	24.28	24.93	25.61	26.30	27.75	28.50	29.28
23	21.71	22.30	22.90	23.52	24.81	25.49	26.18	26.89	27.62	29.14	29.93	30.74
24	22.80	23.42	24.05	24.70	26.06	26.76	27.49	28.23	29.00	30.59	31.42	32.28
25	23.93	24.58	25.24	25.93	27.35	28.10	28.86	29.64	30.45	32.12	32.99	33.89
26	25.12	25.80	26.50	27.22	28.72	29.50	30.30	31.12	31.97	33.72	34.64	35.58
27	26.38	27.10	27.83	28.59	30.16	30.98	31.82	32.68	33.57	35.41	36.38	37.36
28	27.70	28.45	29.22	30.02	31.67	32.52	33.41	34.31	35.24	37.18	38.19	39.23
29	29.09	29.87	30.69	31.52	33.25	34.15	35.08	36.03	37.01	39.05	40.11	41.20
30	30.55	31.37	32.23	33.10	34.92	35.87	36.84	37.84	38.86	41.00	42.11	43.26
31	32.07	32.94	33.84	34.75	36.66	37.66	38.68	39.73	40.81	43.05	44.22	45.42
32	33.68	34.59	35.53	36.49	38.50	39.54	40.61	41.72	42.85	45.20	46.43	47.69
33	35.36	36.32	37.30	38.32	40.42	41.52	42.65	43.80	44.99	47.46	48.75	50.08
34	37.13	38.14	39.17	40.23	42.44	43.60	44.78	45.99	47.24	49.84	51.19	52.58
35	38.99	40.04	41.13	42.24	44.57	45.77	47.02	48.29	49.60	52.33	53.75	55.21
36	40.93	42.04	43.18	44.36	46.79	48.06	49.37	50.71	52.08	54.94	56.43	57.97
37	42.98	44.15	45.34	46.57	49.13	50.47	51.84	53.24	54.69	57.69	59.26	60.87
38	45.13	46.35	47.61	48.90	51.59	52.99	54.43	55.90	57.42	60.58	62.22	63.91
39	47.39	48.67	49.99	51.35	54.17	55.64	57.15	58.70	60.29	63.60	65.33	67.11
40	49.76	51.11	52.49	53.92	56.88	58.42	60.01	61.63	63.30	66.78	68.60	70.46



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R – 2008.09.24 - 155**
Resolution Re: Change order Down Town Form Base Code Action Plan
B08101

WHEREAS: On June 12, 2008, Jeffrey Taylor and Associates was awarded the bid# B08101 to provide consulting services for the downtown form based code-action plan; and

WHEREAS: On June 30, 2008 a purchase order was issued in the amount of \$20,000.00 and due to the scope of work envisioned the city is requesting a change order in the amount of \$28,000.00 to better reach these goals. This brings the award to vendor over the \$25,000.00 threshold, therefore requiring council approval.

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 #18-252193 to Jeffrey H. Taylor and Associated of Concord NH in the amount of \$28,000.00. This authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
1000-41910-4339-0000-00-18	Planning Consulting Fees	10,202.42	10,202.42
2100-46311-4339-6311-04-18	CDBG Consutling Fees	681.47	531.47
2100-46311-4339-6311-07-18	CDBG Consutling Fees	7,466.11	7,266.11
3180-41910-4339-2506-09-18	Planning Imp Consulting Fees	10,000.00	10,000.00
	Total		28,000.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R – 2008.09.24 - 155**
Resolution Re: Change order Down Town Form Base Code Action Plan
B08101

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	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.9.

Resolution Number: **R – 2008.09.24 - 155**
Resolution Re: Change order Down Town Form Base Code Action Plan
B08101

RESOLUTION BACKGROUND MATERIAL:

Planning staff prepared an RFP in June for a consultant to work with the community to review and refine the current 20+ year old zoning in the downtown area. The budget for the project was originally presumed to be \$20,000, which is what was allocated in the FY08 budget. Upon receipt of the proposals staff realized that in order for the project to be as complete and beneficial as possible, a more accurate budget was \$48,000. The City Council had appropriated \$10,000 in consulting funds in the FY 09 budget, and staff identified \$7797.58 previously unspent CDBG monies. These two funds will be allocated towards this project. Additionally, working with the consultant, staff was able to successfully apply for grant monies from PSNH in the amount of \$10,000. Funds will also be transferred from the staff development line item to round out the \$28,000 in additional funds.

This project will review the current characteristics of downtown and interview stakeholders identified (including property owners, business owners, Main Street and Chamber of Commerce representatives) to identify changes that might be made to the ordinance. The overall goals of the project are to simplify the ordinance to make it more user friendly and to also increase flexibility to encourage reuse and redevelopment of site in the downtown core, as opposed to development in the commercial areas outside of downtown.

Award Information:

A Change order will be issued to current vendor 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:	Jeffrey Taylor and Associates	Fund:	CF
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



FORM BASED CODE

ELEMENTS OF THE CODE:

- *Regulating Plan:* A map of the City designating the locations where different building form standards apply, based on clear community intentions regarding the physical character of the area being coded.
- *Public Space Standards.* Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, on-street parking, street trees, street furniture, etc.).
- *Building Form Standards.* Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.
- *Administration.* A clearly defined application and project review process.
- *Definitions.* A glossary to ensure the precise use of technical terms.

For More Information:

Department of Planning and Community Development
 288 Central Ave.
 Dover, NH 03820
 (603) 516-6008

Implementing the FBC in Dover

Introduction:

The Form Based Code (FBC) is a method of regulating land use which places more emphasis on community character and the impact development has on the public realm than traditional zoning does.

A guiding principal behind the development of a FBC is that the buildings and physical alteration of land is more long lasting than the initial use found within the building that is constructed, and we should be concerned about community character and aesthetic qualities.

What does the FBC do?

The FBC attempts to recognize the value of existing buildings in an area,

so that the building fabric, as observed from the public right of way, is relatively consistent. It looks to see if buildings on this street are multi-story? Do they rest at the back edge of the sidewalk? Then so should new construction. Are they of brick or masonry construction? Then efforts should be made either to replicate those materials completely, or to use them as decorative accents to assist the new construction in “fitting” with the existing fabric of the community. Are front yards ten feet or less for existing homes? Then so should the new construction be set back a similar distance.

Form based zoning attempts to replicate the organic process by which our existing downtown neighborhoods grew, over time, but with each new element generally

trying to fit with those elements that came before it.

The Transect:

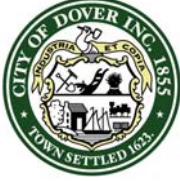
The Form Based Code (FBC) uses a transect, which is a planning tool to define a series of zones that transition from sparse rural to the dense urban core.

A major feature of a transect is that it incorporates a variety of residential and commercial spaces into a single neighborhood.

Dover’s FBC project will create transects around the downtown core, and will radiate from there. At this time the intention is to not replace all of Dover’s zoning with FBC, rather it will focus on the most dense areas located in and around the urban core.

GOALS OF THE FORM BASED CODE

- Develop a code that is more visual based than text, which will be easier for the public to use and understand.
- Draft a code to achieve a community vision based on time-tested forms of urbanism.
- Position downtown Dover for positive and flexible future development and redevelopment.
- Review and encourage responsible development that reuses established infrastructure.
- Continue downtown's trend to promote a walkable community.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2008.09.24 - 156**
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 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#: 12.B.1.

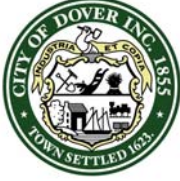
Resolution Number: **R – 2008.09.24 - 156**
Resolution Re: **AMENDMENT TO COUNCIL RULES – RULE 15
PROCEDURES AND FILING WITH THE COUNCIL**

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, 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

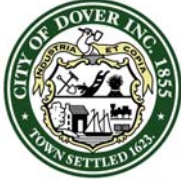
Agenda Item#: 12.B.1.

Resolution Number: **R – 2008.09.24 - 156**
Resolution Re: **AMENDMENT TO COUNCIL RULES – RULE 15
PROCEDURES AND FILING WITH THE COUNCIL**

RESOLUTION BACKGROUND MATERIAL:

15.1 COLLECTIVE BARGAINING AGREEMENTS:

- A. **Purpose and Introduction – The purpose of this rule section is to establish guidelines for distribution and review of Tentative Agreements and to have periodic meetings for discussion regarding negotiations.**
- B. **Informing and Inclusion - The Council shall meet periodically during the negotiation process to discuss the status of the negotiations.**
- C. **Tentative Agreements shall be delivered to the Council within 8 business days of ratification (acceptance) by Union Membership.**
- D. **Tentative agreements shall require two (2) readings by the Council except to assure compliance with RSA 273-A.**



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1.

Ordinance Number: **O - 2008.09.24 - 12**
Ordinance Title: Henry Law Avenue Three Hour Parking
Chapter: 166-57: Schedule J

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 166-57, Schedule J – Limited Time Parking in order to provide a time limit of three hour parking on a portion of Henry Law Avenue.

2. AMENDMENT

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

A NEW SUBSECTION (LETTER I) WITHIN SCHEDULE J, IS PROPOSED AS FOLLOWS:

I. IN ACCORDANCE WITH THE PROVISIONS OF 166-22, IT SHALL BE UNLAWFUL FOR THE OWNER OR OPERATOR OF ANY MOTOR VEHICLE TO PARK OR ALLOW TO BE PARKED ANY MOTOR VEHICLE FOR MORE THAN THREE (3) HOURS IN THE FOLLOWING DESCRIBED LOCATIONS:

STREET:

HENRY LAW AVENUE

DIRECTION OF TRAVEL:

BOTH SIDES, FROM THE INTERSECTION OF WASHINGTON STREET TO THE INTERSECTION OF RIVER 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#: 12.C.1.

Ordinance Number: **O - 2008.09.24 - 12**
Ordinance Title: Henry Law Avenue Three Hour Parking
Chapter: 166-57: Schedule J

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#: 12.C.1.

Ordinance Number: **O - 2008.09.24 - 12**
Ordinance Title: Henry Law Avenue Three Hour Parking
Chapter: 166-57: Schedule J

ORDINANCE BACKGROUND MATERIAL:

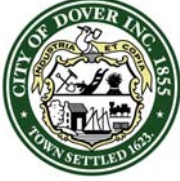
This ordinance revision has been recommended by the Transportation Advisory Commission.

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.

Unlike most other streets in the downtown, there is currently no time limit for on street parking on Henry Law Avenue. As a result, much of the available parking is used by downtown employees who leave their vehicles all day.

The adoption of timed parking (three hour limit) on Henry Law Avenue brings this area in line with the rest of the downtown core in order to ensure more frequent turnover of public parking. Where most of the downtown has a two hour limit, the TAC recommends a three hour limit on Henry Law to accommodate anticipated needs of Children's Museum and Central Towers users. The time limit would remain in effect even if on-street spaces are converted to paid parking through a proposed pilot program.

Like in other areas downtown, residents of this section of Henry Law Avenue will be eligible to obtain parking permits to exempt them from these time restrictions.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2.

Ordinance Number:
Ordinance Title: **O – 2008.09.24 - 13**
Chapter: Chapter 140, Refuse

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to repeal Chapter 140, entitled “Refuse” of the Code of the City of Dover, 1983.

2. AMENDMENT

Chapter 140 entitled “Refuse” is hereby repealed in its entirety as the Chapter has been merged into Chapter 97 entitled “Rubbish, Trash and Recycling Collection” of the Code of the City of Dover.

NOTE: THIS ORDINANCE REQUIRES A PUBLIC HEARING

3. TAKES EFFECT

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

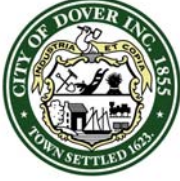
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Myers
By Request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2.

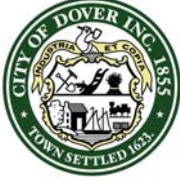
Ordinance Number:
Ordinance Title: **O – 2008.09.24 - 13**
Chapter: Chapter 140, Refuse

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#: 12.C.2.

Ordinance Number:

Ordinance Title: **O – 2008.09.24 - 13**

Chapter: Chapter 140, Refuse

ORDINANCE BACKGROUND MATERIAL:

Chapter 140 is being repealed due to it being merged into another Chapter.

REFUSE

Chapter 140

- 140-1. Purpose.**
- 140-2. Covering required.**
- 140-3. Violations and penalties.**

[HISTORY: Adopted by the City Council of the City of Dover 12-14-77.* Section 140-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

General References

Dumping and rubbish collections - See Ch. 97.

Refuse in public places - See Ch. 116.

140-1. Purpose.

It is the stated purpose of this chapter to eliminate papers and other loose material from blowing from vehicles in the City of Dover.

140-2. Covering required.

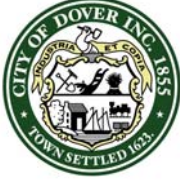
It shall be unlawful for any person, firm or corporation, its agents or servants to transport on the highways of the City of Dover in any vehicles or conveyance, owned or controlled by them, any refuse or waste material or loose articles of waste nature, unless such refuse or waste material is protected by adequate covering to prevent its being blown from the vehicle or conveyance.

***Editor's Note: Provisions of this chapter are derived from Ch. 36 of the former Code, adopted 12-14-77.**

140-3. Violations and penalties.*

Any person, firm or corporation violating the terms of this chapter shall be fined not less than twenty-five dollars (\$25.) nor more than one hundred dollars (\$100.) for each violation.

***Editor's Note: Amended at time of adoption of Code; see
Ch. 1, General Provisions, Art. I.**



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.3.

Ordinance Number:
Ordinance Title: **O – 2008.09.24 - 14**
Chapter: Chapter 158, Sunday Sports

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to repeal Chapter 158, entitled “Sunday Sports” of the Code of the City of Dover, 1983

2. AMENDMENT

Chapter 158 entitled “Sunday Sports” is hereby repealed in its entirety.

NOTE: THIS ORDINANCE REQUIRES A PUBLIC HEARING

3. TAKES EFFECT

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

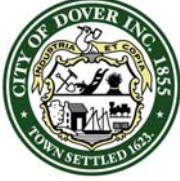
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Myers
By Request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.3.

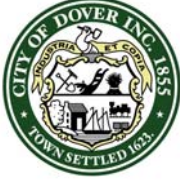
Ordinance Number:
Ordinance Title: **O – 2008.09.24 - 14**
Chapter: Chapter 158, Sunday Sports

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#: 12.C.3.

Ordinance Number:
Ordinance Title: **O – 2008.09.24 - 14**
Chapter: Chapter 158, Sunday Sports

ORDINANCE BACKGROUND MATERIAL:

This ordinance is outdated.

SUNDAY SPORTS AND BUSINESSES

Chapter 158

- 158-1. Hours for sports events.
- 158-2. Hours for public dancing.
- 158-3. Hours for performances.
- 158-4. Business hours.
- 158-5. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Dover 12-14-77.* Amendments noted where applicable.]

General References

Dances and Dance Halls - See Ch. 86.

158-1. Hours for sports events. [Amended 6-10-81 by Ord. No. 12-81]

It shall be lawful to engage in play or in any sport or game involving skill on Sunday in the City of Dover, but it shall be unlawful to engage in horse racing, boxing, prizefighting, wrestling, pool or billiards, and no sport or game in connection with which an admission is charged or at which a donation is made or accepted shall be carried on before 1:00 p.m. The City Council may restrict the manner and areas upon which such play, sports or games shall be conducted.

158-2. Hours for public dancing. [Added 6-10-81 by Ord. No. 12-81]

Except as provided by RSA 332-D:6, it shall be unlawful to engage in public dancing on Sunday after 1:00 a.m.

*Editor's Note: Provisions of this chapter are derived from Ch. 51 of the former Code, adopted 12-14-77.

158-3. Hours for performances.

It shall be lawful for motion pictures, lectures, concerts, vaudeville and theatrical performances to be held on Sunday in the City of Dover, but not before 2:00 p.m., and such entertainments may be regulated by licensing or otherwise as the City Council may deem best.

158-4. Business hours.

It shall be lawful to conduct any retail business on Sunday, the first day of the week, commonly called the "Lord's Day," in the City of Dover during their usual business hours.

158-5. Violations and penalties. [Amended 6-10-81 by Ord. No. 12-81]

Any person violating the provisions of this chapter shall be guilty of a violation and be subject to a fine of up to one hundred dollars (\$100.).



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.4.

Ordinance Number:
Ordinance Title: **O – 2008.09.24 - 15**
Chapter: Chapter 82, Curfew

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to repeal Chapter 82, entitled “Curfew” of the Code of the City of Dover, 1983.

2. AMENDMENT

Chapter 82 entitled “Curfew is hereby repealed in its entirety.

NOTE: THIS ORDINANCE REQUIRES A PUBLIC HEARING

3. TAKES EFFECT

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

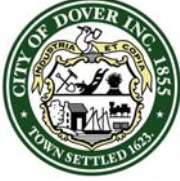
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Myers
By Request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.4.

Ordinance Number:
Ordinance Title: **O – 2008.09.24 - 15**
Chapter: Chapter 82, Curfew

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#: 12.C.4.

Ordinance Number:
Ordinance Title: **O – 2008.09.24 - 15**
Chapter: Chapter 82, Curfew

ORDINANCE BACKGROUND MATERIAL:

This ordinance is outdated.

82-1

82-2

CURFEW
CHAPTER 82

82-1. Adoption of state provisions.

82-2. Curfew signal.

**[HISTORY: Adopted by the City Council of the City of Dover 12-14-77*.
Amendments noted where applicable.]**

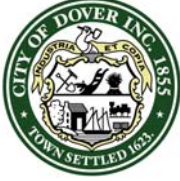
82-1. Adoption of state provisions.

The provisions of Revised Statutes Annotated of New Hampshire, 31:43 a through g, excluding b, entitled "Curfew Regulations" are hereby adopted to be in force in the City of Dover.

82-2. Curfew signal.

For the purposes of this chapter, the fire alarm signal shall be sounded at 9:00 p.m.

***Editor's Note: Provisions of this chapter are derived from Ch. 56 of the former Code, adopted 12-14-77.**



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.5.

Ordinance Number:
Ordinance Title: **O – 2008.09.24 - 16**
Chapter: Chapter 97, Dumping, Rubbish and Recycling Collection

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 97, entitled “Dumping, Rubbish and Recycling Collection” of the Code of the City of Dover, 1983; and

2. AMENDMENT

Chapter 97 entitled “Dumping, Rubbish and Recycling Collection” is hereby amended by inserting housekeeping changes throughout the entire Chapter 97

SEE ATTACHED ORDINANCE IN ITS ENTIRETY

3. TAKES EFFECT

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

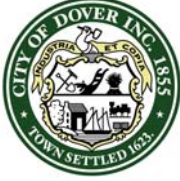
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Doug DeDe

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.5.

Ordinance Number:
Ordinance Title: **O – 2008.09.24 - 16**
Chapter: Chapter 97, Dumping, Rubbish and Recycling Collection

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#: 12.C.5.

Ordinance Number:

Ordinance Title: **O – 2008.09.24 - 16**

Chapter:

Chapter 97, Dumping, Rubbish and Recycling Collection

ORDINANCE BACKGROUND MATERIAL:

Numerous housekeeping changes were necessary throughout the entire attached Chapter 97. Items removed have been stricken through, and items to be incorporated are in bold.

TRASH AND RECYCLING COLLECTION

CHAPTER 97

- ~~97-1. Definitions~~
- ~~97-2. Placement of rubbish for collection~~
- ~~97-2.1. Unauthorized placement of rubbish on private property~~
- ~~97-2.2. Disposal of rubbish on private property by incineration prohibited~~
- ~~97-3. Collection Schedule; restrictions~~
- ~~97-4. Commercial collections~~
- ~~97-5. Containers~~
- ~~97-6. Unapproved containers~~
- ~~97-7. Storage of containers and dumpsters~~
- ~~97-8. Removal of empty containers~~
- ~~97-8.1. Property owner responsible for removal~~
- ~~97-9. White goods and scrap metal~~
- ~~97-9.1. Construction and Demolition Debris~~
- ~~97-10. Hazardous waste~~
- ~~97-11. Responsibility of operators~~
- ~~97-12. Violations and penalties~~
- ~~97-13. Waste Disposal~~
- ~~97-14. Residential Curbside Recycling~~
- ~~97-15. Multi-Family recycling~~
- ~~97-16. Yard Waste, brush and Christmas trees~~
- ~~97-17. Community Clean-up~~
- ~~97-18. Anti-seavaging~~
- ~~97-19. Composting Operations.~~

- 97-1. Definitions**
- 97-2. Collection Schedule; restrictions; recycling list**
- 97-3. Commercial Collections**
- 97-4. Storage of containers and dumpsters**
- 97-5. Removal of empty residential containers**
- 97-6. Property owner responsible for removal**
- 97-7. Prohibited items for collection**
- 97-8. Unauthorized placement on private property**
- 97-9. Disposal by incineration prohibited**
- 97-10. Construction and demolition debris**
- 97-11. Multi-Family recycling**
- 97-12. Collection on Private Roads**
- 97-13. Anti-scavenging**
- 97-14. Covering required during transport**
- 97-15. Violations, fines and remedies**
- 97-16. Composting Operations.**
- 97-17. Severability and Savings.**

[HISTORY: Adopted by the City Council of the City of Dover 01-13-88 as Ord. No.33-87*. Amendments noted where applicable. Chapter Title amended 06-21-2006 by Ord. No. 06-2006]

General References: Building, wrecking and demolition - See Ch. 71.; Public health - See Ch. 116.

*Editor's Note: This ordinance superseded Former Ch. 97, Dumping and Rubbish Collection, adopted 12-14-77 as Ch. 44, as amended, of the 1977 Code.

97-1. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter:

BAGS — Specially marked bags designed for refuse as approved by the Dover Environmental Projects Manager, sold by the city and through various commercial/retail outlets throughout the City. Bags will be sold at a price that reflects the per bag cost of refuse collection and disposal. ~~BAGS MAY NOT EXCEED THIRTY FIVE (35) POUNDS IN WEIGHT. [Amended 12-19-90 by Ord. No. 22-90; amended 10-07-91 by Ord. No. 22-91; amended 07-15-92 by Ord. No. 20-92]~~

BULKY WASTE — A large piece of furniture or waste material from a residential source other than construction debris or hazardous waste, with a weight or volume greater than that allowed in containers. ~~[Amended 08-24-94 by Ord. No. 12-94]~~

BUNDLE — Bulky waste materials securely tied together forming an easily handled package not exceeding three (3) feet in length or fifty (50) pounds in weight. ~~[Amended 08-24-94 by Ord. No. 12-94]~~

CITY — Refers to the applicable municipal authority empowered under state law to solicit and award contracts for the collection of residential refuse and will also refer to the appropriate employee or office of the municipality authorized to act as its agent in handling the pertinent matter of this contract.

CONSTRUCTION AND DEMOLITION DEBRIS — Waste building materials resulting from construction, remodeling, repair or demolition operations. ~~[Amended 08-24-94 by Ord. No. 12-94]~~

CONTAINERS:

A. ~~**REUSABLE CONTAINER** — A receptacle made of plastic, metal or fiberglass with a capacity not to exceed thirty (30) gallons, a loaded weight of no more than fifty (50) pounds, a tight-fitting lid and handles of adequate strength for lifting.~~

B. ~~**NONREUSABLE CONTAINERS** — See definition of "BAGS"~~

C. ~~**RESIDENTIAL RECYCLING BINS:** — Any reusable container which is labeled for recycling. [Amended 08-24-94 by Ord. No. 12-94]~~

D. ~~**MULTI-FAMILY BINS** — 95-gallon bins distributed by the City and identified as acceptable multi-family recycling bins by the Environmental Projects Manager. [Added 09-09-91 by Ord. No. 22-91]~~

CONTRACTOR — The individual, firm, partnership, joint venture, corporation or association performing refuse collection and disposal under contract with the city.

DISPOSAL SITE — A refuse depository for the processing or final disposal of refuse, including but not limited to sanitary landfills, transfer stations, incinerators and waste processing separation centers, licensed, permitted or approved by all governmental bodies and agencies having jurisdiction.

DUMPSTERS — A commercially designed large metal container for refuse that has a closable top lid(s) and/or side slide doors.

GARBAGE — Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food and including food containers.

HAZARDOUS WASTE — Wastes that hazardous by reason of their pathological, explosive, radiological or toxic characteristics, or other special wastes.

~~**REFUSE**— Discarded waste materials in a solid or semiliquid state, consisting of garbage, rubbish or a combination thereof.~~

~~**RESIDENCE**— A dwelling unit such as a home, trailer, or multifamily dwelling of four (4) or fewer units, not including hotels and motels.~~

~~**RUBBISH**— Nonputrescible solid wastes consisting of combustible and noncombustible materials. [Amended 08-24-94 by Ord. No. 12-94]~~

~~**TAGS**— Specially marked adhesive tags as approved by the Environmental Projects Manager, sold by the City and through various commercial/retail outlets throughout the City designed to be adhered to bulky waste or bundles that do not fit into the specially marked bag. Tags will be sold at a price that reflects the cost of collection and disposal of bulky waste or bundles. [Amended 08-24-94 by Ord. No. 12-94]~~

~~**YARD WASTE**— The City will operate semi-annual curbside collections of leaves, brush, grass clippings and other yard wastes. The collections schedules will be announced by the Community Services Director. Yard waste refers to any soft leaf, grass or vegetable wastes generated from residences within the City of Dover. Brush and solid woody wastes are not considered yard wastes for the purposes of this Chapter. [Added 08-24-94 by Ord. No. 12-94]~~

97-1. Definitions

The following definitions shall apply in the interpretation and enforcement of this chapter:

“BULKY WASTE” means large items, pieces of furniture or other waste material from a residential source not including construction and demolition debris, special, universal or hazardous waste and marked with a Dover Tag, but not exceeding fifty (50) pounds in weight.

“CONSTRUCTION AND DEMOLITION DEBRIS” means building materials resulting from construction, remodeling, repair or demolition operations.

“CITY CONTRACTOR” means the individual, firm, partnership, joint venture, corporation or association performing trash collection and disposal under contract with the City.

“COMMERCIAL COLLECTION AREA” means the area of the City consisting of Central Avenue from Fourth Street to Kirkland Street and Washington Street from Belknap Street to the east side of Main Street.

“CONTAINER” means Dover Bag or Residential Container.

“DOVER BAG” means a specially marked bag designed for trash as approved by the Dover Solid Waste Coordinator and sold by the City of Dover through various commercial/retail outlets.

“DOVER TAG” means a specially marked adhesive tag approved by the Solid Waste coordinator and sold by the City through various commercial/retail outlets.

“DUMPSTER” means a commercially designed large metal container for waste materials that has a closable top lid(s).

“HAZARDOUS WASTE” means waste that is hazardous by reason of their pathological, explosive, radiological or toxic characteristics.

“MULTI-FAMILY RECYCLING BIN” means a ninety five (95) gallon bin distributed by the City and identified as acceptable multi-family recycling bins by the Solid Waste Coordinator.

“RECYCLING MATERIAL” means those materials approved for recycling by the Solid Waste Coordinator and listed on the City Website.

“RECYCLING BIN” means any reusable residential container labeled for recycling.

“RESIDENCE” means a dwelling unit such as a home, trailer, or multifamily dwelling of four (4) or less, not including hotels and motels.

“RESIDENTIAL CONTAINER” means a trash can or any other receptacle made of plastic, metal or fiberglass with a capacity not to exceed fifty (50) gallons, a tight-fitting lid and handles of adequate strength for lifting.

“SPECIAL WASTE” mean medical and infectious waste which because of its infectious nature may cause or contribute to an increase in mortality, or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

“TRASH” means all organic and non-organic materials acceptable for collection in Dover bags and capable of placement in Dover bags. Trash does not include universal or hazardous waste, construction and demolition debris, special wastes, oil based paint containers, yard waste, brush and solid woody waste.

“TRASH AND RECYCLING COLLECTION SERVICE” means collection services performed by the City Contractor on a weekly basis supported by the Dover Bag and Tag program.

“UNIVERSAL WASTE” means wastes meeting the definition of hazardous wastes in the New Hampshire Hazardous Waste Rules but which during accumulation and transport pose a low risk compared to other hazardous wastes; examples are: non-alkaline batteries, fluorescent bulbs, mercury devices and thermostats.

“YARD WASTE” means any soft leaf, grass or vegetable wastes generated from residences within the City of Dover. Brush and solid woody wastes are not considered yard wastes for the purposes of this Chapter.

~~**97-2. Placement of rubbish for collection.**~~ [Amended 08-24-94 by Ord. No. 12-94]

~~—No person, firm or corporation shall place any rubbish, cans, iron, special or hazardous wastes, including but not limited to flammables, toxic or rubber dust, liquid or fecal waste, sludge, demolition materials, animals and animal parts, yard waste and other waste material upon or near a city street or highway for collection by the City of Dover except in accordance with the following provisions of this chapter.~~

97-2. Collection schedule; restrictions; recycling list

(a) Trash, recycling materials, and bulky waste generated by Dover residents shall be collected by the City Contractor on a weekly basis. Collection shall occur Monday through Friday. Each residence shall only receive pick-up once per week.

(b) All trash placed for collection shall be contained in Dover bags securely tied. Dover bags placed for collection shall not exceed thirty-five (35) pounds. Dover bags may be placed in residential containers. All recycling material shall be placed for collection in a recycling bin. Bulky waste shall have a Dover tag attached.

(c) Residents shall not place materials for collection along the curb or edge of the street earlier than 4 PM on the evening before the scheduled collection day. This provision shall apply to materials placed for collection by the City contractor and private contractors.

(d) Only materials contained in a Dover bag, recycling container or bulky waste with an approved tag and placed along the curbside no later than 7 AM on the scheduled collection day will be collected by the City contractor.

(e) The City Contractor shall only collect Dover bags securely tied in such a manner as to fully and completely enclose the trash contained. Cardboard boxes are not acceptable containers for collection by the city contractor. Cardboard boxes shall be broken down to lie flat and secured as a bundle no more than 4' x 4' in size and no more than 50 lbs in weight

(f) The price of Dover bags and Dover tags shall be reviewed annually or as needed by the City Council.

(g) The Solid Waste Coordinator shall publish a list of recycling materials acceptable for the curbside recycling collection program, place the list on the City website and make the list available to the public.

(h) The Community Services Department shall announce the amended collection schedule for holiday weeks in advance.

(i) Items placed by residents along the public way marked "Free", or similar marking, shall only be placed in public view for twenty-four (24) hours.

~~97-2.1. Unauthorized placement of rubbish on private property.~~ [Amended 08-24-94 by Ord. No. 12-94]

~~—No person, firm or corporation shall place or cause to be placed garbage, refuse or rubbish, yard waste, bulky waste or construction and demolition debris in or on private property unless authorized by the owner of the property and except in accordance with any applicable State law.~~

~~97-2.2. Disposal of rubbish on private property by incineration prohibited.~~ [Added 04-03-96 by Ord. No. 04-96]

~~—Except as may be authorized pursuant to any applicable State or Federal law, no person, firm or corporation shall dispose of any garbage, refuse or rubbish on private property by any process involving burning or incineration. For the purpose of this section, the words garbage, refuse and rubbish, shall not be construed to include materials such as newspaper, scrap paper, or other solid material which are commonly used for the purpose of starting fires in fireplaces, wood stoves, or in wood or coal furnaces.~~

~~97-3. Collection schedule; restrictions.~~ [Amended 09-09-91 by Ord. No. 22-91; amended 06-21-2006 by Ord. No. 06-2006]

~~—Rubbish collection including the bag and tag program and recycling collection will be made Monday through Friday of each week except those weeks in which a holiday occurs, when a revised pickup schedule will be announced by the Community Services Director. Residents will place their rubbish and recycling to be collected along the curbside or streetside where normally the curbing would be, in specially marked bags (tags for bulky items or bundles) as defined in section 97-1 of the code, and recycling bins on the evening before, or by 7:00 a.m. on their scheduled pickup day. No rubbish will be picked up that is not contained by an approved specially marked bag (tag for bulky items and bundles), that is not along the curbside, nor more frequently than once a week. The price of bags and tags shall be established initially by Resolution of the City Council and shall be reviewed after 6 months and annually or as needed thereafter by the City Council. Residential structures not defined as residences under section 97-1 may request access to City rubbish collection and recycling routes via the use of the specially marked bags/tags. Requests must be made in writing and addressed to the Director of Community Services. Requests to participate in the "Bag & Tag" program shall be approved upon allocation if both of the following criteria are met:~~

~~A. The residence must be accessible by the City vendor's trucks.~~

~~B. The authorized representative of the Homeowners Association for residences on a private road shall execute a Release of Liability form approved by the City releasing the vendor and the City of Dover from liability for damage caused to the private road resulting from the use of the road to perform the rubbish and recycling removal services. In addition, a certified copy of the certificate of existence of the Homeowner's Association shall be on file in the Office of the Community Services Director. The Release shall be updated six (6) months prior to the expiration of the City's current waste hauling contract. Failure to renew the Release shall result in the discontinuance of the rubbish and recycling collection services upon ninety (90) days written notice of termination sent by certified mail to the owners of record of residences on the private road. Multi-family dwellings as defined in Chapter 170-6 shall not be eligible for rubbish and recycling services.~~

~~There shall be a ninety (90) day waiting period for the start of rubbish collection services after a complete application is received.~~

97-3. Commercial Collections.

(a) Businesses and residences in the Commercial Collection Area may use the trash and recycling collection service. The Commercial Collection Area consists of that portion of Central Avenue from Fourth Street to Kirkland Street, and on Washington Street from Belknap Street to the east side of Main Street.

(b) Businesses in the Commercial Collection Area who choose not to use Dover trash and recycling collection services are responsible for making their own arrangements for trash removal and disposal. The City negotiated disposal contract will allow commercial waste to be disposed of at the City's per ton rate.

(c) Businesses outside the Commercial Collection Area are responsible for making private arrangements for removal and disposal of trash and other waste materials.

~~97-4. Commercial Collections. [Amended 12-19-90 by Ord. No. 22-90; Amended 09-09-91 by Ord. No. 22-91]~~

~~—The commercial collection area consists of that portion of the city on Central Avenue from~~

~~Fourth Street on the North end, south to Kirkland Street, and on Washington Street from Belknap Street on the west side of the City, east to the further side of Main Street. Rubbish will be collected in this area of the City pursuant to section 97-3 of the code. The cost of Commercial rubbish collection and disposal is the responsibility of the generator. Those businesses not using the City approved specially marked bags are responsible for making their own arrangement for rubbish removal and disposal. The city negotiated disposal contract will allow commercial waste to be disposed of at the City's per ton rate.~~

97-4. Storage of containers and dumpsters.

Except on the day prior to collection as provided for in 97-1, no person shall place or store any trash, Dover bag or bulky waste unless said material is placed in residential containers/dumpsters and said residential containers/dumpsters are stored in a manner as to be screened from public view from any public way. Residential containers and dumpsters shall be sized to handle the needs of the residence or commercial establishment.

~~97-5. Containers.~~

~~—Containers shall be defined in 97-1, Definitions, the definitions of "bags", "bulky waste", "bundle", "city", "construction debris" and "container". Cardboard boxes are not acceptable containers and must be broken down to lie flat and secured as a bundle.~~

97-5. Removal of residential containers.

Residential containers and recycling bins shall be removed from the curbside within twenty-four (24) hours after the contractor has engaged in collection services. Any remaining debris shall be cleaned up by the owners of abutting property no later than twenty-four (24) hours after collection. Collection crews shall be responsible for any debris they drop or spill on the ground and shall clean it up before moving on to the next stop, provided there has been the proper use of bags, containers and bundles. These provisions shall apply to collection services by the City contractor and private contractors.

~~97-6. Unapproved containers.~~ ~~[Amended 12-11-91 by Ord. No. 44-91; amended 08-24-94 by Ord. No. 12-94]~~

~~—The contractor shall not be required to collect solid waste unless it is in approved containers, bags or dumpsters, as described in 97-1 of this ordinance. The contractor shall not be required to collect bags unless such bags are securely tied in such a manner as to fully and completely enclose the material contained therein.~~

97-6. Property owner responsible for removal.

(a) Trash, yard waste, bulky waste, construction or demolition debris, special, universal and hazardous waste placed in violation of this chapter shall be removed by the owner of said materials, or the owner of the property next to the area where said materials appear, no later than twenty-four (24) hours after notice is posted by City staff to avoid a continuing offense and additional administrative fines pursuant to the provisions of 97-11(d).

(b) Notice of the violation shall be posted in a conspicuous place on the property next to the area where said materials appear.

(c) The Community Services Department is authorized to contract with a private commercial removal company to remove illegally placed trash, yard waste, bulky waste, construction or demolition debris, universal and hazardous waste if said items remain twenty-four (24) hours after notice is posted. Property owners of properties next to the area where materials are removed pursuant to this paragraph are responsible for the costs of removal. Removal expenses shall be in addition to any administrative fines.

(d) Owners of residences and apartments shall supply appropriate residential containers, but not bags, for residents and tenants to use for trash and recycling purposes until collection.

~~97-7. Storage of containers and dumpsters.~~

~~—Except on the day scheduled for collection and during the time period provided in 97-4 of this chapter, no person shall place or store any refuse in any street, alley or other public place or upon any private property within the City of Dover unless such refuse is placed in proper containers/dumpsters and such containers/dumpsters are stored in such a manner as to be adequately screened from view from any public way.~~

97-7. Prohibited items for collection.

No person, firm or corporation shall place any special, universal or hazardous wastes, liquid or human fecal waste, oil sludge, construction and demolition debris, animals and animal parts, yard waste, brush and solid wood wastes upon or near a city street or highway for collection by the City of Dover or the City Contractor.

~~97-8. Removal of empty containers.~~

~~—Rubbish containers, once emptied, must be removed by the owner from the curbside within twenty four (24) hours. Any debris strewn from this rubbish by animals, wind, etc., will be cleaned up by the owners within twenty four (24) hours. Rubbish collection crews will be responsible for any debris they drop or spill on the ground and will clean it up before moving on to the next stop, provided that the owner has complied with 97-1, the definitions of "bags", "bundle" and "container:"~~

97-8. Unauthorized placement on private property.

No person, firm or corporation shall place any special, universal or hazardous wastes, liquid or human fecal waste, oil sludge, construction and demolition debris, animals and animal parts, yard waste, brush and solid wood wastes on private property unless authorized by the owner of the property and except in accordance with any applicable State law or this ordinance.

~~97-8.1. Property Owner Responsible for Removal.~~ [Added 12-18-96 by Ord.

~~—No. 17-96]~~

~~—Upon notice, illegally place refuse, garbage, rubbish, yard waste, bulky waste, construction or demolition debris shall be removed by the owner or person having control of the property next to the City street where it appears, no later than 48 hours after notice is posted. Notice shall be posted on the property owners building/residence or property in a conspicuous place requiring removal within 48 hours of posting. Failure to remove the illegal refuse will cause the City to privately contract with a removal service and charge the expense to the property owner.~~

Removal expenses shall be in addition to any fines under 97-12.

~~97-9. White Goods and Scrap metal.~~ [~~Amended 08-24-94 by Ord. No. 12-94~~]

~~—White goods and scrap metal generated by City residents shall be collected by the City on the first Wednesday of each month under the following conditions:~~

~~A. Residents must make arrangements with the Community Services Department to be placed on a collection list.~~

~~B. All white goods and scrap metal to be collected must be placed at curbside by no more than twenty four (24) hours prior to 7:00 a.m. on the collection day.~~

97-9. Disposal by incineration prohibited.

No person, firm or corporation shall dispose of any trash or prohibited items for collection by any process involving burning or incineration except as may be authorized pursuant to any applicable State or Federal law. For the purpose of this section, trash shall not be construed to include materials such as newspaper, scrap paper, or other solid material which are commonly used for the purpose of starting fires in fireplaces, wood stoves, or in wood or coal furnaces.

~~97-9.1. Construction and demolition debris.~~ [~~Amended 08-24-94 by Ord. No. 12-94~~]

~~—The City shall provide a disposal location for the disposal of small quantities of construction and demolition debris generated by City residents within the City of Dover. A fee shall be charged by the City for the disposal of such debris. Such fee shall be established by resolution of the City Council. The disposal of such debris shall be conducted in accordance with such regulations as may be established by the Community Services Department.~~

~~97-10. Hazardous waste.~~

~~—Hazardous waste, as defined in 97-1, the definition of "hazardous waste," will not be accepted for pickup by the city.~~

97-10. Construction and demolition debris.

The City may provide a disposal location for the disposal of small quantities of construction and demolition debris generated by City residents within the City of Dover for a fee set by the City Council. The disposal of such debris shall be conducted in accordance with regulations as may be established by the Community Services Department.

~~97-11. Responsibility of operators.~~

~~—Any deviation from the terms of this chapter is the responsibility of the City of Dover.~~

97-11. Multi-Family recycling.

Multi-family dwellings of five (5) units or more may be provided with ninety-five (95) gallon bins for acceptable recyclable material. Bins will be collected weekly following established collection routes. Unacceptable material placed in the multi-family recycling bins will not be collected.

97-12. Violations and penalties. ~~[Amended 07-17-91 by Ord. No. 24-91]~~

~~—Any person, firm or corporation found to be in violation of any provision of this chapter shall be guilty of a violation punishable by a fine of not less than \$200.00 and up to \$1,000.00.~~

97-12. Collection on Private Roads

(a) Residential structures on private roads may request access to City **Dover Bag and Tag program and rubbish trash and recycling collection services.** ~~and recycling routes.~~ Requests shall be made in writing and addressed to the Director of Community Services. Requests to participate in the **Dover Bag & Tag program** shall be approved upon ~~allocation~~ **application** if both of the following criteria are met:

1. The residence is accessible by the trucks of the City Contractor.
2. The authorized representative of the Homeowners Association for residences on a private road executes a Release of Liability form approved by the City releasing the City Contractor and the City of Dover from liability for damage caused to the private road resulting from the use of the road to perform the **rubbish trash and recycling removal collection services.** In addition, a certified copy of the certificate of existence of the Homeowner's Association shall be on file in the Office of the Community Services Director. The Release shall be updated six (6) months prior to the expiration of the City's current waste hauling contract. Failure to renew the Release shall result in the discontinuance of the **rubbish trash and recycling collection services** upon ninety (90) days written notice of termination sent by certified mail to the owners of record of residences on the private road. Multi-family dwellings as defined in Chapter 170-6 shall not be eligible for **rubbish trash and recycling collection services.**

(b) There shall be a ninety (90) day waiting period for the start of **rubbish trash and recycling collection services** after a complete application is received.

97-13. Waste disposal. ~~[Added 12-19-90 by Ord. No. 22-90; amended 08-24-94 by Ord. No. 12-94]~~

~~—No person, firm, business or corporation shall haul or carry solid waste in the City of Dover for the purpose of disposal of such solid waste under the Dover Solid Waste disposal contract with the City's contracted Waste Disposal Facility unless express permission has been granted in advance by the Environmental Projects Manager.~~

97-13. Anti-scavenging.

No person shall possess trash or recycling material placed at the curb for collection or delivered to the City Recycling Center unless expressly authorized by City staff. Said materials are the property of the City upon placement for collection or delivery to the Recycling Center.

97-14. Residential Curbside Recycling. ~~[Added 09-09-91 by Ord. No. 22-91]~~

~~—Recyclable material will be collected from residences (as defined by Section 97-1 of the Dover City Code) on the same day as rubbish collection. The Environmental Projects Manager will publish a list of materials accepted by the curbside collection program. Recyclable material must be placed in Residential Recycling Bins (as defined by Section 97-1 of the Dover City Code). Bins must be placed at the curb on the evening before or, by 7:00 a.m. on the scheduled pickup day. Unacceptable material found in the Residential Recycling Bins will not be collected.~~

97-14. Covering required during transport.

All persons, firms and corporations, and their agents shall protect trash, construction and demolition debris, special, universal, hazardous or yard wastes, brush and solid woody wastes or loose articles of a waste nature during transport of said materials in a vehicle on a public way with adequate covering to prevent the materials from being blown from the vehicle.

~~97-15. Multi-Family recycling.~~ [Added 09-09-91 by Ord. No. 22-91]

~~—Multi-family dwellings of 5 units or more, will be provided with 95-gallon bins for acceptable recyclable material. Bins will be collected weekly following established collection routes. Unacceptable material placed in the multi-family recycling bins will not be collected.~~

97-15. Violations, fines and remedies

- (a) Any person, firm or corporation found to be in violation of any provision of this chapter shall be assessed an administrative fine according to a schedule of administrative fines adopted and approved by the City Council.**
- (b) The staff of the Community Services Department and/or Police Department are authorized to issue citations to persons, firms or corporations violating this ordinance pursuant to a schedule of administrative fines adopted by the City Council. The schedule of administrative fines shall be approved by the City Council on an annual basis by resolution.**
- (c) Recipients of citations shall have twenty-four (24) hours to correct the violation(s) to avoid additional administrative fines (See 97-6 (a)). Payment of administrative fines shall occur within seven (7) calendar days.**
- (d) Continued violation of the chapter after the issuance of an initial citation shall constitute a continuing offense. An additional administrative fine equal to the fine in the initial citation for each succeeding day the violation continues shall be imposed without the issuance of a separate citation for each succeeding day.**
- (e) The Community Services Department may refuse to accept or collect trash, recycling, bulky waste, or solid waste of any kind that is not handled in accordance with the provisions of this chapter, any rules adopted hereunder, or when there is a failure to pay administrative fines. This authority may involve refusing an individual pick-up or discontinuing future municipal collection services.**
- (f) The Community Services Department has the right to refuse access to the**

Recycling Center to any persons who misuse the Center or are negligent and/or abusive to City employees.

- (g) The Community Services Director, or designee, may negotiate and settle civil claims and citation fees involving violations of this chapter.**
- (h) City staff upon the approval of the City Manager is authorized to file appropriate legal proceedings, including but not limited to requests for injunctive relief, necessary to prevent violation of, or enforcement of, this chapter.**
- (i) City staff may inspect materials placed at curbside for municipal pick-up for compliance with local, state and federal laws.**
- (j) Notices or citations may be served in hand by City staff, posted in a conspicuous place on the adjoining property or sent by certified mail to the owner. Notices or citations sent by certified mail shall be deemed to have been received when the City places the notice or citation in the mail.**

~~**97-16. Yard waste, brush and Christmas trees.** [Added 09-09-91 by Ord. No. 22-91; amended 08-24-94 by Ord. No. 12-94; amended 12-18-96 by Ord. No. 17-96; amended 03-19-97 by Ord. No. 07-97; amended 02-20-02 by Ord. No. 01-2002; amended 02-13-2008 Ord no 05]~~

~~—The city will conduct annual curbside collections of leaves, grass clippings and other yard and garden wastes. Said leaves, grass clippings and other yard and garden wastes shall be in an appropriate biodegradable paper bag. The City will operate a drop-off area to be designated by the Community Services Director for the purpose of the disposal of brush, yard and garden wastes. Christmas trees may be dropped off at the designated drop-off area. Only persons authorized by the owner, or person in position or control of property authorized by the City of Dover, are permitted to collect such yard waste from curbside. Unauthorized collection may be punishable by a minimum fine of \$200.00.~~

97-16. Composting Operations. [Added 11-20-02 by Ord. No. 29-2002]

(a) Definitions

“Composting” ~~shall~~ means the mixture of decomposable refuse at an outdoor, open-air facility for the purpose of producing material for fertilization and conditioning of soil.

“Compostables” ~~shall~~ means brush, unpainted or untreated wood or wood by-products; Christmas trees or wreaths; wood pallets which are ground or shredded; leaves; grass clippings; vegetative prunings; garden waste and yard waste, farming crop residuals, animal manure, approved bulking agents in accordance with NH State Administrative Environmental Rules.

“Composting Facility” ~~shall~~ mean a site where composting occurs as part of a private business. Sites of less than one (1) acre in size are not defined by this ordinance as a composting facility. Municipal sludge, solid waste and other non-farm type wastes other than leaves and grass clippings are not included. Household composting is not included.

“Composting Facility Operator” ~~shall~~ means the person responsible for the operation of a composting facility regulated by this ordinance.

(b) Scope of Applications

~~As of the effective date of this ordinance, No composting facility as defined and regulated herein shall be established in the City of Dover by any person, unless the composting facility conforms to this ordinance and other local, state and federal regulations, statutes and guidelines.~~

(c) Operation Standards and Requirements

~~Operation Standards:~~

(1) Composting operations shall adhere to the guidelines published by the National Resource Conservation Service "Composting Facilities" Code Number 317. The site shall insure a process to maintain set back requirements and to control runoff and ensure odor problems are minimized. Every operation shall be required to file an annual operation and maintenance plan with the Solid Waste Coordinator.

(d) Noise, Odor and Debris

(1) Noise and vibration emanating from a composting facility shall not be excessive. The operation of machines and equipment shall not start before 7:00 a.m. or continue after 9:00 p.m.

A. The composting facility operator shall not permit unreasonably offensive odors to escape the boundaries of the composting facility and/or interfere with the enjoyment of adjacent properties.

B. The composting facility operator shall not permit unreasonably offensive odors to escape the boundaries of the composting facility and/or interfere with the enjoyment of adjacent properties.

C. Debris and litter driven by wind or flowing water emanating from a composting facility shall be collected daily by the composting facility operator. In the event the compost operator is unable to prevent wind or water driven debris from leaving the site, the enforcement officials shall direct the compost facility operator to erect impenetrable screening to stop the scattering of debris from the site.

D. Security of the composting site shall be provided to a degree to prevent illegal dumping. Said property shall be gated or barred when not attended and have appropriate signage against trespassing.

E. A composting facility operator shall use only licensed disposal areas for the disposal of its solid waste.

(e) Enforcement

Enforcement officials shall be permitted entry to the composting facility for inspection purposes during normal operating hours to determine compliance with this ordinance and other applicable regulations. No person shall impede inspection of a composting facility by enforcement officials.

(f) Penalties

Any person, corporation, partnership or any other legal entity who fails to comply with any of the provisions of this ordinance or any of the regulations in pursuance thereof, shall be guilty of a violation, and upon conviction thereof, may be fined not more than \$1,000.00. Every act or violation and every day upon which a violation occurs shall be considered a separate offense. The City may exercise cease and desist remedies under RSA 676:17-a, for repeat offenders.

(g) Construction, Non-applicability, Appeals

This ordinance shall be liberally construed in such manner as to best effectuate its purpose. The provisions of this ordinance shall be construed, if possible, in such manner as to make such provisions compatible and consistent with the provisions of all existing and future zoning and other ordinances of the City of Dover and all amendments thereto, provided however, that where any inconsistency or conflict cannot be avoided, then the most restrictive of such inconsistent or conflicting provisions shall control and prevail. If there is believed to be a conflict between the stated intent and any specific provisions of this ordinance, the City of Dover may, in accordance with established zoning ordinance procedures, permit modification of said provisions while retaining the intent in such appealed instance.

(h) Repeals

All ordinances or parts thereof in conflict with the provisions of this ordinance, except as herein provided, are hereby repealed only to the extent necessary to give this ordinance full force and effect.

~~**97-17. Community Clean-up.** [Added 09-09-91 by Ord. No. 22-91]~~

~~—The City Manager may provide community clean-up organizations with free bags and tags. Availability of free bags and tags will be determined by the City Manager on a case by case basis.~~

97-17 Severability and Savings

Should any provision or section of this ordinance be held invalid for any reason, such holdings shall not be constructed as affecting the validity of the remaining provisions or sections. The repeal provided therein shall not abrogate or affect any offense or act committed or done or any penalty or forfeiture incurred, or any pending litigation or prosecution or any right established, or occurring prior to the effective date of this ordinance.

~~**97-18. Anti-scavaging.** [Added 12-11-91 by Ord. No. 45-91]~~

~~—Any recyclable material appropriately placed at the curb for collection by the City contracted Recycling Vendor, or delivered to the City Recycling Drop-off Center, becomes the property of the City and no person not permitted by the City shall collect such material except as specifically authorized by the City.~~

City of Dover Ethics Commission

REPORT TO THE CITY COUNCIL

September 11, 2008

Ethics Complaint regarding Mr. William Colbath, Commission Case #2008-01

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Background

The complainant in this case was Mr. James Shulte, an attorney who often appears on behalf of clients before the Dover Zoning Board of Adjustment (ZBA). The complaint alleged eight violations of the City Charter and City Code by Mr. William Colbath, a member of the ZBA. The origin of the matter was a ZBA application filed by Mr. Charles Cheney, who is an abutter in a building permit disputed before the ZBA.

Process

Mr. Schulte filed a sworn Ethics Complaint with the City Clerk on July 10, 2008. The Ethics Commission met on July 16 and on July 21, 2008 to review the written complaint, and unanimously decided that the information presented in the complaint warranted a hearing as prescribed. A pre-hearing conference was held with on August 12, 2008 to review the hearing process with the parties. The Commission conducted a full hearing on August 19, 2008. The parties submitted comprehensive written information prior to the hearing, and additional documents were admitted as evidence at the hearing. The complainant and respondent provided testimony, under oath. Neither party called additional witnesses.

The Commission met on August 21, 2008 to deliberate and following those deliberations, made its decision on each of the allegations. The Dover City Code, Chapter 22, 13 (J) provides that the Commission may find allegations either "actionable or not actionable" and (K) sets forth "clear and convincing evidence" as the standard for making such findings. The Commission strictly applied this standard when making its findings, which are described below. The Commission assigned the task of preparing this report for its review and approval to the Commission Vice Chair and Clerk.

The Commission met, reviewed and unanimously adopted this report at its meeting on September 11, 2008 and we forward it to you pursuant to the provisions of the Dover City Code, Chapter 22-13 (J).

Findings

Alleged Violation One: Conflict of Interest (Charter C10-2)

The alleged violation of this count hinged predominantly upon the assertion that Mr. Colbath's business relationship, as evidenced by an electrical permit filed by him for work to be performed on behalf of an abutter (Mr. Cheney). Further evidence provided by Mr. Colbath himself during the hearing revealed a prior business transaction some eight years previous for additional electrical work performed by Mr. Colbath's company for Mr. Cheney.

The Commission finds that business relationship, in and of itself, was insufficient to create a conflict of interest.

The evidence showed that Mr. Colbath acted as an adjudicator (as a ZBA member), and subsequently appeared before the ZBA as a party (as applicant for rehearing), on the same matter. The complainant submitted that this is inherently unethical. The Commission agrees that such action by a public official may constitute a conflict when that official could potentially gain some personal benefit at the expense of the public good or another private interest. We find no evidence in this case to support such a claim.

The Commission views Mr. Colbath's appeal for rehearing, and later filing with Superior Court, as extraordinary. There may have been ordinary administrative remedies available to him via the City Manager, other than his chosen course of action, and such remedies should have been exhausted.

The Commission however believes Mr. Colbath's contention that he saw no other remedies available, and was acting in what he perceived to be the public interest. More importantly, the successful result of Mr. Colbath's appeal would have been simply the granting of rehearing by the ZBA, and no evidence was presented that he would receive any reward, compensation, or indirect benefit as a result of his actions.

The Commission finds that this allegation is not actionable.

Alleged Violation Two: Disqualification from Decision-Making Process (Charter C10-3)

The evidence as presented failed to provide clear and convincing evidence of a financial interest as required under the Charter.

The Commission finds that this allegation is not actionable.

Alleged Violation Three: Misuse of Information (Charter C10-7)

The Complainant acknowledged having no evidence of this violation during the course of the hearing. The evidence presented did not, in the opinion of the Commission, provide any indication of a violation.

The Commission finds that this allegation is not actionable.

Alleged Violation Four: Conflict of Interest (City Code 22.2)

See Alleged Violation One.

The Commission finds that this allegation is not actionable.

Alleged Violation Five: Representation of Private Interests before City Agencies (City Code 22-3)

It is the Commission's opinion that while a successful outcome of Mr. Colbath's appearance before the ZBA may have benefitted a private interest (Mr. Cheney), there was no clear and convincing evidence presented that Mr. Colbath in fact appeared *on behalf* of that private interest. The Commission found this distinction to be sufficient to dismiss this allegation as non-actionable.

However, the Commission is concerned that while not mentioned specifically in the City Charter and Code, the *appearance* of conflict is viewed by the public just as negatively as an actual conflict, and should be avoided at all times by elected and appointed officials and City employees.

The Commission finds that this allegation is not actionable.

Alleged Violation Six: Required Disclosure by Officers And Employees, Recusal (City Code 22-5)

As stated in previous allegations in this Complaint, clear and convincing evidence of a direct or indirect financial interest was not presented. Additionally, no evidence was presented that would indicate that Mr. Colbath had any demonstrable private interest in any matter in which he participated in his capacity as a member of the ZBA.

The Commission finds that this allegation is not actionable.

Alleged Violation Seven: Disclosure of Confidential Information

See Alleged Violation Three.

The Commission finds that this allegation is not actionable.

Alleged Violation Eight: Incompatible Employment (City Code 22-9)

No evidence was presented that would indicate that Mr. Colbath's employment is incompatible with the proper discharge of his official duties.

The Commission finds that this allegation is not actionable.

Conclusion

The Commission unanimously finds the eight allegations not actionable.

The evidence presented did not provide "clear and convincing" evidence sufficient to rise to the level of "actionable." However, the Commission is concerned that some of Mr. Colbath's actions may have led to the perception that ethical violations may have occurred, and that he did not avail himself of all available administrative remedies. The Commission is of the opinion that all city officials and employees must strive to avoid the perception of impropriety and should at all times err on the side of full disclosure. Also, they should exhaust any and all administrative and operational remedies available to them prior to seeking legal recourse.

The Commission would also like to recognize the cooperation and conduct of all parties with respect to the complaint and hearing process. We appreciate the time, energy, and professional handling of the process by Mr. Colbath and Mr. Shulte. Concerned individuals should be encouraged to bring substantiated ethical concerns to the Ethics Commission, as occurred in this case.

And finally, we recognize and appreciate the highly professional support and assistance provided by city staff prior to and during both the pre-hearing and hearing activities.

Respectfully submitted,

DOVER ETHICS COMMISSION



Charles Reynolds, Chair



Dana Larivière, Vice Chair



Christian Sterndale, Clerk



Kathryn Forbes, Commissioner



Lauren Jacoby, Alternate Commissioner